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SEVENTY-FOURTH SESSION
2007

TWENTY-THIRD SPECIAL SESSION
JUNE 5, 2007

SUMMARY OF LEGISLATION

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RESEARCH DIVISION
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INTRODUCTION

The 2007 Regular Session of the Nevada Legislature considered 1,208 bills—629 from the Assembly and 579 from the Senate. Of this total, 554 bills were approved. The Governor signed 540 bills, allowed 7 to become law without his signature, and vetoed 7 bills. During the 23rd Special Session, 11 bills were introduced. Of these, 11 bills were enacted into State law.

The 74th Legislative Session adjourned Sine Die at 2:40 a.m. on June 5th. The Governor called the 23rd Special Session in the late afternoon of June 5th, and the Special Session adjourned Sine Die at 8:49 p.m. that same day.

The *Summary of Legislation* reviews each of the bills and joint and concurrent resolutions passed by the 2007 Regular and the 23rd 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 2007 Regular Session and the 23rd Special Session are effective on October 1, 2007.

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 74th Legislative Session.

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APPROPRIATIONS AND AUTHORIZATIONS

A.B. 197 (Chapter 355)

Assembly Bill 197 appropriates \$79,797 from the State General Fund to the Office of the State Controller for the purchase of computer hardware and software.

The bill is effective on June 13, 2007.

A.B. 198 (Chapter 86)

Assembly Bill 198 appropriates \$603,418 from the State General Fund to the Department of Health and Human Services to fund leased office space and tenant office improvements. The funding is needed to cover expenses associated with the agency's move from the Kinkead Building.

The bill is effective on May 21, 2007.

A.B. 199 (Chapter 5)

Assembly Bill 199 makes a supplemental appropriation of \$151,668 from the State General Fund to the Office of Health Administration in the Department of Health and Human Services to continue to fund the poison control call center services. The bill continues the funding for this program through the remainder of Fiscal Year 2007. Poison control call center services are currently provided by the Rocky Mountain Poison and Drug Center (serving Clark County), and the Oregon Poison Center (serving the balance of the State). The State currently pays \$32,500 per month to the Rocky Mountain Poison and Drug Center and \$5,417 per month to the Oregon Poison Center.

The measure is effective on April 3, 2007.

A.B. 200 (Chapter 356)

Assembly Bill 200 appropriates \$7,630,700 from the State Highway Fund to the Information Technology Division of the Department of Administration to expand the 800 MHz radio system and provide greater coverage and system capabilities.

The bill is effective on June 13, 2007.

A.B. 201 (Chapter 181)

Assembly Bill 201 makes a supplemental appropriation of \$135,218 from the State General Fund to the Budget Division of the Department of Administration to pay for overtime costs in Fiscal Year 2006-2007 associated with preparing the *Executive Budget* and the increased cost of the Single Audit Report.

The bill is effective on May 29, 2007.

A.B. 202 (Chapter 357)

Assembly Bill 202 appropriates \$943,904 from the State General Fund to the State Gaming Control Board to purchase replacement equipment for electronic eavesdropping countermeasures, radio equipment, and computer hardware and software. The funding also provides for the implementation of new information system security measures.

The bill is effective on June 13, 2007.

A.B. 203 (Chapter 358)

Assembly Bill 203 appropriates \$260,000 from the State General Fund to the Department of Health and Human Services' Grants Management Unit. The funding enables the Family Resource Centers to purchase vehicles and to expand the capacity of the centers.

The bill is effective on June 13, 2007.

A.B. 204 (Chapter 359)

Assembly Bill 204 appropriates \$127,579 from the State General Fund to the Nevada Department of Education to purchase computers and to upgrade videoconferencing equipment in the agency's Carson City and Las Vegas offices.

The bill is effective on June 13, 2007.

A.B. 205 (Chapter 360)

Assembly Bill 205 appropriates \$907,649 from the State General Fund to the Department of Administration to purchase 54 motor pool vehicles.

The bill is effective on June 13, 2007.

A.B. 206 (Chapter 361)

Assembly Bill 206 appropriates \$4,728,740 from the State General Fund to the Department of Administration to fund several information technology projects. The appropriation funds eight projects, including:

- \$150,000 for a study of the replacement of the emergency medical services radio system;
- \$308,000 for two technology enhancement modules (\$220,500 and \$87,500 respectively) for the Nevada Executive Budget System;
- \$226,000 for enhancement of the Nevada Employee Action and Timekeeping System;
- Approximately \$2.2 million for a health data warehouse in the Health Division, Department of Health and Human Services;

- Approximately \$1.2 million for the Health Division's electronic birth registry system;
- \$449,800 for a land management database for the Division of State Lands, Department of Conservation and Natural Resources; and
- \$261,991 for financial and clinical software for the Office of Veterans' Services.

The bill is effective on June 13, 2007.

A.B. 271 (Chapter 364)

Assembly Bill 271 appropriates a total of \$524,749 from the State General Fund to the Division of Health Care Financing and Policy, Department of Health and Human Services, for relocation costs for its Las Vegas office and for certain vehicles, furnishings, and equipment.

The bill is effective on June 13, 2007.

A.B. 272 (Chapter 365)

Assembly Bill 272 appropriates a total of \$240,813 from the State General Fund to the Department of Health and Human Services to replace certain equipment and vehicles at the state's juvenile correction facilities. The measure consists of three separate appropriations of \$54,315 for the Juvenile Correction Facility in Las Vegas; \$100,073 for the Nevada Youth Training Center in Elko; and \$86,425 for the Caliente Youth Center.

The bill is effective on June 13, 2007.

A.B. 273 (Chapter 367)

Assembly Bill 273 appropriates \$52,748 from the State General Fund to the Division of Aging Services, Department of Health and Human Services, to pay for a portion of the costs for the replacement of computer hardware and software and to purchase air conditioning for computer server rooms in Reno and Carson City.

The bill is effective on June 13, 2007.

A.B. 275 (Chapter 368)

Assembly Bill 275 makes three appropriations from the State General Fund, including: \$4.5 million to restore the account fund balance of the State Claims Account; \$154,973 to restore the account fund balance of the Emergency Account; and \$5 million to the restore the Reserve for Statutory Contingency Account.

The bill is effective on June 13, 2007.

A.B. 504 (Chapter 93)

Assembly Bill 504 makes a supplemental appropriation of \$1,794,831 from the State General Fund to the Division of Mental Health and Developmental Services, Department of Health and Human Services, for the Lake's Crossing Center for the Mentally Disordered Offender. The measure provides funding for the operation of a 28-bed expansion of the facility.

The bill is effective on May 21, 2007.

A.B. 539 (Chapter 370)

Assembly Bill 539 makes three appropriations totaling \$457,743 from the State General Fund to the Department of Agriculture to purchase equipment and to replace vehicles. The sum of \$138,725 is provided to the Administration unit for the replacement of two vehicles and for the purchase of computer servers and additional hardware and software at the Department's Reno and Las Vegas offices. The Plant Industry program is provided with an appropriation of \$267,045 for 14 replacement vehicles, and the Veterinary Medical Services unit will receive funding of \$51,973 to purchase laboratory equipment in Reno and Elko and for one replacement vehicle.

The bill is effective on June 13, 2007.

A.B. 540 (Chapter 183)

Assembly Bill 540 makes a supplemental appropriation of \$3,320,695 from the State General Fund to the Department of Health and Human Services for unanticipated costs and caseload increases related to foster care in the Clark County Integration budget.

The bill is effective on May 29, 2007.

A.B. 541 (Chapter 48)

Assembly Bill 541 makes a supplemental appropriation of \$8,218,777 from the State General Fund to the State Distributive School Account to cover unanticipated expenses in Fiscal Year 2006-2007 for providing health insurance subsidies to retired school district employees.

The bill is effective on May 14, 2007.

A.B. 542 (Chapter 366)

Assembly Bill 542 provides supplemental appropriations totaling \$534,594 to the Department of Health and Human Services for the payment of stale Medicaid claims. The sum of \$439,365 is provided to the Desert Regional Center, and \$95,229 is directed to the Rural Regional Center for this purpose.

The bill is effective on June 13, 2007.

A.B. 543 (Chapter 371)

Assembly Bill 543 makes three supplemental appropriations totaling \$1,034,518 from the State Highway Fund to the Department of Motor Vehicles for unanticipated shortfalls and costs related to caseload growth. The Director's Office is provided \$655,116 for unanticipated costs of operating agency kiosks. The Automation Division receives \$374,024 to pay for services from the Department of Information Technology, and the Hearings Office is provided with \$5,378 for a funding shortfall resulting from increased hearing caseloads.

The bill is effective on June 13, 2007.

A.B. 544 (Chapter 372)

Assembly Bill 544 makes several appropriations and one contingent appropriation from the State Highway Fund to the Department of Transportation for various highway improvement projects. The bill appropriates \$154 million for improvements to Interstate Highway 15 in Las Vegas for Fiscal Year (FY) 2006-2007, along with an additional \$8 million for that project in each year of the 2007-2009 biennium. The act also provides \$16 million for improvements to State Route 160 contingent upon a commitment of at least \$2 million for this project from non-governmental sources. The measure also provides for the reversion of funds that remain uncommitted for these projects after June 30, 2011.

The sections of the bill concerning the appropriation for FY 2006-2007 are effective on June 13, 2007. The remaining provisions are effective on July 1, 2007.

A.B. 548 (Chapter 96)

Assembly Bill 548 makes supplemental appropriations from the State General Fund to the State Department of Agriculture for certain projected funding shortfalls and unanticipated costs. The measure appropriates \$10,202 for a shortfall in the Plant Industry Account; the sum of \$8,566 is appropriated for unanticipated utility costs for Fiscal Year 2006-2007.

The bill is effective on May 21, 2007.

A.B. 549 (Chapter 184)

Assembly Bill 549 makes a supplemental appropriation of \$79,553 from the State General Fund to the Emergency Medical Services Section within the Department of Health and Human Services for repairs to its 450 MHz radio system.

The bill is effective on May 29, 2007.

A.B. 551 (Chapter 373)

Assembly Bill 551 makes several one-time appropriations totaling \$1,032,477 million from the State General Fund to the Department of Cultural Affairs for equipment, computer hardware and software, and for restoration projects. Of that total, the measure provides:

- \$250,124 to the Department's Administration unit for computer replacement costs throughout the agency;
- \$89,146 to the Archives and Records Division for records tracking software;
- \$505,092 to the Division of Museums and History for new and replacement equipment, for vehicles, and for antique slot machine purchases;
- \$68,115 to the Nevada State Library for new and replacement equipment; and
- \$120,000 to the State Railroad Museum for restoration of the McKeen Motor Car and for a feasibility study for the restoration of a Hall-Scott car.

The bill is effective on June 13, 2007.

A.B. 555 (Chapter 12)

Assembly Bill 555 appropriates \$377,642 from the Interim Finance Committee to the Rehabilitation Division of the Department of Health and Human Services for client services. The funds must be spent during the 2006-2007 Fiscal Year and are allocated as follows: \$294,503 to the Bureau of Vocational Rehabilitation and \$83,139 to the Bureau of Services to the Blind and Visually Impaired.

The bill is effective on April 20, 2007.

A.B. 556 (Chapter 97)

Assembly Bill 556 makes supplemental appropriations to the Supreme Court of Nevada for judicial selection and for unforeseen expenses. The measure appropriates \$160,460 from the State General Fund for expenditures relating to the Regional Justice Center in Las Vegas and the E-Filing System. Further, the bill appropriates \$9,000 from the State General Fund to support the costs of judicial selection during the 2006-2007 Fiscal Year.

The bill is effective on May 21, 2007.

A.B. 608 (Chapter 186)

Assembly Bill 608 makes a supplemental appropriation of \$30,040 from the State General Fund to certain agencies of the Department of Business and Industry. The measure provides funding for a salary shortfall after the retirement of the Executive Director of the Nevada Athletic Commission; phone bills from the Consumer Affairs Division; and certain costs of services incurred by the Department's Administrative Division.

The bill is effective on May 29, 2007.

A.B. 616 (Chapter 187)

Assembly Bill 616 makes a supplemental appropriation of \$50,240 from the State General Fund to the Department of Public Safety for an unanticipated shortfall for Fiscal Year 2006-2007 for dignitary protection.

The bill is effective on May 29, 2007.

A.B. 617 (Chapter 375)

Assembly Bill 617 appropriates \$36 million from the State General Fund to the Interim Finance Committee (IFC). If the State Board of Examiners determines circumstances require a significant expenditure beyond the appropriation for that purpose, it may request from the IFC an allocation from these funds. Upon receipt of the request, the IFC determines the necessity of the expenditure and the availability of other funding sources. If an allocation is needed, the IFC establishes by resolution the amount and purpose of the allocation and directs the State Controller to make the appropriate fund transfer. The bill specifies that the IFC is not bound to follow the recommendation of the State Board of Examiners.

Finally, the measure provides that if the IFC determines that the ending fund balance for Fiscal Year 2008-2009 exceeds the amount projected by the 2007 Legislature, the remaining balance will be transferred to the Fund to Stabilize the Operation of State Government.

The bill is effective on July 1, 2008.

A.B. 618 (Chapter 376)

Assembly Bill 618 appropriates \$79,763 from the State General Fund to the Tahoe Regional Planning Agency to replace eight vehicles. The appropriation is contingent upon the provision of a minimum of \$159,525 in matching funds for this purpose from the State of California.

The bill is effective on June 13, 2007.

A.B. 627 (Chapter 343)

Assembly Bill 627 apportions State Distributive School Account (DSA) funds for public schools for the 2007-2009 biennium. This measure appropriates from the State General Fund to the State DSA \$2.132 billion (\$1.041 billion in Fiscal Year [FY] 2007-2008 and \$1.091 billion in FY 2008-2009). With this appropriation, the statewide average basic support per pupil is increased from the current weighted average rate of \$4,696 per pupil to an estimated \$5,122 per pupil for FY 2007-2008 and an estimated \$5,323 per pupil for FY 2008-2009. The measure also provides for a recalculation of the basic support guarantee for FY 2008-2009 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 2,953 units to 3,046 units in the first year of the biennium and 3,128 units in the second year. The unit costs are \$36,541 and \$38,763, 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 4.70 units and 4.22 units for FYs 2007-2008 and 2008-2009, respectively, for gifted and talented pupils to participate in programs incorporating educational technology.

The State's Class Size Reduction Program receives \$141 million in FY 2007-2008 and \$154 million in FY 2008-2009 to pay for the salaries and benefits of at least 2,201 teachers and 2,260 teachers, respectively for those fiscal years. Funds are allocated based upon the number of teachers needed in each school district to achieve pupil-to-teacher ratios of 16 to 1 in first and second grades and 19 to 1 in the third grade. 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 2004-2005 school year.

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

- \$186.9 million from the basic support guarantee over the biennium (\$90.9 million in FY 2007-2008 and \$96 million in FY 2008-2009) for textbooks, supplies, and instructional hardware that must be spent for those purposes in accordance with amounts determined by the Department of Education within a specified formula. Additionally, a base level of \$50,000 per year from the DSA is established for each school district for special student counseling services in elementary grades;
- \$44.8 million over the biennium (\$21.4 million in FY 2007-2008 and \$23.4 million in FY 2008-2009) for adult education programs, including those in prison facilities;
- \$26.2 million during the biennium (\$12.9 million in FY 2007-2008 and \$13.3 million in FY 2008-2009) 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 (\$100,000 in FY 2007-2008 and \$100,000 in FY 2008-2009) for the Statewide Council for the Coordination of Regional Training Programs to provide additional training opportunities for educational administrators in Nevada;

- \$6.6 million during the biennium (approximately \$3.3 million each year) for competitive grants to school districts and community-based organizations for early childhood education programs;
- \$53.9 million over the biennium (\$22.9 million in FY 2007-2008 and \$31 million in FY 2008-2009) for the incentive program to purchase retirement credits for certain license educational personnel through a one-fifth retirement credit offset through the Public Employees' Retirement System. As provided by A.B. 1 of the 23rd Special Session, these funds must be transferred to the Grant Fund for Incentives for Licensed Educational Personnel. That bill requires school districts to establish a program for incentive pay to attract and retain licensed educational personnel, which is to be financed from the newly created fund; and
- \$44 million over the biennium (\$21.5 million in FY 2007-2008 and \$22.5 million in FY 2008-2009) for the Other State Education Programs Account for various projects and programs, including: educational technology, library books, public broadcasting, teacher signing bonuses, National Board Certification programs for teachers and counselors, and other miscellaneous programs.

Additionally \$145.9 million is appropriated over the biennium (\$60.4 million in FY 2007-2008 and \$85.5 million in FY 2008-2009) in the Account for Programs for Innovation and the Prevention of Remediation. Of that amount, \$66.5 million (\$25.6 million in FY 2007-2008 and \$40.8 million in FY 2008-2009) is provided for full-day kindergarten and \$9.1 million (\$180,000 in FY 2007-2008 and \$8.9 million in FY 2008-2009) provides support for a new program of empowerment schools.

The measure also requires Nevada school districts to coordinate federal, State, and local funds with State education reform efforts. Additionally, the school funding provisions of the bill authorize \$354.9 million of other revenues (\$172.2 million in FY 2007-2008 and \$182.7 million in FY 2008-2009) to be received and expended for the State support of public education for the 2007-2009 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.

Finally, beginning in FY 2008-2009, the measure revises the "hold harmless" provisions of the education finance statutes, protecting the budgets of districts that may be losing rather than gaining students. School district or charter school per pupil funding would not be reduced for one year if the decrease in student enrollment was equal to or less than 5 percent. School districts or charter schools losing more than 5 percent in a year would be held harmless for budget purposes for two years.

Enrollment in public elementary and secondary education is expected to increase by 3.15 percent in the first year of the biennium and by 2.68 percent in the second year. Within the approved amounts for the DSA, the measure includes funding sufficient for a 2 percent cost

of living raise for school district employees in the first year of the biennium and a 4 percent increase in the second year. Another bill, A.B. 563, provides for a trigger mechanism if certain revenue is realized in FY 2007-2008 to fund a salary increase of 4.375 percent in FY 2008-2009 instead of the 4 percent, as provided in this measure.

Provisions of the bill concerning the calculation for basic support for FY 2008-2009 and for fund transfers to support the Class Size Reduction Program in FY 2008-2009 are effective on July 1, 2008. All other provisions are effective on July 1, 2007.

A.B. 628 (Chapter 350)

Assembly Bill 628 is the General Appropriations Act to support Nevada Government during the 2007-2009 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. The bill appropriates over \$4.31 billion during the biennium, including approximately \$2.08 billion for Fiscal Year (FY) 2007-2008 and \$2.23 billion for FY 2008-2009. The State Highway Fund appropriations total \$245.3 billion, including \$118.2 million in FY 2007-2008 and \$127.1 million in FY 2008-2009. The measure also contains provisions authorizing some agencies to access State funding contingent upon federal actions, caseload shortfalls, and transfers involving certain programs.

This measure along with the General Authorizations Act, the State employee salary bill, the school funding bill, and the capital improvements program bill are the final result of the deliberations by the legislative money committees (the Assembly Committee on Ways and Means and the Senate Committee on Finance). The General Appropriations Act and other appropriations bills considered throughout the 2007 Session delineate the amount of the State General Fund support approved by the Legislature for the operation of Nevada State Government for the 2007-2009 biennium. A summary of the major program decisions linked to these appropriations follows:

Attorney General—The bill includes \$36.1 million in State General Fund support for the Office of the Attorney General for the 2007-2009 biennium. Additionally, \$2.25 million was approved for the Special Litigation Account to continue legal activities in opposing the location of a federal nuclear waste repository at Yucca Mountain.

Judicial Branch—The measure contains State General Fund support totaling \$46.5 million for the 2007-2009 biennium. The funding provides for additional staff to assist in addressing caseload issues. Funding of \$1.6 million was approved for information technology enhancements for the Supreme Court, including enhancements for the E-Filing program and a new web-based case management system. Funding was also approved for an expansion of specialty courts, which are to be funded with \$11.5 million in administrative assessment revenue instead of State General Fund revenue.

Department of Taxation—The bill also contains \$60.8 million in State General Fund support for the Department of Taxation, including funding of \$6.9 million for the long-term production support of the Unified Tax System.

K-12 Education—The majority of funding for public schools is considered in a separate education funding bill (A.B. 627), which contains funding for basic support, class size reduction, teacher training and incentives, early childhood education, educational technology, career and technical education, and other programs. Assembly Bill 628 contains State General Fund support for the Department of Education in the amount of \$22.6 million for the 2007-2009 biennium.

Nevada System of Higher Education (NSHE)—Under the measure, the NSHE will receive State General Fund support totaling \$1.28 billion for the 2007-2009 biennium, excluding funds for cost of living increases. Enrollment growth at the NSHE has slowed to less than 2 percent in FY 2006 and to less than 1 percent in FY 2007. Based on updated enrollment data, the projected enrollments were revised downward from 67,559 to 63,738 in FY 2008-2009. The slowdown in enrollment growth placed a number of campuses into “hold harmless” status in which maintenance calculations yielded lower funding than current service levels. Based on the revised enrollment levels, and using the 85.5 percent formula funding level recommended by the Governor, the Legislature made adjustments that decreased formula funding and then proportionally redistributed \$5.3 million in annual State General Fund savings to the “hold harmless” institutions.

In addition, the bill contains funding for several enhancements to the NSHE budgets, including:

- \$1 million for the biennium to study, research, and understand Chronic Fatigue Syndrome;
- \$300,000 per year to provide partial funding in support of administrative positions at the Desert Research Institute; and
- \$599,346 for the biennium to recognize the increased costs associated with the transfer of the Nye County service area from Community College of Southern Nevada to Great Basin College.

Department of Cultural Affairs—The measure provides a total of \$29.7 million in State General Fund revenues over the 2007-2009 biennium to support the Department’s library and museum operations statewide. That funding includes \$9.14 million for the Nevada State Library, which provides for increased funding for rural county bookmobiles and \$1.2 million to be distributed to libraries throughout the State to enhance collections and development. State General Fund revenues totaling \$2.72 million over the 2007-2009 biennium were approved for the new museum at the Las Vegas Springs Preserve site, which includes staff and associated operating costs.

Department of Health and Human Services, Director's Office—The budget for the Director's Office includes funding of \$200,000 each fiscal year to allow the Nevada 211 System to maintain its current hours of operation. Assembly Bill 628 also contains approximately \$3.7 million over the 2007-2009 biennium for caseload and inflationary increases for the Personal Assistance Services, Traumatic Brain Injury, and Independent Living programs. The measure also includes funds totaling \$1.2 million over the biennium to allow the State's Family Resource Centers to assist with child welfare cases that do not warrant investigative actions by child protective agencies so that those agencies are better able to respond to more severe cases.

Division of Health Care Financing and Policy—The bill contains approval for a total of \$941.5 million in State General Fund support and \$2.1 billion in authorized revenue for the Division over the biennium. The funding provides for caseloads in the Medicaid program projected at approximately 164,000 average monthly recipients for FY 2007-2008 and 167,000 average monthly recipients for FY 2008-2009. The measure also provides for a fee-for-service rate increase for physician and other medical professionals effective August 2008, and mandatory inflation and rate increases for pharmacy, managed care, and transportation services.

Six new initiatives were approved to promote State General Fund savings over the biennium. The initiatives include staffing enhancements for the Medicaid Estate Recovery and Surveillance and Utilization Review units; adding a claims software package; initiating a voluntary managed care program for the aged, blind and disabled population; care management and regional care coordination for specialized high-risk and high cost populations; and extending non-emergency dental benefits to pregnant women age 21 and older. The bill also contains funding for two new initiatives that expand Medicaid coverage and services. The first initiative provides long-term community-based residential habilitation and behavioral adult daycare services for Medicaid recipients with traumatic brain injury. The second initiative eliminates the unearned income limit for the Health Insurance for Work Advancement program.

Assembly Bill 628 also includes funding to allow enrollment in the Nevada Check-Up program to increase to approximately 30,300 children per month for FY 2007-2008 and approximately 31,900 children per month for FY 2008-2009. In light of anticipated enrollment growth in the new Health Insurance Flexibility and Accountability initiative medical program, funding was approved to provide medical coverage for approximately 2,400 pregnant women per month and coverage for Employees Subsidies Insurance for over 4,000 participants per month by the end of FY 2009. Finally, funding was approved for staffing and resources to strengthen the Division's fiscal management and information technology infrastructure and to meet the more onerous quality-assurance requirements for Medicaid waivers imposed on states by the Centers for Medicare and Medicaid Services.

Division of Mental Health and Developmental Services—A total of \$498 million in State General Fund support was approved for the Division over the biennium. When combined with other revenue sources, these funds support existing and projected caseload increases for the mentally ill and mentally retarded. This amount includes appropriations totaling \$18 million to continue expanded mental health court statewide, community triage centers in northern and southern Nevada, and residential placements and acute psychiatric inpatient beds in southern Nevada.

With regard to Southern Nevada Adult Mental Health Services, the *Executive Budget* contained reductions for medication costs; however, the bill restores appropriations of \$4.9 million over the biennium for these services, along with positions that were recommended for elimination in support of outpatient counseling and psychiatric ambulatory services. For the Northern Nevada Adult Mental Health Services, funding was approved to serve an additional 170 clients in medication clinics and 30 individuals in residential supports. In addition, appropriations totaling \$382,445 were approved to establish a new Mobile Outreach program, similar to the Mobile Crisis program in southern Nevada, which will assist local law enforcement agencies in making service calls, handling suicidal persons, and performing citizen welfare checks.

Of the total approved, the measure contains funding of \$8.7 million in the 2007-2009 biennium to provide an array of services, including community placements and jobs and day training, to 518 additional clients at the Desert, Sierra, and Rural Regional Centers. The bill also provides funding for the establishment of crisis prevention intervention teams who will assist agency staff in preventing and responding to crisis episodes with both clients and service providers. Additional funding was provided for the expansion of a pilot program that provides cash assistance for self-directed services to 52 families with children diagnosed with both mental retardation and autism spectrum disorders. Additional funding for these services will provide monthly cash assistance to 54 more families and increase the average monthly assistance from \$1,100 to \$1,320. Further, a total of \$14.1 million in the 2007-2009 biennium was approved for the Substance Abuse Prevention and Treatment Agency (formerly known as the Bureau of Alcohol and Drug Abuse) to support methamphetamine education programs, community substance abuse prevention and treatment program, and to establish a pilot program to serve 90 individuals with co-occurring substance abuse and mental illness disorders.

Health Division—Assembly Bill 628 contains \$49.3 million in State General Fund support for the Health Division over the 2007-2009 biennium. The funding includes \$29.9 million for Early Intervention Services with new funding to address caseload issues. Funds also were approved for ongoing poison control call center services support, and for the Office of Minority Health. The AIDS Drug Assistance Program was approved in the amount of approximately \$3.6 million over the biennium to pay for HIV/AIDS medications. Childhood immunizations were approved for \$1.8 million in State General Fund support. The State support, combined with federal Title XXI funds, will meet the projected immunization needs for children for the upcoming biennium.

Welfare and Supportive Services Division—The measure provides State General Fund support in the amount of \$145.2 million over the biennium for the Division. Of that amount, \$49.2 million was approved for the Temporary Assistance for Needy Families program, primarily to support increases in the projected caseload. Funding also is provided for a 10 percent increase in cash assistance payments. The increase amounts to about \$35 per month and increases the monthly payment for a family of three to \$383. State General Fund revenues totaling \$18.1 million over the biennium, combined with federal funds of \$83.4 million, were approved to support childcare-related expenses for eligible clients.

Division for Aging Services—The bill provides \$21.7 million in State General Fund support for the Division. The approved funding will support increased caseloads for the Community Home Based Initiatives waiver, the waiver for Elderly in Adult Residential Care, and the new Assisted Living waiver. In addition, new positions were approved for infrastructure support and for the Elder Rights Advocate program that investigates complaints of abuse or neglect in long-term care facilities. The approved funding also will support the projected growth in the Senior Citizens' Property Tax Assistance program.

Division of Child and Family Services—A total of \$112.5 million in State General Fund support over the 2007-2009 biennium was approved for child welfare services. A total of 56 new positions, 50 for Clark County and 6 for Washoe County, were approved to maintain the staff-to-client ratio for child welfare caseworkers. Additional new positions were also approved to assist with foster care recruitment, retention, and licensing, as well as to support other child welfare services. Funding was approved to support increased caseload projections for foster care, higher levels of care, emergency shelter, and adoption subsidies. The daily foster care rate paid by the State was increased, as were adoption subsidy payments.

New positions were added to aid the Division in implementing requirements of its federal Program Improvement Plan and Child Abuse Prevention and Treatment Act corrective action plan. Of the total budgeted, \$50.9 million was provided over the biennium to continue funding for the three juvenile detention facilities operated by the Division in Elko, Caliente, and Las Vegas. Approximately \$28.3 million was included for the biennium to continue to provide mental health services for Northern and Southern Nevada Child and Adolescent Services. Funds also were provided to implement a mobile crisis team for children's mental health, consisting of contract mental health professionals who would be available seven days per week to respond to mental health crises. Funding also was approved to convert one unit of the Desert Willow Treatment Center into a unit specializing in the treatment of co-occurring diagnoses (severe emotional disturbances and substance abuse) to address an unmet need for these services in the State.

Department of Corrections—The bill also contains State General Fund support for the Department totaling \$538.8 million for the biennium. The funding approved will provide for housing an average of 12,753 inmates in FY 2007-2008 and 13,383 inmates in FY 2008-2009. In response to legislation addressing good time and program credits eligible to be earned by offenders, the Legislature reduced the Department's budget by \$6.3 million and appropriated

those funds to the Interim Finance Committee. This appropriation will be available for allocation to the Department during the 2007-2009 biennium for inmate-driven costs, for the Division of Parole and Probation for additional staffing to supervise probationers and parolees, for the Board of Parole Commissioners for conducting inmate hearings, and for treatment programs for offenders.

An additional 314 positions were approved for staffing expanded facilities within the Department, including the addition of 2,572 new beds. This increase will allow for a reduction of 645 beds operated above emergency capacity and for the conversion of 840 medium-custody beds to close custody. Funding also was approved to continue re-entry services to inmates and to continue a 172-bed substance abuse treatment program for inmates, both previously supported with federal funds that have been significantly reduced. Approved funding will also provide staff support for the Department's new information technology system and for implementing the provisions of the federal Prison Rape Elimination Act.

Department of Public Safety—Assembly Bill 628 includes \$118.8 million in State General Fund revenues and \$137 million in State Highway Fund revenues over the biennium for the Department. Of the appropriation from the State Highway Fund, \$133 million was approved for the operations of the Highway Patrol, including funding for new positions to increase highway enforcement throughout the State. A total of \$98.6 million was approved for the biennium, including \$88.9 million in State General Fund support for the Division of Parole and Probation. This funding will support new staff positions for projected growth in caseloads over the biennium. Additionally, a total of \$3.1 million in State General Fund revenue was provided for Narcotics Control staff to augment existing narcotics task forces in Ely, Elko, Fallon, Mesquite, Winnemucca, and Douglas and Lyon Counties. Four of the sworn officers will provide narcotics investigative support to other counties in Nevada that are not currently supported by a task force, including Esmeralda, Lincoln, Mineral, Nye, and Storey Counties.

Homeland Security—The measure includes budget transfers to move the Office of Homeland Security from the Department of Public Safety to the Governor's Office. In addition, the Legislature approved funding the Office of Homeland Security with State General Fund appropriations of approximately \$425,000 in FY 2007-2008 and \$440,000 in FY 2008-2009, since federal funding is no longer available. State General Fund revenues to support a State Fusion Center are included as an appropriation to the Interim Finance Committee and can be accessed upon the presentation and the approval of an agreed-to plan by State and local law enforcement agencies.

Department of Motor Vehicles (DMV)—The bill approves State Highway Fund appropriations in the amount of \$51.3 million in FY 2008 and \$52.3 million in FY 2009 to support the operations of the Department. The funding levels approved are under the 22 percent cap required by statute. Approximately \$5.2 million was approved to continue the use of kiosks in DMV field offices. Funding also was approved for additional positions for the Sahara office in Las Vegas should wait times at that location exceed 60 minutes. Furthermore, money was provided for a new express field office in North Las Vegas.

Department of Conservation and Natural Resources—The Legislature approved State General Fund appropriations for the Department totaling \$66.6 million over the biennium. Of this amount, \$2.4 million was approved to support various deferred maintenance projects throughout the State, including \$2 million at State parks. In addition, the State General Fund appropriations for fire suppression were increased from \$1 million annually to \$2.5 million annually in response to increasing costs.

Department of Wildlife—The money committees approved State General Fund appropriations for the Department of Wildlife totaling \$2.7 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 additional staff for the wildlife diversity program.

Office of Veterans' Services—The measure includes \$6.2 million in State General Fund support over the biennium for the Office and for the operations of the Veterans' Home. A new Trinity Team was approved, which will be located in Elko and will provide assistance to the Veterans' population in rural Nevada in applying for federal Veterans' pensions and benefits. Additionally, new positions were approved for the Veterans' Home, which is projected to be near its 180-bed capacity in the next biennium. The approved funding also provides for the continued operation of the veterans' cemeteries located in Boulder City and Fernley.

The section of A.B. 628 that permanently sets the State business tax at .63 percent, along with sections appropriating FY 2006-2007 funds to the Attorney General Tort Claim Fund and the Legislative Fund are effective on June 13, 2007. The balance of the measure is effective on July 1, 2007.

A.B. 629 (Chapter 348)

Assembly Bill 629 makes various appropriations and relates to financial administration. The bill creates the Nevada Autism Task Force to study the growing incidence of autism and recommend to the Governor and the Legislature ways to improve the delivery and coordination of autism services. The measure contains an appropriation of \$2 million to the Department of Health and Human Services (DHHS) to provide for the expenses of the Task Force; assist parents and guardians in paying for the treatment of children with autism; and provide for reasonable administrative expenses incurred by the Department in relation to these activities.

Assembly Bill 629 requires the Commission on Tourism to transfer monies from the Fund for the Promotion of Tourism to other cultural programs. These transfers include \$95,924 to the Nevada Ballet Theater; \$100,000 to the Neon Museum; \$100,000 to the Nevada Museum of Art; \$15,000 to the Department of Conservation and Natural Resources for a feasibility study of developing a park in the Upper Las Vegas Wash; \$14,000 to the Brewery Arts Center; and \$75,000 to the Las Vegas Performing Arts Center.

Assembly Bill 629 also establishes the Legislative Counsel Bureau Disbursement Account and appropriates \$12,089,990 from the State General Fund to various programs and projects in Nevada. Major provisions of the bill are summarized in the following categories:

Health and Welfare—To provide additional social services to Nevadans, A.B. 629 appropriates:

- \$1 million to the Interim Finance Committee for allocation to local governments to provide housing for the homeless;
- \$1 million to the Housing Division to provide grants to encourage the creation of employer-assisted housing programs;
- \$200,000 to the Secretary of State to establish and maintain the Registry of Advance Directives for Health Care;
- \$175,000 to Legislative Auditor to hire a consultant to conduct a performance audit of each agency which provides child welfare services, subject to certain requirements. The audit is required to be conducted through random, unannounced visits to review files of children who have been abused or neglected;
- \$250,000 to the Legislative Auditor to employ or contract with an auditor to serve as the Child Welfare Specialist;
- \$200,000 to the DHHS for the continued operation of the statewide information and referral (2-1-1) system;
- \$250,000 to the DHHS to establish programs to increase public awareness of health care information concerning hospital and surgical centers for ambulatory patients;
- \$160,000 to the DHHS to create a website to provide information to consumers relating to pharmacies and the prices of commonly prescribed prescription drugs;
- \$1.2 million to the DHHS for a program that provides a subsidy toward a policy of health insurance purchased by certain employees;
- \$500,000 to the DHHS to develop an outreach plan to assist uninsured persons enrolling in health insurance programs;
- \$223,821 to the Health Division, DHHS, for the appointment of the Coordinator of Vascular Health and requires the Administrator of the Health Division to make such an appointment;

APPROPRIATIONS AND AUTHORIZATIONS (continued)

- \$250,000 to the Department of Transportation for rural transit operations for the Elderly and Persons with Disabilities Program;
- \$300,000 to the Health Division, DHHS, to provide grants to volunteer organizations that provide emergency medical services in this State for training, equipment, and supplies;
- \$1 million to Three Square for the construction of a food production facility;
- \$300,000 to Nevada's Safe Place programs for outreach and other supportive services;
- \$365,000 to the Nevada Commission for National and Community Service to match federal funding for continuation of programs;
- \$300,000 to the Las Vegas-Clark County Urban League to fund the Southern Nevada Prisoner Re-Entry Coalition;
- \$200,000 to the Clark County Medical Society for a pilot program to establish a nonprofit clinic to provide medical care and treatment for persons who are indigent, uninsured, or unable to afford health care;
- \$203,250 to the Division of Child and Family Services, DHHS, for grants to non-profit agencies to provide direct services such as shelter, crisis phone access, emergency assistance, advocacy, hospital accompaniment, and counseling to victims of domestic violence and sexual assault;
- \$916,050 to the Division of Mental Health and Developmental Services (MHDS), DHHS, for Southern Nevada Adult Mental Health Services for use by the Division to increase the support for the Mental Health Court in Clark County;
- \$610,700 to the MHDS for Northern Nevada Adult Mental Health Services for use by the Division to increase the support for the Mental Health Court in Washoe County; and
- \$101,169 to the Bureau of Family Health Services to fund 25 diagnostic clinics for fetal alcohol syndrome as part of the Perinatal Substance Abuse Prevention Initiative.

Education—Assembly Bill 629 contains supplemental appropriations to increase educational opportunities and services. The bill appropriates:

- \$400,000 to the University of Nevada, Las Vegas for the Women's Research Institute of Nevada and the National Education for Women's Leadership Program;

- \$250,000 to the William S. Boyd School of Law to support the expansion of the operations of the Saltman Center for Conflict Resolution; and
- \$750,000 to the M2 Foundation for Kids for community development activities and enhancement of educational programs.

Other Administrative Provisions—Senate Bill 579 includes various other provisions funding capital projects and programs. The bill appropriates:

- \$250,000 to the State Conservation Commission for distribution to conservation districts;
- \$100,000 to the Pershing County Water Conservation District for emergency repairs to Rodgers Dam;
- \$10,000 to the Flight 93 National Memorial Fund for a portion of the cost of the construction of the Flight 93 National Memorial in Somerset County, Pennsylvania;
- \$75,000 to the Las Vegas-Clark County Library District Foundation for the purchase of books and materials for the West Las Vegas Public Library;
- \$20,000 to the Division of State Lands, Department of Conservation and Natural Resources, for the preservation of historical buildings in Floyd Lamb State Park;
- \$350,000 to the City of Las Vegas for allocation to the New Ventures Capital Development Company to make Small Business Administration loans to minority businesses; and
- \$180,000 to the Consumer Affairs Division for the Office of Ombudsman of Consumer Affairs for Minorities, places it within the Department of Business and Industry, and repeals the sunset of the Nevada Commission on Minority Affairs.

Selected appropriations relating to continuing funding for capital projects, educational programs, and the Nevada Commission on Minority Affairs are effective on June 13, 2007. The remaining programs relating to education, economic development, and health and welfare services are effective on July 1, 2007.

S.B. 1 (Chapter 1)

Senate Bill 1 appropriates \$10 million from the State General Fund to the Legislative Fund for the costs of conducting the 2007 Legislative Session.

This bill is effective on February 8, 2007.

S.B. 55 (Chapter 504)

Senate Bill 55 authorizes the issuance of \$9,057,908 in general obligation bonds, the final installment authorized by the Legislature in 1999 to pay for Nevada's share of the costs of the Environmental Improvement Program in the Lake Tahoe Basin between July 1, 2007, and June 30, 2010. The Environmental Improvement Program was implemented in 1997 to carry out projects to improve the environment in the Lake Tahoe Basin. The costs of the Program are apportioned among the federal government, the States of Nevada and California, local governments, and owners of private property in both States. In 1999, the Nevada Legislature authorized the issuance of not more than \$53.2 million in general obligation bonds between July 1, 2001, and June 30, 2010, to pay for a portion of Nevada's share of the costs of the Program. Issuance of the bonds requires the approval of the Legislature or the Interim Finance Committee (Chapter 514, *Statutes of Nevada 1999*).

This measure is effective on July 1, 2007.

S.B. 182 (Chapter 189)

Senate Bill 182 makes a supplemental appropriation from the State General Fund to the Department of Education to fund the projected costs of the Counselor National Board Certification Program in the amount of \$125,000, along with an additional \$1,496,000 to fund projected costs for teacher signing bonuses.

The bill is effective on May 29, 2007.

S.B. 186 (Chapter 379)

Senate Bill 186 appropriates \$32,405 from the State General Fund to the Office of the Governor to purchase furniture, equipment, and replacement computer hardware and software.

The bill is effective on June 13, 2007.

S.B. 187 (Chapter 190)

Senate Bill 187 makes a supplemental appropriation of \$645,946 from the State Highway Fund to the Nevada Highway Patrol Division of the Department of Public Safety to pay the increased cost of vehicle fuel.

The bill is effective on May 29, 2007.

S.B. 189 (Chapter 380)

Senate Bill 189 appropriates \$200,800 to the Interim Finance Committee for allocation to the Department of Wildlife for the implementation of sagebrush habitat projects in state and local plans.

The funding may only be allocated upon submittal by the Department of a detailed plan with cost estimates for specific habitat projects identified in sage grouse conservation plans. The

funding must only be used as matching funds for the Federal Aid in Wildlife Restoration Act or other federal funding to implement identified sagebrush habitat projects.

The bill is effective on June 13, 2007.

S.B. 190 (Chapter 99)

Senate Bill 190 appropriates \$826,597 from the State General Fund to the State Public Works Board for design costs associated with building four housing units to accommodate inmate growth at certain correctional facilities. The measure also provides that the Board is authorized to use the Design-Build method for the project. The project also is exempt from competitive bidding requirements, Green Building Standards, and the statutory provisions concerning design procedures and the consultant selection process.

The bill is effective on May 21, 2007.

S.B. 191 (Chapter 351)

Senate Bill 191 makes an appropriation of \$452,272 from the State General Fund to the Office of the Attorney General to purchase computer equipment and software. The measure also revises statutory provisions concerning the Account for the Technological Crime Advisory Board to require that unexpended money appropriated or allocated to the account from the State General Fund or the State Highway Fund must revert as provided in the authorizing legislation.

The bill is effective on June 13, 2007.

S.B. 192 (Chapter 381)

Senate Bill 192 appropriates \$10 million from the State General Fund to the Nevada System of Higher Education (NSHE) to fund the integration of computer resources. The expenditure of this appropriation is contingent upon the prior expenditure by NSHE of \$15 million for the project from other sources. The appropriation contained in the measure is available for this purpose until June 30, 2011.

The bill is effective on June 13, 2007.

S.B. 226 (Chapter 382)

Senate Bill 226 appropriates \$150,000 to the Division of State Parks in the Department of Conservation and Natural Resources for expenses related to thinning forests in state parks during the 2007-2009 biennium.

The measure also requires the Division to study of the feasibility of generating revenue for forest management through thinning forests in state parks. The study must include the use of forest products for biomass fuel, soil amendments, commercial Christmas trees, firewood, and commercial lumber harvesting. The study must also evaluate the fire management plan for

protecting the Tahoe Basin from fire incursion from outside the Basin. The study and any recommendations for legislation must be submitted to the 2009 Legislature.

The bill is effective on July 1, 2007.

S.B. 248 (Chapter 383)

Senate Bill 248 increases the annual base salaries of Supreme Court justices from \$140,000 to \$170,000. This measure appropriates \$46,590 for these salary increases, which are effective after the expiration of the terms of those justices currently holding office on either the first Monday in January 2009, January 2011, or January 2013.

Senate Bill 248 increases the annual base salaries of all district court judges from \$130,000 to \$160,000. This measure appropriates \$1,212,274 for these salary increases, which are effective after the first Monday in January 2009.

This measure also appropriates \$185,445 for the additional salary costs for senior justices on the Supreme Court and senior judges at the district court level.

The provisions establishing higher annual base salaries for justices and judges are effective on June 13, 2007. The section appropriating money to fund the salary increases is effective on July 1, 2008.

S.B. 250 (Chapter 384)

Senate Bill 250 appropriates \$111,332 from the State General Fund to the Adjutant General of the Office of the Military for the purchase of new and replacement maintenance equipment. The funds will be expended as follows:

- \$54,832 for two maintenance trucks (\$27,416 each), with ladder racks and utility boxes to replace two existing high-mileage vehicles;
- \$42,000 for a diesel-powered ATV tractor utility vehicle used for buildings and grounds maintenance work;
- \$11,000 for a camera reel/monitor used to inspect sewer and roof drains, along with building ducts and underground electrical conduit; and
- \$3,500 for a floor machine for custodial use.

The bill is effective on June 13, 2007.

S.B. 251 (Chapter 386)

Senate Bill 251 appropriates a total of \$3,754,069 from the State General Fund to agencies of the Department of Conservation and Natural Resources. The funds will be expended as follows:

- \$82,539 is appropriated to the Division of Water Resources for three replacement trucks and computer hardware;
- \$250,000 is appropriated to restore the Channel Clearance Account;
- \$887,623 is appropriated to the Division of Forestry for the replacement of computer hardware and software and for 22 replacement vehicles;
- \$731,271 is appropriated to the Department for Forestry Conservation Camps for replacement of computer hardware and software and for the purchase of 15 new vehicles; and
- \$1,802,636 is appropriated to the Division of State Parks to purchase Geographic Information System hardware and software; for replacement AutoCAD stations; for computer hardware and software; and for 61 replacement vehicles.

The amount set aside to restore the Channel Clearance Account is exempt from the standard reversion schedule for State General Fund appropriations for the biennium.

The bill is effective on June 13, 2007.

S.B. 252 (Chapter 385)

Senate Bill 252 appropriates \$1,082,621 from the State General Fund to the Division of Welfare and Supportive Services of the Department of Health and Human Services to purchase replacement office furniture, computer hardware and software, and telephones.

The bill is effective on June 13, 2007.

S.B. 253 (Chapter 387)

Senate Bill 253 appropriates \$2,269,498 from the State General Fund to various agencies of the Division of Mental Health and Developmental Services of the Department of Health and Human Services to purchase replacement equipment. The replacement equipment includes office and clinical furnishings, appliances, vehicles, grounds equipment, and tools, as well as computer hardware and software. Specifically, the funding supports the replacement of 12 vehicles, including 7 passenger vans used to transport clients of the Division at the Lake's Crossing Center for the Mentally Disordered Offender and the Desert Regional Center.

The bill is effective on June 13, 2007.

S.B. 282 (Chapter 153)

Senate Bill 282 makes a supplemental appropriation of \$7,554,981 from the State General Fund to the Department of Corrections. The amount provides funding for unanticipated revenue shortfalls, personnel, operating, maintenance, inmate transportation, utility, and certain inmate-driven expenses from Fiscal Year 2006-2007.

The bill is effective on May 29, 2007.

S.B. 287 (Chapter 388)

Senate Bill 287 appropriates funds from the State General Fund to the Division of State Parks of the Department of Conservation and Natural Resources for the additional costs involved in enrolling park rangers in the Police and Firefighter's Retirement Fund. The measure appropriates \$103,000 for Fiscal Year (FY) 2007-2008 and \$108,000 for FY 2008-2009 for this purpose.

The bill is effective on July 1, 2007.

S.B. 336 (Chapter 155)

Senate Bill 336 makes two supplemental appropriations totaling \$1,730,516 from the State General Fund to the Division of Forestry of the Department of Conservation and Natural Resources. Of that amount, \$1,660,873 is provided to the Division to pay for fire suppression costs that were not covered from the Disaster Relief Account. The remaining \$69,643 is provided to the Division to cover a projected shortfall for utility costs and for aircraft insurance.

The bill is effective on May 29, 2007.

S.B. 337 (Chapter 156)

Senate Bill 337 makes a supplemental appropriation of \$40,000 from the State General Fund to the Division of Mental Health and Developmental Services of the Department of Health and Human Services for costs related to unanticipated caseload growth in the Family Preservation Program.

The bill is effective on May 29, 2007.

S.B. 338 (Chapter 157)

Senate Bill 338 makes a supplemental appropriation of \$39,613 from the State General Fund to the Aging Services Division in the Department of Health and Human Services to cover relocation costs due to an expired lease.

The bill is effective on May 29, 2007.

S.B. 339 (Chapter 191)

Senate Bill 339 makes a supplemental appropriation of \$22,760 from the State General Fund to the Department of Cultural Affairs for unanticipated utility costs at the Nevada Historical Society and the Nevada State Museum.

The bill is effective on May 29, 2007.

S.B. 340 (Chapter 192)

Senate Bill 340 appropriates \$208,573 from the State General Fund to the Department of Taxation for information technology costs from Fiscal Year 2005-2006.

The bill is effective on May 29, 2007.

S.B. 341 (Chapter 390)

Senate Bill 341 provides supplemental appropriations of \$973,365 from the State General Fund to the Office of Attorney General for shortfalls in several budget accounts. The measure appropriates the following:

- \$685,979 to the Attorney General Administrative Fund Account for a cost allocation error and a billing revenue shortfall;
- \$60,000 to the Attorney General Special Litigation Account to cover Yucca Mountain litigation costs through FY 2006-2007; and
- \$227,386 to the Attorney General Extradition Coordinator's Account to address increased extradition costs in the 2005-2007 biennium.

The bill is effective on June 13, 2007.

S.B. 342 (Chapter 392)

Senate Bill 342 provides a supplemental appropriation of \$400,000 from the State General Fund to the High Level Nuclear Waste Project Office to pay for litigation costs through Fiscal Year 2006-2007. The funding will allow the Office to participate in and challenge the plan by the United States Department of Energy to submit a license application for the proposed Yucca Mountain High Level Nuclear Waste Repository to the Nuclear Regulator Commission in June 2008.

The bill is effective on June 13, 2007.

S.B. 345 (Chapter 134)

Senate Bill 345 appropriates \$4,255,865 from the State General Fund to the tort claim fund in the Office of Attorney General. The appropriation includes \$2,979,282 to be refunded to State agencies that had originally been assessed to assist in settling an arbitration award related to the construction of the Southern Nevada Veterans' Home. The appropriation also includes

\$1,276,583 to insure that sufficient expenditure authority exists for the remainder of Fiscal Year 2006-2007 to pay tort claims.

The bill is effective on May 28, 2007.

S.B. 346 (Chapter 220)

Senate Bill 346 appropriates \$9,900 from the State General Fund to the Department of Health and Human Services to fund the activities of a working group to study the methamphetamine problem in Nevada during Fiscal Year 2006-2007.

The bill is effective on May 31, 2007.

S.B. 443 (Chapter 352)

Senate Bill 443 establishes the Legislative Counsel Bureau Disbursement Account and appropriates a total of \$22.4 million from the State General Fund to the Account for use by certain entities for various purposes. These appropriations include:

- \$5 million to the Nevada Cancer Institute for laboratory and clinical space;
- \$5 million (\$2.5 million in each Fiscal Year [FY]) to the Nevada Cancer Institute for research and community outreach;
- \$1 million to Higher Sierra Industries to establish a service center for persons with a variety of disabilities;
- \$3 million to Opportunity Village for vocational training, employment, and services for persons with intellectual disabilities;
- \$1 million to Washoe Arc to serve the needs of persons with developmental disabilities;
- \$2 million to the Institute for Neuro-Immune Disease for the construction, furnishing, and equipment needs of a facility to treat neuro-immune disorders;
- \$250,000 to the Clark County Public Education Foundation for new programs and outreach efforts;
- \$150,000 to the Washoe County School District Educational Foundation for new programs and outreach efforts;
- \$3 million to the Lou Ruvo Brain Institute for research, clinical studies, operations, and outreach programs;
- \$1 million to the Nevada Discovery Museum in Reno for construction and operating expenses;

- \$500,000 to the Lied Discovery Children’s Museum for planning a new facility; and
- \$500,000 to the Las Vegas Natural History Museum for support and improvements of the museum.

As a condition of receiving these funds, each of the organizations specified in the measure must agree to make periodic reports to the Interim Finance Committee and make available necessary materials in the event of a legislative audit.

The sections of the measure concerning the Nevada Discovery Museum, the Lied Discovery Children’s Museum, the Las Vegas Natural History Museum, as well as the FY 2007 research and community outreach by the Nevada Cancer Institute are effective on July 1, 2007. The sections of the act relating to FY 2008 research and community outreach by the Nevada Cancer Institute are effective on July 1, 2008. The remaining sections of the bill are effective on June 13, 2007.

S.B. 444 (Chapter 393)

Senate Bill 444 makes a supplemental appropriation of \$63,357 from the State General Fund to the Office of the Governor to cover the cost of increased dues to the National Governors Association, along with contract costs for a 2007 legislative bill tracking database and consultant costs for the Governor’s Commission on Medical Education, Research and Training.

The bill is effective on June 13, 2007.

S.B. 454 (Chapter 395)

Senate Bill 454 extends by two years the date by which funds from two separate revenue sources must be obligated for expenditure and reversion. The 2005 Legislature, through the passage of S.B. 314 and S.B. 1 of the 22nd Special Session, approved the allocation of \$1.25 million to the Reno-Sparks Convention and Visitors Authority (RSCVA) to implement the Truckee River Recreational Master Plan. Of this amount, \$600,000 was provided from the State General Fund and \$650,000 from room tax revenues collected by the Commission on Tourism. Conditionally, the legislation required the City of Reno, the City of Sparks, and Washoe County to expend, as a group, an amount equal to that allocated by the State on Truckee River improvement related projects. The measure extends the original reversion date for both funding authorizations from 2007 to 2009, and requires that the RSCVA submit final reports concerning the expenditure of these funds. This extension allows local governments additional time to meet their commitment.

The bill is effective on June 13, 2007.

S.B. 456 (Chapter 193)

Senate Bill 456 extends from June 30, 2007, to June 30, 2009, the reversion date for the State Highway Fund appropriations made by the 2005 Legislature to the Department of Administration for the digital microwave project.

This bill is effective on May 29, 2007.

S.B. 458 (Chapter 391)

Senate Bill 458 appropriates \$363,805 from the State General Fund to the Health Division of the Department of Health and Human Services to purchase replacement desktop computers, software, printers, servers, switches, and firewalls.

The bill is effective on June 13, 2007.

S.B. 461 (Chapter 394)

Senate Bill 461 appropriates \$6,533,978 from the State General Fund to the Legislative Fund for various projects of the Legislature and the Legislative Counsel Bureau (LCB). The appropriation is allocated as follows:

- \$50,000 for the cost of reproducing out of print publications;
- \$1,531,654 for information technology projects;
- \$3 million for planning for a new staff office building; and
- \$1,952,324 for the replacement of video display screens in the legislative chambers and miscellaneous maintenance and construction projects.

The measure exempts the LCB from the Public Works Board requirements for construction contracts funded through this legislation, but requires public bids and the payment of prevailing wages on all work performed under the project contracts.

The bill is effective on June 13, 2007.

S.B. 462 (Chapter 396)

Senate Bill 462 appropriates \$708,736 from the State General Fund to the Office of Veterans' Services to purchase equipment and furnishings at the Veterans' Home. The measure provides funding for the repair of showers and for the replacement of carpeting, computers, appliances, and resident tubs. Additionally, the appropriation provides for the purchase and installation of a commercial water softener for the Home's water system.

The bill is effective on June 13, 2007.

S.B. 463 (Chapter 397)

Senate Bill 463 appropriates \$3,674,059, from the State General Fund to the Department of Taxation for the Unified Tax System and for computer and equipment expenditures.

The bill is effective on June 13, 2007.

S.B. 464 (Chapter 398)

Senate Bill 464 appropriates \$1,427,042 from the State General Fund to replenish the balance of the Disaster Relief Account.

The bill is effective on June 13, 2007.

S.B. 466 (Chapter 399)

Senate Bill 466 appropriates \$15.5 million from the State General Fund to the Contingency Fund to restore the balance attributable to the State General Fund. The measure also appropriates \$698,496 from the State Highway Fund to the Contingency Fund to restore the balance attributable to the State Highway Fund.

The bill is effective on June 13, 2007.

S.B. 467 (Chapter 400)

Senate Bill 467 appropriates \$202,602 from the State General Fund to the Office of Attorney General to purchase data storage equipment. Federal court electronic or e-filing requirements became effective on January 1, 2006, and Nevada courts will implement the same requirement during the 2007-2009 biennium. The funding provides for the purchase of several high speed, high capacity storage devices to increase the reliability of the office's network and to support federal and state court requirements to file case documents as electronic image files. The project also will meet increased storage and redundancy requirements by placing all documents into the agency's ProLaw case tracking database.

The bill is effective on June 13, 2007.

S.B. 468 (Chapter 401)

Senate Bill 468 makes a supplemental appropriation of \$151,814 from the State General Fund to the Office of Veterans' Services to pay for a projected shortfall in utility costs in the agency's Fiscal Year 2006-2007 budget.

The bill is effective on June 13, 2007.

S.B. 470 (Chapter 194)

Senate Bill 470 extends from June 30, 2007, to June 30, 2009, the reversion date for a State General Fund appropriation made by the 2005 Legislature to the Interim Finance Committee. An appropriation of \$341,096 for the Integrated Consumer Affairs Tracking System was contained in Assembly Bill 576 of the 2005 Legislative Session. The tracking

system was approved to replace an outdated database system with an integrated software package from a commercial vendor. The extension of the reversion date will allow for the completion of the project, thereby improving the Department of Business and Industry's communications, tracking, and reporting capabilities.

The bill is effective on May 29, 2007.

S.B. 555 (Chapter 402)

Senate Bill 555 appropriates \$1,086,180 from the State General Fund to various divisions of the Department of Public Safety to purchase new and replacement equipment. The funding provides for replacement vehicles; a computerized door lock and card access system; new and replacement computer equipment and software; classroom furniture; and protective clothing. Of the total, \$89,771 is appropriated to incorporate the State Board of Parole Commissioners' decisions and analysis into the Nevada Offender Tracking and Information System and for replacement computer equipment and software for the Board.

The measure also appropriates \$12,700,919 from the State Highway Fund to various divisions of the Department of Public Safety to purchase new and replacement equipment, including 300 new and replacement vehicles for the Highway Patrol; aircraft navigational and communications equipment; video cameras; computer equipment and software; furniture; and protective clothing.

The bill is effective on June 13, 2007.

S.B. 557 (Chapter 264)

Senate Bill 557 extends the reversion date for an appropriation of \$100,000 to the Advisory Council on the State Program for Fitness and Wellness from 2007 to 2009 to allow for expenditure in the 2007-2009 biennium. The Council is required to report expenditures to the Interim Finance Committee and to make certain information available to the Legislative Auditor as needed.

The bill is effective on May 31, 2007.

S.B. 559 (Chapter 114)

Senate Bill 559 appropriates \$5 million from the State General Fund to the Legislative Fund for costs of the 2007 Legislative Session.

The bill is effective on May 23, 2007.

S.B. 570 (Chapter 404)

Senate Bill 570 appropriates \$90,100 from the State General Fund to the Office of the Director of the Department of Health and Human Services to fund a working group to study Nevada's methamphetamine problem. The total funding for the working group is included in the Governor's *Executive Budget* in the amount of \$100,000. The sum appropriated in this bill

covers costs for the activities of the body during the 2007-2009 biennium; the remaining \$9,900 for Fiscal Year 2006-2007 is contained within S.B. 346.

The bill is effective on June 13, 2007.

S.B. 576 (Chapter 346)

Senate Bill 576 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 new authorized funding recommended for approval by the Legislature for ongoing operations is approximately \$10.1 billion, including authorizations in the school funding bill of \$383.9 million. The measure includes separate authorizations for certain tobacco settlement funds, and for appropriations to the State Gaming Control Board and the Nevada Gaming Commission.

This measure along with the General Appropriations Act, the State employee salary bill, the school funding bill, and the Capital Improvements Program bill are the final result of the deliberations by the money committees (the Assembly Committee on Ways and Means and the Senate Committee on Finance). The General Authorization Act allows State agencies to collect and expend federal funds, gifts, grants, interagency transfers, service fees, and other funds. In essence, the Act authorizes expenditures other than from the State General Fund or the State Highway Fund. A summary of the major program decisions linked to these authorizations follows:

Judicial Branch—The measure approves program authorization for the expansion of Specialty Courts to be funded with administrative assessment revenue rather than State General Fund revenue, as requested by the Judicial Branch.

Department of Information Technology—The measure provides for \$67.8 million in authorized revenues for the Department of Information Technology for the 2007-2009 biennium. The funding includes approximately \$1.9 million for the replacement and addition of mainframe enterprise servers to enhance mainframe computing and disaster recovery capabilities for State agencies.

State Public Works Board—Approximately \$17.8 million in authorized revenues for the State Public Works Board is approved for the 2007-2009 biennium. The funding provides for the establishment of new positions to accommodate the increase in size of the 2007 Capital Improvement Program. In addition, the Legislature approved moving new and existing project manager positions from the classified service to the unclassified service, including funding that provides salary increases for these positions. Additional funding will allow the Attorney General’s Office to provide construction-related legal services to the Board.

K-12 Education—State General Fund appropriations for public schools is contained in the school funding bill (Assembly Bill 627). A total of \$552 million in federal revenue was approved for the Department of Education over the upcoming biennium. Of this amount, \$215.9 million is for continued implementation of the federal No Child Left Behind Act (NCLB). The federal funds will be utilized to continue the Title I basic program and the Reading First program, and to enhance teacher quality and the proficiency testing program, as required by the NCLB. In addition, federal NCLB funds will be utilized to enhance the System for Accountability Information in Nevada, to provide better information to educational personnel for support of data-driven decision-making for improving the academic achievement of pupils in Nevada. Finally, new positions were authorized to support the Department's infrastructure, including a Parental Involvement Coordinator and a Coordinator for the empowerment schools program.

Nevada System of Higher Education (NSHE)—The combined total approved revenue from all sources for higher education is approximately \$1.72 billion, of which about \$440,000 million is authorized in this measure. Non-State General Fund revenue sources include, but are not limited to, student registration fees, nonresident tuition, operating investment income, and federal revenues. Enrollment growth at the NSHE has slowed to less than 2 percent in Fiscal Year (FY) 2005-2006 and to less than 1 percent in FY 2006-2007. Based on updated enrollment data, the projected enrollments were revised downward from 67,559 to 63,738 in FY 2008-2009. As a result of declining enrollments, projected revenues from student registration fees, tuition, and other sources declined by a total of \$28.9 million for the 2007-2009 biennium. Additionally, \$11.8 million in student registration fee revenue was added to the NSHE State supported operating budgets, an amount that NSHE initially proposed to retain outside of the State budget.

Department of Business and Industry—For the Division of Mortgage Lending, the measure approves \$21 million in authorized revenues in the 2007-2009 biennium, including \$1.22 million to support new positions that will assist the Division in meeting its existing statutory requirements to examine all mortgage lending branch offices annually.

Division of Industrial Relations—The measure approves funding for new positions in the Workers' Compensation Section and the Administrative Services Unit to support increased administrative workload. Funding also was approved for the purchase of a new Workers' Compensation Database System.

Occupational Safety and Health Enforcement—For the Occupational Safety and Health Enforcement Section (OSHES) budget, funding for new positions is authorized along with \$295,015 for an enhancement to OSHES's existing Mechanical Object Database System. The agency was directed to approach the Interim Finance Committee for approval to proceed with the project once the system requirements and costs are defined.

Department of Health and Human Services, Director's Office—Within the Healthy Nevada Fund budget, tobacco settlement moneys are authorized to fund a new position to coordinate monthly premium benefit payments with the Medicare Part D prescription drug plans on behalf of Senior Rx and Disability Rx members. The measure also approves the use of tobacco settlement funds totaling \$325,000 in each fiscal year for the payment of prescription co-pays for Medicare and full Medicaid beneficiaries (dual eligibles). Within the Grants Management Unit budget, the measure approves \$2.3 million in unallocated federal Title XX funds to increase funding for grants to non-State community-based organizations and to offset State General Fund support in certain Department accounts. The measure also approves the transfer of approximately \$3.4 million in quarterly slot license fee revenues over the 2007-2009 biennium to support the Prevention and Treatment of Problem Gambling Program that was created by the 2005 Legislature.

Division of Health Care Financing and Policy—The bill approves a total of \$2.1 billion in authorized revenue for the Division of Health Care Financing and Policy, Department of Health and Human Services (DHHS), over the 2007-2009 biennium. When combined with the State General Fund appropriations, the funding provides for caseload growth in the Medicaid program; a fee-for-service rate increase for physician and other medical professionals; and mandatory inflation and rate increases for pharmacy, managed care, and transportation services. Finally, funding was approved for staffing and resources to strengthen the Division's fiscal management and information technology infrastructure and to meet new quality assurance requirements for Medicaid waivers imposed on states by the Centers for Medicare and Medicaid Services.

Division of Mental Health and Developmental Services—Approximately \$223 million of non-State General Fund support also is approved for the Division of Mental Health and Developmental Services, DHHS, including the Substance Abuse Prevention and Treatment Agency (formerly known as the Bureau of Alcohol and Drug Abuse) transferred from the Health Division. The additional funds will support existing and projected caseloads for the mentally ill and mentally retarded. Authorized expenditures of \$56.6 million in the 2007-2009 biennium for the Substance Abuse Prevention and Treatment Agency to support various substance abuse and treatment programs, including methamphetamine education, community prevention and treatment services, and to establish a pilot program to serve individuals with co occurring substance abuse and mental illness disorders.

Health Division—The budget for the Health Division includes authorized revenues of \$267.4 million. The funding includes \$24.2 million in support for health facility licensure inspections; \$90.6 million to provide assistance to enrollees in the Women, Infants and Children nutrition program; and \$22.3 million for various programs of HIV prevention and education, as well as HIV comprehensive care services. The Legislature authorized \$31.6 million to support public health preparedness programs, including bioterrorism surveillance and health facility preparation for public health events.

Division of Welfare and Supportive Services—Senate Bill 576 includes \$364.8 million in authorized revenues over the 2007-2009 biennium for the Division of Welfare and Supportive Services, DHHS. This amount includes \$41.1 million in federal Temporary Assistance for Needy Families (TANF) block grant funds for the TANF budget, primarily to support projected caseloads.

Division for Aging Services—The measure also authorizes spending of \$62.2 million in federal funds, tobacco settlement funds, and other non-State General Fund sources, for the Division for Aging Services, DHHS. The approved funding will support increased caseloads for the Community Home-based Initiatives (CHIP) waiver program, the Waiver for Elderly in Adult Residential Care and the new Assisted Living waiver program.

Division of Child and Family Services—Funding of \$215.7 million in authorized revenues is approved for the Division of Child and Family Services, DHHS, over the 2007-2009 biennium. Of that amount, approximately \$111.4 million was approved to fund statewide child welfare services. New positions were approved to maintain the existing staff-to-client ratio for child welfare caseworkers, funded by both authorized revenues and the State General Fund. Additional new positions were also approved to assist with foster care recruitment, retention and licensing, and other child welfare services. Funding was approved to support increased caseload projections for foster care, higher levels of care, emergency shelter, and adoption subsidies. New positions also are approved to aid the Division in implementing requirements of its federal Program Improvement Plan and Child Abuse Prevention and Treatment Act corrective action plan. The Legislature also approved funding of \$38.6 million over the biennium for the Northern and Southern Nevada Child and Adolescent Services Programs to continue to provide mental health services for children and adolescents. Funding of \$1.5 million, including both State General Fund and authorized federal funds, was approved to implement a mobile crisis team for children's mental health, consisting of contract mental health professionals who would be available seven days per week to respond to mental health crises.

Department of Employment, Training and Rehabilitation—The measure approves \$236.7 million in authorized revenues for the Department for the 2007-2009 biennium. The funding includes new positions needed due to the Department's involvement as the fiscal agent for the Southern Nevada Workforce Investment Board and new Workforce Investment Act policies. Funding also was approved for inflationary increases in medical consultation and examination costs related to disability determinations. The amount approved includes approximately \$2.6 million for a study that will develop the specifications for a replacement data processing system for unemployment benefits and contributions.

Department of Motor Vehicles—The measure authorizes a total of \$525,563 in driver's license photo fees in order to allow the Department to implement central issuance of driver's licenses and identification cards. Beginning January 1, 2008, the Department will charge an additional \$0.50 per driver's license or identification card to fund the cost to produce these items through central issuance. Additionally, State Highway Fund authorizations of \$300,000

over the biennium were approved for a contract Project Manager to assist the Department in meeting initial reporting to the Department of Homeland Security regarding Nevada's compliance with the federal REAL ID Act. In addition, the Legislature approved direct access to the State Highway Fund to allow the Department to implement the REAL ID Act over the 2007-2009 biennium, subject to release of final regulations.

Department of Public Safety—The bill approves funding of approximately \$4.9 million in FY 2007-2008 and \$4.8 million in FY 2008-2009, which represents the balance of the appropriation approved by the 2005 Legislature under Assembly Bill 572 for the establishment of a revolving account within the State General Fund for grants to persons who own or occupy homes damaged by disaster (Homeowner's Disaster Assistance Program).

Department of Conservation and Natural Resources—For the Department of Conservation and Natural Resources, including the Tahoe Regional Planning Agency, the measure authorizes funding of \$160.5 million over the 2007-2009 biennium.

Department of Wildlife—The bill authorizes funding for the Department of Wildlife of approximately \$82.3 million over the 2007-2009 biennium, including money for additional positions. Funding of \$400,000 was also approved to fund wildlife habitat enhancement projects and Operation Game Thief activities.

Nevada Department of Transportation—The measure authorizes a total of \$1.57 billion over the 2007-2009 biennium for the Department of Transportation. The Legislature also approved the inclusion of the Bond Construction budget in the General Authorization Act, and the sale of \$135 million in additional highway revenue bonds to support major construction projects.

Sections of the measure dealing with unexpended money concerning certain projects are effective on June 13, 2007. The remaining portions of the bill are effective on July 1, 2007.

S.B. 578 (Chapter 347)

Senate Bill 578 provides for the implementation of the State's Capital Improvement Program (CIP) for the 2007-2009 biennium. The measure contains funding for the program in the amount of \$808.5 million that includes appropriations from the State General Fund totaling \$192.4 million and the issuance of \$520.5 million in general obligation bonds. Senate Bill 578 also authorizes the utilization of \$17.6 million in federal funds for projects for the Office of the Military, the Office of Veterans' Services, and the Department of Administration, and provides for the utilization of \$43.7 million in donations and other funding for the projects approved for the Nevada System of Higher Education (NSHE). Additionally, the bill appropriates \$19.4 million in State Highway Fund revenues for projects for the Department of Motor Vehicles and the Department of Public Safety.

The bill includes a 15.85 cent property tax levy for debt service in each year of the 2007-2009 biennium for general obligation bonds issued to finance the CIP. The measure provides that 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 1 on the November 2002 ballot. The approval of Question 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 2005-2007 biennium. The levies above the historic 15 cent levy (2 cents) are not subject to the \$3.64 local government property tax cap.

Two-thirds of the total CIP for the biennium is designated for two agencies the Department of Corrections (\$330 million) and for the NSHE (\$224 million). The more significant construction projects in the 2007-2009 CIP include the following:

Department of Corrections—The majority of the approved prison construction projects were needed because the number of inmates in the corrections system far exceeded projections for the 2005-2007 biennium; in addition, the system is expected to house over 13,000 inmates during the 2007-2009 biennium. The bill includes funding in the amount \$66.2 million for the expansion of the Southern Nevada Women’s Correctional Center located in North Las Vegas, adding a reunification center and additional beds. Another \$53.1 million is earmarked to construct the last two housing units at the High Desert State Prison located at Indian Springs, providing 560 new inmate beds. The bill also provides \$56.8 million to construct new and remodeled space for a correctional center/work camp at the existing Indian Springs Conservation Camp, including 384 new inmate beds and new structures for culinary, medical, and other support facilities.

Nevada System of Higher Education—Approximately \$246 million is earmarked for projects within the NSHE. Major projects include furnishings and equipment for the new library and Math/Science Center at the University of Nevada, Reno; the Science Engineering and Technology Building at UNLV; the academic/student services center at Nevada State College; and the Transportation Technology Building at Community College of Southern Nevada. One of the NSHE’s highest priorities was the Health Sciences System project. Senate Bill 578 provides funding of approximately \$127.4 million, including \$38.7 million of donated funds for the University of Nevada Health Sciences System. Monies are provided for five projects that include construction of a medical learning laboratory and renovation of existing space on the University of Nevada, Reno campus, as well as renovation and new construction of a biomedical research building and an advanced clinical training and research facility on Shadow Lane in Las Vegas.

Miscellaneous State Agency Projects—The bill provides \$29 million for a new headquarters and laboratory facility for the Department of Agriculture on undeveloped land at the Northern Nevada Adult Mental Health Services campus in Sparks. The measure also earmarks \$62.9 million to replace the existing Campos Building with a new five-story office building and parking structure. The new facilities will be constructed at the same location of the existing Campos Building in Las Vegas. Another \$20.5 million is provided for a Civil Support Team Weapons of Mass Destruction Readiness Center that will be located adjacent to the Las Vegas Readiness Center. The facility will provide the needed infrastructure to support a civil defense

team in Las Vegas to support federal, State, and local first responders in cases of chemical, biological, radiological, or nuclear attack. The bill also provides \$21.1 million for a multi-use building that co-locates the Department of Public Safety Training Academy and a new Highway Patrol substation in North Las Vegas.

Maintenance, Planning and Statewide Projects—Senate Bill 578 provides approximately \$76.3 million for various maintenance projects for existing State facilities; about \$23.7 million for studies, advance planning, and design projects; and approximately \$17.7 million for statewide projects, including roofing repairs, repaving projects, and fire, life safety, and accessibility projects. The maintenance projects include approximately \$37.6 million for the Department of Corrections for sewage treatment upgrades, replacement of doors, locks and control panels, chiller plant renovations, shower and bathroom renovations, and surveillance cameras.

Portions of the bill making appropriations from the 2007-2009 budget to the State Public Works Program for designated projects is effective on July 1, 2007; the remainder of the measure is effective on June 13, 2007.

S.B. 579 (Chapter 345)

Senate Bill 579 establishes the Legislative Counsel Bureau Disbursement Account. The bill also appropriates \$9,825,000 from the State General Fund to various programs and projects in Nevada. Major provisions of the bill are summarized in the following categories:

Cultural—To foster various cultural programs throughout Nevada, the measure appropriates:

- \$500,000 to the Anthony L. Pollard Foundation for the design, planning, and construction of the Carter G. Woodson Library in west Las Vegas;
- \$94,600 to the Great Basin Heritage Area Partnership to support programs that promote knowledge of the history and heritage of the central area of the Great Basin;
- \$228,056 to the Research Division of the Legislative Counsel Bureau to create an oral history of the Nevada Legislature;
- \$50,000 to the Nevada Arts Advocates to promote, support, and foster the arts;
- \$425,000 to the Nevada Arts Council to support the Council’s operations;
- \$50,000 to the Chinese Workers’ Museum in Carson City for costs associated with the planning, design, construction, and operation of the proposed museum; and
- \$150,000 to the Department of Cultural Affairs to create the Online Nevada Encyclopedia.

Parks and Recreation—The appropriations package sets aside funds for improvements and new facilities for parks and other recreational areas. The bill appropriates:

- \$225,000 to the Division of State Parks to develop a new picnic area at Spring Mountain Ranch State Park;
- \$163,760 to the City of Sparks to complete the construction of the Larry D. Johnson Community Center;
- \$200,000 to Elko County to acquire and maintain exhibits for the California Trail Interpretive Center;
- \$100,000 to the Division of State Parks to establish a state park designated as Monte Cristo's Castle in Esmeralda County; and
- \$157,754 to the City of Las Vegas for certain programs at Floyd Lamb State Park.

Health and Welfare—To provide additional social services to Nevadans, S.B. 579 appropriates:

- \$200,000 to the Family Development Foundation for domestic violence prevention programs and services in southern Nevada;
- \$250,000 to the Rape Crisis Center in southern Nevada to expand the Child Assault Prevention program;
- \$100,000 to the Center for Health Disparities Research at the University of Nevada, Las Vegas for a health education and promotion pilot program;
- \$200,000 to the Purchasing Division to supplement distribution costs in northern Nevada for the federal Commodity Supplemental Food Program;
- \$225,000 to Clark County for a demonstration project to provide discounted medical services for the uninsured;
- \$60,000 to the Keaton Raphael Memorial to provide financial assistance to families who have children with cancer and to provide related material resources for grants;
- \$50,000 to the Area Health Education Center of Southern Nevada for child abuse prevention projects and programs; and
- \$1 million to Opportunity Village for vocational training, employment and social recreation services for persons with intellectual disabilities in southern Nevada.

Education—Senate Bill 579 contains supplemental appropriations to increase educational opportunities and services. The bill appropriates:

- \$500,000 to the Interim Finance Committee for disbursement to Truckee Meadows Community College for the design and planning of the Spanish Springs Education Center, contingent upon the Board of Regents of the University of Nevada providing matching funds and the developer of the property extending the time for title transfer;
- \$200,000 to the University of Nevada, Las Vegas for special programs and fellowships sponsored by the Black Mountain Institute;
- \$1,050,000 to the Nevada Alliance of Boys and Girls Clubs and \$175,000 to the Nevada Public Education Foundation to establish Ready for Life through Project Learn programs and grants under certain circumstances;
- \$100,000 to the Challenger Learning Center of Northern Nevada for educational programs and equipment, staffing, facilities, and a Challenger simulator contract;
- \$109,590 to various recipients for the purchase of instruments, equipment, music, supplies, and software for music therapy services;
- \$50,000 to the Department of Education for allocation to school districts for participation in the JASON Project; and
- \$50,000 to Kids Voting Greater Las Vegas to train teachers, to create a KidsVention program, and to expand various programs.

Transportation—Providing funding for several infrastructure projects, the measure appropriates:

- \$86,240 to the Public Works Department to construct a sound barrier in the City of Fernley;
- \$300,000 to the City of Caliente to repair the access road into the Caliente Youth Center; and
- \$500,000 to the Commission on Tourism to make grants to small airports located in this State for the purpose of recruiting, retaining, stabilizing and expanding regional commercial air service within the State.

Other Administrative Provisions—Senate Bill 579 includes various other provisions funding state programs. The bill appropriates:

- \$50,000 to the Department of Agriculture for the payment of expenses incurred by the Advisory Council for Organic Agricultural Products;
- \$35,000 to fund the Nevada Youth Legislative Forum;
- \$200,000 to the Division of Forestry to match federal funding for support of the Urban and Community Forestry Program;
- \$250,000 to the Division of State Parks to prepare a comprehensive outdoor recreation plan in southern Nevada;
- \$500,000 to the Northern Nevada Development Authority to support rural economic development programs approved by the Commission on Economic Development;
- \$500,000 to the Nevada Institute for Renewable Energy Commercialization for the planning, initial staffing, and early implementation of the Institute;
- \$750,000 to the Nevada Fire Safe Council for a community-based wildfire threat reduction program;
- \$100,000 to the Advisory Council on the State Program for Fitness and Wellness for operational costs;
- \$50,000 to the Nevada Women’s Fund to assist with implementation of the Community Blueprint for Philanthropy’s plan in recognition of the Nevada Women’s Fund 25th Silver Anniversary; and
- \$15,000 to the Secretary of State for use by the Advisory Committee on Participatory Democracy for travel and operating costs.

Selected appropriations relating to cultural programs, state parks and community centers, education, transportation, energy, and fire safety are effective on June 13, 2007. The remaining programs relating to construction projects, health and welfare services, and education are effective on July 1, 2007.

See also Assembly Bill 2 (Chapter 9) of the 23rd Special Session.

See also Assembly Bill 3 (Chapter 10) of the 23rd Special Session.

See also Assembly Bill 5 (Chapter 11) of the 23rd Special Session.

See also Senate Bill 3 (Chapter 3) of the 23rd Special Session.

See also Senate Bill 4 (Chapter 4) of the 23rd Special Session.

See also Senate Bill 6 (Chapter 7) of the 23rd Special Session.

CAPITAL IMPROVEMENTS AND PUBLIC WORKS

A.B. 326 (Vetoed on June 2, 2007)

Assembly Bill 326 requires that on or before July 1, 2009, the State Public Works Board must compile a list of buildings in the State that are constructed of unreinforced masonry, and local governments must submit to the Board a list of such buildings within their jurisdictions. The local government must also notify the owner of a building of its placement on the list and of the seismic hazards resulting from unreinforced masonry.

(Veto sustained on June 2, 2007.)

A.B. 607 (Chapter 13)

Assembly Bill 607 removes the requirement approved by the 2005 Legislature that the State Public Works Board determine that additional funding is available for building the central dining room for the Veterans' Nursing Home in Boulder City before releasing funding for the design phase of the project. Further, this bill changes the scope of this project by deferring certain construction-related costs and requires the 2007 Legislature to review the deferred items and consider including funding these costs within the 2007 Capital Improvement Program (CIP). The measure also approves the use of the construction manager at risk project delivery methods to expedite the completion of this project.

The bill is effective on April 20, 2007.

S.B. 117 (Chapter 470)

Senate Bill 117 exempts from competitive public bidding, public purchasing rules, and other requirements for public works, contracts entered into by the Board of the Reno-Tahoe Airport Authority that relate to the construction of an integrated in-line explosive detection and security screening system for checked baggage, as mandated by the Transportation Security Administration of the United States Department of Homeland Security. The measure clarifies that any such contracts must contain provisions requiring the payment of prevailing wages.

The measure is effective on June 13, 2007, and expires by limitation on July 1, 2009.

S.B. 163 (Chapter 207)

Senate Bill 163 provides that the Manager of the State Public Works Board must serve as the building official for improvements constructed, altered, repaired, or remodeled on State buildings or structures under a lease-purchase or an installment-purchase agreement.

S.B. 193 (Chapter 4)

Senate Bill 193 appropriates \$1,594,501 from the State General Fund to the State Public Works Board to be allocated as follows: \$341,525 to support the Board in carrying out a portion of project 07-M01 HVAC Repairs to Evaporative Media; and \$1,252,976 to support the Board in carrying out Project 07-M02, Sawyer Building Tile, Concrete, Fountain, and Flag Pole. The measure exempts these projects from competitive bidding requirements. The bill

further requires cooperation among the State agencies involved in the project; specifies that qualified persons be employed to accomplish the work; and requires the Attorney General to approve contracts associated with the work authorized in the bill.

Any remaining balance of the appropriation for the preparation for these projects 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 March 28, 2007.

S.B. 201 (Chapter 498)

Senate Bill 201 relates to public works. This measure authorizes a public body to enter into contracts with a construction manager at risk for the preconstruction and construction of a public work and provides the method for selecting a construction manager at risk. Additionally, this measure requires a local government or its authorized representative to conduct a “constructability review” on certain public works to determine if the plans and specifications are complete before the local government may advertise for bids on a contract for a public work. Finally, this measure authorizes a public body to employ a construction manager as agent to assist the public body in overseeing the construction of a public work.

S.B. 387 (Chapter 529)

Senate Bill 387 restructures the State Public Works Board by altering the qualifications and experience of the members of the Board, reducing from six to four the number of appointments allocated to the Governor, and providing for one appointment each from the Majority Leader of the Senate and the Speaker of the Assembly. The measure provides for the appointment by the Board of a deputy manager for compliance and code enforcement and declares that he and the manager shall serve at the pleasure of the Board and the Governor. The bill also transfers some of the duties of the manager to the deputy manager for compliance and code enforcement and allows the manager, rather than the Board, to have final approval on the architecture, plans, designs, and construction of all State buildings. In addition, the measure increases the scope of monthly reports submitted by the manager concerning various capital improvement projects and revises the authority of the Board concerning the negotiation of revised bids on certain contracts and change orders.

The measure modifies the limitations on contract change orders on public works projects and clarifies the changes in project scope that require Interim Finance Committee (IFC) approval. The bill also removes the requirement that the Legislature or the IFC approve the use of contracted construction manager at risk, project cost estimation, or constructability review services for individual capital improvement projects. In addition, the measure authorizes the IFC to appoint a subcommittee to review certain matters of the Public Works Board that require prior approval of the Committee. Finally, S.B. 387 requires the Board, in consultation with the IFC, to establish a pilot program to analyze the costs and benefits of privatized construction project management and inspection services on public works projects.

Portions of the measure concerning the terms of current Board members and the appointment of existing or new Board members are effective on June 14, 2007. The remainder of the measure is effective on July 1, 2007.

S.B. 499 (Chapter 516)

Senate Bill 499 takes the State Public Works Board out of the process of approving plans for the construction and alteration of school buildings in all counties except Clark County. Instead, school districts in these counties must work with local building departments to obtain the review, approval, and inspection of such projects. If a school district is located in a county that does not have a local building department, the school district must contract with the State Public Works Board, a private entity, or the building department of another local government, to obtain the necessary reviews and inspections.

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, including those of the State Fire Marshal. Finally, S.B. 499 provides that an approval or inspection by the State Fire Marshal is not required if the work is inspected by the private entity or local building department.

The bill is effective on June 14, 2007.

S.B. 578 (Chapter 347)

Senate Bill 578 provides for the implementation of the State's Capital Improvement Program (CIP) for the 2007-2009 biennium. The measure contains funding for the program in the amount of \$808.5 million that includes appropriations from the State General Fund totaling \$192.4 million and the issuance of \$520.5 million in general obligation bonds. Senate Bill 578 also authorizes the utilization of \$17.6 million in federal funds for projects for the Office of the Military, the Office of Veterans' Services, and the Department of Administration, and provides for the utilization of \$43.7 million in donations and other funding for the projects approved for the Nevada System of Higher Education (NSHE). Additionally, the bill appropriates \$19.4 million in State Highway Fund revenues for projects for the Department of Motor Vehicles and the Department of Public Safety.

The bill includes a 15.85 cent property tax levy for debt service in each year of the 2007-2009 biennium for general obligation bonds issued to finance the CIP. The measure provides that 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 1 on the November 2002 ballot. The approval of Question 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 2005-2007 biennium. The levies above the historic 15 cent levy (2 cents) are not subject to the \$3.64 local government property tax cap.

Two-thirds of the total CIP for the biennium is designated for two agencies the Department of Corrections (\$330 million) and for the NSHE (\$224 million). The more significant construction projects in the 2007-2009 CIP include the following:

Department of Corrections—The majority of the approved prison construction projects were needed because the number of inmates in the corrections system far exceeded projections for the 2005-2007 biennium; in addition, the system is expected to house over 13,000 inmates during the 2007-2009 biennium. The bill includes funding in the amount \$66.2 million for the expansion of the Southern Nevada Women’s Correctional Center located in North Las Vegas, adding a reunification center and additional beds. Another \$53.1 million is earmarked to construct the last two housing units at the High Desert State Prison located at Indian Springs, providing 560 new inmate beds. The bill also provides \$56.8 million to construct new and remodeled space for a correctional center/work camp at the existing Indian Springs Conservation Camp, including 384 new inmate beds and new structures for culinary, medical, and other support facilities.

Nevada System of Higher Education—Approximately \$246 million is earmarked for projects within the NSHE. Major projects include furnishings and equipment for the new library and Math/Science Center at the University of Nevada, Reno; the Science Engineering and Technology Building at UNLV; the academic/student services center at Nevada State College; and the Transportation Technology Building at Community College of Southern Nevada. One of the NSHE’s highest priorities was the Health Sciences System project. Senate Bill 578 provides funding of approximately \$127.4 million, including \$38.7 million of donated funds for the University of Nevada Health Sciences System. Monies are provided for five projects that include construction of a medical learning laboratory and renovation of existing space on the University of Nevada, Reno campus, as well as renovation and new construction of a biomedical research building and an advanced clinical training and research facility on Shadow Lane in Las Vegas.

Miscellaneous State Agency Projects—The bill provides \$29 million for a new headquarters and laboratory facility for the Department of Agriculture on undeveloped land at the Northern Nevada Adult Mental Health Services campus in Sparks. The measure also earmarks \$62.9 million to replace the existing Campos Building with a new five-story office building and parking structure. The new facilities will be constructed at the same location of the existing Campos Building in Las Vegas. Another \$20.5 million is provided for a Civil Support Team Weapons of Mass Destruction Readiness Center that will be located adjacent to the Las Vegas Readiness Center. The facility will provide the needed infrastructure to support a civil defense team in Las Vegas to support federal, State, and local first responders in cases of chemical, biological, radiological, or nuclear attack. The bill also provides \$21.1 million for a multi-use building that co-locates the Department of Public Safety Training Academy and a new Highway Patrol substation in North Las Vegas.

Maintenance, Planning and Statewide Projects—Senate Bill 578 provides approximately \$76.3 million for various maintenance projects for existing State facilities; about \$23.7 million

for studies, advance planning, and design projects; and approximately \$17.7 million for statewide projects, including roofing repairs, repaving projects, and fire, life safety, and accessibility projects. The maintenance projects include approximately \$37.6 million for the Department of Corrections for sewage treatment upgrades, replacement of doors, locks and control panels, chiller plant renovations, shower and bathroom renovations, and surveillance cameras.

Portions of the bill making appropriations from the 2007-2009 budget to the State Public Works Program for designated projects is effective on July 1, 2007; the remainder of the measure is effective on June 13, 2007.

A.C.R. 12 (File No. 32)

Assembly Concurrent Resolution No. 12 reduces the scope of the High Desert State Prison Phase IV Housing Units Project in order to execute a contract with the lowest responsible and responsive bidder by April 5, 2007, to ensure the beds necessary to relieve existing and anticipated overcrowding will be available by September 2008. Items deferred by reducing the scope of this project will be reviewed by the 74th Session of the Legislature as part of the 2007 Capital Improvement Program. The measure transfers \$446,325 from the High Desert State Prison Installation of Generator Number 4 Project to the High Desert State Prison Phase IV Housing Units Project to allow for the execution of a construction contract.

COMMERCE

A.B. 2 (Chapter 78)

Assembly Bill 2 requires a body shop or garage to perform repairs on a motor vehicle in accordance with any manufacturer's specifications and with the written estimate agreed upon by the shop or garage and the person who authorized the repairs. When it is determined that the cost of an authorized repair will exceed the written estimate by 20 percent or \$100, whichever is less, the body shop or garage must notify both the owner and insurer of the motor vehicle, unless a written waiver has been executed.

Assembly Bill 2 also applies the trade practices presently required of garages to body shops.

A.B. 279 (Chapter 107)

Assembly Bill 279 provides that 60 percent of the unredeemed or uncharged value of a gift certificate sold or issued in Nevada on or after October 1, 2007, is presumed abandoned on its expiration date. The address of the State Treasurer is considered to be the address of the apparent owner of such a gift certificate if the seller does not maintain the name and address of the apparent owner.

The bill also provides that if a person imposes a service fee on the buyer of a gift certificate on the basis of inactivity, the duration of inactivity that causes the fee to be imposed must not be less than three years.

Finally, the measure requires the Treasurer, acting as the administrator of unclaimed property, to transfer all funds received during the previous 12 months and reported as gift certificates, minus costs, service charges, and amounts paid to claimants, into an educational trust fund to be allocated by the State.

A.B. 383 (Chapter 316)

Assembly Bill 383 prohibits a person from knowingly transporting, procuring transportation for, or assisting in the transportation of another person into Nevada who does not have the legal right to enter or remain in the United States, for financial gain or with the intent to:

- Subject the other person to involuntary servitude;
- Violate a State or federal labor law; or
- Commit any other crime punishable by a year or more in the State prison.

The bill creates the crime of "trafficking in persons," which is a category B felony. Violators may be charged as habitual felons with their personal property subject to forfeiture.

The measure also addresses the unlawful hiring or employment of unauthorized aliens by those holding Nevada business licenses. It directs the Nevada Tax Commission to hold a hearing to

determine whether to take action against a person who unlawfully hires or employs an unauthorized alien. If the Commission determines that the holder of a State business license willfully, flagrantly, or egregiously violated the applicable federal law and failed to verify the Social Security number of an employee, the Commission may impose an administrative fine.

Finally, A.B. 383 requires the Director of the Department of Business and Industry to include a link on the Department's Internet website that allows an employer to verify with the Social Security Administration the Social Security number of an employee.

A.B. 478 (Chapter 265)

Assembly Bill 478 relates to high-interest loans. The measure changes the term "short-term loan" to "high-interest loan," which is defined as a loan with an annual percentage rate of 40 percent or more, and establishes the method for calculating the annual percentage rate.

The original term of a high-interest loan must not exceed 35 days, unless certain conditions are met, in which case the term may not exceed 90 days. The original term of a deferred deposit loan may not exceed 35 days, and the original term of a title loan may not exceed 210 days, again assuming certain conditions are met. The measure limits the number of "single-advance, single-payment" loans that may be made to the same customer at one time and the amount of the fee, service charge, or annual percentage rate of interest that may be charged for any additional loans.

This bill also increases protection for members of the Armed Forces from unfair lending practices by making a violation of certain provisions of the John Warner National Defense Authorization Act for Fiscal Year 2007 a violation of Nevada law, and prohibiting a lender from engaging in any collection activity against a customer deployed in combat or his spouse.

A lender making installment loans not otherwise subject to statutory provisions governing deferred deposit loans, high-interest loans, title loans, and check-cashing services is nevertheless subject to the provisions governing installment lenders. Statutory provisions governing installment lenders also apply to any person who seeks to evade their application by any device, subterfuge, or pretense. If a person received a license prior to October 1, 2007, to issue installment loans, and that person is licensed to issue high-interest loans, the license is deemed to be a high-interest loan license, expiring on December 31, 2007, and it may be renewed.

NOTE: After the passage of A.B. 478, the Legislature passed Senate Bill 577 which, among other things, amended provisions in A.B. 478 concerning installment lenders. See S.B. 577 for additional information.

A.B. 526 (Chapter 326)

Assembly Bill 526 preempts any local law or agreement with a local government concerning franchising and regulating video services. The bill gives the Secretary of State exclusive authority to issue a certificate to a person to operate a video service network, and authorizes

the Secretary of State to collect filing and certification fees. On the bill's effective date, an incumbent cable operator providing service under a local franchise may elect to continue operations until the expiration date of the franchise or terminate the local franchise and apply for a certificate from the Secretary of State.

Assembly Bill 526 authorizes a local government to charge a video service provider a franchise fee for the privilege of providing service through a network that occupies or uses, in whole or in part, any public right-of-way or highway within its jurisdiction. In any year, the fee may not exceed 5 percent of the gross revenue the provider receives from subscribers in the local government's jurisdiction, and must be paid directly to the local government. The bill also establishes the rights and duties of video providers and local governments with regard to public, educational, and government ("PEG") video programming.

The bill provides that a local government must manage the use of public right-of-way in a competitively neutral manner consistent with federal and State law and its lawful police powers. A local government may require a video service provider to obtain a permit for work within a public right-of-way, and may charge a permit fee not to exceed its actual costs of administration and inspection.

Assembly Bill 526 also requires a provider of Internet service to enable a subscriber within Nevada to block all access to the Internet, block access to specific websites or domains he disapproves of, restrict access to specific websites or domains he approves of, and monitor a child's use of the Internet. A violation of these provisions constitutes a deceptive trade practice for purposes of civil and administrative remedies and penalties.

This bill is effective on June 4, 2007.

A.B. 560 (Chapter 50)

Assembly Bill 560 establishes requirements for agreements between debtors and third parties, under which the third party will assist in the recovery of any balance of the proceeds of a foreclosure sale due to the debtor. Such agreements must be in writing, must be signed by the debtor and notarized, and may not be entered into less than 30 days after the foreclosure sale.

Assembly Bill 560 also provides that a fee greater than \$2,500 for these third-party services is presumed to be unreasonable, but a third party seeking a fee that exceeds \$2,500 is authorized to apply to a court for permission to charge the higher fee.

S.B. 44 (Chapter 102)

Senate Bill 44 repeals the existing statutes concerning the disclaimer of property interests and enacts the Uniform Disclaimer of Property Interests Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 1999. The Act allows a person with an interest in or power over property who received that property as an heir or legatee to an estate or as a beneficiary of a nontestamentary transfer of property at death, to disclaim or renounce his interests in the property. It also establishes what interests may be disclaimed,

sets forth the time when a disclaimer is effective, and clarifies the effect of a disclaimer on the distribution of property interests.

S.B. 46 (Chapter 103)

Senate Bill 46 enacts the Uniform Custodial Trust Act, which was promulgated by the National Conference of Commissioners on Uniform State Laws in 1987. This bill makes a custodial trust available to anyone who executes a statement indicating that property is being placed in a custodial trust. Property may be placed in the trust immediately or upon the occurrence of a specific future event. The trustee's obligations arise upon acceptance of the property, and the trustee's subsequent duties and obligations are set forth in the bill.

The bill also provides sample statements to declare the custodial trust, transfer property, and accept property into the trust. Finally, the bill provides for trusts in which the beneficiary is an incapacitated person or when the beneficiary of the trust has become incapacitated.

S.B. 53 (Chapter 223)

Senate Bill 53 provides that a person is engaging in a deceptive trade practice if he advertises or conducts a live musical performance through use of a false, deceptive, or misleading affiliation, connection, or association with a recording group. No deceptive trade practice occurs if:

- The performing group owns the registered federal service mark for the recording group;
- At least one member of the performing group was a member of the recording group and has a legal right under the group name;
- The performance is clearly identified as a salute or tribute and is not confusing or misleading to the public;
- The advertising does not relate to a live performance in Nevada; or
- The recording group has expressly authorized the performance.

These provisions do not apply to the performance venue, unless the venue has a controlling or majority ownership interest in and produces the performing group.

This measure is effective on May 31, 2007.

S.B. 70 (Chapter 55)

Senate Bill 70 enacts the Uniform Prudent Management of Institutional Funds Act, which was adopted by the National Conference of Commissioners on Uniform State Laws in 2006. The measure provides statutory guidelines for the management, investment, and expenditure of endowment funds held by charitable institutions. It also allows for pooling of assets,

encourages prudent diversification of investments, and specifies factors that must be considered in managing and investing an institutional fund. These factors include general economic conditions, tax consequences, and expected returns. The bill also imposes certain limitations on the expenditure of institutional assets and specifies conditions under which an institution may delegate to an external agent the management and investment of an institutional fund.

Finally, S.B. 70 repeals the existing statutory provisions for charitable institutions previously adopted under the Uniform Management-of-Institutional-Funds Act.

This bill applies to institutional funds existing on or established after October 1, 2007. For existing funds, only decisions made or actions taken on or after October 1, 2007, are subject to the provisions of the bill.

S.B. 103 (Chapter 228)

Senate Bill 103 adopts the Uniform Unclaimed Property Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 1995. The measure reorganizes certain existing provisions in order to eliminate redundancy, particularly concerning abandoned and unclaimed property. It also reflects recent case law as it pertains to holders of unclaimed property in one state and owners in another state.

The bill clarifies the State's burden of proof with regard to the existence and amount of unclaimed property, and requires holders of unclaimed property and issuers of traveler's checks and money orders to maintain certain records. Finally, S.B. 103 eliminates existing criminal penalties and adds civil monetary penalties on holders who fail to report, pay, or deliver unclaimed property to the State.

S.B. 168 (Chapter 106)

Senate Bill 168 enacts the Uniform Assignment of Rents Act, promulgated by the National Conference of Commissioners on Uniform State Laws in 2005. The bill provides that any mortgage, deed of trust, or other instrument that gives a person a security interest in real property also creates an assignment of rents, which is a security interest in the rental income from that property.

Upon default on the debt associated with that property, the assignee may demand that the assignor pay any rents that he is entitled to collect or the assignee may enforce the assignment of rents and collect rental income from a tenant of the property. However, the bill provides that, under certain circumstances, the assignee may not enforce a security interest while the assignor occupies the real property as his primary residence. Once the assignment of rents is recorded and perfected, priority is given against others with unperfected interests or against assignees with interests that are perfected at a later date.

S.B. 242 (Chapter 480)

Senate Bill 242 enacts the Model Registered Agents Act and sets forth various procedures and requirements for commercial registered agents as they relate to filing, resignation, name or

address changes, and court actions. The measure changes the term “resident agent” to “registered agent” and differentiates between commercial and noncommercial registered agents. Before a person accepts an appointment as a registered agent, he must verify whether the business provides financial or lending transactions and, if so, that the business is authorized to conduct such business in this State. Further, the bill prohibits a registered agent from performing any financial transactions on behalf of the represented entity.

The measure authorizes the Commissioner of the Division of Financial Institutions to issue an order to a registered agent to cease and refrain from providing certain services if the represented entity does not have the required license and to assess an administrative fine up to \$1,000 for failure to comply with such order. The Secretary of State may adopt regulations to govern the conduct of registered agents.

Senate Bill 242 provides that upon application by a judgment creditor of a stockholder, a court may charge a stockholder’s stock with payment of an unsatisfied judgment under certain circumstances. The stock of certain corporations may be exempt from execution of a writ under certain circumstances.

The bill requires every registered agent to maintain a physical address, and further requires that the address for an agent of multiple business entities must be in a location zoned for such use. Finally, it requires a new registered agent who replaces a previous agent to maintain records for a period of three years.

Certain provisions of this bill related to the adoption of the Model Act and for the purpose of adopting regulations are effective on July 1, 2007, and on July 1, 2008, for all other purposes.

S.B. 352 (Chapter 407)

Senate Bill 352 enacts the Southern Nevada Enterprise Community Infrastructure Improvement Act. The bill establishes a nine-member Southern Nevada Enterprise Community Advisory Board, which is required to prepare a written plan to carry out the Nevada Enterprise Community Improvement Project. The Board shall advise local governments and residents of the community concerning the Project. The Project must include goals, objectives, and policies relating to:

- Infrastructure development to attract and maintain businesses within the Community;
- Mixed use development, including recreation, medical services, and open space;
- The rehabilitation of condemned properties and the removal of structures and facilities that serve as a disincentive for development; and
- The identification of revenue sources to carry out the Project.

The Advisory Board must also submit a report of its activities to the 2009 Session of the Nevada Legislature.

This measure also extends through Fiscal Year 2008-2009 the temporary tax incentive for locating or expanding businesses that are or will become grocery stores within the Southern Nevada Enterprise Community.

The bill is effective on June 13, 2007.

S.B. 577 (Chapter 421)

Senate Bill 577 makes technical changes to measures passed in the 74th Regular Session. The bill modifies the regulation of installment lenders by amending Assembly Bill 478 of this session. This measure specifies that an installment lender is only subject to regulation by the Division of Financial Institutions if the lender makes loans that are not subject to other state regulation; is an affiliate, subsidiary, or holding company of certain financial institutions; and makes an attempt to evade regulation by engaging in certain practices.

Senate Bill 577 also makes changes to the allocation of property taxes by Clark and Washoe Counties for highway construction and maintenance by amending A.B. 595 of this session. Senate Bill 577 specifies that the rate of such tax cannot be reduced by the counties without the approval of the State Board of Finance. Additionally, S.B. 577 places a limit on the security that may be provided for certain special obligation bonds on highway construction projects to ensure compliance with the constitutional limitation on state indebtedness.

Finally, S.B. 577 repeals changes related to bankruptcy exemptions enacted by S.B. 483 of this session. The measure removes sections related to payments for individual support that were in conflict with the federal Social Security Act.

The bill is effective on June 13, 2007.

Corporations, Partnerships, and Other Business Associations

A.B. 25 (Chapter 325)

Assembly Bill 25 requires certain business associations to maintain information concerning their ownership at the registered office or principal place of business. It similarly authorizes the Secretary of State to suspend or revoke the right of such associations to transact business in Nevada if they fail to comply with the requirements pertaining to this information.

The measure sets forth certain information that must be provided to the district court by an applicant for custodianship of a corporation and the information that must be provided by the custodian to the Secretary of State. It also provides for the licensing and regulation of transfer agents.

The bill provides the Office of the Secretary of State the authority to adopt regulations to develop an administrative process to remedy false or fraudulent records filed with the Office. The measure also allows a foreign limited partnership to abbreviate its name.

Finally, the measure also clarifies that the provisions of A.B. 26 of this Session only apply to entities that file their organizing documents with the Secretary of State on or after March 20, 2007, which is the effective date of A.B. 26. Additionally, A.B. 25 adds certain provisions to Senate Bill 72 concerning information provided by limited partnerships to the Secretary of State, and authority of the Secretary of State to take certain actions. These provisions are effective on June 4, 2007.

A.B. 127 (Chapter 471)

Assembly Bill 127 relates to debt collection. This measure provides an additional exception to the two-party consent rule to record telephone conversations by authorizing a person who receives a call from a collection agency regarding a debt owed by the person to record that telephone call. The person is required to make a statement immediately after the recording begins, notifying the collection agent that the call is being recorded.

In order to verify a debt, a collection agency is required to obtain documents related to the debt from the creditor and provide those documents to the debtor. The measure also requires a collection agency that is collecting a debt on behalf of a hospital to provide certain information related to the debt to a debtor not later than 5 days after the initial communication with the debtor.

The bill provides that a violation of the provisions of the federal Fair Debt Collection Practices Act regarding the verification of debts and the application of payments to multiple debts is deemed to be a violation of Nevada laws regulating collection agencies.

Assembly Bill 127 removes the exemption related to licensing by certain collection agencies and requires any person who engages in the business of collecting claims in Nevada to obtain either a license as a collection agency or a certificate of registration as a foreign collection agency. The measure also authorizes a collection agency to be licensed if it maintains an office either in Nevada or in another state.

Finally, A.B. 127 removes the requirement that a foreign collection agency must hold a license or permit in another state in order to qualify for a certificate in Nevada. Such an entity must also limit its activities to collecting claims from residents of Nevada on behalf of residents of other states.

The provisions that remove the exemption related to licensing requirements for certain collection agencies located outside the state are effective on January 1, 2008. The measure is effective on June 13, 2007, for all other purposes.

S.B. 72 (Chapter 146)

Senate Bill 72 adopts the 2001 Uniform Limited Partnership Act and provides an alternative method under which new or existing limited partnerships may elect to be governed. Specifically, the measure allows for continuation of a limited partnership as a perpetual entity unless termination is allowed in the partnership agreement. It also revises the right of a limited partner to withdraw from the partnership and makes partners exempt from personal liability for debts of the partnership under certain circumstances.

This measure provides for the dissolution of the partnership with consent of all general and limited partners owning a majority of the rights to receive distributions. Finally, it addresses the allocation of power between general and limited partners and their fiduciary duties under certain circumstances.

NOTE: After the passage of S.B. 72, the Legislature passed Assembly Bill 25 which, among other things, amended S.B. 72 to require limited partnerships to maintain a list of each general partner at its place of business and provide certain information to the Secretary of State. See A.B. 25 for additional information.

S.B. 483 (Chapter 456)

Senate Bill 483 revises provisions concerning various corporations, limited-liability companies, business and professional associations. Specifically, the measure addresses renunciation of certain business opportunities, clarifies situations in which a board of directors may authorize a transaction by written consent, and establishes provisions exempting certain directors from signing a written consent. The bill allows for the articles of incorporation or bylaws of the corporation to require more than a plurality of votes to elect the board of directors. It also provides that a reinstatement, renewal, or revival of certain business associations relate back to the date of forfeiture.

The bill allows for the dissolution of a limited-liability company prior to commencement of any business and addresses the enforcement of a limited-liability company's operating agreement under certain circumstances. It also expands the use of limited-liability companies by professional entities.

Finally, S.B. 483 addresses certain property of a judgment debtor, the filing of financing statements by transmitting utilities, and the sale of real property by a trustee upon default.

NOTE: After passage of S.B. 483, the Legislature passed S.B. 577 which, among other things, repealed the provisions of S.B. 483 related to certain property of a judgment debtor. See S.B. 577 for additional information.

S.B. 577 (Chapter 421)

Senate Bill 577 makes technical changes to measures passed in the 74th Regular Session. The bill modifies the regulation of installment lenders by amending Assembly Bill 478 of this session. This measure specifies that an installment lender is only subject to regulation by the Division of Financial Institutions if the lender makes loans that are not subject to other state regulation; is an affiliate, subsidiary, or holding company of certain financial institutions; and makes an attempt to evade regulation by engaging in certain practices.

Senate Bill 577 also makes changes to the allocation of property taxes by Clark and Washoe Counties for highway construction and maintenance by amending A.B. 595 of this session. Senate Bill 577 specifies that the rate of such tax cannot be reduced by the counties without the approval of the State Board of Finance. Additionally, S.B. 577 places a limit on the security that may be provided for certain special obligation bonds on highway construction projects to ensure compliance with the constitutional limitation on state indebtedness.

Finally, S.B. 577 repeals changes related to bankruptcy exemptions enacted by S.B. 483 of this session. The measure removes sections related to payments for individual support that were in conflict with the federal Social Security Act.

The bill is effective on June 13, 2007.

Financial Institutions and Procedures

A.B. 24 (Chapter 29)

Assembly Bill 24 provides that a credit reporting agency may not charge a consumer more than \$10 to place, remove, or temporarily release a security freeze on his file. The bill also prohibits a credit reporting agency from charging a person who is 65 years of age or older for these services.

A.B. 47 (Chapter 3)

Assembly Bill 47 provides that licensed attorneys do not fall under the definition of “collection agency” if they are retained to collect payment of clients’ claims in the usual course of their practice.

A.B. 87 (Chapter 328)

Assembly Bill 87 requires certain financial institutions, including banks, savings and loan associations, thrift companies, and credit unions, to provide training to officers and employees in methods to identify the exploitation of older and vulnerable persons and requires officers and employees to report known or suspected exploitation to a person designated by the financial institution. The person designated will determine whether a formal report to an appropriate agency is required, depending on the nature of the exploitation.

A.B. 114 (Chapter 23)

Assembly Bill 114 requires a person who makes an offer of credit for a credit card by mail, and who receives an acceptance with a substantially different address than the one to which the offer was sent, to verify that the person accepting the offer is the same person to whom the offer was made.

This measure also authorizes a person to sue for actual damages, costs, reasonable attorney's fees, and punitive damages if he has suffered injury as the proximate result of a violation of laws that prohibit the use of personal identifying information by public officers or employees and possession of information to establish a false identity.

A.B. 215 (Chapter 202)

Assembly Bill 215 provides that an out-of-state depository institution that establishes or acquires a branch office in any county except Clark and Washoe Counties is still considered an out-of-state depository institution without a branch in Nevada for regulatory purposes. An out-of-state institution that has established or acquired a branch in such a county on or before April 1, 2007, or has approval to do so, may establish or acquire a branch in Clark or Washoe Counties, provided that it continues to operate a branch in the less-populous county. Additionally, A.B. 215 allows an out-of-state depository institution that establishes or acquires a branch office pursuant to the terms of this bill to issue a credit card under certain circumstances.

The bill also prohibits the issuer of a credit card from: (1) increasing the interest rate it charges based upon a late payment by the cardholder to an unrelated credit card issuer or creditor; (2) including a universal default clause in a credit card account contract; and (3) prohibiting or attempting to prohibit a merchant from offering a discount to a customer to induce the customer to pay for goods or services with means other than a credit card.

Provisions of the bill relating to out-of-state depository institutions are effective on May 30, 2007. Provisions relating to issuers of credit cards are effective on July 1, 2007.

A.B. 329 (Chapter 91)

Assembly Bill 329 requires the Commissioner of Financial Institutions, with the cooperation of the Commissioner of Mortgage Lending, to adopt regulations on nontraditional mortgage loan products and practices. Nontraditional mortgage loans include such products as interest-only loans and payment option adjustable rate mortgages. The regulations must apply to persons and institutions who make loans secured by liens on real property and who are required to be licensed as banks, other financial institutions, or mortgage agents, bankers, or brokers.

The regulations must be substantially similar to the guidance published by the Conference of State Bank Supervisors and the American Association of Residential Mortgage Regulators.

This measure is effective on May 21, 2007, for the purpose of adopting regulations and performing necessary administrative tasks, and on January 1, 2008, for all other purposes.

A.B. 359 (Chapter 204)

Assembly Bill 359 relates to statutory liens. This measure revises the definition of “lien claimant” that applies to mechanics’ and materialmen’s liens to include an express trust fund to which any portion of the total compensation of a laborer must be paid under an agreement with that laborer or the laborer’s collective bargaining agent. The compensation includes, without limitation, any fringe benefit.

This bill is effective on May 30, 2007.

A.B. 375 (Chapter 266)

Assembly Bill 375 requires an initial applicant for licensure as a mortgage broker or agent to complete specified educational requirements. The bill requires the Commissioner of the Mortgage Lending Division to adopt regulations relating to continuing education and establishes certain parameters for continuing education.

Assembly Bill 375 requires a mortgage broker or banker to ensure that each loan he engages in that is secured by a lien on real property includes a reasonable servicing fee as necessary to pay the costs of servicing the loan. A broker or banker must also ensure that all money paid to him for servicing a loan is deposited in an insured account and kept separate from money belonging to the broker or banker. Mortgage brokers and bankers who are securities dealers must not commingle money they receive for mortgage and securities transactions.

The bill requires a mortgage broker or banker to submit quarterly reports to the Commissioner concerning the trust accounts he has established, to review each trust account annually, and to notify the debtor of the amount by which contributions exceed the amount reasonably necessary to pay the annual cost of servicing the loan. The measure authorizes the Commissioner to conduct biennial rather than annual examinations of certain mortgage brokers and bankers and establishes certain reporting requirements regarding trust accounts.

Assembly Bill 375 directs the Commissioner to adopt regulations establishing the requirements for investors who acquire an interest in a loan secured by a lien on real property. The regulations must establish limits on loans a mortgage banker makes to his directors, officers, mortgage agents, or employees.

This bill also provides that the statutes applicable to mortgage brokers, agents, and bankers do not apply to a subsidiary, or holding company of a bank, savings bank, trust company, savings and loan association, consumer finance company, industrial loan company, credit union, thrift company, or insurance company.

This bill is effective on June 1, 2007, for the purpose of adopting regulations, administering certain examinations, and approving courses of continuing education. The sections amending the requirements for licensure as a mortgage broker or mortgage agent are effective on July 1, 2008. The remainder of the measure is effective on October 1, 2007.

A.B. 423 (Chapter 45)

Assembly Bill 423 defines the term “community land trust” and provides that a community land trust is exempt from prohibitions on the use of the word “trust” in its corporate name.

A.B. 440 (Chapter 492)

Assembly Bill 440 applies to mortgage lending and foreclosures. This measure provides that it is an unfair lending practice for a lender to knowingly make a low-document, no-document, or stated-document home loan based solely upon the equity of the borrower in the home or without determining the borrower’s ability to repay, unless the loan is a reverse mortgage.

The bill establishes the crime of mortgage lending fraud, which is a category C felony, and provides that a person who engages in a pattern of mortgage lending fraud is guilty of a category B felony. If a lender or his agent commits mortgage lending fraud, the mortgage transaction is voidable by the borrower and may be rescinded within six months of the date of the conviction. However, a mortgage lending transaction is not voidable if the lender has transferred the mortgage to a bona fide purchaser.

The measure provides that a violation of provisions of the John Warner National Defense Act that impose limitations on terms of consumer credit extended to service members and dependents is a violation of Nevada’s laws pertaining to high-interest lending and installment loans, and makes changes to the way these institutions can collect debts owed by members of the military and their spouses.

Assembly Bill 440 also prohibits certain acts by foreclosure consultants and authorizes the Commissioner of Mortgage Lending to impose an administrative penalty of not more than \$10,000 on a consultant who violates any of those provisions. A homeowner who is injured as a result of a foreclosure consultant’s prohibited acts may bring an action against the consultant to recover damages, together with attorney’s fees and costs, and—if he prevails—may also receive punitive damages in an amount not less than 150 percent of the actual damages.

The bill likewise provides that a foreclosure transaction is voidable in the event of fraud, and may be rescinded within two years, if the property has not been transferred to a bona fide purchaser.

S.B. 148 (Chapter 133)

Senate Bill 148 requires a trustee to allocate to principal any money that is received from a distribution if he determines that the money is a return on capital to the extent that it exceeds the amount of income tax paid by the beneficiaries and the trust under certain circumstances. The measure sets forth the considerations that must be made by the trustee, the method for resolving any doubt concerning the portion of a distribution that is a return on capital, and other sources of information upon which the trustee may rely.

The bill also limits to not more than 5 percent the regular compensation that may be paid from a trust’s income for the services of a trustee and anyone providing advisory or custodial

services to that trustee. The amount is determined by first calculating the amount paid equally from the trust's income and principal. The amount paid from the income portion may not exceed 5 percent, with the remainder paid out of the trust's principal. However, if the amount does not reach the 5 percent threshold, the compensation is paid equally from both portions.

S.B. 302 (Chapter 130)

Senate Bill 302 prohibits a credit card issuer from increasing the interest rate charged to a cardholder based on a late payment by the cardholder to another issuer or creditor that is not an affiliate or subsidiary of that issuer or creditor. The bill also prohibits an issuer from including a provision in the contract or credit card agreement that would allow the issuer to increase the rate for this reason. Finally, the measure provides that credit card issuers cannot prohibit a merchant from offering a cash discount to entice a customer to pay by cash, check, or similar means.

S.B. 476 (Chapter 517)

Senate Bill 476 transfers regulatory and licensing authority concerning qualified intermediaries from the Real Estate Division to the Division of Financial Institutions of the Department of Business and Industry. It renames the entities to be regulated and licensed as "exchange facilitators," and expands the scope of this term to include both qualified intermediaries and exchange accommodation titleholders.

The measure requires licensees to maintain fidelity bonds amounting to at least \$1 million and liability insurance in an amount not less than \$250,000, or an equivalent amount in cash on deposit with the Division of Financial Institutions. The Division is also authorized to adopt regulations prescribing amounts required for liquidity purposes.

Senate Bill 476 authorizes the Division to discipline licensees and provides disciplinary procedures and penalties. It requires the Commissioner of Financial Institutions to conduct periodic audits of licensees and requires that annual audit reports be filed with the Legislature.

The Division may issue a reciprocal license to a person who is licensed as an exchange facilitator in another state in certain circumstances, and may issue a special license to a financial institution that maintains an office in this State under certain conditions.

The bill is effective on July 1, 2007.

Professions and Occupations (see also Health Care)

A.B. 9 (Chapter 11)

Assembly Bill 9 revises provisions governing the licensing of mortgage agents. This bill allows a person who meets the qualifications for licensing to be licensed on behalf of a professional corporation of which he is the sole shareholder, or on behalf of a limited-liability company of which he is the manager.

This bill is effective on July 1, 2007.

A.B. 26 (Chapter 2)

Assembly Bill 26 requires the Secretary of State to verify that the principals of a private, foreign, or nonprofit corporation, a limited liability company, a limited liability partnership, or a limited partnership hold a certificate of registration issued by the State Board of Architecture, Interior Design and Residential Design before the business entity can use identifying terms relating to architecture, interior design, or residential design.

This bill is effective on March 20, 2007.

NOTE: After the passage of A.B. 26, the Legislature passed A.B. 25 which, among other things, clarifies that A.B. 26 applies only to entities that file their organizing documents on or after March 20, 2007. See A.B. 25 for additional information.

A.B. 32 (Chapter 8)

Assembly Bill 32 increases from three to five the number of members of the Certified Court Reporters' Board of Nevada, including the addition of a member representing the general public, and amends the quorum requirements accordingly. The measure also expands the list of national certifications that may be used to satisfy the requirements for admission to the Board's competency examination.

This bill is effective on July 1, 2007.

A.B. 35 (Chapter 21)

Assembly Bill 35 reduces from five years to three years the period during which a licensee of the Board of Hearing Aid Specialists may have an expired license renewed without having to take an examination if the expiration of the license was due to a failure of the licensee to pay the annual fee or submit all information required for a license renewal.

This bill is effective on July 1, 2007.

A.B. 55 (Chapter 281)

Assembly Bill 55 adds voice writing as a form of court reporting accepted and certified by the Certified Court Reporters' Board of Nevada and amends the court reporting provisions accordingly.

The bill is effective on July 1, 2007.

A.B. 56 (Chapter 200)

Assembly Bill 56 requires the State Contractors' Board to impose an administrative fine of not less than \$1,000 and not more than \$50,000 against a licensed contractor who knowingly enters into a contract with an unlicensed contractor. Additionally, the bill authorizes the Board to suspend the contractor's license for six months. For a second offense, the Board must impose a fine of not less than \$5,000 and not more than \$50,000, and may suspend the

contractor's license for one year. For a third offense or subsequent offense, the Board must impose a fine of not less than \$10,000 and not more than \$50,000, and may revoke the contractor's license.

Assembly Bill 56 also provides that knowingly bidding to contract or entering into a contract with a contractor for work in excess of his limit or beyond the scope of his license constitutes cause for disciplinary action.

A.B. 365 (Chapter 171)

Assembly Bill 365 authorizes the Real Estate Division of the Department of Business and Industry to create an Internet website for renewals of licenses, permits, certificates, and registrations it administers and to charge an additional fee for its use, not to exceed the actual cost.

This measure is effective on July 1, 2007.

A.B. 424 (Chapter 515)

Assembly Bill 424 establishes the practice of clinical professional counseling as a learned profession affecting the public safety and subject to protection and regulation by the State of Nevada. The bill changes the name of the Board of Examiners for Marriage and Family Therapists to the Board of Examiners for Marriage and Family Therapists and Clinical Professional Counselors, and adds members to the Board who are licensed clinical professional counselors in good standing. The measure authorizes the Board to issue a license to a clinical professional counselor, licensed clinical professional counselor intern, or marriage and family therapist intern who has the required education and experience.

This measure also provides that communications between a client and a clinical professional counselor for the purpose of diagnosis or treatment are confidential, and a client may claim a privilege to refuse to disclose those confidential communications. The clinical professional counselor may also claim the privilege on behalf of the client.

Assembly Bill 424 also establishes the clinical practice of counseling alcohol and drug abusers and authorizes the Board of Examiners for Alcohol, Drug and Gambling Counselors to issue a license to a clinical alcohol and drug abuse counselor or intern who has the required education and experience.

The bill also provides that if a policy of health insurance provides coverage for treatment of an illness within the authorized scope of practice of a licensed clinical professional counselor or clinical alcohol and drug abuse counselor, the insured is entitled to reimbursement for treatment by such a counselor.

This bill is effective on June 14, 2007, for the purpose of adopting regulations. Provisions of this bill that add two new members to the Board are effective on July 1, 2007. Provisions of

this bill that add a third new member to the Board are effective on July 1, 2008. This bill is effective on July 1, 2007, for all other purposes.

A.B. 531 (Chapter 292)

Assembly Bill 531 removes the Attorney General from the Private Investigator's Licensing Board and adds another member to the Board representing the general public. The bill also creates the Fund for the Private Investigator's Licensing Board within the State General Fund.

This measure also authorizes the Board to employ an executive director who serves at the pleasure of, and whose compensation is set by, the Board.

This measure is effective on July 1, 2007.

A.B. 562 (Chapter 340)

Assembly Bill 562 requires a person who holds a license, permit, or registration from the Real Estate Division of the Department of Business and Industry to notify the Division in writing if he is convicted of, or enters a plea of guilty or nolo contendere on, a felony related to his practice, or a crime involving moral turpitude. This bill also authorizes the disclosure of confidential information on complaints to a licensing board or government agency investigating a person regulated by the Real Estate Division.

Assembly Bill 562 also:

- Raises to \$10,000 the maximum administrative fine the Real Estate Commission and the Commission of Appraisers of Real Estate may impose;
- Removes from statutes a provision that prescribed the regulatory standards for the continuing education of persons licensed as real estate brokers or salesmen;
- Provides that a proceeding to suspend, revoke, or deny the license or registration of an owner-developer may be commenced within five years of the date of the act charged;
- Authorizes a business-broker applicant to meet instruction requirements through distance education; and
- Requires an intern appraiser who terminates his association with an appraiser to associate with another certified appraiser within 60 days.

A.B. 592 (Chapter 341)

Assembly Bill 592 directs the State Contractors' Board to adopt regulations limiting the amount of asbestos a licensed contractor without such a specialty license may abate or remove.

This measure is effective on June 4, 2007.

S.B. 19 (Chapter 506)

Senate Bill 19 relates to the Chiropractic Physicians' Board of Nevada. The measure changes certain licensing and continuing education requirements for chiropractic practitioners. The bill establishes criteria for reinstating a suspended license, requires a license or certificate to be renewed biennially, and revises the schedule of maximum fees to reflect biennial renewals. The measure also increases to 36 hours the amount of continuing education a licensee must complete during the 24 months immediately preceding license renewal.

This bill is effective on July 1, 2007.

S.B. 227 (Chapter 129)

Senate Bill 227 provides that failure of a licensee of the Nevada State Funeral Board to immediately notify the Committee on Anatomical Dissection that he has come into possession of a human body that is unclaimed or required to be buried at public expense constitutes unprofessional conduct for which the Board may take disciplinary action.

S.B. 243 (Chapter 198)

Senate Bill 243 concerns civil actions for nonresidential construction defects. The bill requires an affidavit and report to be prepared by a qualified expert indicating that an action against a design professional in a nonresidential construction claim has a reasonable basis in law and fact. The affidavit must be filed with the court by the plaintiff's attorney as outlined in the measure, or the action will be dismissed.

S.B. 279 (Chapter 247)

Senate Bill 279 revises various provisions governing the State Contractors' Board. The bill authorizes the Board to investigate a person acting in the capacity of a contractor with or without a license. The Board may order a person who has violated the laws regarding contractors to take corrective action, pay an administrative fine, or reimburse the Board for its costs of investigation. The failure of an unlicensed person to comply with a final order or citation is a misdemeanor.

Senate Bill 279 also provides that failure of an applicant or licensee to file or maintain required industrial insurance is cause for denying, revoking, suspending, or refusing to renew a license or taking other disciplinary action.

The bill also exempts from regulation any work with a value less than \$1,000, with certain exceptions, changes the term of a contractor's license to two years, and makes various changes to the organization and administration of the Board.

This measure is effective on May 31, 2007. The amendatory provisions that change the license renewal period do not apply to a license issued before the effective date until the first license renewal date after the effective date.

S.B. 310 (Chapter 507)

Senate Bill 310 makes various changes regarding professional and occupational licensing boards. The bill requires a board that uses an examination produced or administered by another organization to use that organization's scoring method for determining a passing grade. The bill also increases to \$150 the maximum daily salary for members of those boards that pay a salary, and provides that boards that have authority to charge and collect fees may do so for expediting requests and providing incidental services.

Senate Bill 310 also:

- Requires licensing boards to submit certain reports to the Director of the Legislative Counsel Bureau in an electronic format;
- Requires the Legislative Committee on Health Care to appoint a subcommittee to review the regulation of health care providers and submit a report to the Committee by June 30, 2008; and
- Establishes a biennial licensing renewal program within the State Board of Cosmetology, based on the licensee's birthday in alternating years.

This bill is effective on June 13, 2007.

NOTE: After the passage of S.B. 310, the Legislature passed S.B. 4 during the 23rd Special Session which, among other things, repealed the provisions in S.B. 310 that would have required the Legislative Committee on Health Care to appoint a subcommittee to review the regulations of health care providers. See S.B. 4 of the 23rd Special Session for additional information.

S.B. 473 (Chapter 65)

Senate Bill 473 requires the Office of Disability Services of the Department of Health and Human Services to regulate the practice of interpreting and the practice of realtime captioning. The Office must establish a registry of persons providing such services and make the registry available to the general public.

Senate Bill 473 changes the name of the Advisory Committee on Deaf and Hard of Hearing Persons to the Committee on Communication Services for Deaf and Hard of Hearing Persons and Persons with Speech Disabilities, and revises its composition and duties.

Finally, the bill authorizes certain judicial officers to appoint an interpreter who is not registered if specific conditions are met.

The bill is effective on May 17, 2007, for the purpose of adopting regulations, appointing members to the Committee, and performing other preparatory administrative tasks, and on October 1, 2008, for all other purposes.

S.B. 477 (Chapter 236)

Senate Bill 477 authorizes the Administrator of the Real Estate Division of the Department of Business and Industry to issue to a qualified applicant a provisional license to sell time shares. A provisional licensee may not perform sales-related activities or collect personal information from a purchaser unless the provisional licensee is under the supervision of the licensee's project broker or a cooperating real estate broker. Except as otherwise provided, a provisional license expires one year after issuance and may not be renewed.

The bill is effective on May 31, 2007.

CONSTITUTIONAL AMENDMENTS

A.J.R. 3 (File No. 101)

Assembly Joint Resolution No. 3 proposes to amend Section 8, Article 1 of the *Constitution of the State of Nevada* to provide that, except under certain circumstances, private property may not be taken through an eminent domain proceeding if it is to be transferred to a private party.

The amendment proposed by this measure also provides for the manner of computing just compensation to the owner of condemned property, and stipulates that neither party to an eminent domain proceeding is liable for the other party's attorney's fees, except under certain circumstances. It provides that the original property owner must be given the opportunity to reacquire the property if the entity that took it has failed to put it use within 15 years.

Finally, A.J.R. 3 provides that if the People's Initiative to Stop the Taking of Our Land (PISTOL) is approved at the 2008 General Election, it will be repealed upon final approval of PISTOL by the voters.

If approved in identical form during the 2009 Session of the Legislature, A.J.R. 3 will be submitted to the voters for final approval or disapproval at the 2010 General Election.

A.J.R. 10—73rd Session (File No. 35)

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.

This measure was approved in identical form during the 2005 and 2007 Sessions of the Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2008 General Election.

NOTE: After passage of A.J.R. 10 from the 73rd Session, the Legislature passed Senate Joint Resolution No. 3 which, among other things, would repeal the provisions of A.J.R. 10. See S.J.R. 3 for additional information.

A.J.R. 16—73rd Session (File No. 91)

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.

This measure was approved in identical form during the 2005 and 2007 Sessions of the Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2008 General Election.

S.J.R. 1 (File No. 40)

Senate Joint Resolution No. 1 proposes to amend the *Nevada Constitution* to remove the requirement for an affidavit affixed to a referendum or initiative petition stating that all of the signatures on the document are genuine signatures of persons who are registered voters in the counties in which they reside.

If approved in identical form during the 2009 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2010 General Election.

NOTE: After passage of S.J.R. 1, the Legislature passed S.J.R. 3 which, among other things, would repeal the provisions of S.J.R. 1. See S.J.R. 3 for additional information.

S.J.R. 2 (File No. 104)

Senate Joint Resolution No. 2 proposes to amend the *Nevada Constitution* to provide for the initial appointment of Supreme Court Justices and District Court Judges, followed by a retention election by the voters in Nevada. An initial appointment is made by the Governor from candidates chosen by the Commission on Judicial Selection. This appointment expires on the first Monday of January following the general election that occurs at least 12 months after appointment.

Upon declaration of candidacy for retention, a justice or judge must undergo a performance review by the newly created Commission on Judicial Performance. The Commission must issue a report to the public of its review and recommendation prior to the retention election. If 55 percent of the votes cast are in favor of retention, the justice or judge serves a six-year term and is subject to another retention election and performance review at the end of each six-year term. If he does not declare his candidacy or receives less than 55 percent of the votes cast, the vacancy is again filled through the appointment process.

If approved in identical form during the 2009 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2010 General Election.

S.J.R. 3 (File No. 105)

Senate Joint Resolution No. 3 proposes to amend the *Constitution of the State of Nevada* to provide that an initiative petition must be signed by at least 10 percent of the registered voters in the state who voted at the last preceding general election.

The measure also proposes to repeal provisions contained in Assembly Joint Resolution No. 10 of the 73rd Session that eliminate the requirement that a person must reside in Nevada for at least 30 days prior to an election to be eligible to vote in that election. Similarly, it proposes to repeal provisions contained in S.J.R. 1 of the 74th Session, which eliminate the requirement that a notarized affidavit accompany the signatures on a petition affirming that those who signed the petition were, at the time of signing, registered voters in the county in which they reside. The provisions of both of these repealed resolutions have been included in S.J.R. 3 to help avoid voter confusion by reducing the number of questions upon which voters will be asked to decide.

If approved in identical form during the 2009 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2010 General Election.

S.J.R. 4 (File No. 92)

Senate Joint Resolution No. 4 proposes to amend the *Nevada Constitution* to require the Legislature to provide for the organization and duties of the Board of Regents and the appointment of its members by the Governor.

If approved in identical form during the 2009 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2010 General Election.

S.J.R. 9 (File No. 69)

Senate Joint Resolution No. 9 proposes an amendment to the *Nevada Constitution* to allow for an intermediate appellate court, known as the Court of Appeals, with jurisdiction in civil cases arising in district court and in criminal cases within the original jurisdiction of the district courts.

If approved in identical form during the 2009 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2010 General Election.

COURTS AND JUDICIAL PROCEDURES

A.B. 20 (Chapter 73)

Assembly Bill 20 reduces from 65 to 30 the number of miles a juror must travel in order to be reimbursed for travel expenses.

The bill is effective on July 1, 2007.

A.B. 49 (Chapter 136)

Assembly Bill 49 provides a jury service exemption for a police officer, defined in statute as a sheriff, deputy sheriff, officer of a metropolitan police department, or city policeman. The measure also provides that the court shall grant a temporary excuse from jury service to a primary caregiver of another person who has a documented medical condition and requires the assistance of another person at all times.

The bill is effective on May 29, 2007. The jury service exemption for police officers expires by limitation on July 1, 2011.

A.B. 100 (Chapter 22)

Assembly Bill 100 authorizes a certified court reporter to administer oaths and affirmations without being appointed as a notary public.

This bill is effective on July 1, 2007.

A.B. 190 (Chapter 139)

Assembly Bill 190 requires that a court that exonerates a surety in certain cases to prepare an order exonerating the surety and to forward a copy of that order to the Office of the Court Administrator. The bill also requires the district attorneys to submit information concerning murder or involuntary murder charges to the Attorney General, instead of the Supreme Court, on a form approved by the Attorney General. Finally, the bill deletes the requirement for the Supreme Court to provide to the Legislature a report concerning this information.

This measure is effective on July 1, 2007.

A.B. 193 (Chapter 327)

Assembly Bill 193 reinstates the plea of guilty but mentally ill and provides that a defendant found guilty but mentally ill is generally subject to the same penalties and procedures as a defendant who is found guilty of the same offense. During a trial in which a defendant pled not guilty by reason of insanity, the defendant may be found guilty but mentally ill if a judge or jury finds beyond a reasonable doubt that the defendant is guilty of the crime and finds by a preponderance of the evidence that the defendant was mentally ill at the time the crime was committed and was not insane for purposes of the insanity defense.

An inmate who was found guilty but mentally ill must receive treatment that is medically indicated for the mental illness. If the sentence includes a period of confinement at a State facility, the inmate must be separated from the general prison population until a licensed psychiatrist or psychologist employed by the Department of Corrections finds that acute mental health care is no longer required. However, if the inmate returns to the general population, the inmate must continue to receive any treatment that is medically necessary for the mental illness.

The bill also codifies the standard for establishing the plea of not guilty by reason of insanity and clarifies that voluntary intoxication does not qualify for the insanity defense. Upon acquittal by reason of insanity, A.B. 193 establishes procedures for a defendant's discharge or conditional release from the custody of the Division of Mental Health and Developmental Services of the Department of Health and Human Services. Eligibility for discharge or conditional release is based on a preponderance of the evidence that the individual would not be a danger to ones self or others as a result of the mental disorder.

A.B. 230 (Vetoed on May 31, 2007)

Assembly Bill 230 provides that the jurisdiction of the justice courts extends to the limits of their respective counties and to the limits of all counties that have common boundaries with their respective counties in cases where an arrest is made by a field agent or an inspector of the State Department of Agriculture. An exception to this provision exists when a person is arrested in the county where he resides, in which case the justice of the peace of that county has sole jurisdiction of the matter.

(Veto sustained on June 2, 2007.)

A.B. 246 (Chapter 363)

Assembly Bill 246 increases from 12 to 14 the number of district judges in Washoe County and increases from 37 to 43 the number of district judges in Clark County. Both of the new judges in Washoe County are added to the family court, increasing the number of family court judges from four to six. Five of the additional six new judges in Clark County are added to the family court, increasing the number of family court judges from 13 to 18. This bill also appropriates from the State General Fund to the District Judges' Salary Account a total of \$852,992 to cover the salary costs of the new judges.

Provisions of this bill concerning the seating of the new judges are effective on January 5, 2009. Provisions of this bill that appropriate money to fund the new judges are effective on July 1, 2008. All other provisions of this bill are effective on October 1, 2007.

NOTE: After passage of A.B. 246, the Legislature passed A.B. 4 of the 23rd Special Session, which repealed the provisions of A.B. 246 related to the number of judges in the 3rd Judicial District. See A.B. 4 of the 23rd Special Session for additional information.

A.B. 323 (Chapter 170)

Assembly Bill 323 revises the amount paid to a witness who appears in a court or grand jury proceeding from 19 cents per mile traveled to the standard mileage reimbursement rate allowed for a federal income tax deduction.

This bill is effective on July 1, 2008.

A.B. 353 (Chapter 43)

Assembly Bill 353 authorizes a child to petition the court for the restoration of parental rights of the child's natural parent if the child has not been adopted. The natural parent or parents for whom restoration of parental rights is sought must consent in writing to the petition. The bill sets forth proceedings governing the notice required before a hearing on the petition and specifies that certain persons must be personally served with the notice.

The court must hold a hearing on a valid petition to determine whether to restore the parental rights. Assembly Bill 353 sets forth the certain findings that must be made before the court may grant such a petition and requires the court to order the restoration of parental rights if it finds the child is not likely to be adopted and such restoration is in the best interests of the child.

A.B. 364 (Vetoed on June 4, 2007)

Assembly Bill 364 allows a defendant to submit a statement to a grand jury indicating whether a preliminary hearing was held and, if so, whether the evidence presented was considered insufficient to hold the defendant over for trial.

(Veto sustained on June 4, 2007.)

A.B. 482 (Chapter 46)

Assembly Bill 482 prohibits any investigator from requiring a victim of a sexual offense to take a polygraphic examination to verify the victim's allegations. The measure also requires a court to notify a defendant convicted of a misdemeanor or felony domestic violence offense that possession, shipment, transportation, or receipt of a firearm or ammunition may constitute a felony pursuant to state or federal law.

A.B. 483 (Chapter 512)

Assembly Bill 483 adds three items to the list of property of a judgment debtor that is exempt from execution. The items added are: (1) all money reasonably deposited with a landlord to secure an agreement to rent or lease a dwelling that is used as a primary residence; (2) up to \$1,000 in personal property that is not otherwise exempt; and (3) the proceeds of an earned income tax credit provided by federal or State law.

The measure also increases the homestead exemption to \$550,000.

Finally, the bill increases the limitation on damages that may be awarded in a tort action brought against a governmental entity or its officers or employees to \$75,000 in October 2007 and to \$100,000 in October 2011.

The provision that increases to \$75,000 the limitation on damages that may be awarded in a tort action brought against a governmental entity is effective on October 1, 2007. The provision that increases the limitation to \$100,000 is effective on October 1, 2011. This bill is effective on July 1, 2007, for all other purposes.

A.B. 490 (Chapter 336)

Assembly Bill 490 requires that a court seal all court records of an individual that have resulted from the admission or treatment of any person admitted to a mental health facility or hospital for mental health reasons either voluntarily or as the result of noncriminal proceedings.

The bill allows the court to order the inspection of the sealed records in certain circumstances, including when a governmental entity needs to perform an extensive background search with respect to hiring for a public safety position. The measure further provides that a court may, upon its own order, inspect records sealed pursuant to the provisions of this measure if the records are necessary and relevant for the disposition of a matter pending before the court. The individual whose records are being opened pursuant to any of the exemptions listed in the bill must be given notice and the opportunity to oppose the opening of the records.

A person who is the subject of sealed records is not required to admit to having been admitted to a facility for treatment except in certain cases, including situations involving that person applying for a permit to carry a concealed firearm or transferring a firearm.

This bill is effective on July 1, 2007.

A.B. 625 (Chapter 377)

Assembly Bill 625 relates to the Nevada Supreme Court. This measure reduces the allocation of proceeds from certain administrative assessments distributed to the Court Administrator for use by the Supreme Court to 48 percent from the current allocation of 60 percent. The remaining 12 percent is allocated to specialty court programs.

In addition, the measure eliminates the requirement that the Court Administrator submit a biennial report to the Legislative Counsel Bureau concerning the effectiveness of counseling programs for persons who commit domestic violence.

The provisions eliminating certain reporting requirements are effective on June 13, 2007. The provisions relating to distribution of proceeds from administrative assessments are effective on July 1, 2008.

S.B. 35 (Chapter 127)

Senate Bill 35 allows affidavits and declarations of certain persons to be admitted as evidence during a criminal or administrative proceeding to prove certain facts concerning blood, breath, or urine tests of an accused individual. The procedures for admitting such documents as evidence are set forth in the measure. However, the court may order the prosecution to produce the witness for the purposes of cross-examination if there is a bona fide dispute concerning the facts of the affidavit or declaration and if the defendant objects to the affidavit or declaration. In such cases, the witness may testify by audiovisual transmission.

Prior to 2005, State law allowed affidavits and declarations of nurses and phlebotomists to be admitted as evidence to prove certain facts concerning blood, breath, or urine tests of anyone accused of driving under the influence. In response to a Nevada Supreme Court Opinion, those provisions were amended in 2005, so that affidavits and declarations were only admissible during grand jury or preliminary hearings, but not at a trial. The opinion held that they were inadmissible at trial unless the witness was present and available for cross examination. The Supreme Court subsequently withdrew its opinion and held that the prior statutes were not unconstitutional and adequately preserved the rights of the defendant. Thus, this measure returns the statutory language to that which existed prior to 2005.

This measure is effective on May 25, 2007.

S.B. 66 (Vetoed on May 30, 2007)

Senate Bill 66 increases from \$50,000 to \$100,000 the amount of damages that may be awarded in certain tort actions brought against a governmental entity or its officers or employees.

(Veto sustained on June 4, 2007.)

S.B. 177 (Chapter 60)

Senate Bill 177 adopts the Uniform Foreign-Country Money Judgments Recognition Act, promulgated by the National Conference of Commissioners on Uniform State Laws. The bill sets forth the standards required for recognizing a foreign country judgment by courts in Nevada.

A party seeking recognition of a foreign judgment by a Nevada court must prove that the judgment grants or denies recovery of a sum of money, and that it is a conclusive, final, and enforceable decision in the country of origin. The measure does not apply to certain actions such as judgments for taxes, fines or other penalties, or those rendered in connection with domestic relations. The bill also establishes a statute of limitations for the recognition of a foreign judgment.

S.B. 208 (Chapter 62)

Senate Bill 208 prohibits an employer or his employee, agent, or officer from requiring a person to use sick leave or vacation time to serve as a juror. Similarly, a juror cannot be

compelled to work 8 hours before he is required to appear in court or between the hours of 5 p.m. on the day of jury duty and 3 a.m. the next day if the juror's service lasted 4 hours or more. A violator of these provisions is guilty of a misdemeanor.

This bill is effective on May 17, 2007.

S.B. 303 (Chapter 389)

Senate Bill 303 amends the Charter of the City of North Las Vegas to require a municipal judge to devote his full time to his judicial duties and to be a duly licensed member of the State Bar of Nevada if the voters approve of the provisions at the 2008 General Election. The qualifications as a member of the State Bar do not apply to any existing judge who remains in office and serves uninterrupted terms.

The measure is effective on January 1, 2009, if a majority of voters approve of the ballot question, and on October 1, 2007, for all other purposes.

S.B. 380 (Chapter 406)

Senate Bill 380 establishes procedures for the commitment to and conditional release from the Division of Mental Health and Developmental Services of the Department of Health and Human Services of defendants found incompetent to stand trial or receive punishment for a crime if there is no substantial probability that competency will be attained in the foreseeable future. For a defendant charged with a category A or B felony, the prosecuting attorney may file a motion to determine whether the defendant should be committed to the custody of the Division. If the defendant has a mental disorder such that he is a danger to himself or others, the court must order him committed to the custody of the Division until he is eligible for conditional release or 10 years has passed, whichever is sooner. The bill further sets forth the manner of determining eligibility for conditional release and requires an annual review of eligibility. Once the court finds that the person is no longer mentally ill or a danger to himself or others, he must be discharged from conditional release.

If the defendant violates a condition of his release, the court must consider his risk to the community and may order him taken into protective custody or to jail. A subsequent hearing will determine whether to continue, modify, or terminate his conditional release.

Finally, S.B. 380 appropriates from the State General Fund to the Division \$138,607 in Fiscal Year (FY) 2007-2008 and \$133,747 in FY 2008-2009 for costs associated with implementing the provisions of this measure.

This bill is effective on October 1, 2007; the appropriation is effective on July 1, 2007.

S.B. 420 (Chapter 251)

Senate Bill 420 concerns wills, estates, and trusts. This measure provides that a trustee or beneficiary of a trust may petition the court for a transfer of the trust's supervision without requiring the concurrence of a beneficiary or beneficiaries. For the purpose of certain legal

actions, a person is determined to have discovered that such a transfer took place when the record is made public. The measure also provides that certain property held in spendthrift trusts is not liable to execution if the beneficiary is the settler of the trust and the trust is a legally created spendthrift trust.

The bill sets a threshold amount of \$200,000 for either summary administration of an estate or a revocation of summary administration, and increases from \$75,000 to \$100,000 the value of small estates settled in probate court. It provides that the distribution of an estate to the nieces and nephews of the deceased is made in equal shares, per capita. Additionally, the bill increases a person's liability from double to triple the value of property if that person converts, takes, or alienates any property before the granting of letters.

Finally, S.B. 420 expands the reasons for a trustee or beneficiary to petition the court to include compelling compliance with the terms of the trust. If the petitioner prevails, the court may order a reduction in the trustee's compensation and order him to pay the costs associated with preparation of the petition.

S.B. 556 (Chapter 422)

Senate Bill 556 recreates the Supreme Court Commission on Law Libraries and the District Court Commission on Law Libraries; outlines the duties of the Commissions; appropriates funds for the salaries of the justices who serve on the Commissions; and establishes that salary received for service on a Commission is included in pension calculations. This measure also reorganizes the Second and Eighth Judicial Districts to allow district judges to be elected at the same time instead of in staggered terms, and to provide for family court judges that are counted separately from other judges in those districts.

The provisions of this measure that relate to the Supreme Court Commission on Law Libraries are effective on January 1, 2009, and expire by limitation on December 31, 2012. The provisions that relate to the District Court Commission on Law Libraries are effective on January 1, 2009, and expire by limitation on January 3, 2011. The provisions that reorganize district court judges are effective on October 1, 2007, and those that designate separate family court judges are effective on January 3, 2011. Finally, the salary appropriations are effective on July 1, 2008.

S.J.R. 2 (File No. 104)

Senate Joint Resolution No. 2 proposes to amend the *Nevada Constitution* to provide for the initial appointment of Supreme Court Justices and District Court Judges, followed by a retention election by the voters in Nevada. An initial appointment is made by the Governor from candidates chosen by the Commission on Judicial Selection. This appointment expires on the first Monday of January following the general election that occurs at least 12 months after appointment.

Upon declaration of candidacy for retention, a justice or judge must undergo a performance review by the newly created Commission on Judicial Performance. The Commission must

issue a report to the public of its review and recommendation prior to the retention election. If 55 percent of the votes cast are in favor of retention, the justice or judge serves a six-year term and is subject to another retention election and performance review at the end of each six-year term. If he does not declare his candidacy or receives less than 55 percent of the votes cast, the vacancy is again filled through the appointment process.

If approved in identical form during the 2009 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2010 General Election.

S.J.R. 9 (File No. 69)

Senate Joint Resolution No. 9 proposes an amendment to the *Nevada Constitution* to allow for an intermediate appellate court, known as the Court of Appeals, with jurisdiction in civil cases arising in district court and in criminal cases within the original jurisdiction of the district courts.

If approved in identical form during the 2009 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2010 General Election.

See also Assembly Bill 4 (Chapter 6) of the 23rd Special Session.

CRIMINAL JUSTICE

(See also Courts)

A.B. 37 (Chapter 31)

Assembly Bill 37 requires that certain interest earned on funds in an individual Prisoners' Personal Property Fund account be credited to that account after deducting any applicable bank charges each calendar quarter. If an offender's share of the cost of administering the Fund is less than the interest and income earned by the offender, the Director of the Department of Corrections must credit the difference between the administrative cost and the interest to the individual account of the offender. If the offender's share of the costs of administering the Fund is greater than the interest earned by the offender, the Director must credit the interest to the Offenders' Store Fund.

The measure also changes the titles of the Assistant Directors of the Department to Deputy Directors and places the Deputy Directors in the unclassified service of the State.

A.B. 77 (Chapter 67)

Assembly Bill 77 makes certain clarifications to the provisions regarding a defendant's competency to be tried or punished for a criminal offense. The bill:

- Revises the definition of incompetent to include a person who does not have the present ability to understand the nature and purpose of the court proceedings or to assist counsel with a reasonable degree of rational understanding;
- Clarifies that a defendant's competency may be determined at any time after arrest;
- Requires that all proceedings related to the defendant be suspended until the defendant is determined to be competent;
- Requires the Administrator of the Division of Mental Health and Developmental Services, Department of Health and Human Services, to determine whether a defendant is competent based on the revised definition of incompetent and report its findings in writing; and
- Shortens the time for a court to enter its findings if no hearing is requested.

A.B. 92 (Chapter 225)

Assembly Bill 92 expands the list of crimes for which a convicted person must submit a biological specimen for genetic marker analysis from certain felonies to any felony. The measure also limits the sharing of specimens or genetic marker information except pursuant to court orders and investigations by law enforcement agencies.

A.B. 152 (Chapter 24)

Assembly Bill 152 provides an exemption from the restrictions on the collection, examination, and confidentiality of tests conducted in a medical laboratory to the drug court for tests required as a part of a treatment or rehabilitation program.

A.B. 165 (Chapter 494)

Assembly Bill 165 creates the Justice Assistance Grant Trust Account within Nevada's General Fund in order that Nevada will be able to receive funds from the federal Edward Byrne Memorial Justice Assistance Grant Program. Interest and income earned on federal grant funds deposited to this trust account must be credited to the account.

The bill is effective on June 13, 2007, and applies retroactively from October 5, 2005, based on the effective date of the federal law.

A.B. 190 (Chapter 139)

Assembly Bill 190 requires that a court that exonerates a surety in certain cases to prepare an order exonerating the surety and to forward a copy of that order to the Office of the Court Administrator. The bill also requires the district attorneys to submit information concerning murder or involuntary murder charges to the Attorney General, instead of the Supreme Court, on a form approved by the Attorney General. Finally, the bill deletes the requirement for the Supreme Court to provide to the Legislature a report concerning this information.

This measure is effective on July 1, 2007.

A.B. 306 (Chapter 71)

Assembly Bill 306 provides for the seizure, forfeiture, and disposition of property and proceeds relating to any technological crime that is punishable as a felony in both civil and criminal proceedings and outlines the necessary procedures, including the deposit and distribution of any forfeiture proceeds. The measure increases from 9 to 13 the number of members of the Advisory Board for the Nevada Task Force for Technological Crime, changes the name to the Technological Crime Advisory Board, and makes various changes to the duties, voting, and quorum requirements of the Board.

A.B. 508 (Chapter 488)

Assembly Bill 508 changes the name of the Advisory Commission on Sentencing to the Advisory Commission on the Administration of Justice. The bill expands the duties of the Commission to include evaluating the effectiveness and efficiency of the Department of Corrections and the State Board of Parole Commissioners; evaluating the effectiveness of specialty court programs; evaluating the policies and practices concerning presentence investigations and reports made by the Division of Parole and Probation; and evaluating, reviewing, and commenting on issues of juvenile justice. The bill also authorizes the Commission to issue subpoenas to compel the attendance of witnesses and the production of written documents.

Additionally, A.B. 508 modifies the membership of the Commission to include:

- A former or sitting member of Nevada's Supreme Court, appointed by the Chief Justice;
- A representative appointed by the Nevada Sheriffs' and Chiefs' Association;
- A member of the State Board of Parole Commissioners; and
- A representative of an organization advocating on behalf of inmates, to be appointed by the Governor.

A representative from the Nevada Association of Counties is removed from membership on the Commission. Any vacancies on the Commission must be filled by July 15, 2007. The Commission must hold its first meeting no later than July 31, 2007, and elect a new chairman at that meeting.

The measure appropriates \$50,000 from the State General Fund to the Commission to enter into a contract with a consultant to assist the Commission in carrying out its duties.

This bill is effective on July 1, 2007.

S.B. 31 (Chapter 101)

Senate Bill 31 provides that the Aging Services Division of the Department of Health and Human Services is entitled to receive a suspect's record of criminal history as it relates to an investigation of a reported crime against an older person. The bill also requires that when the Division is investigating a report of abuse, neglect, exploitation, or isolation of an older person a law enforcement agency must provide information about the suspect, when possible, to include the suspect's record of criminal history, whether the suspect resides with or near the older person, and a summary of certain incidents and arrests that have occurred within the past 90 days.

This measure is effective on May 22, 2007.

S.B. 38 (Chapter 505)

Senate Bill 38 establishes in statute the Records and Technology Division within the Department of Public Safety. The bill transfers the duties for maintaining the Central Repository for Nevada Records of Criminal History from the Nevada Highway Patrol to the Records and Technology Division. It also requires that the Division provide technology support services to the Department and the Nevada Criminal Justice System.

This bill also provides that the Central Repository for Nevada Records of Criminal History may disseminate certain authorized criminal history information regarding current or

prospective employees and volunteers to a person or entity designated to receive such information on behalf of an employer as well as to the employer himself.

Provisions concerning the dissemination of records to designated persons are effective on March 1, 2008. The remainder of the bill is effective on July 1, 2007.

Crime and Punishment

A.B. 14 (Chapter 442)

Assembly Bill 14 revises various provisions for crimes related to graffiti. The bill creates a new misdemeanor crime for unlawfully possessing graffiti implements with the intent to vandalize, deface, or place graffiti on public or private property. The measure imposes mandatory fines and community service for graffiti-related acts involving a place used for worship or burial, an educational facility, or a community center. Also, A.B. 14 adds transportation facilities and public transportation vehicles to the list of entities upon which placing graffiti is unlawful and for which the new mandatory penalties apply.

The bill also revises provisions affecting other public or private property. Specifically, the bill:

- Provides that in cases where a person commits multiple graffiti offenses, the value of property loss must be aggregated if the damage is at least \$5,000 thereby making the offenses punishable as a felony;
- Revises the number of community service hours that must be imposed for graffiti related acts and imposes mandatory fines;
- Adds as a condition of probation that the offender must serve at least ten days in jail for a felony conviction; and
- Provides for the mandatory suspension of a driver's license of an adult or juvenile who is found guilty of placing graffiti.

Finally, A.B. 14 provides that a court may order a person to pay restitution and specifies to whom such restitution must be paid.

A.B. 58 (Chapter 35)

Assembly Bill 58 provides that first degree murder also includes murder committed in the perpetration or attempted perpetration of abuse of an older person or vulnerable person.

A.B. 72 (Chapter 66)

Assembly Bill 72 provides that a person commits the crime of luring a child when a person knowingly contacts or communicates with, or attempts to contact or communicate with, a

person believed to be a child less than 16 years of age and at least 5 years younger than the person is with the intent to persuade or lure that child to engage in sexual conduct.

A.B. 90 (Chapter 277)

Assembly Bill 90 provides that the gross misdemeanor crime of paternity fraud has been committed when either the alleged father or another person engages in conduct that is intended to prevent a determination that the alleged father is, in fact, the father of the child.

A.B. 106 (Chapter 33)

Assembly Bill 106 provides that a prisoner confined in a Nevada Department of Corrections facility may not possess a portable telecommunications device, including a cellular telephone, a personal digital assistant, or similar equipment, without lawful authorization. A prisoner who commits this crime is guilty of a category D felony and his sentence is not subject to suspension or the granting of probation and must be served consecutively after other sentences.

The measure provides that a person who knowingly furnishes or attempts to furnish a portable telecommunications device to a prisoner confined in a State correctional facility without lawful authorization is guilty of a category E felony.

Finally, the bill provides that a person who carries a portable telecommunications device into a State correctional facility without lawful authorization is guilty of a misdemeanor.

This bill is effective on May 10, 2007.

A.B. 137 (Chapter 272)

Assembly Bill 137 relates to acts of terrorism. The bill makes it a crime to disperse, by any means of delivery, a hoax substance with the intent to:

- Cause injury, intimidation, alarm, or mental anguish;
- Cause fear of contamination or exposure to a biological or other toxic agent;
- Cause panic or civil unrest;
- Extort or otherwise profit; or
- Interfere with operations or cause economic damage.

A hoax that results in death or substantial bodily harm is a category B felony and the measure provides a specific penalty of a minimum term of 2 years and maximum term of 20 years imprisonment and a fine up to \$5,000. A hoax that does not result in death or substantial bodily harm is a category D felony.

The bill also increases the penalty for engaging in certain acts of terrorism from imprisonment for a minimum term of 1 year and a maximum term of 6 years to a minimum term of 2 years and a maximum term of 20 years.

A.B. 192 (Chapter 14)

Assembly Bill 192 codifies the authority granted to the Governor by the *Nevada Constitution* to stay the execution of a judgment of death.

This bill is effective on April 25, 2007.

A.B. 227 (Chapter 268)

Assembly Bill 227 revises provisions governing trespassing. This measure changes the interval between posts, structures, or natural objects that must be painted with fluorescent orange paint from 200 feet to distances that are necessary to provide a clear line of vision from one such post, structure, or object to the next, but not less than 1,000 feet if the land is used for agricultural purposes or for herding or grazing livestock. If the land is used for other purposes, the distance is every 200 feet. Additionally, each corner of the land must be similarly marked. The appropriate method of marking is described in the bill.

A.B. 307 (Chapter 72)

Assembly Bill 307 prohibits the willful use of a laser device or other similar light source with the intent to interfere with the operation of an aircraft. It is a misdemeanor if no injury or damage results from a violation of the measure and a category E felony if injury to any person on the aircraft, damage to the aircraft, or damage to equipment used to operate the aircraft results.

A.B. 352 (Chapter 315)

Assembly Bill 352 prohibits a sheriff from issuing a work card to a person who works on the premises of dwelling units operated exclusively for persons 55 years of age and older and who has access to all units if that person has been convicted of:

- A category A, B, or C felony or an equivalent crime in another state;
- A sexual offense;
- A crime against a person 60 years of age or older or a vulnerable person;
- Battery punishable as a gross misdemeanor; or
- Theft or violation of a state or federal controlled substance law within the last five years.

The sheriff must submit an applicant's fingerprints to the Central Repository for Nevada Records of Criminal History for a determination of the applicant's criminal history.

Pending that determination, the sheriff may issue a temporary work card. If an applicant informs the sheriff that he believes the sheriff has denied a work card based on incorrect information, the sheriff must give the applicant at least 30 days to submit correct information.

A.B. 383 (Chapter 316)

Assembly Bill 383 prohibits a person from knowingly transporting, procuring transportation for, or assisting in the transportation of another person into Nevada who does not have the legal right to enter or remain in the United States, for financial gain or with the intent to:

- Subject the other person to involuntary servitude;
- Violate a State or federal labor law; or
- Commit any other crime punishable by a year or more in the State prison.

The bill creates the crime of “trafficking in persons,” which is a category B felony. Violators may be charged as habitual felons with their personal property subject to forfeiture.

The measure also addresses the unlawful hiring or employment of unauthorized aliens by those holding Nevada business licenses. It directs the Nevada Tax Commission to hold a hearing to determine whether to take action against a person who unlawfully hires or employs an unauthorized alien. If the Commission determines that the holder of a State business license willfully, flagrantly, or egregiously violated the applicable federal law and failed to verify the Social Security number of an employee, the Commission may impose an administrative fine.

Finally, A.B. 383 requires the Director of the Department of Business and Industry to include a link on the Department’s Internet website that allows an employer to verify with the Social Security Administration the Social Security number of an employee.

A.B. 421 (Chapter 215)

Assembly Bill 421 provides that a person who participates in an organized retail theft ring is guilty of a category B felony with a minimum sentence of 1 year and a maximum sentence of 10 years in prison and a fine up to \$10,000 if the aggregate value of loss within a period of 90 days is at least \$2,500 but less than \$10,000. If the aggregate value of loss within a 90-day period is \$10,000 or more, the minimum sentence is 2 years and the maximum sentence is 15 years with a fine not more than \$20,000.

A.B. 428 (Chapter 437)

Assembly Bill 428 extends authority for warrantless arrests to postal inspectors of the United States Postal Inspection Service for certain crimes related to postal matters. The measure provides that a person commits a category B felony if that person uses the personal identifying information of another to: (1) represent or impersonate that other person to obtain access to any personal identifying information of that other person without his prior express consent; or (2) obtain access to any nonpublic record of the actions taken, communications

made or received by, or other activities or transactions of that other person without his prior express consent.

Additionally, the penalty for identity theft is increased to a category B felony for violations involving the personal identifying information of five or more people and violations causing financial loss of \$3,000 or more to the victim. The bill creates a rebuttable inference of the intent to use the personal identifying information of another person for unlawful purposes if a person possesses such information for five or more people.

A.B. 579 (Chapter 485)

Assembly Bill 579 provides for changes in State law regarding sex offenders and certain offenders convicted of crimes against children in conformance with the federal Adam Walsh Child Protection and Safety Act of 2006. The bill requires community notification for sex offenders within three tier levels assigned to offenders based upon the crime committed. All sex offenders and offenders who committed a crime against a child are subject to community notification regardless of tier classification. Offenders must personally register before local law enforcement every 90 days if a Tier III offender, 180 days if a Tier II offender, or every year if a Tier I offender. Offenders must register for the first time before release from prison or within three days after sentencing if the offender is not imprisoned. The bill expands the types of identifying information provided by the community notification website and certain juveniles are made subject to offender registration and notification requirements.

Finally, the bill provides a new criminal penalty for persons using information obtained from the website to commit a crime and repeals certain State laws inconsistent with the Adam Walsh Act. The Adam Walsh Act (*Public Law* 109-248, codified at 42 *United States Code* §§ 16901 et seq.) was signed into law on July 27, 2006. A state failing to substantially implement the act within three years of enactment may be subject to a 10 percent reduction in allocation of Edward Byrne Memorial Justice Administration Grant Program monies.

This bill is effective on July 1, 2008.

NOTE: After passage of A.B. 579, the Legislature passed Senate Bill 471 which, among other things, made changes relating to sex offender registration. See S.B. 471 for additional information.

S.B. 7 (Chapter 172)

Senate Bill 7 makes a person liable in a civil action for damages that result from the use and consumption of alcohol and controlled substances by an underage individual under certain circumstances. Liability results if he knowingly serves, sells, or furnishes alcohol or a controlled substance to an underage person, or allows consumption or use on his premises or in any conveyance over which he has control.

The liability created by this bill does not apply to anyone licensed to service, sell, or furnish alcoholic beverages or to his employee or agent.

S.B. 10 (Chapter 196)

Senate Bill 10 prohibits someone from knowingly and intentionally capturing an image of the private area of another person without the consent of the other person and under circumstances that would otherwise provide a reasonable expectation of privacy. The bill prohibits anyone from distributing, transmitting, or publishing an image that he knows or has reason to know was made under such circumstances. A person who violates either of these provisions is guilty of a gross misdemeanor for the first offense and a category E felony for a second or subsequent offense.

Senate Bill 10 also provides for the confidentiality of such images but allows them to be used for legitimate law enforcement and correctional activities. They also may be inspected or released as necessary to allow a person charged with a violation and his attorney to prepare a defense. Finally, these images may be inspected or released under certain circumstances if authorized by a court of competent jurisdiction.

S.B. 34 (Chapter 28)

Senate Bill 34 provides that a person who intentionally violates an extended order for protection of a child remains subject to a category C felony penalty, but is no longer subject to an additional penalty for violating the order itself. The bill also provides that a justice court does not have jurisdiction to issue a protective order in domestic violence cases if a district court orders further proceedings before the district court.

The bill is effective on July 1, 2007.

S.B. 298 (Chapter 462)

Senate Bill 298 provides that a person who intentionally, willfully, recklessly, or negligently injures or kills someone's dog or cat, unless the action was necessary to protect that person's safety or the safety of another person, is liable for economic damages not to exceed \$5,000. An action must be brought within two years after the cause of action. Punitive damages and noneconomic damages may not be awarded. Additionally, the provisions of this measure do not apply to nonprofit organizations, societies for the prevention of cruelty to animals, a governmental entity, or their employees and agents if the action was necessary to support public health or animal welfare.

This measure is effective on October 1, 2007, and applies only to a cause of action that accrues on or after that date.

S.B. 329 (Chapter 419)

Senate Bill 329 prohibits a person from leaving a cat or dog unattended in a motor vehicle during extreme heat or cold or other conditions that may endanger the animal. A violation is punishable as a misdemeanor.

Peace officers, animal control officers, public safety officers, and fire department personnel may use reasonable force to remove an endangered cat or dog from a motor vehicle and are entitled to immunity from liability.

The bill exempts animals used by local, State, or federal law enforcement agencies and search and rescue organizations, and it exempts dogs within the control of an animal control officer or a first responder. Dogs being used for hunting during hunting season or engaged in training for hunting or field trials are also exempt.

S.B. 380 (Chapter 406)

Senate Bill 380 establishes procedures for the commitment to and conditional release from the Division of Mental Health and Developmental Services of the Department of Health and Human Services of defendants found incompetent to stand trial or receive punishment for a crime if there is no substantial probability that competency will be attained in the foreseeable future. For a defendant charged with a category A or B felony, the prosecuting attorney may file a motion to determine whether the defendant should be committed to the custody of the Division. If the defendant has a mental disorder such that he is a danger to himself or others, the court must order him committed to the custody of the Division until he is eligible for conditional release or 10 years has passed, whichever is sooner. The bill further sets forth the manner of determining eligibility for conditional release and requires an annual review of eligibility. Once the court finds that the person is no longer mentally ill or a danger to himself or others, he must be discharged from conditional release.

If the defendant violates a condition of his release, the court must consider his risk to the community and may order him taken into protective custody or to jail. A subsequent hearing will determine whether to continue, modify, or terminate his conditional release.

Finally, S.B. 380 appropriates from the State General Fund to the Division \$138,607 in Fiscal Year (FY) 2007-2008 and \$133,747 in FY 2008-2009 for costs associated with implementing the provisions of this measure.

This bill is effective on October 1, 2007; the appropriation is effective on July 1, 2007.

Juvenile Crime and Delinquency

S.B. 32 (Chapter 53)

Senate Bill 32 authorizes the juvenile court to order any person under its supervision and between 18 and 21 years of age to be placed in a county jail if that individual was released on parole but subsequently violated his parole.

This measure is effective on July 1, 2007.

S.B. 294 (Chapter 64)

Senate Bill 294 provides that a child who commits a battery that constitutes domestic violence may be released from custody sooner than 12 hours under certain circumstances. Specifically, the peace officer or probation officer who took the child into custody must determine that the child does not otherwise meet the criteria for secure detention and other appropriate arrangements can be made.

This measure is effective on May 17, 2007.

Pardons, Parole, and Probation**A.B. 38 (Chapter 32)**

Assembly Bill 38 provides that a person who violates a condition of his parole forfeits only the credits he earned for good behavior. Under this bill, a person whose parole is revoked would not forfeit any credits he had earned for completing a drug treatment program, educational program, for work performed while incarcerated, or for making restitution.

This bill is effective on May 10, 2007.

A.B. 510 (Chapter 525)

Assembly Bill 510 increases the credits earned by certain offenders to reduce their sentences through good behavior, educational attainment, or successful completion of an alcohol or drug treatment program. The bill similarly increases the deduction from a parolee's sentence if he is current with restitution or any fee to defray the cost of his supervision. It also allows for the retroactive application of credits and makes probationers eligible for good behavior credits.

The measure prohibits assigning certain convicted sex offenders or offenders convicted of violent felonies to minimum security facilities, and revises various requirements for residential confinement. Additionally, an offender convicted of a violent felony within the preceding year is not eligible to participate in certain programs of community reentry. Parolees or probationers who violate conditions of their parole or probation may be placed in community or minimum security correctional facilities for no more than six months.

In considering parole, the State Board of Parole Commissioners must not consider whether an inmate has appealed his sentence and must provide its reasons for denying mandatory release in writing to the inmate. The Advisory Commission on the Administration of Justice is charged with examining how the Open Meeting Law is applied to parole hearings and methods used by the Department of Corrections to calculate and award credits earned by inmates.

Finally, the bill changes the enhancement penalty for various felony crimes to a minimum of one year and a maximum of 20 years imprisonment, and requires consideration by the court of specific findings. The additional term must not exceed the underlying sentence for the crime.

This bill is effective on July 1, 2007.

S.B. 471 (Chapter 528)

Senate Bill 471 revises various provisions concerning sex offenders and offenders of crimes against children. It requires an incarcerated sex offender or an offender convicted of a crime against a child to register, before being released from prison, with the law enforcement agency of the jurisdiction in which he will reside upon release. If he has not already done so, the offender must also provide a biological specimen at the time of registration. The measure requires electronic monitoring of certain offenders as deemed appropriate by the Division of Parole and Probation of the Department of Public Safety, the cost of which must be paid by the offender to the extent he is able to pay.

The bill also changes certain provisions concerning Tier 3 sex offenders. It increases the number of years that a person convicted of sexual assault against a child not resulting in substantial bodily harm must serve before becoming eligible for parole. It also prohibits certain Tier 3 offenders from living within 1,000 feet of locations frequented by children. Some offenders are further restricted from knowingly being within 500 feet of locations frequented by children. Senate Bill 471 makes a violation of certain provisions of this bill by a Tier 3 offender under lifetime supervision punishable as a category B felony with notice given to the Central Repository for Nevada Records of Criminal History of any arrest warrant for a violation.

The bill prohibits the State Board of Parole Commissioners from denying parole without the prisoner being given notice of the meeting and an opportunity to be present. The Board must also allow a prisoner or his representative to speak on the prisoner's behalf. Final decisions concerning parole must be given within 10 working days after the hearing including, if parole is denied, specific recommendations to improve the possibility of being granted parole, if any.

Finally, the bill appropriates \$587,115 for Fiscal Year (FY) 2007-2008 and \$245,567 in FY 2008-2009 from the State General Fund to the Division of Parole and Probation to carry out the provisions of the bill. The bill also appropriates \$30,112 from the State General Fund to the State Motor Pool to purchase two motor pool vehicles for use by the Division.

This bill is effective on June 14, 2007, for the purpose of adopting rules and regulations by the State Board of Parole Commissioners. Sections related to money appropriations are effective on July 1, 2007. The portions of the bill concerning sex offender registration amending Assembly Bill 579 are effective on October 1, 2007. All other sections of the measure are effective on October 1, 2007. Sections of the bill requiring an incarcerated sex offender to register with an appropriate law enforcement agency before being released, and requiring an offender to provide a biological specimen at the time of registration, expire by limitation on June 30, 2008.

Victims of Crime

A.B. 482 (Chapter 46)

Assembly Bill 482 prohibits any investigator from requiring a victim of a sexual offense to take a polygraphic examination to verify the victim's allegations. The measure also requires a court to notify a defendant convicted of a misdemeanor or felony domestic violence offense that possession, shipment, transportation, or receipt of a firearm or ammunition may constitute a felony pursuant to state or federal law.

S.B. 57 (Chapter 54)

Senate Bill 57 provides that the parent or guardian of a juvenile victim of certain sexually related offenses must consent in writing before the name of the victim can be provided to a school.

This bill is effective on July 1, 2007.

EDUCATION

A.B. 212 (Chapter 439)

Assembly Bill 212 requires a school district board of trustees to develop a policy specific to ninth grade pupils. Each public school enrolling ninth graders shall develop a 4-year academic plan that identifies the individual ninth grader's educational goals. Those high schools enrolling 1,200 or more pupils must implement a program of small learning communities that includes a separate geographic area where ninth graders attend classes. The plan must include special counseling, remediation, or mentoring services, and the collection of information relating to ninth graders.

The measure extends compulsory attendance from 17 to 18 years of age, unless the child has graduated from high school.

Each board of trustees must adopt a policy to limit the amount of time guidance counselors are required to administer standardized tests.

The measure requires the Nevada State Board of Education to prescribe a uniform grading policy for all public high schools, including charter schools.

The measure is effective on July 1, 2007.

A.B. 244 (Chapter 362)

Assembly Bill 244 provides that the preliminary report from the consultant contracted to conduct a financial management review of a school district shall be furnished to the school district superintendent or his designee. The preliminary report is confidential until the final report is submitted, after which both the preliminary report and the final report must be made available to the general public.

The measure is effective on July 1, 2007.

A.B. 267 (Chapter 39)

Assembly Bill 267 permits the school district boards of trustees in Carson City and Clark and Washoe Counties to televise meetings on community access cable television. The board of trustees and the governing body of the city or the county commissioners shall determine the feasibility of televising the meetings, including the cost and the number of potential viewers. They shall report their progress to the Legislature.

A.B. 354 (Chapter 414)

Assembly Bill 354 requires a physical examination of school children before the completion of the first year of enrollment in elementary school. Before performing any health examination on the child, school authorities shall notify the parent or guardian about the examination and include information about the right to exempt the child from all or part of the examination.

A school district board of trustees may adopt a policy to encourage the school district and schools to collaborate with community health care providers and qualified students enrolled in health related programs in postsecondary educational institutions to conduct the health examinations. School nurses, or their designees, must report the results of school-based health examinations to the State Health Officer, excluding personally identifiable information. The State Health Officer shall compile the information to monitor the health status of children.

During Fiscal Years 2008 through 2010, each school district shall conduct examinations of height and weight of a representative sample of pupils in at least one grade in elementary, middle, and high schools. The Legislative Committee on Health Care shall hold at least one hearing in the 2007-2009 interim to identify the health-related issues of children.

The measure is effective on July 1, 2007. The provisions relating to the sampling of pupil height and weight expire on June 30, 2010.

A.B. 386 (Chapter 333)

Assembly Bill 386 regulates high school spirit squads. The measure requires the Nevada Interscholastic Activities Association (NIAA) to adopt safety standards for spirit squads that substantially comply with the spirit squad rules of the National Federation of State High School Associations and to establish spirit squad coaching qualifications. The measure specifies July 1, 2008, as the date by which spirit squads and coaches of spirit squads must comply with the regulations adopted by the NIAA.

The measure is effective on July 1, 2007.

A.B. 391 (Chapter 283)

Assembly Bill 391 provides that decisions made by or for the Nevada Interscholastic Activities Association to resolve disputes must not be stayed by a court pending the court's final judgment on the matter.

The measure is effective on July 1, 2007.

A.B. 432 (Chapter 108)

Assembly Bill 432 provides that, if the license of a teacher lapses during the school year, the employing school district shall notify the employee of the expiration. The school district must not suspend the employee for 90 days after the date of the notice or the end of the school year, whichever is longer. If an employee fails to reinstate the license within the allotted time, the school district shall terminate the teacher's employment. The measure requires the Superintendent of Public Instruction to provide to a licensee written notice of the date on which the license expires.

The measure is effective on July 1, 2007.

A.B. 460 (Chapter 436)

Assembly Bill 460 revises provisions governing a school administrator's evaluation of a probationary or post probationary teacher, including indicators of performance. The measure requires an administrator to observe a teacher in the classroom for a specified number of minutes. A reasonable effort must be made to assist a teacher to correct deficiencies reported in the evaluation. If an administrator admonishes an employee for reasons that may lead to demotion or dismissal, the admonition must include descriptions of the deficiencies and corrective actions.

The measure is effective on July 1, 2007.

A.B. 485 (Chapter 412)

Assembly Bill 485 requires that the advisory boards to review school attendance establish truancy prevention and enforcement programs that include coordination of community services to assist with intervention, diversion, and discipline of truants. Clark County and Washoe County School Districts must establish at least one school attendance council to implement a truancy prevention and enforcement program. All other districts may establish councils.

The measure requires councils to monitor excessive pupil absences and document efforts to assist pupils to attend school regularly. A parent or legal guardian who knowingly induces a child to be unlawfully absent is guilty of a misdemeanor and may be fined by the juvenile court.

The measure requires the Legislative Committee on Education to study truancy in the 2007-2009 interim. It also requires the State Board of Education and each school district board of trustees to report the annual dropout rate of pupils in grade 8.

The measure is effective on July 1, 2007.

NOTE: After the passage of A.B. 485, the Legislature passed S.B. 4 of the 23rd Special Session which, among other things, repealed the provisions in A.B. 485 that would have required the Legislative Committee on Education to study truancy. See S.B. 4 of the 23rd Special Session for additional information.

A.B. 554 (Chapter 291)

Assembly Bill 554 increases from \$25 million to \$40 million the maximum allowable amount of outstanding bonds of a school district that may be guaranteed by the State Permanent School Fund. Additionally, the measure extends the period to issue general obligation bonds of the State to protect, preserve, and obtain the benefits of the property and natural resources of this State to December 31, 2011.

This measure is effective on July 1, 2007.

A.B. 563 (Chapter 374)

Assembly Bill 563 provides that the Interim Finance Committee shall project the local school support tax revenues available for distribution through the State Distributive School Account by May 1, 2008. If the projected amount exceeds \$1,146,335,088, the Superintendent of Public Instruction must recalculate the basic support guarantee based on a salary increase of 4.375 percent instead of 4 percent.

A.B. 627 (Chapter 343)

Assembly Bill 627 apportions State Distributive School Account (DSA) funds for public schools for the 2007-2009 biennium. This measure appropriates from the State General Fund to the State DSA \$2.132 billion (\$1.041 billion in Fiscal Year [FY] 2007-2008 and \$1.091 billion in FY 2008-2009). With this appropriation, the statewide average basic support per pupil is increased from the current weighted average rate of \$4,696 per pupil to an estimated \$5,122 per pupil for FY 2007-2008 and an estimated \$5,323 per pupil for FY 2008-2009. The measure also provides for a recalculation of the basic support guarantee for FY 2008-2009 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 2,953 units to 3,046 units in the first year of the biennium and 3,128 units in the second year. The unit costs are \$36,541 and \$38,763, 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 4.70 units and 4.22 units for FYs 2007-2008 and 2008-2009, respectively, for gifted and talented pupils to participate in programs incorporating educational technology.

The State's Class Size Reduction Program receives \$141 million in FY 2007-2008 and \$154 million in FY 2008-2009 to pay for the salaries and benefits of at least 2,201 teachers and 2,260 teachers, respectively for those fiscal years. Funds are allocated based upon the number of teachers needed in each school district to achieve pupil-to-teacher ratios of 16 to 1 in first and second grades and 19 to 1 in the third grade. 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 2004-2005 school year.

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

- \$186.9 million from the basic support guarantee over the biennium (\$90.9 million in FY 2007-2008 and \$96 million in FY 2008-2009) for textbooks, supplies, and

instructional hardware which must be spent for those purposes in accordance with amounts determined by the Department of Education within a specified formula. Additionally, a base level of \$50,000 per year from the DSA is established for each school district for special student counseling services in elementary grades;

- \$44.8 million over the biennium (\$21.4 million in FY 2007-2008 and \$23.4 million in FY 2008-2009) for adult education programs, including those in prison facilities;
- \$26.2 million during the biennium (\$12.9 million in FY 2007-2008 and \$13.3 million in FY 2008-2009) 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 (\$100,000 in FY 2007-2008 and \$100,000 in FY 2008-2009) for the Statewide Council for the Coordination of Regional Training Programs to provide additional training opportunities for educational administrators in Nevada;
- \$6.6 million during the biennium (approximately \$3.3 million each year) for competitive grants to school districts and community-based organizations for early childhood education programs;
- \$53.9 million over the biennium (\$22.9 million in FY 2007-2008 and \$31 million in FY 2008-2009) for the incentive program to purchase retirement credits for certain license educational personnel through a one-fifth retirement credit offset through the Public Employees' Retirement System. As provided by A.B. 1 of the 23rd Special Session, these funds must be transferred to the Grant Fund for Incentives for Licensed Educational Personnel. That bill requires school districts to establish a program for incentive pay to attract and retain licensed educational personnel, which is to be financed from the newly created fund; and
- \$44 million over the biennium (\$21.5 million in FY 2007-2008 and \$22.5 million in FY 2008-2009) for the Other State Education Programs Account for various projects and programs, including: educational technology, library books, public broadcasting, teacher signing bonuses, National Board Certification programs for teachers and counselors, and other miscellaneous programs.

Additionally \$145.9 million is appropriated over the biennium (\$60.4 million in FY 2007-2008 and \$85.5 million in FY 2008-2009) in the Account for Programs for Innovation and the Prevention of Remediation. Of that amount, \$66.5 million (\$25.6 million in FY 2007-2008 and \$40.8 million in FY 2008-2009) is provided for full-day kindergarten and \$9.1 million (\$180,000 in FY 2007-2008 and \$8.9 million in FY 2008-2009) provides support for a new program of empowerment schools.

The measure also requires Nevada school districts to coordinate federal, State, and local funds with State education reform efforts. Additionally, the school funding provisions of the bill authorize \$354.9 million of other revenues (\$172.2 million in FY 2007-2008 and \$182.7 million in FY 2008-2009) to be received and expended for the State support of public education for the 2007-2009 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.

Finally, beginning in FY 2008-2009, the measure revises the “hold harmless” provisions of the education finance statutes, protecting the budgets of districts that may be losing rather than gaining students. School district or charter school per pupil funding would not be reduced for one year if the decrease in student enrollment was equal to or less than 5 percent. School districts or charter schools losing more than 5 percent in a year would be held harmless for budget purposes for two years.

Enrollment in public elementary and secondary education is expected to increase by 3.15 percent in the first year of the biennium and by 2.68 percent in the second year. Within the approved amounts for the DSA, the measure includes funding sufficient for a 2 percent cost of living raise for school district employees in the first year of the biennium and a 4 percent increase in the second year. Another bill, Assembly Bill 563, provides for a trigger mechanism if certain revenue is realized in FY 2007-2008 to fund a salary increase of 4.375 percent in FY 2008-2009 instead of the 4 percent, as provided in this measure.

Provisions of the bill concerning the calculation for basic support for FY 2008-2009 and for fund transfers to support the Class Size Reduction Program in FY 2008-2009 are effective on July 1, 2008. All other provisions are effective on July 1, 2007.

S.B. 110 (Chapter 229)

Senate Bill 110 limits the district-wide examinations that may be administered to those that are required by federal or State law or that were adopted before July 1, 2007. Beginning on January 1, 2009, a school district board of trustees may require district-wide examinations that the board determines are vital to measuring pupil achievement and progress. In making that determination, the board shall consider the recommendations of the Legislative Committee on Education. The boards of trustees are required to report to the Committee on the number of hours that pupils, teachers, and other licensed personnel spend in testing during the 2006-2007 school year.

Provisions relating to the moratorium and report are effective on July 1, 2007. The provisions establishing the moratorium on district-wide examinations expire on January 1, 2009.

S.B. 115 (Chapter 501)

Senate Bill 115 provides that the rights of a parent of a pupil with a disability under the federal Individuals with Disabilities Education Act transfer to the pupil when the pupil attains the age of 18 years. This measure also authorizes the parent of a pupil with a disability to submit an application to the school district or the charter school in which the pupil is enrolled for the appointment of the parent to represent the educational interests of the pupil when the pupil attains the age of 18 years. The measure provides that either the parent or the pupil may appeal the determination.

This bill is effective on July 1, 2007.

S.B. 143 (Chapter 500)

Senate Bill 143 directs Nevada's Department of Education to develop a parent report form to be used by elementary teachers at their discretion. The form must include a notice of the importance of parent involvement in a child's academic achievement, a checklist of pupil performance, and a list of community resources and services. Additional information relating to the parent's participation may also be included in the form.

The measure provides for the distribution of the code of honor by classroom teachers. Teachers are to provide parents a reasonable opportunity to sign and return the code, which must be retained in the pupil's file.

The measure directs the Superintendent of Public Instruction to establish an Advisory Council on Parental Involvement.

The measure is effective on July 1, 2007.

S.B. 151 (Chapter 16)

Senate Bill 151 expands the circumstances under which a board of trustees of a school district may apply to the Superintendent of Public Instruction for an alternative to the current 180-day schedule to include an alternative schedule that is designed solely for the purpose of providing professional development for educational personnel. The provisions of this measure are limited to school districts in Clark and Washoe Counties.

This measure is effective on July 1, 2007.

S.B. 184 (Chapter 420)

Senate Bill 184 provides for a specific high school curriculum and permits a student to request a modified course of study that satisfies requirements for a high school diploma. It requires each school district to adopt a policy that allows a student who has failed to complete the courses of study or credits required for promotion to ninth grade to be placed on academic probation and enrolled in high school. While on probation the student shall complete the required courses of study he failed to pass.

EDUCATION (continued)

The measure revises the system of accountability for public schools and school districts by requiring the reporting of eighth grade dropouts, modifying school support teams, and eliminating technical assistance partnerships in schools demonstrating need for improvement. The measure authorizes the State Board of Education to review and comment on proposed academic standards. It requires a biennial educational technology needs assessment.

The measure appropriates from the State General Fund to the Interim Finance Committee the sum of \$340,200 for a study of the alignment of class assignments to content and performance standards in selected schools.

The measure is effective on July 1, 2007.

S.B. 185 (Chapter 451)

Senate Bill 185 requires the Commission on Educational Excellence to establish guidelines for reviewing, evaluating, and approving grant applications from the Account for Programs for Innovation and the Prevention of Remediation. These guidelines must consider the list of priorities of schools provided to the Commission by the Department of Education. The Commission is prohibited from awarding a grant from the Account for a program of full-day kindergarten. Only individual public schools and consortiums of public schools are allowed to apply for grants; school districts are prohibited from applying. This bill identifies specific information that the Commission must include in its annual reports on the grants it has allocated. It places limits on the Commission members' travel expenses, on costs for programs relating to academic achievement and student proficiency, and on the costs for evaluating the programs for which the Commission allocated money. The Legislative Auditor is required to audit biennially the programs for which schools and consortiums of schools receive money.

This bill is effective on July 1, 2007.

S.B. 238 (Chapter 530)

Senate Bill 238 establishes a program of empowerment schools. The board of trustees of school districts participating in the program may establish policies and procedures for the program, including provisions relating to the autonomy of empowerment school principals to make operational decisions; the process of converting a traditional school to an empowerment school; and opportunities for such schools to offer alternative schedules. An empowerment school is given control of 90 percent of the normal appropriations from State and local sources. An empowerment school also is allowed to enroll students who are not zoned to attend that school if space is available, and is authorized to create an incentive pay structure for all school personnel.

The measure requires that a minimum of 5 percent of schools in the Clark County School District and the Washoe County School District convert to empowerment schools. Participation by other school districts is optional. The total number of empowerment schools statewide is capped at 100.

Charter schools may participate in the empowerment program, and a parallel structure for planning, approving, and evaluating charter schools is included in the bill.

The bill requires that a school empowerment team submit a plan to convert to an empowerment school for review by the school district board of trustees. The measure further specifies the composition of the school empowerment team, the professional experience that members of the team must possess, and the elements that a school empowerment plan must include. A principal in a school located in a county other than Clark and Washoe County is not required to form a school empowerment team in order to submit an empowerment plan. Senate Bill 238 also authorizes, but does not require, school districts to create design teams to recommend policies relating to empowerment schools.

In reviewing the empowerment plan, the school district may not consider the amount of money the school empowerment team requires to carry out the plan as long as the amount is within the limits of the 90 percent of funds apportioned to the school. The school district must provide a written statement of the reasons for a denial of the empowerment plan, and it must provide the school empowerment team with a reasonable opportunity to correct any deficiencies.

This bill requires that empowerment schools provide quarterly fiscal reports to the school district and that the school district conduct annual audits of these schools.

This bill is effective on July 1, 2007, and expires by limitation on June 30, 2011.

S.B. 239 (Chapter 522)

Senate Bill 239 creates the P-16 Advisory Council to assist in the coordination of elementary, secondary, and higher education in this State. The measure specifies the number of Council members, the manner and length of their appointments, and the specific issues the Council is required to address.

The measure is effective on July 1, 2007.

S.B. 247 (Chapter 245)

Senate Bill 247 creates the Nevada Youth Legislative Issues Forum, consisting of 21 students enrolled in grades 9 through 12 who represent the senatorial districts in which they reside. The measure requires that the Forum review issues of importance to the youth in this State and submit an annual report concerning its activities to the Director of the Legislative Counsel Bureau and to the Governor. The Forum is authorized to submit a request for the drafting of one legislative measure each session that relates to matters within the scope of the Forum.

This measure is effective on May 31, 2007.

S.B. 312 (Chapter 289)

Senate Bill 312 requires the State Board of Education and the school districts to include dropout rates of pupils in grades 6, 7, and 8 in their annual accountability reports. The

measure allows a pupil who has not completed the courses of study for promotion to 9th grade to be placed on academic probation and be enrolled in high school, while the pupil is completing the requirements for promotion to high school.

The measure provides that a pupil, who fails to pass the high school proficiency examination at least three times, may pursue an alternative route to receive the standard high school diploma. To be eligible, a pupil must pass the mathematics and reading subject areas of the high school proficiency examination, earn an overall grade point average of 2.75 on a 4.0 grading scale, and satisfy alternative criteria that demonstrate proficiency in the subject areas on the examination, which the pupil failed to pass.

The measure allows a pupil to receive credit for a course he has not attended if the pupil passes an examination in the subject area of the course. It also extends the age of compulsory education to 18 years.

The measure is effective on July 1, 2007.

S.B. 398 (Chapter 342)

Senate Bill 398 creates a pilot program to study English language immersion and English language learner programs for pupils who are limited English proficient. Nevada's Department of Education shall select the schools to participate. The board of trustees in a district with a participating school must report the status of the pilot program to the Legislative Committee on Education and the 75th Session of the Nevada Legislature. The report must include an evaluation of the effectiveness of the program in closing the achievement gap, if any, among those pupils that participated and the pupils enrolled in the school as a whole.

The measure is effective on July 1, 2007.

S.B. 400 (Chapter 234)

Senate Bill 400 establishes the Program of School Choice for Children in Foster Care. This program allows the legal guardian or custodian of a student in foster care to transfer the student to a public school other than the one the student is zoned to attend. The public school in which the student wishes to enroll does not have to be located in the county in which the student resides. No school district in the State is required to provide transportation for a student to attend a school other than the one the student is zoned to attend.

The provisions of this bill requiring the State Board of Education to adopt regulations establishing the application procedures for this program are effective on July 1, 2007. All other provisions of the bill are effective on July 1, 2008.

S.B. 535 (Chapter 426)

Senate Bill 535 authorizes school districts to operate alternative education programs for all grade levels of pupils who are at risk of dropping out of school.

The measure revises the content of agreements between school districts to enroll pupils in distance education courses. It eliminates the requirement that the agreement must be filed with the Superintendent of Public Instruction and removes the restrictions on the eligibility of the distance education provider to receive payment for a pupil. It provides procedural requirements to be met by teachers of distance education courses.

The measure expands the eligibility of pupils to receive credit for completion of independent study courses. The measure requires that a pupil enrolled in programs for the adult standard diploma must be granted credit for any college courses that pupil has completed.

The measure is effective on July 1, 2007.

Charter Schools and Other Nontraditional Schools

A.B. 131 (Chapter 120)

Assembly Bill 131 authorizes two or more school districts to acquire a joint facility or project for career and technical education (CTE). The participating school districts must enter into a compact that specifies apportionment of expenses, allocations of pupil enrollment, formation of an oversight advisory council, and other provisions as necessary. The participating districts may enter into agreements with community and business representatives.

School districts and the Nevada State Board of Education shall include CTE performance indicators in their respective annual accountability reports.

The measure is effective on July 1, 2007.

A.B. 334 (Chapter 313)

Assembly Bill 334 establishes a statewide charter school district and designates a trustee of charter school records in the event a school ceases operations. The measure allows a charter school to request a change of sponsor at any time and provides that the application process for a change of sponsor must not require the charter school to undergo the requirements of the initial application. The measure also revises existing provisions so that a charter school is not precluded from receiving payment through the Distributive School Account for a homeschooled pupil enrolled in classes offered by the school.

Finally, the bill clarifies the administrative experience and education necessary to qualify for employment as a charter school administrator. It requires that if salary or other compensation of a charter school administrator exceeds that of a comparable administrator in the school district in which the charter school is located, then the charter school sponsor must conduct an audit of the salary or compensation and a review of the reasons of the charter school's governing board for paying that salary or compensation.

The measure is effective on July 1, 2007.

A.B. 567 (Chapter 304)

Assembly Bill 567 makes various statutory changes to include the pupils enrolled in the university school for profoundly gifted pupils in the apportionment from the Distributive School Account. The measure clarifies the school is subject to regulations of the State Board of Education. The governing body must adopt rules for student behavior and student advancement. It revises the membership of the governing body and requires that applicants for employment meet certain requirements.

The measure is effective on July 1, 2007.

A.B. 591 (Chapter 477)

Assembly Bill 591 provides that charter schools meeting certain standards may be exempted from an annual performance audit and be audited for performance every three years. A sponsor requesting reimbursement for administrative costs associated with sponsorship shall provide the charter school with an itemized list of costs. A school district board of trustees shall provide certain services to its district-sponsored charter schools, for which the district may charge fees. Charter schools may apply to the Department of Education for money for facilities if they meet certain standards and to the extent that money is available.

The bill allows that a charter school's governing body may consist of either three licensed teachers or two licensed teachers and one person who previously held a license in good standing. No more than two persons on a charter school's governing board may represent the same organization or business.

Institutions of the Nevada System of Higher Education are authorized to sponsor charter schools that are to be designated as schools in the Charter School District for State Board Sponsored Charter Schools and Nevada System of Higher Education-Sponsored Charter Schools.

The provisions designating State college or university-sponsored charter schools as part of the Charter School District are effective on June 13, 2007. All other provisions are effective on July 1, 2007.

S.B. 404 (Chapter 513)

Senate Bill 404 requires that a parent wishing to homeschool a child must file a written notice of intent with the superintendent of the school district in which the child resides. The Nevada Department of Education must develop a standard form for the notice. The school district must acknowledge in writing that it has received the form, which is deemed proof of compliance with the compulsory school attendance law for that year. An educational plan must be filed with the initial notice only. The educational plan must not be used to deny the initial notice of intent to homeschool. The parent must be prepared to present the educational plan to a court of law, if required.

A homeschooled child seeking admittance to a public high school must provide documentation showing successful completion of a course of study required for promotion to high school or demonstrate readiness for promotion by passing an examination prescribed by the board of trustees.

A school district or charter school may require proof of identity to enroll a pupil in a class, extracurricular activity, or special education services, but must require proof of identity for participation in interscholastic athletic programs. However, in all these instances, a homeschooled child must have on file a current notice of intent to homeschool in the school district in which the child resides.

Each board of trustees must maintain on its website information on standardized tests, including the high school proficiency examination and college entrance examinations. The districts must ensure homeschooled children have adequate notice of the availability of information on the website.

The measure is effective on July 1, 2007.

Higher Education

S.B. 357 (Chapter 176)

Senate Bill 357 requires that all loans from the Western Interstate Commission for Higher Education's (WICHE) Fund for Student Loans must bear a competitive interest rate that has been set by the three Nevada WICHE Commissioners or by the Director of WICHE.

This bill sets forth repayment schedules for WICHE loans, and it allows for the assessment of delinquency charges for late installments of loan repayments.

This bill is effective on July 1, 2007.

S.B. 455 (Chapter 416)

Senate Bill 455 authorizes the Board of Regents of the University of Nevada to delegate the purchase of securities or to accept bids for such securities outside the University Securities Law under certain circumstances. The measure also authorizes the Board of Regents to issue revenue bonds in an amount not to exceed \$20 million to finance certain infrastructure projects at Nevada State College. Finally, S.B. 455 increases the amount of bonding authority of the Board of Regents by a total of \$153.94 million for certain facilities at the University of Nevada, Reno; University of Nevada, Las Vegas; Community College of Southern Nevada; and Western Nevada Community College and expands the authorized use of the revenue bonds at the Community College of Southern Nevada.

This bill is effective on June 13, 2007.

S.J.R. 4 (File No. 92)

Senate Joint Resolution No. 4 proposes to amend the *Nevada Constitution* to require the Legislature to provide for the organization and duties of the Board of Regents and the appointment of its members by the Governor.

If approved in identical form during the 2009 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2010 General Election.

See also Senate Bill 5 (Chapter 5) of the 23rd Special Session.

Personnel Governance

A.B. 313 (Chapter 142)

Assembly Bill 313 requires the Department of Education to adopt regulations establishing procedures for the notification, tracking, and monitoring of criminal cases involving licensed educational personnel. The measure provides that, if the evidence is insufficient to suspend or revoke the license, the file created to monitor the incident must not be made a part of the licensee's permanent employment file. Immunity from civil or criminal liability extends to anyone acting in good faith to report or investigate these cases.

The measure is effective on July 1, 2007.

A.B. 512 (Chapter 300)

Assembly Bill 512 requires a school district board of trustees to employ a qualified student teacher as a substitute teacher before it assigns a long-term substitute who is not a licensed teacher. The district must ensure that the student teacher is supervised by a licensed teacher who will be compensated for this assignment. The student teacher is entitled to the same rate of pay as a substitute teacher, but is not entitled to pay for time spent on activities related to completing the program of student teaching. This measure requires that, during the 2007-2009 interim, the Legislative Committee on Education study the use of long-term substitute teachers.

The measure is effective on July 1, 2007.

NOTE: After passage of A.B. 512, the Legislature passed S.B. 4 of the 23rd Special Session which, among other things, repealed the provisions in A.B. 512 that would have required the Legislative Committee on Education to study the use of long-term substitute teachers. See S.B. 4 of the 23rd Special Session for additional information.

S.B. 166 (Chapter 453)

Senate Bill 166 requires a school district to pay increased salaries to a school library media specialist who satisfies various other requirements and is certified by the National Board for Professional Teaching Standards. The measure also appropriates funds to pay for the increase of salaries for eligible media specialists.

This measure is effective on July 1, 2007.

S.B. 264 (Chapter 151)

Senate Bill 264 provides for an alternate route to teacher licensure for individuals who hold a Passport to Teaching certification from the American Board for Certification of Teacher Excellence. The applicant for a teacher license must also pass each examination required by Nevada law for the specific subject of instruction and agree to participate in a program of mentoring for the first year of employment as a teacher.

The Commission on Professional Standards in Education must approve the Passport to Teaching program as an alternate route to teacher certification. The Commission is required to issue annual reports concerning this program to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Education. The reports are to address the number of persons who have applied for licensure under this program, the number of teachers licensed under this program who subsequently have been employed by a school district in this state, and the effectiveness of this program.

This bill is effective on July 1, 2007, and expires by limitation on June 30, 2011.

S.B. 328 (Chapter 457)

Senate Bill 328 requires a school district board of trustees to adopt a policy that sets out procedures and conditions for district-level administrators to teach, observe, or otherwise participate in a classroom each school year. Boards of trustees of each school district are required to report to the Legislative Committee on Education and to the Legislative Counsel Bureau concerning their programs to engage administrators in classroom instruction.

When conducting an evaluation of a teacher, an administrator must observe the teacher in the classroom for a specified number of minutes. The evaluation must include a review of specific performance indicators. A reasonable effort must be made to assist a teacher to correct deficiencies reported in the evaluation. If an administrator admonishes an employee for reasons that may lead to demotion or dismissal, the admonition must include descriptions of the deficiencies and corrective actions.

This bill specifies salaries for school district boards of trustees based on the county population. A board member in Clark and Washoe County shall receive \$750 per month. A board member in Carson City, Churchill, Douglas, Elko, Lyon and Nye County shall receive \$400 per month. A school board member shall receive \$250 per month in all other counties.

The measure is effective on July 1, 2007. The provisions relating to school board salaries are not required to be adopted by a school board until January 1, 2009.

S.B. 534 (Chapter 263)

Senate Bill 534 allows the superintendent of a school district to extend the jurisdiction of school police officers to streets that are adjacent to school property and facilities for the purpose of issuing traffic citations when school is in session and during school-related activities.

This bill is effective on July 1, 2007.

See also Assembly Bill 1 (Chapter 8) of the 23rd Special Session.

School Facilities

A.B. 186 (Chapter 493)

Assembly Bill 186 relates to renewable energy. This measure requires that an agreement between a business and the Commission on Economic Development for partial abatement of taxes must include certain provisions. It must provide that the business agrees to be audited to determine whether it is in compliance with the agreement and agrees that the audits will be disclosed to the public, except for any trade secrets or confidential proprietary information, as set forth in the bill.

This measure also increases the number of schools that may participate in the Solar Energy Demonstration Program and increases from 570 kilowatts to 2 megawatts the total additional capacity for solar energy systems in schools that may be approved by the Public Utilities Commission of Nevada (PUCN) for the years 2007, 2008, and 2009. To promote the installation of solar energy systems at as many schools as possible, the PUCN may not approve for use in the Program a solar energy system having a generating capacity of more than 50 kilowatts if the solar energy system is or will be installed at a school on or after July 1, 2007, unless it determines that approval of a solar energy system with a greater generating capacity is more practicable for a particular school.

This measure is effective on July 1, 2007.

A.B. 250 (Chapter 69)

Assembly Bill 250 revises provisions of Nevada's Private Elementary and Secondary Education Authorization Act, which governs the operation of private elementary and secondary schools in this State. The bill clarifies the authority of the Superintendent of Public Instruction to inspect private educational institutions, including schools applying for exemption from the Act. In addition, A.B. 250 requires an institution applying for an initial or renewal license to sign an affidavit affirming current insurance coverage. The measure adds certain educational institutions maintained by another state or the District of Columbia to those that are exempt from the provisions of the Act. The Department of Education may accept

certifications from appropriate State agencies responsible for the inspection of buildings as satisfactory proof that schools that apply for an exemption from the Act are in compliance with certain State laws, including those related to health and safety.

The measure is effective on July 1, 2007.

S.B. 154 (Chapter 541)

Senate Bill 154 creates the Washoe County Schools Construction and Revitalization Advisory Committee to make recommendations to the Board of Trustees of the Washoe County School District on the imposition of taxes to fund capital projects relating to education. The Committee shall be composed of the Superintendent of the School District and 14 other members, of which 10 must represent specific organizations or interests as set forth in the bill. Four of the members shall be legislators appointed by the Majority Leader of the Senate and the Speaker of the Assembly. Upon receipt of a resolution requesting the Washoe County Commission to adopt an ordinance imposing a new tax, the Commission shall put the question to an advisory vote at the General Election in November 2008. If a majority of the voters voting on the advisory question approve the imposition of a new tax to fund capital projects by the School District, the County Commission shall adopt an ordinance imposing such a tax. The proceeds of the new tax shall not be considered in any collective bargaining within the school district and shall not reduce or supplant existing funding for capital projects.

The measure also clarifies that existing exemption from the real property transfer tax for a change in identity or form of a corporation includes such a change to any business entity.

The bill is effective on July 1, 2007. Provisions related to the Washoe County Schools Construction and Revitalization Advisory Committee expire by limitation on May 1, 2008.

See also Assembly Bill 1 (Chapter 8) of the 23rd Special Session.

See also Assembly Bill 3 (Chapter 10) of the 23rd Special Session.

ELECTIONS

A.B. 322 (Chapter 311)

Assembly Bill 322 concerns elections. The bill applies a \$10,000 reporting threshold for contributions and expenditures both to groups who advocate for or against a ballot question and to groups who initiate or circulate a petition.

The measure also requires a revised petition to be filed with the Secretary of State no later than the third Tuesday in May of an even-numbered year. The revised petition cannot be circulated for signatures before it has been filed, any signatures collected on the original petition are void, and the revised petition remains subject to the same timeline as the original in regard to qualifying for inclusion on the ballot.

Finally, A.B. 322 provides that a description of the effect of a ballot question that is amended in compliance with a court order cannot be challenged.

A.B. 505 (Chapter 74)

Assembly Bill 505 revises the filing period for a certificate of candidacy for nomination for a judicial office, other than municipal judge, from the first Monday of April of an election year to the first Monday in December of the year preceding an election year. The filing period will end on the first Friday in January of the upcoming year.

Similarly, A.B. 505 revises the 10-day filing period for a declaration or acceptance of candidacy for a judicial office, other than municipal judge, from early May to the first Monday in January of an election year. The filing period will end on the second Friday after the first Monday of the election year.

This bill is effective on May 18, 2007.

A.B. 517 (Chapter 302)

Assembly Bill 517 concerns elections. The measure removes from statute obsolete references to punch card ballots and the related duties of persons who process them; provides that a voter registration card is not proof of address, identity, or residence; and requires that sample ballots be mailed to voters prior to the start of early voting. The bill also authorizes a registered voter who resides outside of the continental United States and uses a facsimile machine to request an absent ballot to choose whether to return the ballot by facsimile or mail.

This bill also clarifies that the term “candidate” includes anyone who has accepted more than \$100 in campaign contributions, regardless of whether that person has filed a declaration or acceptance of candidacy, or whether the person’s name appears on an official ballot.

Additionally, A.B. 517 requires persons submitting signatures for verification on a petition for an initiative or referendum that was circulated in more than one county to submit the signatures

to each county clerk on the same day. The bill allows petitioners to authorize other contact people to address questions or issues relating to the petition.

The measure also allows the Secretary of State to cancel a fictitious address he has issued to a person who has been the victim of certain crimes if that person files a declaration or acceptance of candidacy.

This bill is effective on June 2, 2007.

A.B. 604 (Chapter 476)

Assembly Bill 604 relates to elections. This measure requires a person or group of persons advocating the passage or defeat of a ballot question to register with and provide certain information to the Secretary of State. Such a person or group must also appoint a resident agent who is a resident of Nevada.

A person or group that is affiliated with or has been retained by another person or group for the purpose of advocating for or against a ballot question must provide certain identifying information about that entity to the Secretary of State.

Additionally, a person or group that has received or expended at least \$10,000 must report to the Secretary of State each contribution in excess of \$1,000, or contributions from one source that cumulatively exceed \$1,000. A petition circulator must attest via affidavit to certain legal requirements concerning his actions.

Assembly Bill 604 requires a local government entity to provide information on the fiscal impact of ballot questions that the entity submits to voters and that information is required to be placed on sample ballots. Similarly, when a petition for a county or municipal initiative or referendum is submitted to the county or city clerk, the clerk is required to consult with the appropriate governing body to determine whether the initiative or referendum would have a financial effect on local government. The clerk is also required to post the description of the anticipated financial effect on his Internet website.

This bill is effective on July 1, 2007.

S.B. 78 (Chapter 227)

Senate Bill 78 concerns misconduct in the signing or filing of a referendum or other petition. The measure increases the penalty from a misdemeanor to a category D felony for:

- Signing the name of another person or a fictitious person on a petition; or
- Filing a petition or causing a petition to be filed knowing that the petition contains a false or wrongful signature or statement.

The bill also creates two new crimes punishable as category D felonies:

- Adding to, revising, or altering a petition with the intent to falsify the name or any information concerning the age, citizenship, residence, or other qualifications of another person who signs the petition; and
- Offering or providing any consideration, gratuity, or reward to another person with the intent to induce the other person to sign his own name to or withdraw his own name from a petition.

S.B. 121 (Chapter 58)

Senate Bill 121 amends the City Charter of Carlin to revise the timing of the municipal general election to coincide with the statewide general election held in November of each even numbered year. The measure provides a framework for rotating the city's four council offices and the Office of Mayor into the statewide election cycle.

The bill is effective on May 17, 2007, and applies to the municipal general election to be held on June 5, 2007.

S.B. 122 (Chapter 59)

Senate Bill 122 amends the City Charter of Wells to revise the timing of the municipal general election to coincide with the statewide general election held in November of each even numbered year. The measure provides a framework for rotating the city's four council offices and the Office of Mayor into the statewide election cycle.

The bill is effective on May 17, 2007, and applies to the municipal general election to be held on June 5, 2007.

S.B. 230 (Chapter 113)

Senate Bill 230 requires the signature of a person on a petition for initiative or referendum to be preceded by the person's printed name. The bill also moves from the third Tuesday in June to the third Tuesday in May the deadline for submitting to the county clerks a petition that proposes a Constitutional amendment. Finally, S.B. 230 shortens the length of time, from 30 days to 15 days, for:

- Filing a challenge to the description on an initiative or referendum;
- Setting a date for a hearing on such a challenge; and
- Setting a date for a hearing on a challenge to the legal sufficiency of a petition for initiative or referendum.

S.B. 549 (Chapter 484)

Senate Bill 549 requires that an initiative petition that proposes a statute, an amendment to a statute, or an amendment to the *Constitution of the State of Nevada* be signed in each county by 10 percent of the voters who voted in the entire State at the last preceding general election multiplied by the population percentage for that county.

The bill also requires the Secretary of State to determine the number of signatures required to be gathered from each county for an initiative petition proposing a statute, an amendment to a statute, or an amendment to the *Nevada Constitution* as soon as practicable after each statewide general election.

This measure is effective on July 1, 2007.

S.B. 573 (Chapter 523)

Senate Bill 573 requires public buildings, or portions thereof, to be made available without charge to state or county central committees of major political parties in presidential election years. The bill also requires such public buildings to be made available at other times for the purpose of conducting precinct meetings at a charge that is not greater than charged to other groups.

Additionally, S.B. 573 provides that, upon request of a state or county central committee, the county clerk must determine and provide the number of registered voters in each precinct 90 days before the date set for a precinct meeting. If consistent with the rules of the party, the number of registered voters determined at that time must be used to determine the number of delegates to the county convention.

This measure is effective on June 14, 2007.

A.J.R. 10—73rd Session (File No. 35)

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.

This measure was approved in identical form during the 2005 and 2007 Sessions of the Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2008 General Election.

NOTE: After passage of A.J.R. 10 from the 73rd Session, the Legislature passed Senate Joint Resolution No. 3 which, among other things, would repeal the provisions of A.J.R. 10. See S.J.R. 3 for additional information.

Campaign Practices

A.B. 80 (Chapter 267)

Assembly Bill 80 concerns elections. The bill requires any business entity for which the owners, investors, officers, directors, members, other organizers, or business purpose are not disclosed in any public record to register with the Secretary of State and provide certain identifying information before soliciting or receiving contributions or making contributions or expenditures designed to affect the outcome of an election.

This bill also requires these entities to report certain contributions and expenditures related to their support or opposition of a candidate or group of candidates, a ballot question or group of questions, or an initiative petition or referendum. Business entities that fail to meet the registration and reporting requirements may be held liable for a civil penalty.

Finally, A.B. 80 requires the Secretary of State to make this registration and reporting information publicly available.

A.B. 516 (Chapter 301)

Assembly Bill 516 removes the Attorney General, district attorney, and city attorney from the process whereby a decision by the Secretary of State or a county or city clerk, as applicable, to reject a written statement supporting or opposing a ballot question on the grounds that the statement is libelous or factually inaccurate is reviewed. The bill provides instead that an appeal of such a decision will go directly to district court, and the court must grant the matter priority on its hearing docket.

S.B. 425 (Chapter 538)

Senate Bill 425 defines the term “legal defense fund” to mean an account established to defray attorney’s fees or other legal costs incurred by a candidate or public officer if that official becomes subject to any civil, criminal, or administrative proceeding arising from a campaign, the electoral process or the performance of his official duties. The bill also provides that a political purpose includes the establishment of, or the addition of money to, a legal defense fund.

The bill further requires a person administering a legal defense fund to report to the Secretary of State within five days the creation of such a fund, and to report any contributions to or expenditures from the fund. Individual contributions to such a fund are limited to \$10,000 during a prescribed period of time coinciding with the period for accepting campaign contributions.

This measure is effective on June 15, 2007.

S.B. 548 (Chapter 483)

Senate Bill 548 revises provisions relating to public offices. This measure requires that published statements that expressly advocate the election or defeat of a clearly identified candidate, that are published within 60 days before a general or special election or 30 days before a primary election, and that are published by a person who receives compensation from the candidate, an opponent of the candidate, or a person, party, or committee that is required by Nevada law to report campaign expenditures must be disclosed by the person who is responsible for publishing the statement. A statement published by a candidate and containing the candidate's name complies with these provisions.

The bill also requires that the annual financial disclosure statement that a public officer must file in January include information for the full calendar year immediately preceding the deadline for filing the statement. Additionally, the bill requires that the financial disclosure statement that a candidate must file within ten days after the last day to qualify as a candidate include information for the period between January 1 of the year in which the election will be held and the last day to qualify as a candidate.

Finally, S.B. 548 repeals a provision in Nevada statutes that makes it is unlawful for a person to publish certain material or information relating to an election, candidate, or ballot question unless that material or information contains certain information.

Election Procedures

A.B. 342 (Chapter 314)

Assembly Bill 342 requires county clerks in Clark and Washoe Counties to designate at least one polling place where a voter who lives in a mailing voting precinct may vote in person on election day, and provides that clerks may designate early voting polling places at which such a voter may vote in person during early voting.

The bill also allows, but does not require, clerks in the other 15 counties to designate polling places for use by mailing precinct voters, and provides that a clerk in any county may, at his discretion, designate a polling place for use by a mailing precinct voter located as close as possible to a mailing precinct.

If the county clerk has designated one or more polling places for the use of mailing precinct voters, the sample ballot and official ballot must include a notice identifying the designated locations.

If a mailing precinct voter chooses to vote in person, only the mailing precinct voter or, at his request, a family member of the mailing precinct voter may return an unused mailing ballot to the office of the county clerk or to a polling place. A person who violates these provisions is guilty of a category E felony.

A.B. 569 (Chapter 478)

Assembly Bill 569 concerns elections. This measure eliminates obsolete statutory provisions concerning various election supplies that are no longer used. It also establishes a process whereby a candidate can rescind his withdrawal from candidacy, and provides that a registered voter who wishes to challenge another registered voter at a polling place must attest under penalty of perjury that the challenge is based on personal knowledge of the voter to be challenged.

The bill further provides that only permanent regulations adopted by the Secretary of State on or before December 31 of the year preceding an election govern the conduct of that election. The Secretary of State shall develop procedures governing the appropriate use of a paper record generated when a voter votes electronically, and governing the procedures used for testing, use, and auditing of a mechanical voting system that records votes electronically.

The measure creates a process whereby a clerk may object to a voter registration application that has been altered by the applicant and have the matter reviewed by a district attorney. If the application is deemed appropriate, the clerk shall immediately issue a voter registration card.

Finally, A.B. 569 provides that no election be held in certain uncontested elections, and allows for the mailing of absentee ballots by any class of mail if the ballot is marked with an "Official Election Mail" logo, or an equivalent logo or mark, created by the United States Postal Service.

A.B. 570 (Chapter 185)

Assembly Bill 570 revises pertinent portions of the *Nevada Revised Statutes*, certain city charters, and certain airport authority acts to provide that election results must be canvassed on or before the sixth working day after an election.

S.B. 401 (Chapter 424)

Senate Bill 401 requires each county clerk to collect certain information regarding each primary and general election and to submit that information to the Secretary of State. The required information includes uncounted ballots, malfunctions of mechanical voting machines, unopened polling places, challenges to voter eligibility, complaints regarding ballots cast by mail, election audits, and provisional ballots. The bill also requires the Secretary of State to compile the information collected from the county clerks into a report to be submitted to the Legislature.

S.J.R. 3 (File No. 105)

Senate Joint Resolution No. 3 proposes to amend the *Constitution of the State of Nevada* to provide that an initiative petition must be signed by at least 10 percent of the registered voters in the state who voted at the last preceding general election.

The measure also proposes to repeal provisions contained in Assembly Joint Resolution No. 10 of the 73rd Session that eliminate the requirement that a person must reside in Nevada for at least 30 days prior to an election to be eligible to vote in that election. Similarly, it proposes to repeal provisions contained in S.J.R. 1 of the 74th Session, which eliminate the requirement that a notarized affidavit accompany the signatures on a petition affirming that those who signed the petition were, at the time of signing, registered voters in the county in which they reside. The provisions of both of these repealed resolutions have been included in S.J.R. 3 to help avoid voter confusion by reducing the number of questions upon which voters will be asked to decide.

If approved in identical form during the 2009 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2010 General Election.

FAMILY TOPICS

A.B. 15 (Chapter 81)

Assembly Bill 15 enacts the Uniform Child Abduction Prevention Act, which was promulgated by the Uniform Law Commissioners in 2006 to deter domestic and international child abductions by parents and any persons acting on behalf of the parents. The measure specifies who may file an action for abduction prevention, sets out the risk factors that should be considered, and identifies activities that may indicate a planned abduction.

The measure specifies the information that may be included in an abduction prevention order, the length of time of the order, and whether a warrant should be issued to take physical protective custody of a child if the court determines that there is a credible risk of abduction. The measure also provides that the court shall not issue such an order if it finds that the respondent's conduct is intended to avoid imminent harm to the child or to the respondent.

A.B. 90 (Chapter 277)

Assembly Bill 90 provides that the gross misdemeanor crime of paternity fraud has been committed when either the alleged father or another person engages in conduct that is intended to prevent a determination that the alleged father is, in fact, the father of the child.

A.B. 117 (Chapter 68)

Assembly Bill 117 provides that in a divorce proceeding, the parents, guardians, siblings, and witnesses of the parties must not be excluded from observing the proceedings unless good cause is shown.

A.B. 147 (Chapter 274)

Assembly Bill 147 prohibits a person who takes a child who is three years of age or younger into protective custody from placing that child in a child care institution, unless:

- Appropriate foster care is not available at the time of placement in the county in which the child resides;
- It is necessary to avoid separating sibling groups; or
- The child requires medical services and the services cannot be provided at any other placement.

This bill requires the court, along with the agency that provides child welfare services, to establish a plan to transfer to another placement a child who is three years of age or younger and who has been placed in a group shelter.

This bill is effective on January 1, 2008. Beginning January 1, 2009, the child protective provisions of this bill apply to children 6 years of age or younger.

A.B. 263 (Chapter 330)

Assembly Bill 263 requires the Division of Child and Family Services, Department of Health and Human Services (DHHS), to review each agency that provides child welfare services for its compliance with State and federal law. The Division must require corrective action against an agency that is not in compliance. Additionally, the measure authorizes the Division to take certain actions if the child welfare agency fails to take corrective action within a reasonable period. Any such action must not impede the provision of child welfare services and any administrative fines imposed pursuant to such action may only be used to improve the provision of child welfare services in this State. Additionally, the DHHS must submit a report to the 75th Session of the Nevada Legislature concerning any actions that have been taken by the Division against a child welfare agency that failed to take corrective action in a timely manner.

The measure authorizes the Administrator of the Division to organize a multidisciplinary team to oversee multidisciplinary teams organized by various child welfare agencies to review the death of a child. Members of these multidisciplinary teams are civilly liable for disclosing confidential information concerning the death of a child.

Finally, the bill allows a designee of an agency that is investigating a report of child abuse or neglect to interview a sibling of the child without the consent of any person responsible for the child's welfare.

A.B. 283 (Chapter 98)

Assembly Bill 283 requires child care facilities and facilities for the care of adults during the day to maintain certain information related to complaints, investigations, and discipline of those facilities. Failure to maintain that information is grounds for revocation of the facility's license. That information must be provided to the parents, guardians, or legal representatives of persons cared for in those facilities under certain circumstances. This bill requires that the information be presented on a standardized form, created by the respective licensing agencies, and that it include all of the required information for the preceding 12-month period.

Assembly Bill 283 requires the respective licensing agencies of child care facilities and facilities for the care of adults during the day to provide the following information to those facilities:

- A summary of complaints made against the facility;
- A report of any investigation conduct with respect to a complaint; and
- A report of any disciplinary action that was taken against the facility.

A.B. 299 (Chapter 89)

Assembly Bill 299 revises the definition of "runaway and homeless youth" to mean a person under 18 years of age who lives without a fixed, regular, and adequate nighttime residence, as

defined in federal code. The youth may live in this condition with or without the consent or knowledge of the parent, guardian, or custodian. This measure also requires approved youth shelters to make a reasonable and bona fide attempt to notify the parent, guardian, or custodian of the whereabouts of a runaway or homeless youth, instead of requiring actual notice.

This measure is effective on July 1, 2007.

A.B. 353 (Chapter 43)

Assembly Bill 353 authorizes a child to petition the court for the restoration of parental rights of the child's natural parent if the child has not been adopted. The natural parent or parents for whom restoration of parental rights is sought must consent in writing to the petition. The bill sets forth proceedings governing the notice required before a hearing on the petition and specifies that certain persons must be personally served with the notice.

The court must hold a hearing on a valid petition to determine whether to restore the parental rights. Assembly Bill 353 sets forth the certain findings that must be made before the court may grant such a petition and requires the court to order the restoration of parental rights if it finds the child is not likely to be adopted and such restoration is in the best interests of the child.

A.B. 498 (Chapter 337)

Assembly Bill 498 creates a conclusive presumption of paternity if the results of a blood test or genetic test establish a probability of the alleged father's paternity of 99 percent or more, except that the presumption may be rebutted if the alleged father has an identical sibling who may be the father. The measure authorizes a trained person designated by the Division of Welfare and Supportive Services, Department of Health and Human Services, to perform blood tests and take genetic specimens in paternity cases, the result of which may be used only for the determination of paternity. The bill also provides that a voluntary acknowledgment of paternity of a child may be made by declaration rather than affidavit.

A.B. 520 (Chapter 94)

Assembly Bill 520 requires a parent responsible for paying child support to participate in a program, such as a drug treatment program, to increase the likelihood of obtaining employment. The measure requires the responsible parent to meet with the child support enforcement authority before requesting a hearing regarding the enforcement of a child support order. The enforcement measures are specifically related to the collection of arrears, suspension of a driver's license, and suspension of a professional or occupational license.

A.B. 536 (Chapter 95)

Assembly Bill 536 requires the Division of Welfare and Supportive Services, Department of Health and Human Services, to submit a report to the Nevada Legislature concerning the enforcement of child support and the implementation of recommendations contained in an audit conducted in 2006. The district attorneys of this State are required to provide to the Division any necessary information required for the report.

The measure also requires the District Attorney of Clark County to submit a report to the Nevada Legislature concerning the implementation of recommendations made in a 2003 report concerning the Family Support Division.

Both reports must be submitted to the Director of the Legislative Counsel Bureau not later than September 1, 2008, for distribution to the Nevada Legislature.

A.B. 596 (Chapter 306)

Assembly Bill 596 provides that the Chief of the child support enforcement program must retain an annual fee in an amount of up to \$25 in each case where the State has collected \$500 or more in child support and the person for whom the collection is made has never received Temporary Assistance for Needy Families. To comply with Part D of Title IV of the Social Security Act, 42 *United States Code* §§ 651 et seq., the State must charge and collect the \$25 fee. If this requirement is repealed by the U.S. Congress, the provision to charge and collect the \$25 fee by the State expires.

The measure authorizes the physical custodian of a child to recover child support in any situation where the parents do not reside together. Every child support order issued or modified after the effective date of this bill must require that one or both parents provide medical support for the child.

This bill is effective on June 2, 2007.

S.B. 31 (Chapter 101)

Senate Bill 31 provides that the Aging Services Division of the Department of Health and Human Services is entitled to receive a suspect's record of criminal history as it relates to an investigation of a reported crime against an older person. The bill also requires that when the Division is investigating a report of abuse, neglect, exploitation, or isolation of an older person a law enforcement agency must provide information about the suspect, when possible, to include the suspect's record of criminal history, whether the suspect resides with or near the older person, and a summary of certain incidents and arrests that have occurred within the past 90 days.

This measure is effective on May 22, 2007.

S.B. 77 (Chapter 56)

Senate Bill 77 revises the existing Uniform Interstate Family Support Act, which addresses interstate jurisdictional disputes by limiting child and family support orders to a single state. The revisions update and reorganize various provisions to ensure that Nevada law remains consistent with laws in other jurisdictions. Among the provisions addressed in S.B. 77 are the duration of child support, international child support orders, and the enforcement process.

S.B. 129 (Chapter 430)

Senate Bill 129 extends certain deadlines for the appointment of guardians and temporary guardians and the length of time during which a guardian retains authority over the estate of a deceased ward. The bill revises the criteria under which a petition to appoint a guardian or temporary guardian may be granted for a ward at risk of physical harm or in need of medical attention, to include situations in which the ward is unable to respond to the harm or need. The measure also provides for instances in which court authority is not necessary for a guardian to commit a ward to a mental health facility, or take various actions necessary for the best interest of the ward.

This measure is effective on July 1, 2007.

S.B. 399 (Chapter 161)

Senate Bill 399 requires the Division of Child and Family Services of the Department of Health and Human Services to coordinate with and assist certain nonprofit and community based organizations, and each agency that provides child welfare services, in recruiting and training providers of family foster care. Additionally, the Division is required to coordinate and assist each agency that provides child welfare services in licensing providers of family foster care.

This measure is effective on July 1, 2007.

Domestic Violence and Child Abuse**A.B. 48 (Chapter 9)**

Assembly Bill 48 requires the Governor of the State of Nevada to annually proclaim the third week in April as “Nevada Shaken Baby Syndrome Awareness Week.”

This measure is effective on April 5, 2007.

A.B. 112 (Chapter 276)

Assembly Bill 112 prohibits a court from admitting a person to bail sooner than 12 hours after being arrested for violating an order for protection against domestic violence if the person: (a) has previously violated such an order; or (b) has a certain concentration of alcohol in his blood or breath or a certain amount of a prohibited substance in his blood or urine at the time of, or within two hours after, the violation. The measure also applies to a person arrested for violating an order for protection against stalking, aggravated stalking, or harassment.

A.B. 194 (Chapter 318)

Assembly Bill 194 prohibits an adverse party named in an extended order for protection against domestic violence from having possession, custody, or control of a firearm while the order is in effect. Violators are guilty of a gross misdemeanor. The measure requires a court to consider certain facts in issuing an order to surrender a firearm. Among the facts is the adverse party’s history of domestic violence and his previous use or threat of use of a firearm

to injure or harass someone or to commit a crime. The bill sets out the process for the adverse party to surrender any firearms and also provides a limited exception if the adverse party is required by his employer to carry a firearm.

The measure provides that an applicant may receive lost earnings or expenses related to the application for a protective order; it provides support of a minor child in protective custody or the custody of a guardian; and it adds a custodian or legal guardian of a child to the list of potential victims of domestic violence. The bill also revises the procedure to test alleged sexual assault offenders for certain sexually transmitted diseases.

A.B. 261 (Chapter 70)

Assembly Bill 261 authorizes the release of certain information for purposes of assisting in locating a missing child who is the subject of an investigation of abuse or neglect. The information may be released by certain child welfare agencies to any federal, State, or local agency that needs the information to carry out its responsibilities to protect children from abuse or neglect. This information, which includes the name and age of the child, the physical description of the child, and the child's photograph, may be disclosed to any member of the general public upon request.

Additionally, the bill requires an agency that provides child welfare services to release to any member of the general public upon request certain data and information concerning reports and investigations relating to a case of abuse or neglect that results in a fatality or near fatality of a child.

The bill also requires an agency that has in its custody a child who suffers a fatality or near fatality to notify the Legislative Auditor of any information the agency has concerning the child and the child's case. The Legislative Auditor is required to review that information to determine whether the case was handled appropriately, and whether any measures, procedures, or protocols could have assisted in preventing the fatality or near fatality.

This bill is effective on July 1, 2007.

A.B. 282 (Chapter 40)

Assembly Bill 282 expands the unlawful acts that constitute domestic violence to include injuring or killing an animal. The bill also authorizes a court to enjoin the adverse party under a temporary order for protection against domestic violence from physically injuring or threatening to injure an animal owned or kept by the applicant, a minor child, or the adverse party. The court may also enjoin the adverse party from taking possession of an animal owned or kept by the applicant or minor child.

Finally, A.B. 282 authorizes a court to specify arrangements for the possession and care of any animal owned or kept by the adverse party, the applicant, or a minor child under an extended order for protection against domestic violence.

A.B. 381 (Chapter 36)

Assembly Bill 381 revises the membership of the Committee on Domestic Violence by adding a position for a justice of the peace or municipal judge and removing the position for a person who has successfully completed a program for the treatment of persons who commit domestic violence.

This measure is effective on July 1, 2007.

A.B. 507 (Chapter 303)

Assembly Bill 507 requires facilities that have physical custody of children pursuant to a court order to ensure that their employees that come into direct contact with children receive additional training.

The bill also requires that the Division of Child and Family Services (DCFS) of the Department of Health and Human Services conduct an annual physical inspection of each facility outside of this State that has physical custody of a child from this State. The Division must also conduct a physical inspection of any facility to which a child from this State may be transferred before or at the time of the transfer.

Assembly Bill 507 requires that “child care institutions” be licensed by the Bureau of Services for Child Care, DCFS, regardless of whether there is a county or city licensing agency.

In addition, A.B. 507 expands the requirements associated with the annual inspection of facilities that have custody of children pursuant to the order of a court. This bill requires that the reports of such inspections be made public.

This bill is effective on June 2, 2007, for the purpose of adopting regulations, and on October 1, 2007, for all other purposes.

S.B. 202 (Chapter 465)

Senate Bill 202 codifies certain common law factors that a court must consider when determining alimony, as currently required by Nevada case law. Among the factors are the financial condition of each party, the nature and value of their mutual property, the duration of the marriage, income and earning capacity of each spouse, standard of living, marketable skills, contribution as homemaker, and their physical and mental conditions.

The measure also requires the Department of Public Safety to provide a biennial report to the Legislature concerning temporary and extended orders for protection against domestic violence. The report must contain certain statistical information compiled by the Central Repository of Nevada Records for Criminal History, but exclude any identifying information.

S.B. 294 (Chapter 64)

Senate Bill 294 provides that a child who commits a battery that constitutes domestic violence may be released from custody sooner than 12 hours under certain circumstances. Specifically, the peace officer or probation officer who took the child into custody must determine that the child does not otherwise meet the criteria for secure detention and other appropriate arrangements can be made.

This measure is effective on May 17, 2007.

S.B. 356 (Chapter 290)

Senate Bill 356 requires the Division of Child and Family Services, Department of Health and Human Services, to adopt regulations establishing reasonable and uniform standards for determining whether an immediate action is necessary to protect a child from injury, abuse, or neglect and whether the child is in imminent risk of serious harm. The regulations must consider, without limitation: (1) circumstances in which a threat of harm suggests that a child is in imminent danger of serious harm; and (2) the conditions or behaviors of the child's family that threaten the safety of the child who is unable to protect himself and who is dependent on others for protection.

The measure also requires that the Legislative Commission appoint a subcommittee to study the foster care system in the State and to decide whether the standard for determining when to remove a child from the home needs to be changed.

Provisions requiring the study of the foster care system in Nevada are effective on July 1, 2007. The remainder of the measure is effective on October 1, 2007.

GAMING

A.B. 535 (Chapter 295)

Assembly Bill 535 makes multiple revisions to gaming law. The bill:

- Revises the provisions related to gaming employee registration by: (a) removing the requirement that independent agents who reside in Nevada must register; (b) requiring persons who are involved in the registration of gaming employees to register; and (c) requiring persons directly involved in the manufacture, repair, or distribution of gaming devices to register;
- Allows foreign limited liability companies and limited partnerships to obtain a State gaming license;
- Requires a holding or intermediary company for a corporation, limited liability company, or limited partnership to obtain prior administrative approval for the acquisition or disposition of certain interests, otherwise the transaction is void;
- Clarifies that a person who was denied a gaming license may not receive compensation, enter into a contract, or be employed by a gaming licensee or any affiliate of a licensee. It also authorizes a person whose name is on the list of denied gaming licensees to apply to be removed from the list no earlier than five years after his license was denied or he was found unsuitable;
- Expands the State Gaming Control Board's jurisdiction over patron disputes to include the award or distribution of cash, prizes, benefits, tickets, or any other item in a game, tournament, contest, drawing, promotion, or similar activity or event;
- Authorizes the Board to exercise jurisdiction over beneficial or record owners of nonvoting securities in gaming corporations;
- Authorizes the Board to object to a gaming employee's registration if the employee violates a condition or limitation placed on his registration;
- Changes from 1951 to 1961, the date of manufacture for an "antique gaming device;" and
- Amends the existing prohibition against the use of counterfeit wagering instruments to also prohibit the possession, sale, or manufacture of counterfeit wagering instruments and counterfeit promotional items.

Provisions of this bill concerning the counterfeit wagering instruments and promotional items are effective on June 2, 2007, and all other provisions of this bill are effective on July 1, 2007.

A.B. 589 (Chapter 52)

Assembly Bill 589 specifies that the State Gaming Control Board, the Nevada Gaming Commission, and their agents are essential employees and requires them to continue to perform their duties in the event of a budgetary or other fiscal crisis that necessitates a temporary closure of the nonessential State agencies.

S.B. 453 (Chapter 237)

Senate Bill 453 revises various provisions relating to the Advisory Committee on Problem Gambling. The measure authorizes a member of the Committee who holds a gaming license to appoint an alternate member to act in his place if he is not able to attend a meeting or perform his duties.

The bill also expands the categories of grants that may be considered for funding by the Committee to include applications involving the development of data, the assessment of needs, the performance of evaluations, or technical assistance relating to problem gambling. The measure repeals the prospective expiration of the provision that requires the Nevada Gaming Commission to deposit to the Revolving Account to Support Programs for the Prevention and Treatment of Problem Gambling \$2 for each slot machine subject to the quarterly slot license fee, and provides that the Commission will continue to deposit that amount indefinitely.

Finally, S.B. 453 increases from 1 percent to 10 percent the amount of money in the Revolving Account that the Director's Office of the Department of Health and Human Services may use for administration of the Revolving Account.

The bill is effective on May 31, 2007.

HEALTH CARE AND HUMAN SERVICES

A.B. 18 (Chapter 18)

Assembly Bill 18 relates to medical review committees. This measure extends the confidentiality provided to a committee that evaluates and improves the quality of medical care to similar review committees of the Nevada System of Higher Education or any of its affiliate organizations that provide clinical programs and medical care or treatment to patients.

This bill is effective on July 1, 2007.

A.B. 75 (Chapter 25)

Assembly Bill 75 increases the percentage of the Anatomical Gift Account that can be used by the School of Medicine to administer programs relating to anatomical gifts from 5 percent to 20 percent. The bill also requires that the 20 percent be calculated from the average balance of the Account for the immediately preceding fiscal year.

This bill is effective on July 1, 2007.

A.B. 158 (Chapter 473)

Assembly Bill 158 relates to advance directives for health care. This measure requires the Secretary of State to:

- Establish and maintain the Registry of Advance Directives for Health Care on his website;
- Establish regulations relating to the requirements for registering an advance directive and obtaining access to an advance directive in the Registry; and
- Conduct an interim study of the Registry to determine its effectiveness.

Assembly Bill 158 also provides civil and criminal immunity for providers of health care and the Secretary of State and his deputies, employees, and attorneys.

This bill is effective on June 13, 2007, for the purpose of developing regulations and performing any preparatory administrative tasks necessary to carry out the provisions of this measure, and on July 1, 2007, for all other purposes.

A.B. 182 (Chapter 446)

Assembly Bill 182 abolishes the Task Force for the Fund for a Healthy Nevada and places with the Grants Management Advisory Committee the responsibility for awarding grants from the Fund for a Healthy Nevada. The measure also requires the Department of Health and Human Services to report annually to the Legislative Committee on Health Care the results of its evaluation of the health and health needs of the residents of this State and its ranking of the health problems of the residents of this State.

The bill increases the membership of the Grants Management Advisory Committee to 15 members in order to include persons who specialize in areas for which money is being allocated from the Fund. Additionally, the measure specifies that entities that employ members of the Advisory Committee are not eligible for grants. The bill provides that the current \$200,000 allocation to assist the Director of the Department in funding assisted living facilities does not revert at the end of each fiscal year and that it will continue to accrue in a separate account.

Assembly Bill 182 also allows veterans to receive assistance with prescription drugs, pharmacy services, and other benefits to the extent that the veteran is not receiving other services or benefits provided to veterans for the same purpose.

Finally, the measure authorizes the Department to administer various programs to assist certain persons with the human immunodeficiency virus or acquired immunodeficiency syndrome.

This bill is effective on July 1, 2007.

A.B. 575 (Chapter 51)

Assembly Bill 575 repeals an obsolete statute relating to county workhouses for indigent persons and homes for the aged.

This bill is effective on May 14, 2007.

S.B. 169 (Chapter 232)

Senate Bill 169 revises certain provisions of the Uniform Anatomical Gift Act. In addition to other revisions, the measure expands the list of persons who may make an anatomical gift to include: an agent or guardian of a person; an emancipated minor; a minor who applies for a driver's license; and the parents of an unemancipated minor. The measure expands the methods for making an anatomical gift to include making an anatomical gift on a State-issued identification card, through a donor registry, or during a terminal illness or injury. Additionally, the measure revises provisions for amending and revoking an anatomical gift and provisions governing a person's right to refuse to make an anatomical gift.

The measure further provides that a person who, for financial gain, intentionally falsifies, forges, conceals, defaces, or obliterates certain documents concerning anatomical gifts is guilty of a category C felony. The measure also increases to a category C felony the penalty for unlawfully purchasing or selling a body part for transplantation or therapy when the body part is intended for an anatomical gift.

Finally, the measure addresses what should be done when the terms of a declaration or directive are in conflict with the express or implied terms of a potential anatomical gift with regard to the administrative measures necessary to ensure the medical suitability of a part for transplantation or therapy.

S.B. 171 (Chapter 452)

Senate Bill 171 creates the Nevada Academy of Health for the purpose of assisting the Legislative Committee on Health Care and the Department of Health and Human Services in studying issues related to health care in this state and establishing standards and goals concerning the provision of health care. The Academy is required to provide technical expertise on matters relating to health care, and advice and recommendations from consumers of health care to the Legislative Committee on Health Care. Additionally, the Academy is required to provide similar assistance to the Department at the direction of the Legislative Committee on Health Care.

The Academy consists of 14 members, appointed by the Governor, and the majority and minority leadership of the Senate and Assembly. Additionally, the Director of the Department or his designee, and a representative of the Nevada System of Higher Education serve as members of the governing body.

The Academy is required to submit a biennial report to the Governor and to the Director of the Legislative Counsel Bureau that includes recommendations concerning the strategic planning required for the improvement of health care provided in this state. Finally, the bill authorizes the Academy to accept gifts, grants, and donations of money from any source.

This measure is effective on July 1, 2007, and expires by limitation on June 30, 2009.

S.B. 228 (Chapter 464)

Senate Bill 228 grants medical review committees access to certain medical records. Additionally, the measure requires that organizations represented on a medical review committee share certain information with other members of the committee. Finally, the bill provides that certain information and records acquired by a medical review committee are privileged.

S.B. 432 (Chapter 410)

Senate Bill 432 directs the Legislative Commission to provide for a study conducted by the staff of the Legislative Counsel Bureau to review issues regarding complementary integrative medicine, homeopathic medicine, and the use of nonembryonic stem cells in bioregenerative medical technology. Staff must submit its report to the Legislative Commission by June 30, 2008.

The Legislature created the Nevada Institutional Review Board through the enactment of Sections 5.2 through 10 of Assembly Bill 208 of the 2005 Session to oversee research and evaluate relationships between alternative and complementary integrative medicine and other health care practices.

Senate Bill 432 curtails the activities of the Nevada Institutional Review Board and repeals all statutes pertaining to the Board, effective July 1, 2009. The Review Board must return the unexpended portion of any grant, gift, appropriation, or donation received, as required;

transfer any remaining money and all books, records, and other property to the Board of Homeopathic Medical Examiners; and cooperate with the Board of Homeopathic Medical Examiners to carry out the provisions of this measure.

The provisions of this measure requiring actions related to the suspension of activities of the Nevada Institutional Review Board and staff study are effective on July 1, 2007. Provisions related to the sunset of the Board are effective on July 1, 2009.

S.B. 529 (Chapter 454)

Senate Bill 529 revises provisions concerning the recovery of certain Medicaid costs that are incurred by the Department of Health and Human Services for medical services. The measure imposes the liability for these costs on certain persons who do not comply with the procedures established to protect the rights of the Department to recover benefits paid by Medicaid.

The measure revises the determination of the amount of fees on nursing facilities to comply with federal law and to allow for the recovery of the fees and administrative penalties from payments made pursuant to the Medicaid program. The measure revises provisions related to the filing of false and fraudulent claims to comply with certain provisions of federal law.

Finally, the measure revises certain provisions related to providers of health insurance as they relate to: (1) sharing certain information concerning individuals who may be Medicaid eligible; (2) responding to inquiries concerning claims; and (3) denial of claims submitted by the State.

This measure is effective on July 1, 2007.

S.B. 536 (Chapter 423)

Senate Bill 536 exempts an entity covered by the Health Insurance Portability and Accountability Act (HIPAA) from any State law that is more stringent than HIPAA requirements concerning the electronic submission of individually identifiable health information. Senate Bill 536 also allows an individual, under certain circumstances, to choose not to have his individually identifiable health information transferred to other covered entities.

S.J.R. 6 (File No. 93)

Senate Joint Resolution No. 6 urges Congress to reauthorize the State Children's Health Insurance Program (SCHIP) to assure federal funding of the Nevada Check Up program. The resolution also urges the Governor to work with Nevada's Congressional Delegation to ensure that the SCHIP is reauthorized in a timely manner.

This measure is effective on May 28, 2007.

Mental Health

A.B. 233 (Chapter 124)

Assembly Bill 233 increases from 9 to 10 the number of members on the Commission on Mental Health and Developmental Services and requires that the additional member have knowledge and experience in the prevention and treatment of alcohol and drug abuse. The additional member will be appointed by the Governor from a list of three candidates submitted by the Division of Mental Health and Developmental Services in the Department of Health and Human Services.

This measure is effective on July 1, 2007.

See also Senate Bill 2 (Chapter 2) of the 23rd Special Session.

Prescriptions and Pharmaceuticals

A.B. 6 (Chapter 117)

Assembly Bill 6 authorizes a board of county commissioners to enter into one or more contracts to provide the residents of the county with a reduction in the price of a prescription drug dispensed by a pharmacy.

This measure is effective on May 25, 2007.

A.B. 128 (Chapter 409)

Assembly Bill 128 requires a wholesaler or manufacturer who employs a person to sell or market in Nevada a drug, chemical, device, or appliance, to:

- Adopt a written marketing code of conduct and a training program regarding the code;
- Conduct annual audits of compliance with the code and adopt policies and procedures for investigating noncompliance;
- Identify a responsible compliance officer; and
- Provide copies of the relevant documents and a certification of compliance annually to the State Board of Pharmacy.

The State Board of Pharmacy must submit biennial reports of compiled information to the Governor and the Legislature and post information on its website regarding compliance of all wholesalers and manufacturers. The Board may not require disclosure of the results of an audit, and must not disclose any proprietary or confidential business information it receives.

A.B. 232 (Chapter 519)

Assembly Bill 232 requires the organization with the largest membership in the State that represents the interests of retail merchants, as determined by the Department of Health and Human Services, to prepare a list of the top 100 drugs sold in pharmacies. The measure also requires the Department to ensure that the usual and customary price used by each pharmacy for each of the 100 drugs is listed on the website maintained by the Department. The Department may extract the usual and customary price used by each pharmacy from claims reports by the pharmacies to the Medicaid program.

Assembly Bill 232 requires the Department to determine at the beginning of each fiscal year whether sufficient money is available to fund one or more components of the programs and duties of the Department related to this measure.

This bill is effective on June 14, 2007, for the purpose of determining whether sufficient money is available to fund one or more components of the programs and other duties of the Department relating to this measure, and on October 1, 2007, for all other purposes.

A.B. 235 (Chapter 203)

Assembly Bill 235 requires the symptom or purpose for which a drug is being prescribed to be included in the prescription by the practitioner and on the pharmacy label, if requested by the patient. Pharmacies located outside of Nevada that provide mail order service to Nevada residents are required to include the information in their prescription reports to the State Board of Pharmacy. Further, a written prescription for a dangerous drug must include the symptom or purpose for which the drug is being prescribed if that information is provided by the practitioner.

If a pharmacist substitutes a generic drug for a brand name drug, a practitioner may prohibit information about the brand name drug from being included on the pharmacy label.

A.B. 446 (Chapter 222)

Assembly Bill 446 requires a practitioner to obtain a patient utilization report for the preceding 12 months before he writes a prescription for a schedule II, III, or IV controlled substance for a patient who:

- The practitioner believes may be seeking the controlled substance for any reason other than treatment of an existing medical condition; and
- Is new or has not received a prescription for a controlled substance from the practitioner in the last 12 months.

The report is generated by the computerized program established by the State Board of Pharmacy and the Investigation Division of the Department of Public Safety. The State Board of Pharmacy must give each practitioner who is authorized to prescribe a schedule II, III, or IV controlled substance access to the database of the program.

Assembly Bill 446 requires the State Board of Pharmacy to submit a report to the Legislature on the implementation of this measure on or before February 1, 2009.

Professions and Occupations

A.B. 4 (Chapter 17)

Assembly Bill 4 clarifies that emergency assistance to a pregnant woman during labor or child birth, provided free of charge and in good faith, qualifies for immunity from civil liability.

A.B. 41 (Chapter 284)

Assembly Bill 41 establishes a maximum fee of \$600 for a license to practice podiatry in this State. It also establishes additional disclosure and examination requirements for licensure if the applicant has previously practiced podiatry in another state. Additionally, the measure revises requirements for reinstatement of a license that has been delinquent for more than one year.

Assembly Bill 41 also provides that a person who is covered by health insurance for treatment of an illness within the authorized scope of practice of a podiatrist is entitled to reimbursement for treatment by a licensed podiatrist.

This bill is effective on July 1, 2007.

A.B. 249 (Chapter 309)

Assembly Bill 249 directs the Board of Dispensing Opticians to adopt regulations establishing minimum standards for lenses, frames, and other devices dispensed by a licensee. The standards must be consistent with the minimum standards of quality approved by the American National Standards Institute. The bill provides that a prescription is deemed to have an expiration date of two years after its issuance, unless the practitioner specifies a different period.

Assembly Bill 249 also authorizes the Board to subpoena the books, papers, and documents for an enforcement proceeding; to impose an administrative fine on a person engaging in unlicensed activity, whether or not the person complies with a cease and desist order; and to reinstate a delinquent license within two years of its expiration.

This measure is effective on July 1, 2007.

A.B. 294 (Chapter 42)

Assembly Bill 294 adds coroners and medical examiners and their employees, and certain other public employees, to the list of persons who may petition a court for an order requiring the testing for exposure to the human immunodeficiency virus (HIV) and the hepatitis B antigen of the person who may have caused their exposure to the disease while they were performing

their public duties. The bill also expands the list of contagious diseases for which a test may be ordered to include hepatitis C and tuberculosis.

Assembly Bill 294 also requires a provider of health care to disclose the results of such testing, upon request, to a family member of a decedent who was tested, and to the petitioner.

A.B. 385 (Chapter 514)

Assembly Bill 385 restricts the use of laser surgery or intense pulsed light therapy on the globe of the eye to a licensed physician or osteopathic physician who has completed a required program of postgraduate education.

Assembly Bill 385 also requires a person, other than a physician, who injects a patient with a chemotherapeutic agent classified as a prescription drug to be properly licensed or certified to administer the injection under the supervision of a physician.

This measure also authorizes the Board of Medical Examiners to issue a restricted license to a graduate of a foreign medical school who is a recognized medical expert and intends to teach, research, or practice clinical medicine at a medical research facility or medical school in this State. It further allows the Board to issue a special volunteer license to a retired physician to care for the needy. In addition, A.B. 385 increases the penalties for physicians who fail to provide written notice to the Board of changes in their status and location.

The bill extends immunity from civil liability to peer reviewers and employees and volunteers of a diversion program for licensees who make decisions and act in good faith, and also to physician assistants who give or carry out instructions in an emergency, provided their actions do not amount to gross negligence.

A.B. 468 (Chapter 217)

Assembly Bill 468 requires a provider of health care to disclose to a patient, in writing, any financial interest the provider has in a physical therapy facility to which the provider recommends or refers a patient. However, such a disclosure does not authorize a referral that is otherwise prohibited by law.

S.B. 9 (Chapter 100)

Senate Bill 9 makes applicable to osteopathic physicians the existing provisions in State law concerning the point at which a physician or dentist has conclusively obtained a patient's informed consent for a medical, surgical, or dental procedure.

S.B. 265 (Chapter 152)

Senate Bill 265 directs the Board of Dental Examiners of Nevada to meet whenever necessary to examine applicants for licensure. The bill also requires an applicant to pass a clinical exam approved by the Board and the American Board of Dental Examiners, rather than a clinical exam given by the Board, if an examination is required.

Senate Bill 265 also authorizes the Board to consider an application from a temporary licensee who has been involved in a disciplinary action during the time he held a temporary license, and to adopt regulations establishing a procedure under which the Executive Director may issue subpoenas on behalf of the Board.

This measure revises provisions governing penalties imposed for practicing dentistry in an unauthorized manner including making the illegal practice of dentistry a category D felony.

S.B. 412 (Chapter 413)

Senate Bill 412 requires the Governor, when making appointments to professional licensing boards for health care, to solicit nominees from applicable professional associations. However, the Governor may appoint any qualified person.

The bill also authorizes the Board of Medical Examiners to issue a restricted license, and the State Board of Osteopathic Medicine to issue a special license to a graduate of a foreign medical school who meets certain qualifications. In addition, both Boards must issue a license by endorsement to an applicant licensed in another state who meets all requirements. The Board of Dispensing Opticians is also authorized to issue a special license to certain out of state applicants.

Senate Bill 412 also:

- Permits a nonprofit medical school or a nonprofit medical research institution to operate with ownership or control shared by persons licensed and not licensed by the Board of Medical Examiners, to operate a clinic, and to retain all or part of the money generated by the clinic;
- Authorizes a school of nursing to hire an instructor for clinical practice who has a bachelor's degree in nursing and at least five years of experience;
- Clarifies the reporting requirements applicable to physicians performing in-office surgeries; and
- Makes various other changes related to health care.

This measure is effective on June 13, 2007, for purposes of adopting regulations, and on January 1, 2008, for all other purposes. Certain provisions relating to the requirements for receiving a license to practice medicine, becoming a nursing instructor in clinical practice, and receiving a license to practice osteopathic medicine expire by limitation on January 1, 2012.

Public Health and Disease Prevention

A.B. 410 (Chapter 334)

Assembly Bill 410 requires the Department of Health and Human Services to establish an immunization information system. The bill also requires the State Board of Health to adopt regulations governing the immunization system and the collection of information concerning the immunization of children in Nevada.

Assembly Bill 410 also directs the Department to study the feasibility of allowing private entities to purchase immunizations through the Department at the lowest negotiated rate, and to report to the Legislative Committee on Health Care the results of the study on or before January 30, 2008, and at such other times as requested by the Committee.

This bill is effective on July 1, 2007.

A.B. 443 (Chapter 438)

Assembly Bill 443 requires counties, providers of health care, and medical facilities that provide testing for the human immunodeficiency virus (HIV) to ensure that each person who tests positive for HIV receives a counseling session. The bill requires that the counseling session must address: (1) the meaning of the test result; (2) any necessary follow-up testing; (3) methods for preventing transmission of HIV; (4) available medical treatment; (5) the confidentiality of the test result; and (6) recommended testing of sexual partners for the virus.

Assembly Bill 443 also amends the definition of “disability” as it relates to unlawful employment practices to include HIV.

The measure further amends the definition of “food handler” so that it does not include the following: (1) a person who only handles sealed and packaged food for sale directly to the consumer; (2) a person who incidentally handles food and such handling is not part of his regularly scheduled responsibilities of employment; and (3) a person who is providing services as a cashier, salesperson, stock clerk, warehouse or dockworker, delivery person or maintenance staff, or providing services in a similar position with limited food-handling responsibility.

S.B. 112 (Chapter 230)

Senate Bill 112 restricts the sale and purchase of products that contain materials that can be used to manufacture methamphetamine. The measure requires products that contain certain materials that can be used in the manufacture of methamphetamine to be held in a locked case, cabinet, or behind a store counter so that the public does not have direct access to the product. The measure also prohibits a retail distributor from selling, in nonliquid form, a product that is a precursor to methamphetamine, including gel caps, unless the product is in blister packs or it is packaged in unit dosage packets or pouches if the use of blister packs is technically infeasible. The measure also: (1) limits the quantity of these types of drugs that may be

purchased in a calendar day; and (2) requires sellers of products that contain materials that can be used to manufacture methamphetamine to maintain a logbook.

If a seller of products that contain materials that can be used to manufacture methamphetamine violates laws regarding the storage and sale of such products, they may be subject to a civil penalty. Additionally, a person who intentionally purchases or otherwise acquires more than the allowable amount of products that contain materials that can be used to manufacture methamphetamine may be subject to criminal penalties.

This measure is effective on July 1, 2007.

S.B. 266 (Chapter 449)

Senate Bill 266 requires a health care provider to ensure that a woman receives, as part of her routine prenatal care, a test for the human immunodeficiency virus (HIV). A health care provider must ensure that a pregnant woman receives the test during her third trimester if: (1) she receives care in a jurisdiction with a high prevalence of HIV or acquired immunodeficiency syndrome (AIDS) among women of childbearing age; (2) she receives care in a high-risk clinical setting; or (3) she reports that she has one or more of the risk factors identified by the Centers for Disease Control and Prevention.

A health care provider also must ensure that a pregnant woman receives a rapid test for HIV during childbirth if she has not been tested for HIV earlier during her pregnancy or the results of an earlier test are not available. If the result of the test is positive, the health care provider must offer to initiate anti-retroviral prophylaxis without waiting for the results of any other test administered to confirm the result of the rapid test. The measure requires that each of these tests be administered unless the woman chooses not to be tested. A health care provider who attends or assists at the delivery of a child must ensure that an HIV test is performed on the child if the mother has not been tested for HIV earlier during her pregnancy or the results of an earlier test are not available, unless a parent or guardian objects to the test on religious grounds.

The measure also requires that each test administered to a woman or performed on a child pursuant to the provisions of the act be administered or performed in accordance with certain State and federal laws. Finally, a provider of health care must ensure that, before a woman or newborn child receives an HIV test, the woman or the parent or legal guardian of the newborn child receives a pamphlet containing information about HIV, the test being offered, the right to refuse the test, and other relevant information.

S.B. 409 (Chapter 527)

Senate Bill 409 requires health care plans and policies to provide payment for administering the human papillomavirus (HPV) vaccine to females at ages recommended by a competent medical authority, such as the Centers for Disease Control and Prevention of the United States Department of Health and Human Services. Nevada's State Plan for Medicaid must also

include a requirement that the State pay the non-federal share of expenses incurred in administering the vaccine.

Senate Bill 409 further requires health care plans and policies that provide coverage for prostate cancer treatment to cover annual prostate cancer screenings in accordance with the guidelines of the American Cancer Society or another nationally recognized professional organization.

A health care policy or contract issued or renewed after October 1, 2007, is deemed to provide these coverages, and any provisions that conflict with this bill are void. The bill applies to individual health insurance policies, group health insurance policies, contracts with nonprofit medical service corporations, health maintenance organizations, managed care organizations, self-insurance programs of local government agencies, and the Public Employees' Benefits Program.

This bill is effective on July 1, 2007.

Services and Facilities

A.B. 53 (Chapter 286)

Assembly Bill 53 relates to the licensing of administrators of facilities for long-term care. This measure raises the maximum amount of administrative fines the Nevada State Board of Examiners for Administrators of Facilities for Long-Term Care may impose to \$5,000 plus investigative fees and costs, and authorizes the Board to place a licensee on probation or put conditions on a license.

This measure also makes engaging in conduct that exploits or violates the trust of a patient or resident grounds for discipline by the Board, and authorizes the Board to continue disciplinary action against a person with an expired or voluntarily surrendered license.

This measure is effective on June 1, 2007.

A.B. 68 (Chapter 201)

Assembly Bill 68 relates to the licensure to operate facilities for intermediate care; facilities for skilled nursing; and residential facilities for groups. The bill expands the grounds for which the Health Division may deny, suspend, or revoke a license to operate certain medical and care facilities. The bill also expands the grounds for when the termination of an employee or independent contractor at such a facility is required. The expanded grounds include:

- Abuse, neglect, exploitation, or isolation of elderly or vulnerable persons;
- A violation of any provision of law relating to the State Plan for Medicaid within the preceding seven years; and

- A criminal offense under the laws governing Medicaid or Medicare within the preceding seven years.

This bill is effective on July 1, 2007.

A.B. 146 (Chapter 447)

Assembly Bill 146 relates to health care cost and quality transparency. The bill requires the Department of Health and Human Services to collect cost and quality data on inpatient and outpatient services from Nevada hospitals, and cost and quality data from ambulatory surgical centers. The bill also requires the Department to create a website that allows consumers to compare the cost and quality data of the various facilities.

Assembly Bill 146 requires the Department to report monthly to the Legislative Committee on Health Care on the collection of the data, the establishment of the Internet website, any adopted regulations, and other information related to carrying out the provisions of this bill.

Assembly Bill 146 also requires the Department to adopt regulations for the review and release of the information that they collect and maintain. The regulations must include, but are not limited to, the requirement that the Department review each request for information if the request is for purposes other than research. The Department must also submit annual reports to the Legislative Committee on Health Care concerning each request for information and the Department's determination with regard to each request.

This bill is effective on July 1, 2007.

A.B. 247 (Chapter 329)

Assembly Bill 247 revises the debt collection practices of hospitals by:

- Requiring that a hospital receive a determination regarding payment by an insurance company or a public program prior to billing a patient for any amount other than a copayment or deductible;
- Limiting the amount of interest and other charges that can be imposed on an individual and requiring that hospitals comply with the federal Fair Debt Collection Practices Act; and
- Prohibiting a county or district hospital from assigning, selling, or transferring the interest of the hospital in a lien upon the real property of a person for charges incurred and unpaid. Any interest on the amount owed to a hospital must accrue at a rate that does not exceed the prime rate at the largest bank in Nevada plus 2 percent.

Finally, the measure authorizes money that has reverted from the Health Insurance Flexibility and Accountability Holding Account in the State General Fund to the Fund for Hospital Care

to Indigent Persons at the end of each fiscal year to be used to pay claims incurred before July 1, 2005.

The provision related to the Health Insurance Flexibility and Accountability Holding Account is effective on June 4, 2007. All other provisions are effective on October 1, 2007, and the bill is effective for any debt accrued on or after October 1, 2007.

A.B. 576 (Chapter 305)

Assembly Bill 576 provides for the certification of intermediary service organizations, which provide services related to personal assistance received by persons with disabilities. This bill makes it a misdemeanor to operate as an intermediary service organization without a certificate issued by the Office of Disability Services.

This bill also clarifies that an “agency to provide personal care services in the home” does not include independent contractors providing nonmedical services or an organized group of family or friends.

This bill is effective on June 2, 2007, for the purpose of adopting regulations, and on October 1, 2007, for all other purposes.

S.B. 142 (Chapter 205)

Senate Bill 142 pertains to forms used by hospitals in this State. The bill eliminates references in existing law to the uniform billing form commonly referred to as the “UB-82.” The measure requires hospitals to use the billing form prescribed by the Director of the Department of Health and Human Services. The measure further provides that any form prescribed by the Director must be commonly used nationwide by hospitals, if applicable, and must comply with federal laws and regulations. The measure requires that the information provided on the form by the hospitals be complete, accurate, and timely.

This measure is effective on May 30, 2007.

S.B. 244 (Chapter 450)

Senate Bill 244 requires the State Board of Health to develop a system of collecting data concerning waiting times for the provision of emergency services to persons who are transported to a hospital by a provider of emergency medical services (EMS).

The measure requires hospitals and providers of EMS in Clark County to collect certain data relating to waiting times, and authorizes the Board to require the collection of data if there are excessive waiting times at one or more hospitals in Washoe County.

Senate Bill 244 requires the State Board of Health to adopt regulations to carry out the provisions of this bill and requires the district board of health in Clark County to adopt regulations consistent with those of the State Board of Health with respect to providers of

emergency medical services. Finally, the measure eliminates the requirement that the Health Division adopt regulations relating to the tracking of waiting times.

This measure is effective on July 1, 2007.

S.B. 314 (Chapter 460)

Senate Bill 314 requires facilities for the dependent, medical facilities, or homes for individual residential care, or affiliated entities, to post and include in any contract of sale or agreement: (1) a notice that informs the resident of the limitations in service provided within the facility; (2) other levels of care that are available to persons who require higher levels of care; and (3) a statement encouraging residents to reassess the type of care and housing that may be most appropriate for them. The measure requires that the Aging Services Division of the Department of Health and Human Services, in consultation with nationally recognized senior citizen advocacy groups, develop the language for the required notice.

The measure also requires the Department to develop a brochure and a website to assist older persons seeking residential care or services in determining: (1) the appropriate level of care and services available at different facilities; (2) whether the facilities accept payment through Medicare or Medicaid; and (3) the manner in which a person may obtain information concerning violations of each facility.

Substance Abuse

A.B. 148 (Chapter 518)

Assembly Bill 148 relates to controlled substances. The measure establishes restrictions on the sale and purchase of products that contain materials that can be used to manufacture methamphetamine. The bill requires that entities that sell these precursors to methamphetamine:

- Place them in an area to which the public does not have direct access;
- Limit to no more than 3.6 grams the quantity of these products that can be sold or transferred to the same person during any calendar day; and
- Maintain a logbook containing certain information about sales of these products.

The bill also prohibits a person from acquiring more than 3.6 grams of these products during any calendar day or more than 9 grams during any 30-day period. A seller who violates laws regarding the storage and sale of these products may be subject to a civil penalty. Additionally, a person who intentionally purchases or otherwise acquires more than the allowable amount of these products may be subject to criminal penalties.

Assembly Bill 148 prohibits any person, other than a pharmacy, from selling or transferring a product that is a precursor to methamphetamine. The bill requires any pharmacy that becomes

HEALTH CARE AND HUMAN SERVICES (continued)

aware of any unusual or excessive loss or disappearance of a product that is a precursor to methamphetamine to report the loss or disappearance to the Department of Public Safety.

This bill is effective on August 1, 2007.

See also Senate Bill 2 (Chapter 2) of the 23rd Special Session.

HOUSING AND REAL PROPERTY

A.B. 195 (Chapter 319)

Assembly Bill 195 provides certain rights to tenants. It creates a rebuttable presumption that, under certain circumstances, a property owner intended to remove tenants in order to convert the property to a common-interest community.

The bill requires a tenant to notify a landlord, in writing, of the landlord's failure to maintain a dwelling unit in habitable condition, and to request repairs. If the landlord fails to remedy a material failure or make a reasonable effort to do so, the tenant may terminate the rental agreement, recover actual damages, apply for relief in court, and withhold any rent that becomes due without incurring late fees or other charges. The tenant may not take these actions if the condition was caused by the tenant's own deliberate or negligent act or if the tenant refused the landlord lawful access to the dwelling unit.

A tenant may also withhold rent for a landlord's breach of a rental agreement or willful or negligent failure to keep the dwelling unit in a habitable condition. The bill authorizes justice courts to establish mechanisms for creating escrow accounts into which a tenant may deposit rent which is being withheld because of a dispute with a landlord.

Finally, A.B. 195 also requires a landlord to provide a copy of a rental agreement, free of charge, when it is executed, and to provide a tenant in writing the name and address of a person within Nevada to act on the landlord's behalf for receiving service, notices, and demands. The bill also adds conditions a landlord must satisfy in order to enforce rules and regulations against a tenant.

A.B. 350 (Chapter 144)

Assembly Bill 350 gives a housing authority that enters into an interstate agreement with other housing authorities the same powers that are granted to State and local government agencies concerning insurance. A housing authority that enters into a cooperative agreement with housing authorities in other states, or the federal government, has the authority to pledge revenues to secure the obligations of, or to pay the expenses of, the cooperative undertaking. The housing authority may also establish a separate entity to administer the cooperative arrangement, with the power to obligate itself to contribute money, borrow money, issue notes and bonds, and pledge revenues to secure the payment of notes and bonds.

This measure is effective on July 1, 2007.

A.B. 431 (Chapter 441)

Assembly Bill 431 establishes provisions governing condominium hotels and contains provisions regarding:

- The creation, alteration, and termination of condominium hotels;
- The management of condominium hotels;

- The protection of purchasers; and
- The administration and enforcement of the provisions contained in the bill.

This bill is effective on June 13, 2007, for purposes of adopting regulations, and on January 1, 2008, for all other purposes.

A.B. 439 (Chapter 335)

Assembly Bill 439 requires that when implementing the portion of a master plan relating to affordable housing, the governing body of a city or county must adopt at least 6 of 12 specified measures regarding the maintenance and development of affordable housing in the jurisdiction. Additionally, cities and counties are required to annually report how such measures assisted in maintaining and developing affordable housing to the Housing Division of the Department of Business and Industry. On or before February 15 of each year, the Housing Division shall compile the reports received from the various local governments and submit that compilation to the Nevada Legislature. The measure also requires that the housing plan include:

- An inventory of the housing available to rent or own that is accessible to persons with disabilities and subsidized by a governmental entity;
- An analysis of projected growth;
- A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least five years; and
- An analysis of the characteristics of the land that is suitable for residential development.

Finally, for the purposes of land use planning, the measure decreases from 110 percent to 80 percent the total median gross income of a family that is used for determining whether housing is affordable.

A.B. 462 (Chapter 489)

Assembly Bill 462 requires that the State Land Registrar, each board of county commissioners, and each city governing body obtain two independent appraisals when selling or leasing real property; however, if a public hearing is held regarding the fair market value of the property, then the governing body need only obtain one appraisal. If land is sold or leased in violation of these provisions, the sale or lease is void, and any changes to zoning or land use laws are void if the change takes place within five years. This measure exempts property sold or leased to a public utility, the State, another governmental entity, or those subject to the provisions of State purchasing law from certain provisions governing appraisals and public sales of land. These provisions also do not apply to leases of property at a county airport in any county except Clark and Washoe Counties and Carson City. However, the bill authorizes a board of county commissioners in those three counties to rent or lease space for the parking or storage of aircraft without conducting a public auction and at an appraised price that is at least equal to the fair market rental or lease value of the space.

This measure provides that governing bodies may require a person bidding on real property to deposit a sufficient amount of money to pay the costs incurred by the governing body, and they may lease real property to a nonprofit organization at a reduced price, under certain circumstances. Assembly Bill 462 also provides that a political subdivision of the State may convey real property to the State, or an agency of the State, without charge if the property will be used for a public purpose.

This measure is effective on July 1, 2007.

S.B. 69 (Chapter 408)

Senate Bill 69 provides that a licensee of the Real Estate Division owes no duty to conduct an investigation of the condition of property that is the subject of a real estate transaction. Also, if a licensee has entered into a brokerage agreement to represent a client, his duty to present all offers made to or by the client as soon as practicable may be waived, but only if the client chooses to do so and signs a waiver on a form prescribed by the Division.

The bill also authorizes disciplinary action against a person who communicates directly with a client who has a brokerage agreement in force, unless he has obtained written permission from the other broker. This provision applies during the period after negotiation of a sale, exchange, or lease, but before closing.

This measure is effective on July 1, 2007.

Common-Interest Communities (Homeowners' Associations)

A.B. 396 (Vetoed on June 15, 2007)

Assembly Bill 396 revises various provisions governing common-interest communities. Specifically, this bill:

- Establishes conditions under which restrictions on the use of solar panels based on the color of panel may be enforced;
- Requires an executive board member who stands to gain any personal profit from a matter before the board to disclose the matter and abstain from voting on the matter. However, an employee of a declarant who is a member of the board shall not be deemed to gain any personal profit simply by reason of such employment;
- Prohibits an association from invalidating or modifying tariffs, rules, or standards of public utilities;
- Prohibits an association from impeding the operation of a motorcycle on any road or street intended for use by motor vehicles;
- Prohibits an association from using a radar gun to impose fines;

HOUSING AND REAL PROPERTY (continued)

- Clarifies the definition of a “common-interest community” and provides that mere existence of covenants, conditions, and restrictions does not create a common-interest community;
- Prohibits the use of delegate voting in the election or removal of an executive board member;
- Requires certain disclosures if an association limits a unit owner from renting the owner’s unit;
- Requires certain disclosures in the declaration pertaining to responsibilities for maintenance and repair of common elements and individual units;
- Prohibits unreasonable restrictions on installation of rolling shutters on common or limited common elements adjoining a unit;
- Prohibits an association from imposing certain assessments on any property that is exempt from property taxation by virtue of it being a house of worship;
- Prohibits a fine against a unit’s owner or tenant for violations committed by vehicles or persons delivering goods or services to a unit;
- Prohibits an executive board member from participating in imposing a fine if the board member is delinquent in paying assessments;
- Requires an association to provide written confirmation that a fine has been paid within 30 days after payment in full has been received;
- Requires payments received from a unit’s owner to be applied first to assessments and thereafter to fines;
- Increases the term of office for executive board members from two years to three years;
- Expands the definition of “good standing” for candidates for election to an executive board;
- Authorizes the Commission for Common-Interest Communities to exempt certain low income associations from financial reporting requirements and adjusts the time for filing other financial reports so they are not due during tax season;
- Clarifies that an executive board has authority to impose necessary assessments to adequately fund reserves without obtaining approval of units’ owners;
- Clarifies the definition of “adequate reserves;”

- Requires certain signatures to withdraw funds from association accounts;
- Establishes an equity of redemption applicable to foreclosed units;
- Clarifies when draft versions of association documents must be made public;
- Requires that official publications of an association that contain views or opinions on ballot questions, candidates, or association rules and regulations provide equal space to both supporting and opposing viewpoints;
- Allows an association to interrupt utility service to a unit's owner or tenant for non payment of utility charges when due, but the association must follow all existing legal requirements before doing so;
- Prohibits an association from placing certain restrictions on parking of utility service vehicles;
- Places limits on the amount of fees a third party designated by an association can charge for preparing a resale document package;
- Prohibits an association from charging any fee for resale of a unit;
- Makes certain changes regarding deposit of funds in connection with purchase of a unit;
- Provides for issuance of a temporary community manager certificate under certain conditions;
- Requires a community manager to post a bond in an amount and in a form established in regulations adopted by the Real Estate Commission; and
- Provides that a person who assists a registered reserve study specialist in preparing a reserve study, signed by a registered reserve study specialist, is not required to register as a reserve study specialist.

(Will be returned to the 2009 Legislature for the veto to be sustained or overridden.)

Eminent Domain

A.B. 102 (Chapter 115)

Assembly Bill 102 provides that, except under certain circumstances, private property may not be taken through an eminent domain proceeding if it is to be transferred to a private party. The measure provides for the manner of computing just compensation to the owner of condemned property including the determination of interest to be paid, and stipulates that neither party to an eminent domain proceeding is liable for the other party's attorney's fees,

except under certain circumstances. It provides that the original owner of the property must be given the opportunity to reacquire the property if the entity that took it has failed to put it to use within 15 years.

The measure enacts into statute the provisions of Assembly Joint Resolution No. 3 which proposes to amend Section 8, Article 1, of the *Constitution of the State of Nevada* and provides that if the People's Initiative to Stop the Taking of Our Land (PISTOL) is approved at the 2008 General Election, it will be repealed upon final approval of PISTOL by the voters.

Testimony indicated that the sponsors of the PISTOL initiative were involved with the drafting of A.J.R. 3 and are in agreement with its provisions, as well as the provisions in A.B. 102.

This measure is effective on May 23, 2007, and applies to eminent domain actions filed on or after that date.

S.B. 16 (Chapter 226)

Senate Bill 16 provides that when money is deposited in an eminent domain action, it must be deposited in a separate account and the property owner is entitled to some or all of the interest earned, depending upon the amount of compensation awarded to him as a result of the action.

The measure is effective on May 31, 2007.

A.J.R. 3 (File No. 101)

Assembly Joint Resolution No. 3 proposes to amend Section 8, Article 1 of the *Constitution of the State of Nevada* to provide that, except under certain circumstances, private property may not be taken through an eminent domain proceeding if it is to be transferred to a private party.

The amendment proposed by this measure also provides for the manner of computing just compensation to the owner of condemned property, and stipulates that neither party to an eminent domain proceeding is liable for the other party's attorney's fees, except under certain circumstances. It provides that the original property owner must be given the opportunity to reacquire the property if the entity that took it has failed to put it use within 15 years.

Finally, A.J.R. 3 provides that if the People's Initiative to Stop the Taking of Our Land (PISTOL) is approved at the 2008 General Election, it will be repealed upon final approval of PISTOL by the voters.

If approved in identical form during the 2009 Session of the Legislature, A.J.R. 3 will be submitted to the voters for final approval or disapproval at the 2010 General Election.

Manufactured Homes and Mobile Home Parks

A.B. 216 (Chapter 280)

Assembly Bill 216 requires a landlord of a manufactured home park to prepare a residential impact statement before a final decision is made by the appropriate local zoning board, planning commission, or governing body concerning the closure or conversion of the park, or at the conclusion of the process of closing or converting the park, whichever is earlier. A landlord who is subject to local rules, regulations, or procedures for closing or converting a park that are substantially similar to or more stringent than the statutory requirements is not required to provide the statement.

The residential impact statement must be in a form prescribed by the Manufactured Housing Division of the Department of Business and Industry. Further, the residential impact statement must contain, at a minimum: (1) the addresses and manufactured home identification numbers of the tenants; (2) an analysis of replacement housing needs; and (3) an analysis of sites to which the tenants' homes might be moved. The residential impact statement must be submitted to the local zoning board, planning commission, or governing body, as appropriate.

A.B. 224 (Chapter 123)

Assembly Bill 224 authorizes the Administrator of the Manufactured Housing Division of the Department of Business and Industry to waive the required examination for an applicant for a license as a specialty serviceman, if the applicant holds another valid state license and the services performed under that license are substantially similar.

The bill also requires a person who services a manufactured home to enter into a written agreement with each person for whom he will work. The agreement must cover the scope, cost, and schedule of the work, and provide that no additional work may be performed and no charges added without a written agreement.

Assembly Bill 224 also requires the Division to adopt, by regulation, nationally recognized codes and standards for factory-built housing, manufactured buildings, and modular components. The Division must also adopt regulations covering reconstruction and alteration.

This measure is effective on May 25, 2007.

A.B. 304 (Chapter 445)

Assembly Bill 304 requires a landlord of a manufactured home park to give a prospective tenant a copy of the various documents before accepting an application fee. The bill also requires the Administrator of the Manufactured Housing Division to adopt regulations specifying the repairs an unlicensed person may make to a manufactured home.

The bill authorizes a person to bring action in court to rescind a contract and recover damages and attorney's fees if he makes a payment toward purchase or placement of a home in reasonable reliance on a written statement that proves to be false or misleading. The bill also

adjusts the types and timing of certain disclosures a manufactured home park must provide to its tenants.

This measure allows a landlord to designate a knowledgeable person with authority to make decisions to represent him in meetings with tenants, but that person may not be the manager of the park unless he is also the landlord and owner.

When a landlord converts an existing manufactured home park to another land use, and a tenant chooses not to move his manufactured home, this bill requires the landlord to pay the costs associated with an appraisal and with removing and disposing of the home. Assembly Bill 304 increases from 50 to 100 the number of miles a manufactured home may be moved for a tenant at the expense of the landlord and requires a landlord to pay a one-time \$250 reimbursement for sheds that cannot be moved due to their condition. The bill also increases the maximum amount of a landlord's lien for unpaid rent and utilities to \$2,500.

This bill is effective on October 1, 2007. The amendatory provisions regarding the increase in a landlord's lien do not apply to a lien that attaches before October 1, 2007.

INSURANCE

A.B. 161 (Chapter 536)

Assembly Bill 161 relates to the regulation of insurance. The bill:

- Prohibits an administrator from charging a fee to a provider to be included on a panel of providers of health care, or any similar fee;
- Requires a business licensed to sell insurance, a title insurer, or a surety insurer to report to the Commissioner of Insurance the employment or termination of a producer of insurance, a title agent, or a bail agent, respectively;
- Adds life insurance as a means to fund prepaid funeral and cemetery contracts;
- Clarifies that a service contract cannot include coverage for the structure of a manufactured home;
- Combines for captive insurers the amounts of required capital and unencumbered surplus, thus creating the “minimum required capital plus surplus,” and reclassifies the administrator of captive insurance to an unclassified position of Deputy Commissioner;
- Requires an association of self-insured public or private employers to provide certain information regarding claims at the request of an association member and provides specific fiscal requirements for qualification as a self-insured employer or an association of self-insured public or private employers;
- Enables the receiver of an insolvent insurer, instead of a court, to initially determine approval or denial of proofs of claim; and
- Makes numerous other changes to the insurance statutes.

Provisions of this bill concerning compliance investigations are effective on July 1, 2007. All other provisions of this bill are effective on October 1, 2007.

A.B. 303 (Chapter 90)

Assembly Bill 303 provides that if an insurer requires a medical examination before it will provide insurance coverage or issue an annuity contract, and a potentially serious medical condition is detected as a result of that examination, the insurer must notify the applicant of that medical condition within 30 days after the condition is detected. The notification must also be given to the applicant’s primary care physician if he has one and to the parent or guardian of an applicant under the age of 18 years.

A.B. 404 (Chapter 218)

Assembly Bill 404 relates to insurance trade practices. The bill requires that the notice provided by an insurer to a policyholder or applicant who has been subject to an adverse action taken based on credit information be provided on a form approved by the Commissioner of Insurance.

Health Insurance

A.B. 145 (Chapter 221)

Assembly Bill 145 prohibits an insurer from paying a person for services provided by a hospital or other health care provider if the itemized statement for services clearly states that the person has assigned his right to those benefits to a hospital or other health care provider.

If an insurer has notice of such an assignment and makes payment directly to the person, the insurer is not released from liability to the hospital or other health care provider and cannot use the payment as a defense to an action by the hospital or other health care provider.

A.B. 286 (Chapter 41)

Assembly Bill 286 provides that the statutes prohibiting a health insurer from denying a claim, canceling a policy, or refusing to issue a policy because a claim involves an injury from being intoxicated or under the influence of a controlled substance do not apply to policies of long-term care insurance or to policies of disability income insurance.

This measure is effective on May 14, 2007.

S.B. 403 (Chapter 458)

Senate Bill 403 authorizes a group health insurer to offer a policy to a guaranteed association if the policy provides coverage for 200 or more members, employees of members, or employees of the association and their dependents. The insurer must offer coverage to all such members, employees, and dependents regardless of their actual or expected health status, and the association must have been in existence on January 1, 2007, or for at least five years. The bill also specifies enrollment criteria and procedures for establishing rates.

Workers' Compensation

A.B. 496 (Chapter 537)

Assembly Bill 496 makes a number of changes to the statutes on workers' compensation and occupational diseases. The bill:

- Requires an employee leasing company to maintain public records showing that it maintains workers' compensation coverage for each employee it leases;

- Authorizes an injured employee receiving compensation to request a hearing to consider recalculation of his average monthly wage, as long as the average monthly wage was not previously adjudicated;
- Authorizes an insurer to deny compensation, under certain circumstances, to an injured employee who is discharged for misconduct;
- Revises provisions related to vocational rehabilitation, including:
 1. Prohibiting vocational rehabilitation counselors from interfering with the relationship between an injured employee and his attorney and from other actions;
 2. Authorizing extension of a vocational rehabilitation program within 30 days after its completion, if special circumstances are involved;
 3. Authorizing an injured employee to receive vocational rehabilitation services in a state bordering Nevada if those services are available there in a more cost-effective manner;
 4. Establishing a minimum amount for a lump sum payment in lieu of provision of vocational rehabilitation services; and
 5. Authorizing the Administrator of the Division of Industrial Relations to impose an administrative fine for violations involving prohibited acts;
- Requires an employer to provide the names of two or more physicians or chiropractors who are qualified to conduct an examination following an accident unless there are not two or more qualified examiners within 30 miles of the employee's workplace. The employee must select one of these physicians or chiropractors to conduct the examination. The bill prohibits the employer from requiring an employee to select a physician or chiropractor preferred by the employer;
- Requires an insurer notified of an accident to mail its written determination that a claim is accepted or denied to a claimant within 30 days and, if the claim is denied, to obtain a certificate of mailing;
- Preserves the rights of an injured worker to receive proceeds under his employer's uninsured/underinsured motor vehicle coverage;
- Requires the Chief of the Hearings Division, Department of Administration, to adopt a code of conduct and training standards for hearing and appeals officers;
- Establishes a method for allocating death benefits among a surviving spouse and surviving children who are not the children of the surviving spouse;

- Provides for a benefit penalty of \$3,000 if a violation of certain workers' compensation statutes involves a late payment of compensation or other relief to a claimant in an amount that is less than \$500 or that is not more than 14 days late; and
- Provides that the requirements under which an occupational disease is deemed to arise out of and in the course of employment do not apply to a claim related to certain occupational diseases of firefighters, police officers, and other first responders.

This measure is effective on July 1, 2007.

S.B. 3 (Chapter 214)

Senate Bill 3 relates to workers' compensation benefits. The measure authorizes a surviving spouse of a police officer or firefighter to continue to receive death benefits after remarriage if the police officer or firefighter died from a compensable injury or occupational disease while actively employed, or died in retirement as the direct result of the injury or occupational disease that caused his retirement.

This bill is effective on October 1, 2007, and its provisions apply to a surviving spouse who remarries on or after that date.

S.B. 20 (Chapter 126)

Senate Bill 20 revises provisions related to workers' compensation. The bill extends from 90 to 120 days the amount of time a board or administrator of a subsequent injury account has to issue its decision regarding a claim against the account. The measure also eliminates the requirement that an insurer, self-insured employer, or association of self-insured employers provide notice to the Division of Industrial Relations of a possible claim against a subsequent injury account within 100 weeks of the subsequent injury.

S.B. 99 (Chapter 179)

Senate Bill 99 reassigns employees of contractors and subcontractors working on consolidated insurance program projects from the owner or principal contractor to the contractors and subcontractors for purposes of establishing loss experience factors used to calculate workers' compensation premiums of those contractors and subcontractors.

This bill is effective on July 1, 2007.

S.B. 100 (Chapter 128)

Senate Bill 100 requires a workers' compensation insurer or administrator to directly deposit monthly benefit payments for permanent partial disability, permanent total disability, or death into the account of an injured worker or dependent upon request.

The bill is effective on January 1, 2008.

LABOR AND MANAGEMENT

A.B. 34 (Chapter 30)

Assembly Bill 34 relates to unemployment compensation. The bill directs the Administrator of the Employment Security Division to appoint impartial appeals tribunals, each consisting of a salaried examiner, or to enter into an interlocal agreement with another public agency for the appointment of a hearing officer.

This measure also makes it clear that benefits paid to a claimant must not be charged against the experience rating of his next to last employer, if the claimant leaves that employer to take another job and subsequently leaves or is discharged.

This bill is effective on May 10, 2007.

S.B. 384 (Chapter 159)

Senate Bill 384 clarifies that relationships between providers of rehabilitation services and training programs for individuals who are handicapped and their clients are not considered employment relationships for purposes related to payment of the minimum wage.

The bill is effective on May 29, 2007.

LEGISLATURE

S.B. 73 (Chapter 431)

Senate Bill 73 entitles each legislator to receive an allowance during the legislative interim for travel to meetings in the State with officers, employees, agencies, boards, commissions, districts, or any other unit of federal, State, or local government or other public entity on an issue related to the State. To be eligible for reimbursement, the trip must be greater than 50 miles one way or 100 miles round trip. The bill requires the travel to be by the most economical means. The maximum allowance for the legislative interim is \$3,000 and claims will be paid from the Legislative Fund unless otherwise provided. The bill declares that travel occurring after the date on which the legislator filed a declaration or acceptance of candidacy for elective office shall not be eligible for payment.

The bill is effective on June 13, 2007.

S.B. 490 (Chapter 524)

Senate Bill 490 removes the provision requiring that all bill drafts requested by the Supreme Court be delivered to the Chairman of the Committee on Judiciary of each House of the Legislature; removes the specified method for determining the appropriate standing committee to which a prefiled bill will be referred; and removes the limiting circumstances under which the members of a House may dispense with the reprinting of a bill.

The bill also reduces the number of measures that may be requested by nonlegislative entities and increases the number of measures that may be requested by legislators and chairpersons of legislative committees. All requests for measures must be submitted on a form prescribed by the Legislative Counsel, and all requests for measures submitted by certain nonlegislative entities must be prefiled by December 15 preceding a legislative session or they will be deemed withdrawn.

Senate Bill 490 is effective on June 14, 2007. Provisions of the bill relating to the allotment of bill draft requests expire by limitation on June 30, 2011.

Legislative Counsel Bureau and Legislative Building

A.B. 593 (Chapter 532)

Assembly Bill 593 provides that the Director of the Legislative Counsel Bureau (LCB) will set the fees to be charged for sets of books containing bills, resolutions, journals, and histories provided to certain persons during a legislative session. It also provides that the Legislative Branch of government is not required to use certain services of the Public Works Board. However, the Legislature may request assistance from the Board as necessary concerning construction projects.

This bill removes the statutory requirement that the Legislative Counsel represent any legislator in a matter before the Ethics Commission, clarifies statutory provisions concerning

the calculation of cost-of-living increases for legislators, and provides that title to all property reserved for use by the Legislature be held in the name of the Legislature.

Additionally, this bill transfers authority over the Governor's portrait from the Legislative Commission to the Director of the Department of Cultural Affairs, and clarifies the process by which members are to be appointed to the Nevada Silver Haired Legislative Forum.

Finally, A.B. 593 allows an executive, administrative, professional, or supervisory employee of the LCB to designate a portion of salary paid during a regular session that is in addition to a regularly scheduled workday or 40-hour work week as compensation for purposes of contributions to the Public Employees' Retirement System. The bill authorizes an employee who would have been entitled to this benefit during the 2007 Session to have his compensation re-characterized as compensation for the purposes of retirement and to pay the employer and employee contributions to the System.

Provisions concerning salary paid to certain employees of the LCB during a regular session are effective on July 1, 2007. The remainder of the bill is effective on June 14, 2007.

NOTE: After the passage of A.B. 593, the Legislature passed A.B. 319 which, among other things, repealed the provisions in A.B. 593 that would have allowed certain LCB employees to designate a portion of overtime as compensation for purposes of retirement. See A.B. 319 for additional information.

S.B. 87 (Chapter 178)

Senate Bill 87 requires the Legislative Auditor, upon the direction of the Legislative Commission, to audit an entity that is not an agency of the State, but which receives an appropriation of public money. The audit must examine the agency's use of the public money. As a condition of the acceptance of any appropriation of public money, such an entity must agree to make available to the Legislative Auditor all books and other records that the Legislative Auditor determines to be necessary to conduct an audit.

This measure is effective on July 1, 2007.

S.B. 430 (Chapter 252)

Senate Bill 430 authorizes the Director of the Legislative Counsel Bureau to approve the purchase and sale of souvenir wine in the Legislative Gift Shop. The bill also exempts the Legislative Counsel Bureau from certain licensing requirements related to the sale of alcoholic beverages.

Legislative and Other Studies Directed by the Legislature

A.B. 153 (Chapter 15)

Assembly Bill 153 authorizes the Chairman of the Committee on Industrial Programs to appoint eight alternate members to serve on behalf of regular members who are unable to attend a meeting or perform their duties.

This measure is effective on April 25, 2007.

S.B. 171 (Chapter 452)

Senate Bill 171 creates the Nevada Academy of Health for the purpose of assisting the Legislative Committee on Health Care and the Department of Health and Human Services in studying issues related to health care in this state and establishing standards and goals concerning the provision of health care. The Academy is required to provide technical expertise on matters relating to health care, and advice and recommendations from consumers of health care to the Legislative Committee on Health Care. Additionally, the Academy is required to provide similar assistance to the Department at the direction of the Legislative Committee on Health Care.

The Academy consists of 14 members, appointed by the Governor, and the majority and minority leadership of the Senate and Assembly. Additionally, the Director of the Department or his designee, and a representative of the Nevada System of Higher Education serve as members of the governing body.

The Academy is required to submit a biennial report to the Governor and to the Director of the Legislative Counsel Bureau that includes recommendations concerning the strategic planning required for the improvement of health care provided in this state. Finally, the bill authorizes the Academy to accept gifts, grants, and donations of money from any source.

This measure is effective on July 1, 2007, and expires by limitation on June 30, 2009.

S.B. 267 (Chapter 210)

Senate Bill 267 removes a sunset provision in current law so that the Legislative Committee on Public Lands may continue to study activities of the Colorado River Commission, all public water authorities, and all other public or private entities that have agreements with the State relative to water. The bill also authorizes the Committee to review and comment on regulations and policies regulating the use, allocation, and management of water resources in Nevada, and the status of existing information relating to water use, surface water resources, and groundwater resources in this State.

This bill is effective on June 29, 2007.

S.B. 432 (Chapter 410)

Senate Bill 432 directs the Legislative Commission to provide for a study conducted by the staff of the Legislative Counsel Bureau to review issues regarding complementary integrative medicine, homeopathic medicine, and the use of nonembryonic stem cells in bioregenerative medical technology. Staff must submit its report to the Legislative Commission by June 30, 2008.

The Legislature created the Nevada Institutional Review Board through the enactment of Sections 5.2 through 10 of Assembly Bill 208 of the 2005 Session to oversee research and evaluate relationships between alternative and complementary integrative medicine and other health care practices.

Senate Bill 432 curtails the activities of the Nevada Institutional Review Board and repeals all statutes pertaining to the Board, effective July 1, 2009. The Review Board must return the unexpended portion of any grant, gift, appropriation, or donation received, as required; transfer any remaining money and all books, records, and other property to the Board of Homeopathic Medical Examiners; and cooperate with the Board of Homeopathic Medical Examiners to carry out the provisions of this measure.

The provisions of this measure requiring actions related to the suspension of activities of the Nevada Institutional Review Board and staff study are effective on July 1, 2007. Provisions related to the sunset of the Board are effective on July 1, 2009.

See also Senate Bill 2 (Chapter 2) of the 23rd Special Session.

See also Senate Bill 4 (Chapter 4) of the 23rd Special Session.

LOCAL GOVERNMENTS

A.B. 463 (Chapter 297)

Assembly Bill 463 requires each county and city to assist in obtaining information for the Health Division's registry of residential establishments. This measure also expands the registry to include information that may be helpful to police, fire-fighting, and other emergency services, such as information about both licensed and unlicensed residential establishments that provide services to four or more unrelated persons.

The bill provides that Clark and Washoe Counties, and a city in these counties, are required to establish by ordinance a minimum distance between residential establishments that is at least 1,500 feet but not more than 2,500 feet. If such a county or city fails to establish a minimum distance by December 31, 2007, then a minimum distance of 2,500 feet will take effect. This measure also provides that, if a county or city requires a permit for residential establishments, it must ensure that the establishment has secured the necessary State and federal certifications or licenses prior to granting the permit. The county or city shall use the registry data to ensure that the establishment is located and operated in accordance with the distance requirements set forth in law. Finally, the bill clarifies that applicants for the creation of certain residential establishments licensed by the Health Division must provide evidence that the distance requirements will be followed.

A.B. 600 (Chapter 324)

Assembly Bill 600 makes provisions that protect personal information on government documents consistent by protecting personal information, not only Social Security numbers, on both a public entity's website and on documents submitted to the entity. This measure also:

- Provides that a person may request the removal of personal information on certain documents;
- Provides immunity to certain officers and employees of governmental agencies regarding disclosure of personal information;
- Removes the requirement that a Social Security number be included on certificates of marriage and forms for divorces and annulments;
- Allows the inspection and copying of certain records by family members and legal representatives;
- Provides that the last four digits of a Social Security number are not personal information; and

- Authorizes the use of the last four digits of a Social Security number in judgments.

The section requiring the implementation of new recording procedures is effective on January 1, 2008, and all other provisions are effective on June 4, 2007.

Bills Applying Generally to Local Governments

A.B. 120 (Chapter 271)

Assembly Bill 120 relates to land use planning. This measure changes the method by which a city or county that proposes to vacate a right-of-way or easement is required to notify each owner of property abutting the proposed abandonment. Not less than ten business days before the public hearing, notice must be provided by mail using a method that allows confirmation of delivery but does not require the signature of the recipient. Each public utility and community antenna television company serving the area proposed to be vacated or abandoned must be notified in writing and be conveyed an easement, upon request.

This measure is effective on July 1, 2007.

A.B. 138 (Chapter 138)

Assembly Bill 138 expands the purposes for which an impact fee may be imposed for a fire station project or police station project to include office, storage, parking, and other facilities used for the administration of the fire or police station or substation. Impact fees may not be used for vehicles, equipment, facilities used for training personnel from more than one station, or facilities that replace services that were once provided elsewhere in the county or city.

This measure is effective on May 29, 2007.

A.B. 139 (Chapter 440)

Assembly Bill 139 does the following six things related to the administration of local government:

- Authorizes boards of county commissioners to indemnify the federal government in certain cases where federal lands are used or leased by the county and adds the Southern Nevada Public Lands Management Act of 1998 to the list of federal laws governing which federal lands counties may use or lease;
- Provides that, if a fee collected by a county recorder exceeds the amount required to be paid by \$5 or less, the recorder will deposit the overpayment with the county treasurer for credit to the county general fund. If the overpayment is more than \$5, the county recorder must refund the entire amount;
- Changes from the county auditor to the county recorder the office in which the oath and written appointments of deputy sheriffs are recorded;

- Exempts the sheriff of Clark County from the requirement that the sheriff attend, in person or by deputy, all sessions of the district court in that county;
- Authorizes a board of county commissioners to delegate to the county manager or his designee the authority to approve all claims for a refund of less than \$100 from charges, fees, or deposits paid to the county department of aviation; and
- Authorizes the judge of each district court and the justice of the peace of each justice court in Clark County to appoint a deputy marshal for the court. Such marshals are conferred the duties and responsibilities of bailiffs and must, within 18 months of appointment, be certified as a “category I” peace officer.

Provisions concerning deputy marshals for district and justice courts in Clark County are effective on June 13, 2007. The remainder of the bill is effective on July 1, 2007.

A.B. 253 (Chapter 213)

Assembly Bill 253 provides that impact fees may pay the cost of connecting a capital improvement or facility expansion to a line or facility used to provide water or sewer service. It also clarifies that a “service area” means any specified area within the boundaries of a local government in which new development necessitates capital improvements or facility expansions, and where new development is served directly by the capital improvement or facility expansion. Except in the cities of Caliente, Carlin, Ely, Fallon, Lovelock, Mesquite, Wells, West Wendover, Winnemucca, and Yerington; or in Esmeralda, Eureka, Lander, Lincoln, Mineral, Pershing, Storey, and White Pine Counties; the term “service area” does not include any area that is the entire jurisdiction of a local government.

This measure is effective on July 1, 2007.

A.B. 258 (Chapter 166)

Assembly Bill 258 provides that divisions, exchanges, and transfers of land for agricultural purposes are exempt from the provisions in existing law governing planning and zoning, including requirements relating to the adjustment of boundary lines or the filing of a parcel map or record of survey. In order to qualify for the exemption, each parcel resulting from the division, exchange, or transfer must:

- Be ten acres or more in size and consistent with minimum parcel sizes required by local zoning;
- Have a zoning designation consistent with any applicable master plan;
- Be able to be described with reference to the standard subdivisions used in the United States Public Land Survey System;

- Qualify for agricultural use assessment; and
- Be served by certain types of access.

The exemption is revoked if the parcel ceases to qualify for agricultural use assessment or if new commercial or residential buildings are constructed on the parcel.

This measure is effective on July 1, 2007.

A.B. 558 (Chapter 339)

Assembly Bill 558 relates to planning and zoning applications. The bill requires a governing body to not accept an incomplete land use application. An application must be accepted or returned to the applicant, based on completeness, within three working days. If an application is returned, the governing entity must provide the applicant with a description of the additional information required and, if requested, an explanation of why the additional information is necessary or a copy of the relevant ordinance or regulation which specifically requires the additional details.

S.B. 84 (Chapter 503)

Senate Bill 84 provides that the required certification made by a professional engineer or registered architect regarding the subdivision of existing industrial or commercial buildings must indicate that the building complies with applicable State law and with the building code in effect at the time the building was constructed. If the building is located in Clark County, the building official with jurisdiction over the area to be subdivided must review, approve, and sign the certificate.

S.B. 88 (Chapter 57)

Senate Bill 88 adopts the Uniform Real Property Electronic Recording Act, which gives each county recorder the option to receive, record, index, store, archive, and transmit electronic documents in addition to paper documents. It also requires the Secretary of State to adopt necessary regulations for standards and practices pertaining to electronic documents.

S.B. 123 (Chapter 435)

Senate Bill 123 declares that the provisions of Chapter 239 of the *Nevada Revised Statutes* concerning public records are designed to foster democratic principles by providing the public with access to inspect and copy public records as permitted by law. The measure proclaims that the provisions of the Chapter should be construed liberally.

Senate Bill 123 further provides that the person having legal custody over public records must, by the end of the fifth business day after receiving a written request for the record or records, either allow the requester to inspect or copy the record or notify him of the circumstances as to why he is unable to view the record. If the public record is not available by the end of the fifth business day, the requester may inquire regarding the status of the request. Any denial of public records inspection due to confidentiality must be in writing and cite the specific legal or statutory authority making the document confidential. The governmental entity, in a judicial or

administrative proceeding, bears the burden of proof in asserting that a public record is confidential.

With the exception of certain confidential records relating to crime victims and gaming licenses and, notwithstanding any provision of law that has declared a public book or record to be confidential, a person may apply to the appropriate district court for an order allowing him to inspect or copy a public book or record that has been in the custody of one or more governmental entities for a period of at least 30 years. The bill also clarifies that if the public book or record pertains to a natural person, a person may not apply for a court order allowing the public record inspection until the record has been in the legal custody or control of one or more governmental entities for at least 30 years or until the death of the person to whom the public book or record pertains, whichever is later.

The bill provides that a governmental entity having legal custody or control of a public record shall not deny a request to inspect or copy that record because it contains information that is confidential if the governmental entity can redact the confidential information. However, the confidential documents of the Gaming Control Board relating to applications for gaming licenses must remain confidential.

Finally, the bill clarifies that provisions in the measure must not be construed to prohibit an oral request to inspect or copy a public record.

S.B. 139 (Chapter 149)

Senate Bill 139 eliminates the requirement that two or more political subdivisions enact a formal resolution or ordinance as a condition to entering into a cooperative agreement to perform any governmental function. However, the measure provides that formal ratification is required if it is reasonably foreseeable that the political subdivision will be required to spend more than \$25,000 to carry out the agreement. Senate Bill 139 also increases from \$2,000 to \$25,000 the minimum threshold above which an interlocal or interagency agreement of a public agency of the State must be ratified by the participating agencies and approved by the Office of the Attorney General.

Finally, the bill requires the governing body of each political subdivision or public agency participating in a cooperative, interlocal, or interagency agreement expected to cost less than \$25,000 to maintain written documentation concerning the agreement for a period of three years after the commencement of the agreement.

S.B. 157 (Chapter 467)

Senate Bill 157 requires each board of county commissioners to establish an office of the public guardian and requires that at least one deputy be appointed to the office. The measure allows the county commission in all counties except Clark and Washoe to: (1) contract with a private professional guardian; or (2) partner with a neighboring county within the same judicial district to designate the public guardian in that neighboring county to act as the public guardian.

In addition, S.B. 157 provides that a temporary, permanent, or general public guardian may be appointed if the person is a resident of the county in which appropriate guardianship proceedings are filed and has no other relative or friend able and willing to serve in that capacity. The measure requires that a public guardian or deputy public guardian receive a copy of any petition for the appointment of the public guardian before the petition is filed.

Senate Bill 157 clarifies that a public guardian does not have to hire or be licensed as a private investigator to investigate the financial status, assets, and personal history of the ward. Finally, S.B. 157 authorizes the county to provide an advance of money to a public guardian to pay for necessary expenses related to a guardianship from the assets of the estate of the ward as soon as those assets become available. A revolving fund may be established by the county to be used to pay for such advances.

S.B. 269 (Chapter 116)

Senate Bill 269 requires that zoning decisions made by local governing bodies and various land use and master plans consider the coordination and compatibility of land uses with each military installation in the region and take into account the location, purpose, and stated mission of the military installation. The bill also requires the commander of a military installation to receive notice of any hearing on a conditional or special use permit or a plan amendment or adoption, if the permit or plan impacts property within 3,000 feet of the military installation. Finally, S.B. 269 stipulates that the Armed Forces of the United States falls under the definition of a “person” as it relates to an aggrieved person having the ability to appeal the decision of a planning commission, hearing examiner, or similar body.

S.B. 369 (Chapter 158)

Senate Bill 369 authorizes a county recorder to conform the size of a declaration of homestead that does not meet specific formatting requirements so that the declaration is suitable for recording. The measure also makes optional instead of mandatory the \$25 fee that a county recorder charges for recording documents that do not meet specific formatting requirements and declares that the fee shall not exceed \$25.

S.B. 500 (Chapter 256)

Senate Bill 500 authorizes a legal services organization to contract with a local governmental agency in the county in which the organization is located for the provision of group life, accident, and health insurance to the officers and employees of the organization. Such a contract must require the officers and employees of the legal services organization to pay all related premiums for the insurance and does not become effective unless approved by the Commissioner of Insurance.

The bill is effective on July 1, 2007.

S.B. 516 (Chapter 455)

Senate Bill 516 increases the annual salaries for certain elected county officers by 7 percent for Fiscal Year (FY) 2007-2008. A salary increase of 3 percent each year is also provided for

FY 2008-2009, FY 2009-2010, and FY 2010-2011. This measure also authorizes a board of county commissioners, by a majority vote, to increase the annual salaries of county commissioners at a maximum increase of 4 percent per year for the next four fiscal years.

Finally, S.B. 516 provides that a board of county commissioners may provide an officer of a county or township a per diem allowance and travel expenses at the federal rate if the officer is required to travel for public business for no more than five consecutive working days.

The bill is effective on July 1, 2007.

S.B. 544 (Chapter 496)

Senate Bill 544 limits participation by local government retirees in the Public Employees' Benefits Program (PEBP), starting November 30, 2008, to retirees from local governments that provide insurance for their active employees through PEBP. Local government retirees enrolled in PEBP on that date may remain in the Program. Local governments that elect to participate in PEBP must commit to remaining in the Program for a minimum of four years. For local governments that are delinquent in the payment of required subsidies for their retirees in PEBP, the bill provides for recovery of delinquent payments by an offset of funding that would otherwise be transferred from the State to the local government.

Beginning July 1, 2008, the measure also requires PEBP to offer a cafeteria-style plan to Medicare-eligible retirees and allows PEBP to offer such a program to its other members. Senate Bill 544 clarifies that only the claims experience of members for whom PEBP provides primary health insurance shall be commingled for the purpose of establishing rates. Members of PEBP are authorized to seek assistance from the Governor's Office for Consumer Health Assistance and PEBP funds may only be used to benefit PEBP members. The bill also changes the content of the annual reports to the Legislature.

Numerous provisions, including those relating to use of Program assets and delinquency of local government payments, are effective on July 1, 2007. Provisions clarifying local government subsidies for retirees who reinstate coverage are retroactive to October 1, 2003. Provisions requiring flexibility in benefits for participants with Medicare coverage are effective on July 1, 2008. Various parallel sections provide a period for retirees and local governments to act on participation options.

S.B. 547 (Chapter 520)

Senate Bill 547 creates the State Retirees' Health and Welfare Benefits Fund as the investment account for the accumulation of financial assets to offset current and future liabilities of the Public Employees' Benefits Program (PEBP). The Fund will be administered by the PEBP Board. The bill also makes the appointment of the Executive Officer of PEBP by the Board subject to the approval of the Governor and prohibits the Executive Officer or a Board member from participating in a business venture or investment with any Program vendor or in any real property in which PEBP has an interest.

Senate Bill 547 allows the PEBP Board to meet in closed session with its investment counsel to plan future investments and with legal counsel to receive advice on claims against the Program.

The bill clarifies that local governments must provide a subsidy for their retirees in PEBP, whether the retiree joined PEBP upon retirement or reinstated coverage after retirement.

The bill is effective on July 1, 2007. Provisions clarifying payment of retiree subsidies by local governments are retroactive to October 1, 2003.

Bills Applying to Specific Local Entities

A.B. 122 (Chapter 165)

Assembly Bill 122 relates to emergency reporting systems. The bill authorizes the board of county commissioners in any county except Clark and Washoe Counties to adopt an ordinance that imposes a surcharge on each telecommunication line and customer of mobile telephone service to enhance or improve the telephone system for reporting an emergency. This measure also eliminates the requirement that funds collected by a city or county on business licenses for providers of personal wireless service be deposited into the same special revenue fund in which the proceeds of the surcharge are deposited.

This measure is effective on July 1, 2007.

A.B. 135 (Chapter 85)

Assembly Bill 135 authorizes the expansion of the Stagecoach General Improvement District to provide sanitary facilities for sewage.

This measure is effective on July 1, 2007.

A.B. 139 (Chapter 440)

Assembly Bill 139 does the following six things related to the administration of local government:

- Authorizes boards of county commissioners to indemnify the federal government in certain cases where federal lands are used or leased by the county and adds the Southern Nevada Public Lands Management Act of 1998 to the list of federal laws governing which federal lands counties may use or lease;
- Provides that, if a fee collected by a county recorder exceeds the amount required to be paid by \$5 or less, the recorder will deposit the overpayment with the county treasurer for credit to the county general fund. If the overpayment is more than \$5, the county recorder must refund the entire amount;
- Changes from the county auditor to the county recorder the office in which the oath and written appointments of deputy sheriffs are recorded;

- Exempts the sheriff of Clark County from the requirement that the sheriff attend, in person or by deputy, all sessions of the district court in that county;
- Authorizes a board of county commissioners to delegate to the county manager or his designee the authority to approve all claims for a refund of less than \$100 from charges, fees, or deposits paid to the county department of aviation; and
- Authorizes the judge of each district court and the justice of the peace of each justice court in Clark County to appoint a deputy marshal for the court. Such marshals are conferred the duties and responsibilities of bailiffs and must, within 18 months of appointment, be certified as a “category I” peace officer.

Provisions concerning deputy marshals for district and justice courts in Clark County are effective on June 13, 2007. The remainder of the bill is effective on July 1, 2007.

A.B. 267 (Chapter 39)

Assembly Bill 267 permits the school district boards of trustees in Carson City and Clark and Washoe Counties to televise meetings on community access cable television. The board of trustees and the governing body of the city or the county commissioners shall determine the feasibility of televising the meetings, including the cost and the number of potential viewers. They shall report their progress to the Legislature.

A.B. 289 (Chapter 167)

Assembly Bill 289 relates to airports. The bill authorizes a city located in any county except Carson City and Clark, Douglas, Elko, and Washoe Counties and the Airport Authority of Battle Mountain to rent or lease space for the parking or storage of aircraft without conducting an appraisal or public auction.

NOTE: After the passage of A.B. 289, the Legislature passed Senate Bill 320 which, among other things, repealed the provisions in A.B. 289 that would have authorized a city located in a county whose population is less than 40,000 to rent or lease space for the parking or storage of aircraft without conducting an appraisal or public auction. See S.B. 320 for additional information.

A.B. 348 (Chapter 92)

Assembly Bill 348 revises the boundaries of the Elko Convention and Visitors Authority.

This measure is effective on July 1, 2007.

A.B. 406 (Chapter 287)

Assembly Bill 406 requires the Clark County Board of County Commissioners to designate, establish, and maintain one marriage license branch office in the City of Henderson. The Board may, at the request of the County Clerk, designate not more than four additional branch offices outside the county seat.

The measure requires an applicant for a marriage license to provide proof of name and age, and sets forth a list of documents the applicant may produce in proving this information. The bill also requires both applicants for a marriage license to answer under oath each question contained in the marriage license form. However, an exception to the requirement that both applicants be present to answer the marriage license questions may be granted if one of the applicants is unable to appear due to extraordinary circumstances. Finally, the measure requires a marriage certificate to include the date of birth of each applicant.

This bill is effective on January 1, 2008.

A.B. 514 (Chapter 338)

Assembly Bill 514 revises the Charter of the City of Las Vegas by authorizing the City Council to: (1) appoint Hearing Commissioners; (2) adopt an alternative procedure for appealing a work permit or identification card; (3) determine when the System of Civil Service must be administered by a Board of Civil Service Trustees; (4) adopt ordinances for the development and provision of affordable housing; and (5) adopt ordinances for employment and training programs.

The measure also provides that the position of Master Judge must be elected by the municipal judges from among their ranks. In addition, the bill requires the City Manager to appoint a City Treasurer subject to ratification by the City Council and eliminates the requirement that the City Treasurer perform duties designated by the Director of Financial Management. The bill removes the requirement that the Director of Public Services be a licensed professional engineer. Finally, A.B. 514 changes from 30 days to 60 days the time by which a proposed ordinance must be adopted or rejected by the Council.

This measure is effective on July 1, 2007, except the provisions related to the election of a Master Judge, which are effective on June 4, 2007.

A.B. 529 (Chapter 293)

Assembly Bill 529 makes building code regulations adopted by the State Fire Marshal inapplicable in Clark County if the county has adopted a code that is at least as stringent as the most recently published edition of the *International Fire Code* and the *International Building Code*. These provisions do not apply to buildings owned or occupied by the State or public schools, or in a local jurisdiction where the chief executive officer of the jurisdiction requests that the State Fire Marshal enforce the regulations.

This measure is effective on July 1, 2007.

S.B. 28 (Chapter 7)

Senate Bill 28 changes, from April 1 to May 1, the date by which a metropolitan police department must submit to the board of county commissioners the operating budget for a 911 emergency telephone system maintained by the department.

This bill is effective on April 5, 2007.

S.B. 56 (Chapter 104)

Senate Bill 56 provides that the building code of a city located in Clark County, if more stringent, supersedes the county's building code only within the boundaries of the city.

The bill is effective on July 1, 2007.

S.B. 74 (Chapter 177)

Senate Bill 74 allows all counties except Clark and Washoe Counties to expend monies from their infrastructure fund for the acquisition, construction, or equipping of facilities related to public safety or to cultural and recreational or judicial functions. The bill also allows such a county to use its infrastructure funds for street and highway construction, maintenance, and repair.

The measure is effective on July 1, 2007.

S.B. 92 (Chapter 320)

Senate Bill 92 requires the amendment of any ordinances adopted before June 13, 1989, by Clark County or any city or town located therein that require the registration of a firearm capable of being concealed. The measure requires that such ordinances be amended to provide a 60-day residency period before the firearm is required to be registered and a period of 72 hours for the registration of a pistol by a resident upon the transfer of title, purchase, or gift. Any local ordinances or regulations in Clark County that are not amended to comply with this measure by January 1, 2008, shall be deemed to conform with the measure.

S.B. 101 (Chapter 321)

Senate Bill 101 amends the Sparks City Charter to authorize the City Council of the City of Sparks to employ attorneys to perform any civil or criminal duty of the City Attorney. The bill provides that: (1) an attorney must receive a majority vote of the Council after a public hearing is held to be hired; (2) such attorneys are responsible only to the Council; and (3) the City Attorney does not have any authority over the employment of an attorney hired by the Council.

The measure also provides that a person may not serve as a member of the Civil Service Commission if he or she is: (1) an employee of the City; (2) a member of the City Council or an appointed member of any other City board, commission, or committee; or (3) related within the third degree of consanguinity to a person who is employed by the City.

The bill is effective on October 1, 2007. The provisions of this bill that restrict who may serve on the Commission do not apply to any person serving on the Commission as of October 1, 2007, until that person's current term expires.

S.B. 117 (Chapter 470)

Senate Bill 117 exempts from competitive public bidding, public purchasing rules, and other requirements for public works, contracts entered into by the Board of the Reno-Tahoe Airport Authority that relate to the construction of an integrated in-line explosive detection and security screening system for checked baggage, as mandated by the Transportation Security Administration of the United States Department of Homeland Security. The measure clarifies that any such contracts must contain provisions requiring the payment of prevailing wages.

The measure is effective on June 13, 2007, and expires by limitation on July 1, 2009.

S.B. 121 (Chapter 58)

Senate Bill 121 amends the City Charter of Carlin to revise the timing of the municipal general election to coincide with the statewide general election held in November of each even numbered year. The measure provides a framework for rotating the city's four council offices and the Office of Mayor into the statewide election cycle.

The bill is effective on May 17, 2007, and applies to the municipal general election to be held on June 5, 2007.

S.B. 122 (Chapter 59)

Senate Bill 122 amends the City Charter of Wells to revise the timing of the municipal general election to coincide with the statewide general election held in November of each even numbered year. The measure provides a framework for rotating the city's four council offices and the Office of Mayor into the statewide election cycle.

The bill is effective on May 17, 2007, and applies to the municipal general election to be held on June 5, 2007.

S.B. 125 (Chapter 219)

Senate Bill 125 authorizes the Lander County School District to transfer the historic Austin Elementary School to the Austin Historical Society. The bill requires the Austin Historical Society to use the property in a way consistent with its historical value to the extent practicable. Further, the bill allows the Austin Historical Society to transfer the property to another person provided the Lander County School District consents to the transfer.

Finally, the bill clarifies that the provisions of Chapter 393 of the *Nevada Revised Statutes* relating to sales of school district property are not applicable to the transfer.

The bill is effective on May 31, 2007.

S.B. 198 (Chapter 244)

Senate Bill 198 authorizes the Las Vegas City Council to enter into a lease or lease-purchase agreement for the construction or remodeling of a building or facility according to specifications adopted by the Council. The measure also amends or repeals portions of S.B. 426 of the 2005 Legislative Session (Chapter 508, *Statutes of Nevada*) to clarify that the Nevada System of Higher Education continues to be included in the definition of “state agency” for the purposes of installment-purchase and lease-purchase agreements if payments under the agreements will be made with State appropriations.

The bill is effective on June 30, 2007.

S.B. 200 (Chapter 466)

Senate Bill 200 changes the termination date from after 30 years to after 45 years for a redevelopment plan that was adopted on or after July 1, 1987, but before January 1, 1991. This measure only affects the North Las Vegas Redevelopment Agency, which must review its activities and report its progress to the 76th Session of the Nevada Legislature.

The bill is effective on July 1, 2007.

S.B. 203 (Chapter 322)

Senate Bill 203 requires the Washoe County Board of Commissioners to determine, before October 1, 2007, whether certain criteria concerning the establishment of a minor league baseball stadium project in the County have been met. If the Board finds that these criteria have been met, it shall issue a formal finding of that fact; however, if the Board determines that the criteria have not been met, the Board is authorized to use the proceeds from the 2 percent rental car fee imposed in Washoe County and any related revenue bonds for projects other than a minor league baseball stadium. Finally, the bill extends by two years the use of monies allocated in 2005 to the Reno-Sparks Convention and Visitors Authority.

The portion of the bill requiring findings by the Washoe County Board of Commissioners concerning the establishment of a minor league baseball stadium and the provisions extending the use of monies allocated to the Reno-Sparks Convention and Visitors Authority are effective on June 4, 2007. The remainder of the bill is effective on October 1, 2007, if the Commission finds that the establishment of a minor league baseball stadium is not feasible.

S.B. 222 (Chapter 542)

Senate Bill 222 creates the Nye County Water District to provide for the storage, conservation, distribution, and sale of water within or outside of the district. In addition to provisions related to the governance and powers of the Governing Board of the District, this measure provides that the Nye County Water District is exempt from regulation by the Public Utilities Commission of Nevada.

The bill is effective on July 1, 2007.

S.B. 244 (Chapter 450)

Senate Bill 244 requires the State Board of Health to develop a system of collecting data concerning waiting times for the provision of emergency services to persons who are transported to a hospital by a provider of emergency medical services (EMS).

The measure requires hospitals and providers of EMS in Clark County to collect certain data relating to waiting times, and authorizes the Board to require the collection of data if there are excessive waiting times at one or more hospitals in Washoe County.

Senate Bill 244 requires the State Board of Health to adopt regulations to carry out the provisions of this bill and requires the district board of health in Clark County to adopt regulations consistent with those of the State Board of Health with respect to providers of emergency medical services. Finally, the measure eliminates the requirement that the Health Division adopt regulations relating to the tracking of waiting times.

This measure is effective on July 1, 2007.

S.B. 301 (Chapter 427)

Senate Bill 301 requires that all public lands held, controlled, or administered by the Colorado River Commission of Nevada that are located in the Fort Mohave Valley and all money in the Fort Mohave Valley Development Account be transferred from the State of Nevada to Clark County Board of Commissioners.

Senate Bill 301 requires that the Clark County Board of Commissioners administer these public lands in the Fort Mohave Valley solely for the development of the Fort Mohave Valley and of any general improvement district, special district, town or city whose territory contains land in the Fort Mohave Valley. This measure also requires that money in the Fort Mohave Valley Development Fund be used only for purposes expressly stated in the Fort Mohave Valley Development Law.

Provisions concerning the orderly transfer of authority of the Colorado River Commission of Nevada to the Board of County Commissioners of Clark County are effective on June 13, 2007. All other provisions are effective on July 1, 2007.

S.B. 320 (Chapter 428)

Senate Bill 320 provides that a governing body of Boulder City, Caliente, Carlin, Elko, Ely, Fallon, Fernley, Lovelock, Mesquite, Wells, West Wendover, Winnemucca, and Yerington may rent or lease aircraft storage or parking space that is less than one-half of one acre at an airport owned or operated by the city without conducting or seeking an appraisal or public auction. The measure also repeals a portion of a previously approved measure, Assembly Bill 289 of the 2007 Legislative Session, which also relates to the rental and lease of aircraft storage and parking space in rural areas.

The portion of the measure repealing Section 1 of A.B. 289 is effective on June 13, 2007. The remainder of the bill is effective on October 1, 2007.

S.B. 374 (Chapter 459)

Senate Bill 374 authorizes the creation of a tax increment area by cooperative agreement between a city in which the principal campus of the Nevada State College is located, currently the City of Henderson, and the Nevada System of Higher Education. This measure also provides that if a municipality has a population of less than 100,000 at the time the municipality issues securities for a tax increment area, the revenue limitation will remain the same until the securities issued for the tax increment area have been paid in full, regardless of whether the population of the city exceeds 100,000 during that time.

S.B. 419 (Chapter 250)

Senate Bill 419 authorizes the Board of County Commissioners in Clark County to require that marriage certificates be filed with the County Clerk instead of the County Recorder. The measure also provides for various procedures, requirements, and fees relating to the filing of marriage certificates. Finally, the bill requires that certain money collected by fees imposed by the Clerk be deposited in a separate account in the County General Fund to be used only to acquire or improve technology used by the Clerk for the issuance of marriage licenses and the filing of marriage certificates.

The bill is effective on July 1, 2007.

S.B. 447 (Chapter 238)

Senate Bill 447 increases from five to six the number of employees the Carson City Sheriff may designate as exempt from the City's Merit Personnel System. The measure also provides that if the Office of Mayor becomes vacant, the Mayor pro Tempore shall serve as Mayor until the next general election.

The bill is effective on July 1, 2007.

S.B. 497 (Chapter 444)

Senate Bill 497 relates to public facilities. The bill authorizes the Clark County Board of Commissioners to adopt, by ordinance, procedures for the sale of the naming rights to a shooting range owned by the County, including its buildings, improvements, facilities, events, and other related parts. This measure also provides for the creation of an enterprise fund exclusively for the proceeds of naming rights, fees, gifts, grants, or other sources of funds received by the range.

The bill is effective on July 1, 2007.

Financial Administration

A.B. 415 (Chapter 145)

Assembly Bill 415 amends the Local Government Securities Law to authorize the issuance of municipal securities in the form of commercial paper to fund the cost of any project, or to refinance any commercial paper or other securities previously issued.

This measure is effective on July 1, 2007.

A.B. 615 (Chapter 475)

Assembly Bill 615 authorizes a board of trustees of a school district to include in a ballot question regarding the issuance of general obligation bonds an authorization to transfer excess revenue generated from the bonds to finance certain capital projects. The measure also reduces, from \$10 million to \$5 million the threshold amount of general obligation bonds that may be secured under guaranteed investment contracts and expands the number of local governments that may utilize such contracts. Churchill, Douglas, Elko, Lyon, and Nye Counties must employ a full-time finance director and have the investment contracts reviewed by independent bond counsel in order to participate in the guaranteed investment contracts. In addition, A.B. 615 adds Carson City to the list of municipalities that may lend securities from its investment portfolio under certain circumstances. Finally, the measure increases from \$25 million to \$40 million the maximum guarantee for bonds that a school district may use through the State Permanent School Fund for the payment of debt service on the bonds.

The bill is effective on July 1, 2007.

S.B. 131 (Chapter 540)

Senate Bill 131 authorizes county clerks to charge and collect an additional fee of \$5 for filing and recording a bond of a notary public, the money from which must be used to fund various technological improvements used in the offices of the county clerks.

This measure is effective on July 1, 2007, and expires by limitation on July 1, 2013.

S.B. 137 (Chapter 148)

Senate Bill 137 increases from \$25,000 to \$50,000 the annual threshold amount above which a local government is required to advertise a purchasing contract. The measure also increases from \$10,000 to \$25,000 the minimum annual threshold amount above which a local government is required to submit a request for at least two bids in connection with a purchasing contract.

The bill is effective on May 29, 2007.

S.B. 203 (Chapter 322)

Senate Bill 203 requires the Washoe County Board of Commissioners to determine, before October 1, 2007, whether certain criteria concerning the establishment of a minor league baseball stadium project in the County have been met. If the Board finds that these criteria have been met, it shall issue a formal finding of that fact; however, if the Board determines that the criteria have not been met, the Board is authorized to use the proceeds from the 2 percent rental car fee imposed in Washoe County and any related revenue bonds for projects other than a minor league baseball stadium. Finally, the bill extends by two years the use of monies allocated in 2005 to the Reno-Sparks Convention and Visitors Authority.

The portion of the bill requiring findings by the Washoe County Board of Commissioners concerning the establishment of a minor league baseball stadium and the provisions extending the use of monies allocated to the Reno-Sparks Convention and Visitors Authority are effective on June 4, 2007. The remainder of the bill is effective on October 1, 2007, if the Commission finds that the establishment of a minor league baseball stadium is not feasible.

S.B. 307 (Chapter 461)

Senate Bill 307 requires a public officer or employee to refuse any offer or promise of future employment, a business opportunity, money, or anything of value from a person who has provided a bid on a purchasing contract to be awarded by a public body, and an employee must report such an offer within 72 hours. In addition, a State or local government or any public officer or employee shall not offer or provide to a bidder any proprietary information regarding the contract or details regarding a bid on the contract from another person, and the bidder is prohibited from requesting such information. Finally, S.B. 307 requires a “cooling off” period of one year for certain former public officers and employees before they may be employed by a person or company to whom a purchasing contract was awarded.

S.B. 457 (Chapter 253)

Senate Bill 457 relates to local financial administration. The measure authorizes a local government to create an irrevocable trust fund to provide health insurance or similar benefits to its retired employees. The local government must establish a board of trustees to administer the fund and to act in a fiduciary capacity for the beneficiaries of the trust. The bill limits the trust funds to use for the benefit of the retired employees in accordance with the benefits plan and reasonable administrative expenses. Senate Bill 457 allows a trust fund to be pooled with trust funds of other local governments and sets forth the limits on investments, including a prohibition on an investment of more than 5 percent of the trust fund in a single business.

The measure creates the Retirement Benefits Investment Board, consisting of the members of the Public Employees’ Retirement Board, to administer a new fund titled the Retirement Benefits Investment Fund. This fund must be administered according to the provisions pertaining to the Public Employees’ Retirement System (PERS) and the Retirement Benefits Investment Board has the same powers as the PERS Board. Provided the investments are not in violation of the *Nevada Constitution*, the Public Employees’ Benefits

Program and local government trust funds may invest in the Retirement Benefits Investment Fund.

The bill is effective on July 1, 2007.

S.B. 515 (Chapter 241)

Senate Bill 515 provides a declaration of legislative intent emphasizing the important and valuable option State agencies and local governments have in using lease-purchase and installment-purchase agreements for the acquisition of and improvement to real property. The measure declares that statutory provisions governing lease-purchase and installment-purchase agreements should be interpreted to allow a streamlined and efficient use of these agreements. Finally, the measure notes that the State and its political subdivisions should not use lease-purchase and installment-purchase agreements to engage in bid-shopping or avoid the payment of prevailing wage for public works projects.

The measure is effective on July 1, 2007.

Improvement and Special Districts

A.B. 373 (Chapter 332)

Assembly Bill 373 authorizes the board of county commissioners in any county to serve as the board of trustees of a general improvement district that is organized on or after July 1, 2007. If the board of county commissioners in any county except Clark and Washoe Counties serves as the board of trustees for a district authorized to furnish streets and alleys, the territory of the district may overlap the territory of another general improvement district.

This measure is effective on July 1, 2007.

S.B. 498 (Chapter 497)

Senate Bill 498 expands the authority of the Virgin Valley Water District to borrow money and incur indebtedness subject to the oversight of the Clark County Debt Management Commission. This measure also gives the Virgin Valley Water District the authority to utilize lease-purchase agreements in accordance with existing State laws regarding medium-term obligations.

Senate Bill 498 also expands the authority of certain local improvement districts to borrow money and incur indebtedness. This measure also provides that, when in conflict with other provisions in statute, the Local Government Securities Law controls the issuing of securities by local improvement districts.

The bill is effective on July 1, 2007.

NATURAL RESOURCES AND PUBLIC LANDS

A.B. 22 (Chapter 76)

Assembly Bill 22 authorizes the State Land Registrar to transfer, without consideration, two parcels of land owned by the State of Nevada. One parcel, commonly known as the Joy Lake Fire Station, may be transferred to the Sierra Fire Protection District with two deed restrictions that, if breached, may result in the title of the property reverting to the State. The deed restrictions are:

- The property must be used for fire protection services; and
- Any subsequent transfer of the property's title would require the consent of the State of Nevada.

The second parcel is in the town of Verdi, and it may be transferred to Washoe County.

This bill is effective on May 21, 2007.

A.B. 469 (Chapter 369)

Assembly Bill 469 requires, to the extent that money is available, the Division of State Parks of the State Department of Conservation and Natural Resources, in cooperation with the University of Nevada, Las Vegas, to conduct a study of the feasibility of developing a park with a museum and a live dig site. The area to be studied is approximately 315 acres in the Upper Las Vegas Wash, known as the Tule Springs Archaeological Site.

This bill is effective on July 1, 2007.

A.B. 573 (Chapter 411)

Assembly Bill 573 authorizes the Nevada Department of Wildlife to issue one-day group fishing permits and establishes fees for issuing those permits. The bill expands the circumstances under which a person must obtain a license or permit to hunt or fish certain wildlife to include any wildlife, not just wild birds or mammals. The bill also requires that permits to hunt, fish, or trap include the same information that is currently required on licenses to hunt, fish, or trap. Finally, A.B. 573 reduces from \$1,200 to \$500 the fee for a nonresident antlerless elk tag.

The measure revises the provisions applicable to unlawful hunting of certain animals by removing the use of a motor vehicle to hunt animals as a crime punishable as a category E felony or gross misdemeanor and by requiring that a person must knowingly hunt outside of the permitted time of day to be guilty of a category E felony or gross misdemeanor.

This bill is effective on July 1, 2007.

S.B. 195 (Chapter 243)

Senate Bill 195 sets forth certain responsibilities for anyone using a recreation area, which is defined as a trailhead or water access area. Responsibilities include compliance with various instructions and safety rules, prohibition from engaging in certain activities, and immediate notification to the operator of the recreation area of any personal injury incurred while using a recreation area. The operator, defined as a governmental agency or political subdivision, is responsible for posting appropriate signs and warnings and for taking reasonable steps to minimize known dangers of trailheads and water access areas within its control. The bill also limits the liability of the operator and owner of adjacent private property under certain circumstances. Finally, S.B. 195 allows local governments to adopt ordinances governing recreation areas as long as they do not conflict with existing statutes.

This measure is effective on July 1, 2007.

A.J.R. 9 (File No. 89)

Assembly Joint Resolution No. 9 urges the United States Congress to allow certain proceeds from the Southern Nevada Public Land Management Act to be used for Nevada's State parks.

This resolution is effective on May 28, 2007.

S.J.R. 10 (File No. 94)

Senate Joint Resolution No. 10 supports the actions and policies of the United States Forest Service and the Bureau of Land Management (BLM) to designate roads and trails for off-highway vehicle use. The resolution urges the BLM and the Forest Service to require that off-highway vehicles stay on existing roads and trails and not pioneer unauthorized roads and trails. The resolution also supports interagency agreements between federal, State, and local law enforcement agencies for the cooperative enforcement of such policies and regulations.

The measure is effective on May 28, 2007.

Agriculture and Ranching

A.B. 42 (Chapter 199)

Assembly Bill 42 authorizes the Department of Agriculture to apply for or accept any gifts, grants, donations, or contributions from any source and to make grants or subgrants of money to any person; federal, State, or local governmental agency; or public or private corporation.

This bill is effective on May 30, 2007.

A.B. 144 (Chapter 495)

Assembly Bill 144 changes the formula for calculating the rate an electric utility may charge for supplying interruptible power for irrigation pumps during the period from March 1 to October 31. The bill sets the maximum rate at the average of the lowest per-kilowatt-hour

charge offered by each public utility and cooperative association under any of their rate schedules.

A.B. 228 (Chapter 269)

Assembly Bill 228 authorizes the Director of the Department of Agriculture to refuse to issue a license to engage in pest control to a person applying for a license as a primary principal for a pest control business if that person has been convicted of, or entered a plea of guilty or *nolo contendere* to, a felony or any other crime involving moral turpitude. The Director is authorized to request fingerprints from such applicants for the purpose of conducting a background check. The Director also may refuse to issue a license to an applicant who has had a similar license suspended or revoked in another jurisdiction.

The measure adds a conviction of a felony or any crime involving moral turpitude as grounds for revocation, suspension, or modification of a license. Assembly Bill 228 also requires submittal of fingerprints by a licensee if the Department initiates proceedings to revoke, suspend, or modify a pest control license. Finally, the bill prohibits a person who is not licensed from altering a pest control report.

The bill is effective on January 1, 2008.

S.B. 47 (Chapter 10)

Senate Bill 47 repeals the provision for determining in which county livestock and sheep are deemed to be located for purposes of a tax on livestock and sheep.

This measure is effective on April 11, 2007.

S.B. 486 (Chapter 254)

Senate Bill 486 authorizes an owner of a livestock brand to make an application to amend the record of ownership when there is a change in the name of the owner but not a change in ownership. The measure also clarifies that, upon the death of an owner of a livestock brand, the brand may be transferred by the authorized representative of the deceased or his estate. Finally, the bill allows the State Department of Agriculture to establish a fee for amending the record of ownership.

The measure is effective on May 31, 2007.

S.J.R. 12 (File No. 96)

Senate Joint Resolution No. 12 expresses disapproval of civil actions filed against ranchers and the Bureau of Land Management over the management of public rangelands and the issuance of grazing permits. The resolution notes the importance of livestock production to Nevada and the negative impacts of litigation that delays implementation of good stewardship and management of public lands.

The measure is effective on May 28, 2007.

Air Quality

A.B. 67 (Chapter 278)

Assembly Bill 67 authorizes the Department of Conservation and Natural Resources to collect money from the sale of emission credits or allocations. The Department must develop regulations for public participation in the Department's determination of the amount of emission credits and allocations made available for sale, and recommend those regulations to the State Environmental Commission. Any money collected must be deposited in the Account for the Management of Air Quality in the State General Fund. The bill also revises the State's policy concerning air pollution to include periodically retiring a portion of the emissions credits and allocations that would otherwise be available for banking or sale.

This bill also increases the maximum amount that the State Environmental Commission may establish for administrative fines from \$500 to \$2,000.

This bill is effective on June 1, 2007.

S.B. 60 (Chapter 111)

Senate Bill 60 requires the Clark County School District to spend its portion of the administrative penalties received from the air pollution control board in accordance with an annual spending plan approved by the air pollution control board. The board must approve the spending plan if the proposed expenditures are reasonably related to educational programs on air quality topics or air quality improvement projects consistent with the State Implementation Plan.

The School District must report annually to the board on expenditures under the spending plan.

The bill is effective on July 1, 2007.

S.B. 161 (Chapter 231)

Senate Bill 161 relates to air quality. The bill exempts hybrid vehicles from smog checks in Clark County and Washoe County until the model year of the car is 6 years old.

S.B. 324 (Chapter 425)

Senate Bill 324 requires the State Board of Agriculture to adopt regulations for motor vehicle fuel specifications. These regulations shall be based upon:

- Scientific evidence that demonstrates a motor vehicle fuel is of sufficient quality to ensure appropriate performance when used in a motor vehicle in this State; or
- Motor vehicle fuel standards proposed by an air pollution control agency to attain or maintain national ambient air quality standards.

The State Board of Agriculture is also required to adopt regulations governing the granting of variances from the standard motor vehicle fuel specifications.

The bill is effective on June 13, 2007, for the purpose of adopting regulations, and on October 1, 2007, for all other purposes.

S.B. 422 (Chapter 417)

Senate Bill 422 requires the State Environmental Commission to establish, by regulation, a statewide registry of greenhouse gases and to mandate the reporting of greenhouse gas emissions by electric power plants, excluding those using renewable energy or having an output capacity of less than five megawatts.

The regulations adopted by the Commission may include reporting requirements and the methodologies for identifying and measuring greenhouse gases and verifying the information in the registry. Voluntary participation by persons not required to participate in the registry must be allowed by regulation.

Beginning December 31, 2008, the Department of Conservation and Natural Resources shall issue a statewide inventory of greenhouse gases at least once every four years. The inventory shall include the sources, types, and amounts of greenhouse gases; an analysis of the emissions; and documentation of the information in the inventory.

The bill is effective on July 1, 2007.

Environmental Matters

A.B. 115 (Chapter 534)

Assembly Bill 115 requires the Administrator of the Division of Industrial Relations of the Department of Business and Industry to adopt regulations for mine health and safety as necessary to provide safe and healthful working conditions at mines. The Administrator must review and revise the existing regulations not later than June 30, 2009.

Assembly Bill 115 also directs the State Environmental Commission to adopt, by regulation, fees to be imposed on mines that have the potential to emit mercury. The fees must be sufficient to add two full-time compliance personnel to the Nevada Mercury Air Emissions Control Program of the State Department of Conservation and Natural Resources, and the regulations must be adopted by December 31, 2007.

This measure is effective on June 14, 2007.

A.B. 217 (Chapter 122)

Assembly Bill 217 requires that one of the Governor's five appointees to the State Environmental Commission must have experience and expertise in advocating issues relating to conservation.

This bill is effective on July 1, 2007.

A.B. 621 (Chapter 539)

Assembly Bill 621 requires the Director of the State Office of Energy to adopt a Green Building Rating System for the purposes of determining eligibility for tax abatements under this bill. The system must:

- Be based on the Leadership in Energy and Environmental Design (LEED) system;
- Include LEED standards that have been in place for at least two years;
- Not include LEED standards for homes; and
- Require a building or other structure to obtain a certain amount of energy conservation points at the LEED silver, gold, and platinum levels.

The Director must grant a partial abatement of real property taxes, other than taxes imposed for public education, which is defined as kindergarten through twelfth grade, for a building that meets the LEED silver, gold, or platinum standards or the equivalent. A project is not eligible for the abatement if it receives money from the State or a local government for acquisition, design, or construction of the building or for acquisition of the land. The partial abatement must be for ten years, and terminates if the structure ceases to meet the LEED silver standards or their equivalent.

Assembly Bill 621 also consolidates various existing statutes granting tax abatements and exemptions related to energy conservation in a new chapter of the *Nevada Revised Statutes* (NRS), and addresses the applicability of those existing statutes to projects already underway.

For purposes of legislative intent, the following should be noted:

- Assembly Bill 621 does not exclude condominium hotels. Under the LEED definitions, they are considered commercial units, not residential; and
- Sections 6 and 16 do not change the existing law on tax abatements for renewable energy projects. The existing statutes are merely being placed in a new chapter where they will be centralized and more easily seen as a part of a unified public policy initiative. Specifically, it should be noted that Sections 6 and 16 in no way impact existing projects such as the PowerLight solar PV project at the Nellis Air Force Base or the proposed similar project at Fallon Naval Air Station.

This measure is effective on June 15, 2007, for most purposes. The provisions calling for adoption of a Green Building Rating System and grants of partial abatement of real property taxes are effective on June 15, 2007, for the purpose of adopting regulations, and on July 1, 2007, for all other purposes. Certain existing statutes granting tax abatements and exemptions, which the bill transfers to a new chapter of the NRS, expire by limitation on June 30, 2009.

S.B. 118 (Chapter 173)

Senate Bill 118 requires the State Environmental Commission to adopt regulations on the handling and storage of mercury in quantities of 200,000 pounds or more.

This bill is effective on July 1, 2007.

S.B. 331 (Chapter 511)

Senate Bill 331 authorizes the Division of Environmental Protection, Department of Conservation and Natural Resources, to use a portion of the money it receives from the Department for public education concerning the State's plan for solid waste management to also support other activities that encourage the reduction of solid waste. In addition, the bill requires the Division to encourage the Nevada System of Higher Education to research and develop methods for the reduction, reclamation, and conversion of solid waste and encourage it to seek funds from public and private sources for that purpose.

This bill is effective on July 1, 2007.

Water

A.B. 296 (Chapter 331)

Assembly Bill 296 declares it the policy of the State of Nevada to allow the temporary conversion of certain agricultural water rights for wildlife purposes or to improve the quality or flow of water. A person or entity proposing to temporarily convert agricultural water rights must first apply for and receive any necessary permits and approvals. Temporary conversions shall not exceed three years and may be extended in three-year increments.

This measure is effective on June 4, 2007.

A.B. 331 (Chapter 312)

Assembly Bill 331 declares it the policy of the State to encourage suppliers of water to establish water rates that maximize water conservation. Additionally, it requires that a water supplier's water conservation plan must contain an estimate of the amount of gallons of water per person per day that will be conserved each year as a result of the adoption of each conservation measure specified in the plan. To the extent practicable, the State Engineer will provide a link to the water conservation plans of each water supplier on the Engineer's Internet website.

S.B. 274 (Chapter 429)

Senate Bill 274 authorizes the State Engineer to adopt regulations for the imposition of administrative fines for violations of certain statutes relating to water resources. This measure also specifies topics that the State Engineer must consider when adopting regulations and the Engineer must submit a written report detailing the regulations to the Legislative Counsel Bureau by January 1, 2009. Although regulations may be adopted, the State Engineer may not impose any administrative penalties related to this measure before July 1, 2009.

Senate Bill 274 requires the State Engineer to notice a new period of protest of 45 days for successors in interest or affected water rights holders if the Engineer, within seven years, fails to act on or hear certain applications filed after July 1, 2007. In addition, successors of a person who filed a written protest during the first notice period have the right to continue the protest if they notify the State Engineer. The measure confirms the authority of the State Engineer to limit the initial use of approved water rights to a lesser quantity, and to approve junior applications requesting a minimal amount of water. Senate Bill 274 also provides that each applicant and protestant shall file information as required by the State Engineer and shall provide such information to the other parties. The bill declares that the State Engineer may consider consumptive uses of water in reviewing certain applications, except as to water rights originating in the Muddy and Virgin Rivers, and provided such consideration is consistent with applicable federal or State decrees.

Senate Bill 274 requires the State Engineer to render a decision on a water rights application within 240 days after the hearing transcript is available or the date for filing additional information, unless the State Engineer grants an extension for good cause.

The bill is effective on July 1, 2007.

S.B. 275 (Chapter 246)

Senate Bill 275 relates to groundwater. The bill converts the maximum pumping limit on a domestic well from 1,800 gallons per day to two acre feet per year. The bill clarifies that a domestic well may serve an accessory dwelling unit to a single family dwelling provided certain conditions are met, including approval of the accessory dwelling unit by the local government, and monitoring the annual withdrawal from the well. The priority date of a domestic well is set as the completion date recorded on the well driller's log or as otherwise documented and, for a domestic well serving an accessory dwelling unit, the date of approval of the accessory dwelling unit by the local government.

Senate Bill 275 requires notice of forfeiture of water rights based on nonuse to be given by the State Engineer in all basins in Nevada. In basins where the State Engineer does not keep pumping records, other documents specified may be used to determine nonuse of water.

If a local government has not adopted an ordinance requiring dedication of water rights for new parcel maps, the State Engineer is authorized to require such dedications in designated basins to ensure a sufficient supply of water. A county that requires a dedication of water

rights for parcels created after July 1, 1993, may relinquish a water right to the State Engineer under certain conditions. When a parcel with an appurtenant relinquished water right is connected to a public water system, the system receives a credit for the water right.

The bill is effective on January 1, 2008.

S.B. 306 (Chapter 131)

Senate Bill 306 requires the owner of a motorboat equipped with an engine cut-off switch to ensure that the engine cut-off switch is in working order. Further, the operator of such a motorboat must connect the engine cut-off switch to his person, clothing, or personal flotation device. The engine cut-off switch need not be used when operating the motorboat at a speed of 5 nautical miles per hour or less.

S.B. 487 (Chapter 531)

Senate Bill 487 relates to water resources. The bill creates the Western Regional Water Commission to plan for the management of water supplies and to develop a comprehensive regional water plan for a portion of Washoe County. The bill also creates the Northern Nevada Water Planning Commission to advise the Commission. If the cities of Reno and Sparks, Washoe County, Sun Valley General Improvement District, and Truckee Meadows Water Authority enter into a cooperative agreement, the entities may authorize the Western Regional Water Commission to exercise any powers that the entities may individually exercise, provided the powers are not inconsistent with the Western Regional Water Commission Act.

The bill sets forth the membership, terms, and qualifications of the Board of Trustees of the Western Regional Water Commission, and the Planning Commission, as well as their duties and powers. To fund the activities of both Commissions, the measure authorizes the continuation of a fee not to exceed 1.5 percent of the amount billed by a public water purveyor to its customers provided that the fee is separately stated on its customer billings. The bill repeals portions of Chapter 540A in the *Nevada Revised Statutes* relating to the regional water planning commission, comprehensive regional plan, remediation, and water supply, and enacts similar requirements applicable to both commissions.

Senate Bill 487 creates a six-member Legislative Committee to Oversee the Western Regional Water Commission and requires that the Committee submit reports to the 2009, 2011, and 2013 Legislatures no later than January 15 of each odd-numbered year.

The provisions of the bill concerning the creation of the Commissions and their respective powers are effective on April 1, 2008. The provision authorizing a cooperative agreement between the entities is effective on July 1, 2007, and expires on April 1, 2008, if the agreement has not been entered into before that date. The provisions relating to the interim legislative oversight committee are effective on July 1, 2007, and expire on July 1, 2013.

PUBLIC SAFETY

A.B. 13 (Chapter 353)

Assembly Bill 13 increases the age at which a person must wear a personal flotation device on vessels while underway on any waters in Nevada from less than 12 years to less than 13 years.

A.B. 91 (Chapter 275)

Assembly Bill 91 requires that local law enforcement agencies and fire departments be notified of the unusual sale, purchase, theft, or loss of any explosives in the State of Nevada. It also establishes that it is unlawful for any person to manufacture, import, purchase, or distribute an explosive without creating and maintaining a written record containing identifying information about the person keeping the explosives. This measure also requires a person who stores explosives to notify the local law enforcement agency and fire department within 24 hours of beginning to store explosives and comply with federal law regulating the storage of explosives. Any person acting in an official capacity as an owner, officer, or employee of a mining enterprise is exempt from the reporting and recordkeeping requirements in this measure. This bill also states that the list of activities listed under *United States Code*, Title 18, Section 845(a), are exempt from the requirements of this measure.

There are six exceptions under *United States Code*, Title 18, Section 845(a). In summary they are as follows: (1) the transportation of explosive materials already regulated by the U.S. Department of Transportation; (2) the use of explosive materials in nationally prescribed forms for medicine; (3) the transportation of explosives for a government entity; (4) small arms ammunition and components; (5) commercially manufactured black powder in quantities not to exceed fifty pounds; and (6) the manufacturing of explosives under the regulation of the military.

A.B. 122 (Chapter 165)

Assembly Bill 122 relates to emergency reporting systems. The bill authorizes the board of county commissioners in any county except Clark and Washoe Counties to adopt an ordinance that imposes a surcharge on each telecommunication line and customer of mobile telephone service to enhance or improve the telephone system for reporting an emergency. This measure also eliminates the requirement that funds collected by a city or county on business licenses for providers of personal wireless service be deposited into the same special revenue fund in which the proceeds of the surcharge are deposited.

This measure is effective on July 1, 2007.

A.B. 344 (Chapter 143)

Assembly Bill 344 provides that a person who intentionally or knowingly makes a false or misleading statement that activates the Statewide Alert System for the Safe Return of Abducted Children is guilty of a category E felony. The measure increases from 12 to 15 the number of members of the Committee for the Statewide Alert System and provides specific requirements for the membership and appointment of the additional members.

This bill is effective on May 29, 2007.

A.B. 380 (Chapter 44)

Assembly Bill 380 authorizes the use of a radar gun that was on the Conforming Product List of the International Association of Chiefs of Police at the time of purchase, even if the gun is no longer on the list.

This measure is effective on July 1, 2007.

S.B. 81 (Chapter 105)

Senate Bill 81 requires the Governor, political subdivisions, and local organizations for emergency management to address the needs of people with pets or service animals in preparing emergency management plans.

S.B. 389 (Chapter 160)

Senate Bill 389 prohibits the Central Repository for Nevada Records of Criminal History from charging a fee for information provided to any organization that receives a grant from the Revolving Account to Investigate the Background of Volunteers Who Work With Children.

The bill is effective on May 29, 2007.

Homeland Security

A.B. 137 (Chapter 272)

Assembly Bill 137 relates to acts of terrorism. The bill makes it a crime to disperse, by any means of delivery, a hoax substance with the intent to:

- Cause injury, intimidation, alarm, or mental anguish;
- Cause fear of contamination or exposure to a biological or other toxic agent;
- Cause panic or civil unrest;
- Extort or otherwise profit; or
- Interfere with operations or cause economic damage.

A hoax that results in death or substantial bodily harm is a category B felony and the measure provides a specific penalty of a minimum term of 2 years and maximum term of 20 years imprisonment and a fine up to \$5,000. A hoax that does not result in death or substantial bodily harm is a category D felony.

The bill also increases the penalty for engaging in certain acts of terrorism from imprisonment for a minimum term of 1 year and a maximum term of 6 years to a minimum term of 2 years and a maximum term of 20 years.

S.B. 90 (Chapter 502)

Senate Bill 90 adds an employee of the City of Las Vegas to the list of voting members on the Nevada Homeland Security Commission and changes from voting to nonvoting status the members from the United States Department of Homeland Security and the Federal Bureau of Investigation. Senate Bill 90 also clarifies that the Chairman of the Commission is empowered to appoint any appropriate person to a committee formed by the Commission, provided that one member of the Commission is appointed to the committee. Finally, this measure provides that if a committee member is a public employee, the member must be granted administrative leave without loss of compensation or accrued leave.

This bill is effective on June 13, 2007.

S.B. 106 (Chapter 508)

Senate Bill 106 revises provisions related to homeland security. The bill expands the list of persons who may be allowed to inspect confidential documents relating to terrorism and deletes the sunset provision relating to the classification, handling, and investigation of confidential documents. It also expands the list of persons who are not required to indicate a purpose for inspecting restricted documents. The persons added to these lists include:

- State, county, and city emergency managers;
- Members and staff of terrorism early warning centers or fusion intelligence centers;
- Employees of fire-fighting or law enforcement agencies who have been designated by the head of the agency as having an operational need to know the confidential or restricted information; and
- Employees of certain public health agencies who have been designated by the head of the agency as having an operational need to know the confidential or restricted information.

This bill is effective on June 13, 2007.

Police and Fire Protection

A.B. 50 (Chapter 487)

Assembly Bill 50 requires law enforcement agencies to adopt policies and procedures to accept certain subpoenas served on a peace officer. The bill also provides that the home address of a peace officer may only be released to the public if the officer has been arrested and the home address is included in a 911 telephone call report, a police report, a witness statement, or a child welfare report.

This measure is effective on June 13, 2007.

A.B. 51 (Chapter 285)

Assembly Bill 51 authorizes fire-fighting agencies to request information regarding the employment history of applicants from employers and former employers. Under most circumstances, these employers are immune from civil liability for disclosing this information.

This bill also provides that public safety agencies may share employment history information if the applicant submitted a single application with the intention that it be used by several agencies.

A.B. 138 (Chapter 138)

Assembly Bill 138 expands the purposes for which an impact fee may be imposed for a fire station project or police station project to include office, storage, parking, and other facilities used for the administration of the fire or police station or substation. Impact fees may not be used for vehicles, equipment, facilities used for training personnel from more than one station, or facilities that replace services that were once provided elsewhere in the county or city.

This measure is effective on May 29, 2007.

A.B. 298 (Chapter 140)

Assembly Bill 298 prohibits a law enforcement agency from suspending a peace officer without pay during an investigation into a complaint or allegation until all investigations have concluded. These provisions apply to investigations that could result in punitive action, but do not apply to investigations into alleged criminal activity.

This measure is effective on July 1, 2007.

A.B. 301 (Chapter 169)

Assembly Bill 301 provides that in order to be eligible for the office of county sheriff, on or after January 1, 2010, a person must meet certain requirements. In Clark and Washoe Counties, at the time of filing for the office, a candidate must have accumulated five consecutive years of law enforcement service and attained the equivalent of a category I peace officer certification or have successfully completed a federal law enforcement training program approved by the Peace Officers' Standards and Training Commission. In all other

counties, at the time of filing for the office, a candidate is not required to meet any specific requirements; however, the office of county sheriff is forfeited if the successful candidate fails to earn certification from the Peace Officers' Standards and Training Commission within one year after taking office.

S.B. 30 (Chapter 77)

Senate Bill 30 revises the standard under which a sheriff or other officer in charge of a jail may seek authority from a chief judge to release prisoners. Instead of seeking authority to release prisoners when the number of prisoners exceeds the number of beds available in the jail, a jail administrator may seek authority when the number of prisoners exceeds the jail's "operational capacity." The bill defines operational capacity as the number of prisoners that may be safely housed in compliance with certain regulations adopted by the State Board of Health.

This measure is effective on May 21, 2007.

S.B. 288 (Chapter 323)

Senate Bill 288 makes certain existing provisions concerning fire protection applicable to all fire protection districts, regardless of whether they were organized by a board of county commissioners or approved by voters in the proposed fire protection district. This measure also provides that a fire protection district may include incorporated territory within a consolidated municipality, under certain circumstances, and it allows the inclusion of timberland patrolled by the United States Forest Service. Senate Bill 288 also restricts existing procedures for the reorganization of a fire protection district to apply only to a fire protection district organized by a board of county commissioners. Finally, this measure provides that the governing board of a fire district may provide emergency medical services, except that it may not provide ambulance service in any area where a local government has awarded an exclusive franchise for an ambulance service.

This measure is effective on July 1, 2007.

S.B. 289 (Chapter 463)

Senate Bill 289 authorizes a fire protection district that receives federal funding to reorganize as an existing or new fire protection district through the adoption of a resolution, or by petition, with the approval of the State Forester Firewarden. This measure also authorizes the adjustment of boundaries between certain contiguous fire protection districts located within the same county, with approval by a majority of the directly affected property owners and the board of county commissioners.

This measure is effective on July 1, 2007.

Weapons and Firearms

A.B. 95 (Chapter 119)

Assembly Bill 95 provides that during an emergency, the Governor, executive heads, and governing bodies of the political subdivisions of Nevada do not have the power to confiscate a firearm from a person unless the person is in unlawful possession of a firearm. If a person's firearm is confiscated in violation of these provisions, the person may file suit or take other legal action against the State of Nevada or a political subdivision of the State and the officer or employee who confiscated or authorized the confiscation of the firearm.

This measure also prohibits governmental entities from imposing additional restrictions on the lawful possession, transfer, sale, carrying, storage, display, or use of firearms, ammunition, or components of firearms or ammunition during an emergency.

This measure is effective on May 25, 2007.

S.B. 92 (Chapter 320)

Senate Bill 92 requires the amendment of any ordinances adopted before June 13, 1989, by Clark County or any city or town located therein that require the registration of a firearm capable of being concealed. The measure requires that such ordinances be amended to provide a 60-day residency period before the firearm is required to be registered and a period of 72 hours for the registration of a pistol by a resident upon the transfer of title, purchase, or gift. Any local ordinances or regulations in Clark County that are not amended to comply with this measure by January 1, 2008, shall be deemed to conform with the measure.

S.B. 237 (Chapter 521)

Senate Bill 237 offers reciprocity for permits to carry concealed firearms issued by another state under certain circumstances. In order to be listed as a reciprocal state, the Department of Public Safety must determine that the permit requirements in that state are substantially similar to or more stringent than those in Nevada, and the reciprocal state must have an electronic database of its permit holders that can be accessed at any time by law enforcement personnel in Nevada. The list of states meeting these requirements will be updated annually and developed in concurrence with the Nevada Sheriffs' and Chiefs' Association.

The measure retains the existing requirement to list each semiautomatic weapon on the permit but authorizes the receipt of a permit for all revolvers owned by the person without listing each revolver specifically. For a permit renewal, a person must demonstrate competence with a revolver, regardless of the number and type owned, and with each semiautomatic firearm listed on the permit.

Finally, the measure requires anyone with a reciprocal permit from another state to apply for a Nevada permit if he becomes a resident of this State.

This measure is effective on October 1, 2007. The list of reciprocal states must be distributed to law enforcement agencies no later than October 1, 2007, and the amendatory provisions of the bill apply only to a permit issued on or after October 1, 2007.

S.B. 354 (Chapter 418)

Senate Bill 354 adds paint guns to the list of weapons prohibited on the property of the Nevada System of Higher Education or on the property or in a vehicle of a private or public school, and adds licensed child care facilities to the places where such weapons are prohibited. It provides that a child taken into custody for the unlawful possession of a firearm on school property or at a licensed child care facility must submit to a drug test and an evaluation by a qualified professional, as ordered by the juvenile court. The bill also defines the scope and authority of a school police officer, including the authority to issue traffic citations on streets adjacent to public schools.

Additionally, the measure requires that a facility housing four or more sex offenders must be a facility for transitional living licensed pursuant to statute. Finally, these offenders are prohibited from being in or near a school, movie theater, or child-oriented business.

This measure is effective on October 1, 2007, and applies to anyone granted probation or a suspended sentence, released on parole, or placed on lifetime supervision on or after October 1, 2007.

PUBLIC UTILITIES

A.B. 1 (Chapter 135)

Assembly Bill 1 concerns the regulation of public utilities. The bill addresses the renewable portfolio standard, the amount of electricity a provider must generate, acquire, or save from renewable energy systems or energy efficiency measures. This measure makes a geothermal energy system that provides heated water to customers an energy efficiency measure, regardless of when it was constructed.

Assembly Bill 1 also makes adjustments to the renewable portfolio standard as it applies to a provider of new electric resources. The bill:

- Allows such a provider to earn credits for an energy efficiency measure or a solar energy system paid for, in whole or in part, by a customer;
- Relieves such a provider from the requirement to install at least half of any energy efficiency measures used to meet the portfolio standard at the service locations of residential customers; and
- Relieves such a provider from the requirement to have the terms of its renewable energy or energy efficiency contracts approved by the Public Utilities Commission of Nevada.

This measure is effective on July 1, 2007.

A.B. 7 (Chapter 163)

Assembly Bill 7 provides that when an electric utility applies to the Public Utilities Commission of Nevada to clear its deferred accounts for purchased fuel and power, there is no presumption that any practice or transaction of the utility was undertaken, managed, or performed prudently. The utility has the burden of proving that its practices were reasonable and prudent.

Similarly, when a public utility that purchases natural gas for resale files an application to clear its deferred accounts, the Commission must review the utility's transactions and recorded costs. The measure provides that there is no presumption of reasonableness or prudence for any transactions or recorded costs, and the utility bears the burden of proof.

According to the Legislative findings and declarations in Section 1 of this measure, its provisions are intended to supersede the 2006 holding of the Nevada Supreme Court in *Nevada Power Company v. Public Utilities Commission of Nevada*, to the extent that the Court determined that the rebuttable presumption of prudence is the controlling procedure in proceedings involving deferred energy accounting.

The measure is effective on May 29, 2007, and applies to applications pending before the Commission, pending on appeal in a district court or the Nevada Supreme Court, or filed with the Commission on or after the effective date.

A.B. 27 (Chapter 19)

Assembly Bill 27 authorizes the Public Utilities Commission of Nevada to impose an administrative fine on any entity regulated, registered, licensed, or permitted by the Commission for a violation of applicable statutes, rules, regulations, and orders. The fine may not exceed \$1,000 per day or \$100,000 for a series of violations. Any money collected as an administrative fine must be deposited to the State General Fund.

This measure is effective on July 1, 2007.

A.B. 43 (Chapter 83)

Assembly Bill 43 requires a public utility, other than a telephone company, to provide a list of customers upon request of a district judge or jury commissioner in every county for use in the selection of jurors. Previously, such a public utility had to provide its customer list for use in jury selection in every county except Clark County.

This measure is effective on May 21, 2007.

A.B. 103 (Chapter 162)

Assembly Bill 103 changes the maximum period between general rate applications of public utilities from 24 to 36 months. It also allows any public utility to submit a statement with its general rate application showing the annualized effects of all expected changes in circumstances, and clarifies when such changes are reasonably known and measurable.

Assembly Bill 103 also requires two reports to the Legislative Commission from the Public Utilities Commission of Nevada to be submitted only upon request, rather than at regular intervals.

This measure is effective on July 1, 2007.

A.B. 144 (Chapter 495)

Assembly Bill 144 changes the formula for calculating the rate an electric utility may charge for supplying interruptible power for irrigation pumps during the period from March 1 to October 31. The bill sets the maximum rate at the average of the lowest per-kilowatt-hour charge offered by each public utility and cooperative association under any of their rate schedules.

A.B. 178 (Chapter 510)

Assembly Bill 178 relates to the generation and consumption of electricity. The bill provides that between January 1, 2012, and December 1, 2015, no general purpose light bulb may be sold in Nevada unless it produces at least 25 lumens per watt. The Director of the Office of

Energy shall adopt a regulation establishing a new, higher lumens per watt standard to be effective on and after January 1, 2016.

The Director, within the limits of legislative appropriations, may create or participate in the operation of any nonprofit corporations that are consistent with the purposes and duties of the Energy Office and may also execute agreements with public or private entities that are necessary to the exercise of the powers of the Office.

The bill also increases the membership of the Task Force for Renewable Energy and Energy Conservation to 15 members, adding one member who represents the interests of the natural gas industry, another who represents electric utilities, a third representing the interests of education and academic research in Nevada, and a fourth who is an appointed member of the Commission on Economic Development.

Assembly Bill 178 directs an electric utility to offer net metering to customer-generators within its service area, until the cumulative capacity of all net metering in the service area reaches 1 percent of the utility's peak capacity. The bill defines "net metering system" as including systems that generate electricity using renewable energy, with a capacity of not more than 1 megawatt and not more than 150 percent of the customer's peak demand. For systems with a capacity of 100 kilowatts or less, the bill requires the utility to make a two-way meter available to the customer.

The Public Utilities Commission of Nevada shall prescribe by regulation a standard net metering contract and a net metering tariff, with a timeline for processing applications and net metering contracts. The bill also establishes how net energy measurements must be calculated, and how portfolio energy credits are assigned to the utility and the customer-generator.

Assembly Bill 178 establishes the Wind Energy Systems Demonstration Program Act for qualified schools, other public properties, private residences, small businesses, and agricultural properties. The Commission must adopt regulations for the program, and utilities must submit annual program plans for the Commission's approval. The bill also authorizes Clark County to establish a pilot program for collecting recyclable material with potential for conversion into renewable energy or fuel.

This measure is effective on June 14, 2007, for purposes of adopting regulations and taking other necessary implementation steps, and on October 1, 2007, for all other purposes. The Wind Energy Systems Demonstration Program Act expires by limitation on June 30, 2011.

A.B. 518 (Chapter 216)

Assembly Bill 518 provides that a telecommunication provider, other than a small-scale provider of last resort, is a competitive supplier, not subject to any review of earnings or other regulation of the Public Utilities Commission of Nevada (PUCN) regarding net income, rate of return, or rates, prices, terms, and conditions of service.

However, a competitive supplier that is an incumbent local exchange carrier may not increase the present price of basic network service before January 1, 2011. For one year after that date, the supplier may not increase the price of basic network service by more than \$1, unless the supplier files a general rate application and proves that the increase is absolutely necessary.

Assembly Bill 518 directs the PUCN to adopt regulations providing that a customer of a competitive supplier that is an incumbent local exchange carrier is eligible to receive a reduction in rates if his total household income does not exceed 175 percent of the federally established poverty level.

This bill also requires each competitive supplier that is an incumbent local exchange carrier to submit annual reports on competition in local markets to the PUCN and the Bureau of Consumer Protection in the Office of the Attorney General. The PUCN must forward the annual reports to the Legislative Commission and, not later than December 1, 2010, submit a summary report on market conditions and the state of competition to the Legislative Commission and the Bureau of Consumer Protection.

This bill is effective on May 31, 2007.

S.B. 86 (Chapter 147)

Senate Bill 86 revises provisions governing the regulation of public utilities that furnish water or provide sewage disposal services. When deciding whether to issue a certificate of public convenience and necessity to a new applicant in a particular geographic area, the bill requires the Public Utilities Commission of Nevada (PUCN) to consider whether another person or public utility is ready, willing, and able to provide service. The bill also:

- Requires public utilities that furnish water or provide sewage disposal, with gross annual operating revenue of \$1 million or more, to submit a service plan to the PUCN at least once every three years;
- Requires public utilities that furnish water or provide sewage disposal, with gross annual revenues of \$500,000 or more, to file general rate applications with the PUCN at least once every three years, unless they receive a waiver from the PUCN;
- Excludes a person who furnishes water or provides sewage disposal from the definition of “public utility” if he serves 25 or fewer customers and has gross annual sales of \$25,000 or less; and
- Requires a public utility that furnishes water to maintain fire hydrants it owns, if the hydrants are located within a public right-of-way or on private property where the utility has reasonable access at no cost.

This measure is effective on July 1, 2007.

S.B. 95 (Chapter 405)

Senate Bill 95 makes various changes to the regulation of utilities. The bill:

- Deletes certain obsolete or redundant provisions relating to railroads, broadcasting companies, and ditch, flume, and tunnel companies;
- Authorizes the Public Utilities Commission of Nevada to dispense with hearings on changes to railroad crossings under certain conditions;
- Changes the time in which the Commission must act on certain utility resource plans; and
- Removes electric generation facilities that use renewable energy and have a capacity of not more than 35 megawatts from the definition of “utility facility,” as that term is used in the Utility Environmental Protection Act.

This bill is effective on July 1, 2007.

S.B. 111 (Chapter 242)

Senate Bill 111 provides that a utility facility owned by a cooperative association, a nonprofit organization, or other supplier that serves only its own members is not subject to the permitting requirements of the Utility Environmental Protection Act if:

- The facility is subject to the disclosure requirements of the federal National Environmental Policy Act; and
- The facility is not jointly owned by an entity that is not such a supplier.

This bill is effective on July 1, 2007.

S.B. 145 (Chapter 174)

Senate Bill 145 revises the definition of “public utility” to exclude persons subject to the Nevada Liquefied Petroleum Gas Act for the purposes of limiting fees by local governments on public utilities.

The bill is effective on July 1, 2007.

S.B. 396 (Chapter 212)

Senate Bill 396 amends the definition of “approximate location of a subsurface installation” to mean a strip of land not more than 24 inches on either side of the exterior surface of a subsurface installation. The bill also requires the Public Utilities Commission of Nevada to report to the Legislative Commission before the next regular session of the Legislature concerning the effects of the change in the definition.

The measure extends the time frame required to give notice to the appropriate association of operators to not more than 28 calendar days before the excavation or demolition. The bill adds the Regulatory Operations Staff of the Public Utilities Commission of Nevada, the Attorney General, and an operator or a person conducting an excavation or demolition to the list of persons authorized to file a complaint to enjoin certain activities or practices of an operator or a person who is about to conduct an excavation or demolition.

The provision of this bill that changes the definition of “approximate location of a subsurface installation” is effective on July 1, 2008. Other provisions of the bill are effective on October 1, 2007.

S.B. 437 (Chapter 509)

Senate Bill 437 declares the interest of the State in energy conservation by public utilities, and directs the Public Utilities Commission of Nevada to adopt regulations removing financial disincentives that discourage natural gas utilities from supporting energy conservation. This bill also requires electric utilities to adjust their rates on a quarterly basis, based on changes in their recorded costs of purchased fuel and power.

Senate Bill 437 makes a number of changes to statutes related to energy efficiency in residences. It:

- Requires public utilities to include residential energy efficiency programs in their resource planning;
- Directs the State Office of Energy to develop a program of home energy evaluations;
- Requires the seller of a home to have an energy evaluation done and to provide the evaluation to a purchaser prior to closing; and
- Reallocates a portion of any unspent money generated by the universal energy charge to qualified purchasers of homes that need improvements in energy conservation.

This measure replaces the current Solar Energy Systems Demonstration Program with a new Solar Energy Systems Incentive Program. The bill creates similar wind and waterpower energy demonstration programs, and creates a renewable energy pilot program for schools.

Most provisions of this measure are effective on June 14, 2007. The wind and waterpower energy demonstration programs are effective on October 1, 2007. The requirement to establish a program for evaluating residential energy consumption is effective on January 1, 2009. The requirement to disclose a home energy evaluation to a purchaser is effective on January 1, 2011.

RESOLUTIONS AND MEMORIALS

Assembly Joint Resolutions

A.J.R. 3 (File No. 101)

Assembly Joint Resolution No. 3 proposes to amend Section 8, Article 1 of the *Constitution of the State of Nevada* to provide that, except under certain circumstances, private property may not be taken through an eminent domain proceeding if it is to be transferred to a private party.

The amendment proposed by this measure also provides for the manner of computing just compensation to the owner of condemned property, and stipulates that neither party to an eminent domain proceeding is liable for the other party's attorney's fees, except under certain circumstances. It provides that the original property owner must be given the opportunity to reacquire the property if the entity that took it has failed to put it use within 15 years.

Finally, A.J.R. 3 provides that if the People's Initiative to Stop the Taking of Our Land (PISTOL) is approved at the 2008 General Election, it will be repealed upon final approval of PISTOL by the voters.

If approved in identical form during the 2009 Session of the Legislature, A.J.R. 3 will be submitted to the voters for final approval or disapproval at the 2010 General Election.

A.J.R. 6 (File No. 70)

Assembly Joint Resolution No. 6 urges Congress to repeal the REAL ID Act of 2005, which is contained in the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief and is effective on May 11, 2008. The resolution notes that use of a federal minimum standard for state driver's licenses and identification cards will be necessary for any type of federally regulated activity that requires identification. To date, the United States Department of Homeland Security has failed to promulgate rules for the implementation of the REAL ID Act.

The resolution also cites concerns related to implementing the REAL ID Act, including the costs of implementing the national identification card. The resolution notes that the REAL ID Act is an unfunded federal mandate that is estimated to cost the states more than \$11 billion to implement over five years. In Nevada, the implementation of the REAL ID Act will cost taxpayers approximately \$30 million during Fiscal Year 2007 and Fiscal Year 2008. Finally, A.J.R. 6 indicates that the State of Nevada is committed to compliance with the REAL ID Act should appropriate rules be adopted and federal funding be provided for implementation.

This measure is effective on May 14, 2007.

A.J.R. 7 (File No. 88)

Assembly Joint Resolution No. 7 urges the United States Secretary of the Interior to fully fund the interagency airtanker base programs for wildland fire suppression in Battle Mountain, Minden, and Stead.

This measure is effective on May 28, 2007.

A.J.R. 9 (File No. 89)

Assembly Joint Resolution No. 9 urges the United States Congress to allow certain proceeds from the Southern Nevada Public Land Management Act to be used for Nevada's State parks.

This resolution is effective on May 28, 2007.

A.J.R. 10 (File No. 90)

Assembly Joint Resolution No. 10 urges the United States Congress to reevaluate the "fast track" approval of international trade agreements, and to consider replacing that authority with a more democratic, inclusive, and deliberative mechanism.

This measure is effective on May 28, 2007.

Assembly Joint Resolutions—73rd Session

A.J.R. 10—73rd Session (File No. 35)

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.

This measure was approved in identical form during the 2005 and 2007 Sessions of the Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2008 General Election.

NOTE: After passage of A.J.R. 10 from the 73rd Session, the Legislature passed Senate Joint Resolution No. 3 which, among other things, would repeal the provisions of A.J.R. 10. See S.J.R. 3 for additional information.

A.J.R. 16—73rd Session (File No. 91)

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.

This measure was approved in identical form during the 2005 and 2007 Sessions of the Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2008 General Election.

Assembly Concurrent Resolutions

A.C.R. 1 (File No. 1)

Assembly Concurrent Resolution No. 1 adopts the Joint Rules of the Senate and Assembly for the 2007 Legislative Session.

A.C.R. 2 (File No. 9)

Assembly Concurrent Resolution No. 2 grants administrative leave for legislative employees. The resolution recognizes the essential services, dedication, competence, enthusiasm, and tireless work ethic provided by the employees of the Legislature and the Legislative Counsel Bureau to the 2007 Session of the Nevada Legislature. Each employee of the Legislature and the Legislative Counsel Bureau who is employed on the last day of the 2007 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 granted seven days of administrative leave.

A.C.R. 3 (File No. 11)

Assembly Concurrent Resolution No. 3 designates February 14, 2007, as Tissue and Organ Donor Day in Nevada. The resolution raises public awareness of the importance of organ donation and encourages Nevadans to obtain a donor card and make their wishes known to their families.

A.C.R. 4 (File No. 13)

Assembly Concurrent Resolution No. 4 designates February 19, 2007, as Homeless Awareness Day. The resolution notes that the Nevada ranks second in homeless population on a per capita basis and expresses the commitment of the Nevada Legislature to work cooperatively to solve the problem of homelessness.

A.C.R. 5 (File No. 15)

Assembly Concurrent Resolution No. 5 designates February 20, 2007, as Homeless Youth Awareness Day in Nevada. The resolution cites the hardships of homelessness for youth and commits the Nevada Legislature to raising public awareness of the problem and to solving the problem of homeless youth.

A.C.R. 6 (File No. 82)

Assembly Concurrent Resolution No. 6 recognizes the benefits of dual credit courses that enable students enrolled in grades 11 and 12 to earn both high school and college credit. It urges school district boards of trustees and the institutions of the Nevada System of Higher Education to expand the availability and scope of programs of dual credit career and technical education.

A.C.R. 7 (File No. 16)

Assembly Concurrent Resolution No. 7 designates February 2007 as Career and Technical Education Month. The resolution recognizes the contributions of career and technical education programs that offer school-to-career opportunities. It also recognizes the efforts of educators to cooperate with business and industry to stimulate Nevada's economy by preparing graduates for careers in developing fields.

A.C.R. 8 (File No. 20)

Assembly Concurrent Resolution No. 8 recognizes March 2, 2007, 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 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. 8 encourages children and adults to read a favorite book together on this date and share in the joy of reading.

A.C.R. 9 (File No. 47)

Assembly Concurrent Resolution No. 9 urges the Commission on Economic Development to develop programs to promote economic development and urban renewal that stimulate employment in depressed and blighted areas of the State. The resolution also urges the Commission to utilize the provisions of Senate Bill 229 of the 2005 Legislative Session, which provide tax incentives for businesses that located or expanded within an economically depressed area.

A.C.R. 10 (File No. 23)

Assembly Concurrent Resolution No. 10 honors former Speaker of the Assembly Richard D. Perkins, a native Nevadan who was first elected to serve in the Nevada State Assembly in 1992. He served as Democratic Floor Leader in 1995, Majority Floor Leader in 1997 and

1999, and in 2001 he was unanimously elected by the members of the Assembly to serve as Speaker of the Assembly, a position that he held until 2006.

A.C.R. 11 (File No. 24)

Assembly Concurrent Resolution No. 11 memorializes long-time Washoe Valley resident, Maya Miller, who will long be remembered as a philanthropist and as an activist for social justice.

A.C.R. 12 (File No. 32)

Assembly Concurrent Resolution No. 12 reduces the scope of the High Desert State Prison Phase IV Housing Units Project in order to execute a contract with the lowest responsible and responsive bidder by April 5, 2007, to ensure the beds necessary to relieve existing and anticipated overcrowding will be available by September 2008. Items deferred by reducing the scope of this project will be reviewed by the 74th Session of the Legislature as part of the 2007 Capital Improvement Program. The measure transfers \$446,325 from the High Desert State Prison Installation of Generator Number 4 Project to the High Desert State Prison Phase IV Housing Units Project to allow for the execution of a construction contract.

A.C.R. 13 (File No. 25)

Assembly Concurrent Resolution No. 13 recognizes the many accomplishments of United States Air Force Major Nicole Malachowski. In 2006, Major Malachowski became the first female pilot on the United States Air Force Air Demonstration Squadron, known as the Thunderbirds.

A.C.R. 14 (File No. 26)

Assembly Concurrent Resolution No. 14 commemorates the 100th anniversary of the incorporation of the City of Yerington. On March 14, 1907, Governor John Sparks signed into law a bill incorporating Yerington as a city, which has served as the county seat of Lyon County since 1911.

A.C.R. 15 (File No. 30)

Assembly Concurrent Resolution No. 15 recognizes the thirty-five Nevadans who have died while serving their country in the Global War on Terrorism, which began in response to attacks on the United States on September 11, 2001.

A.C.R. 17 (File No. 34)

Assembly Concurrent Resolution No. 17 designates March 28, 2007, as Kick Butts Day in Nevada, a program that encourages youth to abstain from the use of tobacco.

A.C.R. 18 (File No. 36)

Assembly Concurrent Resolution No. 18 celebrates the 95th anniversary of the founding of Girl Scouts in the United States by Juliette Gordon Low in Savannah, Georgia on March 12, 1912. The measure also celebrates the 75th anniversary of the founding of Girl Scouts in Nevada on April 14, 1932, in Boulder City.

A.C.R. 19 (File No. 45)

Assembly Concurrent Resolution No. 19 honors Richard Matta, the Band Instructor at Walter Johnson Junior High School in Las Vegas. He attended Murray State University where he received a bachelor's degree in music education and the University of Illinois where he received a master's degree in music education. Richard Matta has studied and performed with many world-renowned musicians and taught music to students in Illinois, Texas, and Wisconsin. Now in his 19th year as a band director for the Clark County School District, many of his students have gone on to perform in top musical positions throughout the country, and Richard has consistently had the top bands in the District at festivals.

A.C.R. 20 (File No. 46)

Assembly Concurrent Resolution No. 20 commemorates the 75th anniversary of legalized gaming in Nevada. Gambling, both legal and illegal, has played a prominent role in Nevada's history since its frontier days. Mark Twain noted in his book *Roughing It*, "In Nevada, for a time, the lawyer, the editor, the banker, the chief desperado, the chief gambler, and the saloonkeeper, occupied the same level in society, and it was the highest." In March 1931, Assembly Bill No. 98 was introduced by freshman Assemblyman Phil Tobin, a Winnemucca rancher, and was signed into law by Governor Fred Balzar, legalizing gaming in Nevada. The only requirement for a gaming license was that the applicant be an American citizen. The first gaming license was given to Mayme Stocker, a woman who had no gaming background. Pioneers who contributed to the tremendous growth, popularity, and respectability of the gaming industry include Bill Harrah, Howard Hughes, and Steve Wynn.

The State Gaming Control Board and the Nevada Gaming Commission were put in place to regulate the gaming industry for the protection of the public. In 2006, more than 51 million people visited Nevada, with the casino resort industry contributing approximately \$2.6 billion to the revenue of this State, with the gaming industry accounting for 49 percent of the State's revenue. Gaming companies are among the largest employers in the State and directly employ nearly 228,000 people, approximately 21 percent of the work force of Nevada, while hotel casinos account for 18 percent of the wages paid in Nevada.

A.C.R. 21 (File No. 50)

Assembly Concurrent Resolution No. 21 commends the Nevada Division of the National Pony Express Association. With the discovery of gold in 1848 and increasing political tensions, it became imperative to keep California aligned with the Union by providing a faster and more dependable source of information from the northeastern states. In the short span of 2 months, William H. Russell, Alexander Majors, and William B. Waddell, set up a mail delivery system named the Pony Express. The sacrifice, bravery, and horsemanship of the station masters and riders as they carried the mail for almost 2,000 miles from St. Joseph, Missouri, to Sacramento, California, is legendary although the Pony Express operated for only 18 months.

The route of the Pony Express runs through portions of eight states. In Nevada, the route roughly parallels U.S. Highway 50 and the surrounding area has been dubbed "Pony Express Territory" by the Commission on Tourism. Each year a reenactment ride is held in June and

the members of the Nevada Division of the National Pony Express Association keep the story and spirit of the Pony Express alive by marking and preserving the Nevada portion of the trail, participating in community events and giving educational presentations.

Due to the efforts of Larry McPherson, past President of the Nevada Division of the National Pony Express Association, a historical marker consisting of a silhouette depicting a Pony Express rider and horse will soon stand along U.S. Highway 50 east of Carson City as a reminder of this part of Nevada history.

A.C.R. 22 (File No. 54)

Assembly Concurrent Resolution No. 22 honors former Co-Speaker and Minority Floor Leader Lynn C. Hettrick. Lynn was born in Carmel, California, and attended Claremont Men's College in California. He moved to Douglas County in 1972, and became a successful businessman and active member of the community. In 1992, Lynn was elected to represent Assembly District No. 39 in the Nevada Assembly and served in the Assembly for 14 years. During the 1995 Regular Session when the Assembly was evenly divided with 21 Republicans and 21 Democrats, Lynn Hettrick was elected to serve as Co-Speaker of the Assembly. He went on to serve as Minority Floor Leader from 1997 until 2005.

His active participation in various legislative organizations included recognition for his significant contributions, including his receipt of the Leader of the Year Award from the National Republican Legislators Association in 2001, his selection as National Chair of the Council of State Governments (CSG) in 2005, and Chair of CSG-WEST for 2001-2002, and his leadership role in the establishment of CSG-WEST's Western Legislative Academy, an educational forum for new state legislators to improve their effectiveness and build stronger legislative institutions.

A.C.R. 23 (File No. 55)

Assembly Concurrent Resolution No. 23 congratulates the Galena High School Grizzlies boys' basketball team for its 2007 Class 4A State Championship victory. Galena High School in Reno has been consistently ranked by Newsweek among America's Best High Schools for its academic standing. The members of the Galena High School Grizzlies boys' basketball team have maintained an overall grade point average of 3.45.

On February 23, 2007, the Grizzlies boys' basketball team proved their commitment to teamwork and athletic excellence by winning the 2007 Class 4A State Championship. In what Galena Coach Tom Maurer called "a great chess match," and with only a little more than a minute left in the game, the Grizzlies pulled ahead with a three-pointer, winning the game at the final buzzer, with a score of 54-51.

A.C.R. 25 (File No. 58)

Assembly Concurrent Resolution No. 25 urges Nevadans to participate in activities concerning family preparedness in case of emergency. Although every citizen is part of a national emergency management system, citizens have a responsibility to protect themselves and their

families by knowing what to do before, during, and after an emergency. While local, state, and federal governmental entities will be there to help, it is important that families are prepared to respond as well, to help themselves and others, especially children, the elderly, persons with disabilities, and family pets.

In a recent national survey conducted by the Ad Council, 91 percent of Americans agreed that taking some simple steps to prepare could help protect them and their families in the event of an emergency, but only 55 percent had taken at least one of the steps recommended. There are numerous resources available, including Nevada's Preparedness Plan, issued by the Nevada Commission on Homeland Security, as well as plans developed by the United States Department of Homeland Security, the Federal Emergency Management Agency, and the American Red Cross.

A.C.R. 26 (File No. 59)

Assembly Concurrent Resolution No. 26 memorializes Pastor Nathaniel Whitney Sr., who died at the age of 80 on February 24, 2007. Born in Tallulah, Louisiana, Nathaniel Whitney enlisted in the United States Army in 1944, serving in both the European and Pacific Theaters of World War II. He married Carolyn Larry in 1948 and had six children. The family moved to Las Vegas in 1951, where Nathaniel worked at the Nevada Test Site for 26 years.

He was united with the Carver Baptist Church, serving in several offices, including Deacon, and was ordained in 1955. He was then called in 1965 to pastor the Evergreen Missionary Baptist Church in Las Vegas. After the death of his first wife, he married Loretta Graham, gaining seven additional children. In 1986, he led the Evergreen congregation to the new Greater Evergreen Missionary Baptist Church, where the congregation grew under his leadership, and where he retired as Pastor Emeritus. Pastor Whitney was affiliated with the National Baptist Convention, the National Baptist Congress of Christian Education, the Pride of the West District Association, the Minister's Alliance, the Pilgrim Christian Society, and the local chapter of the NAACP.

A.C.R. 27 (File No. 60)

Assembly Concurrent Resolution No. 27 congratulates the "High Rollers" Robotics Team of Cimarron-Memorial High School for winning the FIRST Robotics Competition Championship. The FIRST (For Inspiration and Recognition of Science and Technology) Robotics Competition Championship was held in Atlanta, Georgia, in April 2007. FIRST is a nonprofit organization that offers innovative programs encouraging students to pursue opportunities in science, technology, engineering, and mathematics. More than 1,300 high school teams from all over the world competed for an invitation to the FIRST Robotics Competition Championship. Teams were required to build robots from kits consisting of hundreds of parts and this year's game, called "Rack 'N' Roll" tested the students' ability to design a robot that could hang inflated colored tubes on pegs configured in rows and columns on a 10-foot high center "rack" structure, to program a robotic vision system to navigate the robot, and to lift other robots more than 4 feet off the floor.

The Cimarron-Memorial High School's robotics team, known as the "High Rollers," was part of a three-team alliance, including "Bobcat Robotics" of South Windsor High School from South Windsor, Connecticut, and "Gompei and the H.E.R.D." of the Massachusetts Academy of Math and Science from Worcester, Massachusetts, that was awarded first place in the FIRST Robotics Competition Championship.

A.C.R. 28 (File No. 61)

Assembly Concurrent Resolution No. 28 congratulates the Center for Basque Studies at the University of Nevada, Reno, on the occasion of its 40th anniversary.

In 1967, the Center for Basque Studies was established within the Desert Research Institute to study the role played by Basque shepherders in the ecology of the Great Basin and to encourage American scholarship on the Basque contribution to the ethnic heritage of the American West. In 1972, the Basque Studies Program became part of the University of Nevada, Reno and was renamed the Center for Basque Studies in 2000.

The Center's primary mission is to further Basque-related study by conducting and publishing Basque-related research in the humanities and social sciences. The Center has continued to expand its collections and the Basque Studies Library now includes over 50,000 volumes of published material as well as thousands of unpublished items. The Center includes instruction as part of its mission and offers courses that allow undergraduates to minor in Basque studies and more mature scholars to earn the degree of doctor of philosophy at the University of Nevada, Reno.

A.C.R. 29 (File No. 83)

Assembly Concurrent Resolution No. 29 encourages the Department of Health and Human Services to recognize the importance of early diagnosis and treatment of chronic obstructive pulmonary disease (COPD), which includes chronic bronchitis and emphysema. The measure further encourages the Department to increase awareness and understanding of the disease through the support of the COPD campaign of the National Heart, Lung, and Blood Institute of the National Institutes of Health of the United States Department of Health and Human Services.

A.C.R. 34 (File No. 108)

Assembly Concurrent Resolution No. 34 requests that the Governor of the State of Nevada return Assembly Bill 483, which relates to homestead exemptions, to the Legislature for further consideration.

A.C.R. 35 (File No. 109)

Assembly Concurrent Resolution No. 35 directs the Legislative Commission to appoint two interim studies.

One interim committee shall conduct a study of issues relating to senior citizens and veterans. The committee is directed to study, without limitation, issues involving health and

human services, elder abuse and exploitation, financial and physical wellness initiatives, housing and transportation, and public outreach and advocacy.

The second interim committee shall review issues relating to chancery courts. The study of these courts must include, without limitation, a compilation and analysis of the economic and legal impact courts of chancery have had in states in which they have been implemented and an assessment of expected revenues, estimated costs of operation, and any ancillary economic impact to Nevada that might result from the implementation of chancery courts.

Each committee must be composed of three members of the Assembly and three members of the Senate, to be appointed by the leadership of the respective houses. They also must submit a report of the results of the studies and any recommendations for legislation to the 75th Session of the Nevada Legislature.

A.C.R. 36 (File No. 110)

Assembly Concurrent Resolution No. 36 encourages the creation of the Southern Nevada Automobile Theft Advisory Commission.

See also Assembly Concurrent Resolution No. 1 (File No. 7) of the 23rd Special Session.

Senate Joint Resolutions

S.J.R. 1 (File No. 40)

Senate Joint Resolution No. 1 proposes to amend the *Nevada Constitution* to remove the requirement for an affidavit affixed to a referendum or initiative petition stating that all of the signatures on the document are genuine signatures of persons who are registered voters in the counties in which they reside.

If approved in identical form during the 2009 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2010 General Election.

NOTE: After passage of S.J.R. 1, the Legislature passed S.J.R. 3 which, among other things, would repeal the provisions of S.J.R. 1. See S.J.R. 3 for additional information.

S.J.R. 2 (File No. 104)

Senate Joint Resolution No. 2 proposes to amend the *Nevada Constitution* to provide for the initial appointment of Supreme Court Justices and District Court Judges, followed by a retention election by the voters in Nevada. An initial appointment is made by the Governor from candidates chosen by the Commission on Judicial Selection. This appointment expires on the first Monday of January following the general election that occurs at least 12 months after appointment.

Upon declaration of candidacy for retention, a justice or judge must undergo a performance review by the newly created Commission on Judicial Performance. The Commission must issue a report to the public of its review and recommendation prior to the retention election. If 55 percent of the votes cast are in favor of retention, the justice or judge serves a six-year term and is subject to another retention election and performance review at the end of each six-year term. If he does not declare his candidacy or receives less than 55 percent of the votes cast, the vacancy is again filled through the appointment process.

If approved in identical form during the 2009 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2010 General Election.

S.J.R. 3 (File No. 105)

Senate Joint Resolution No. 3 proposes to amend the *Constitution of the State of Nevada* to provide that an initiative petition must be signed by at least 10 percent of the registered voters in the state who voted at the last preceding general election.

The measure also proposes to repeal provisions contained in Assembly Joint Resolution No. 10 of the 73rd Session that eliminate the requirement that a person must reside in Nevada for at least 30 days prior to an election to be eligible to vote in that election. Similarly, it proposes to repeal provisions contained in S.J.R. 1 of the 74th Session, which eliminate the requirement that a notarized affidavit accompany the signatures on a petition affirming that those who signed the petition were, at the time of signing, registered voters in the county in which they reside. The provisions of both of these repealed resolutions have been included in S.J.R. 3 to help avoid voter confusion by reducing the number of questions upon which voters will be asked to decide.

If approved in identical form during the 2009 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2010 General Election.

S.J.R. 4 (File No. 92)

Senate Joint Resolution No. 4 proposes to amend the *Nevada Constitution* to require the Legislature to provide for the organization and duties of the Board of Regents and the appointment of its members by the Governor.

If approved in identical form during the 2009 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2010 General Election.

S.J.R. 6 (File No. 93)

Senate Joint Resolution No. 6 urges Congress to reauthorize the State Children's Health Insurance Program (SCHIP) to assure federal funding of the Nevada Check Up program. The resolution also urges the Governor to work with Nevada's Congressional Delegation to ensure that the SCHIP is reauthorized in a timely manner.

This measure is effective on May 28, 2007.

S.J.R. 9 (File No. 69)

Senate Joint Resolution No. 9 proposes an amendment to the *Nevada Constitution* to allow for an intermediate appellate court, known as the Court of Appeals, with jurisdiction in civil cases arising in district court and in criminal cases within the original jurisdiction of the district courts.

If approved in identical form during the 2009 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2010 General Election.

S.J.R. 10 (File No. 94)

Senate Joint Resolution No. 10 supports the actions and policies of the United States Forest Service and the Bureau of Land Management (BLM) to designate roads and trails for off-highway vehicle use. The resolution urges the BLM and the Forest Service to require that off-highway vehicles stay on existing roads and trails and not pioneer unauthorized roads and trails. The resolution also supports interagency agreements between federal, State, and local law enforcement agencies for the cooperative enforcement of such policies and regulations.

The measure is effective on May 28, 2007.

S.J.R. 11 (File No. 95)

Senate Joint Resolution No. 11 encourages Congress to make biomass eligible for production tax credits. The measure also encourages production of biomass energy in Nevada and investments in biomass energy projects. Finally, the resolution promotes partnerships between the public and private sector to develop biomass energy projects.

The measure is effective on May 28, 2007.

S.J.R. 12 (File No. 96)

Senate Joint Resolution No. 12 expresses disapproval of civil actions filed against ranchers and the Bureau of Land Management over the management of public rangelands and the issuance of grazing permits. The resolution notes the importance of livestock production to Nevada and the negative impacts of litigation that delays implementation of good stewardship and management of public lands.

The measure is effective on May 28, 2007.

S.J.R. 13 (File No. 97)

Senate Joint Resolution No. 13 urges Congress to provide additional funding and other assistance to prevent and suppress wildfires in Nevada, and to rehabilitate public rangelands damaged by wildfires.

The measure is effective on May 28, 2007.

S.J.R. 15 (File No. 98)

Senate Joint Resolution No. 15 urges the President and Congress to continue to support the participation of the Republic of China on Taiwan in the World Health Organization (WHO).

The measure is effective on May 28, 2007.

S.J.R. 16 (File No. 99)

Senate Joint Resolution No. 16 urges the President and Congress to support a free trade agreement between the United States and the Republic of China on Taiwan.

The measure is effective on May 28, 2007.

S.J.R. 17 (File No. 100)

Senate Joint Resolution No. 17 urges the United States Congress to enact the proposed Resident Physician Shortage Reduction Act of 2007. The federal act is intended to increase the total number residency positions in states with a shortage of resident physicians. The measure makes note of Nevada's shortage of physicians and adds that the state would stand to gain 93 additional positions if the legislation is passed.

The resolution is effective on May 28, 2007.

S.J.R. 18 (File No. 102)

Senate Joint Resolution No. 18 urges Congress to pass legislation conveying the Nellis Dunes area to Clark County for the purpose of environmental protection and to develop a motorized recreation park.

The measure is effective on May 31, 2007.

Senate Concurrent Resolutions**S.C.R. 1 (File No. 8)**

Senate Concurrent Resolution No. 1 recognizes February 6, 2007, as Ronald Reagan Day. The measure honors former President Ronald Wilson Reagan for dedicating his life to the service of our country and recognizes him as one of the most influential presidents of the United States. Mr. Reagan worked throughout his life to preserve freedom and advance the public good, having been employed as an entertainer, a union leader and corporate spokesman, and having served as Governor of California and President of the United States. The resolution further notes the election results that initiated Mr. Reagan's second term as President demonstrated that he had the confidence of three-fifths of the electorate and awarded him the victory in 49 of the 50 states, a record that is unsurpassed in the history of American presidential elections. In addition, the resolution expresses that Mr. Reagan's vision of peace through strength led to the end of the Cold War and the ultimate demise of the Soviet Union, thereby guaranteeing basic human rights to millions of people.

S.C.R. 2 (File No. 10)

Senate Concurrent Resolution No. 2 recognizes February as American Heart Month and advocates support for Go Red for Women Day in Nevada. The measure encourages all residents of Nevada to show their support for women and the fight against heart disease by wearing the color red on Go Red for Women Day. The Go Red for Women Day is the American Heart Association's national call to increase awareness of heart disease, which is the leading cause of death for women. The resolution also recognizes that by increasing awareness and empowering women to reduce their risk for cardiovascular disease, thousands of lives can be saved each year.

S.C.R. 3 (File No. 84)

Senate Concurrent Resolution No. 3 expresses support for the Tahoe Science Consortium. The Tahoe Science Consortium is a group of six research institutions and seven resource management agencies that have joined together to work toward a unified and collaborative research effort in the Tahoe Basin. The Consortium seeks to contribute to the restoration of Lake Tahoe and the resources of the Tahoe Basin by providing the best scientific information possible.

S.C.R. 5 (File No. 12)

Senate Concurrent Resolution No. 5 memorializes native Nevadan and longtime patriarch Donald G. McBride. Owner of the Bucket of Blood Saloon, an avid Comstock preservationist, and a lifelong resident of Virginia City, Donald McBride will be remembered for his love of the Comstock and for his part in turning Virginia City into a premier tourist attraction.

S.C.R. 6 (File No. 17)

Senate Concurrent Resolution No. 6 designates February 21, 2007, 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. 7 (File No. 19)

Senate Concurrent Resolution No. 7 commends Dr. Emil Frei III, one of the world's leading oncologists, a pioneer in chemotherapy, and a recognized leader in medical research and clinical practice. A graduate of Yale Medical School, Dr. Frei's career has spanned over 50 years. Among his many honors was the American Association of Cancer Research Lifetime Achievement Award in 2004 for his role in the development of the first treatment leading to a complete cure for childhood leukemia. The resolution commends Dr. Frei for his achievements in cancer research and his devotion to and compassion for cancer patients.

S.C.R. 9 (File No. 22)

Senate Concurrent Resolution No. 9 urges Nevada's public schools and school districts to preserve and strive to expand the amount of time dedicated to physical activity for students. The measure acknowledges the importance of quality physical education classes to promote good physical and psychological health, which positively influence both academic learning and physical activity patterns of children.

S.C.R. 11 (File No. 65)

Senate Concurrent Resolution No. 11 urges the State Engineer, local governments, and water entities to cooperate in the establishment of a statewide system for managing and sharing groundwater resource information and a procedure to consolidate certain water rights held by local governments. The measure also encourages local governments to locate new businesses and industries in rural Nevada close to available water resources.

S.C.R. 12 (File No. 28)

Senate Concurrent Resolution No. 12 memorializes Karla Joann McComb, who was a dedicated educator and advocate for youth and the disabled throughout the 36 years she resided in Las Vegas.

S.C.R. 13 (File No. 29)

Senate Concurrent Resolution No. 13 commemorates the 100th anniversary of United Parcel Service of America, Inc. The Legislature recognizes and celebrates the contributions of the company to the people of Nevada both economically and philanthropically. The company employs over 1,300 people in this State and has contributed more than \$470,000 to philanthropic endeavors in this State since 1995.

S.C.R. 16 (File No. 31)

Senate Concurrent Resolution No. 16 memorializes respected horticulturist Aggie Roberts. The resolution notes that Aggie Roberts, a resident of Las Vegas for more than 60 years, was employed for 29 years with the University of Nevada Cooperative Extension. She shared her enthusiasm for gardening with the community through classes and local media, and participated in children-centered activities including the Parent Teacher Association, the Jaycee State Fair, the Girl Scouts of the U.S.A., and the Boy Scouts of America. Additionally, Aggie Roberts was involved with many civic projects and was a First Communion teacher for more than 40 years in several Las Vegas parishes.

S.C.R. 17 (File No. 103)

Senate Concurrent Resolution No. 17 urges the Governor to dedicate the new Department of Motor Vehicles building in North Las Vegas in honor of former Speaker of the Assembly Paul W. May, Jr.

S.C.R. 18 (File No. 86)

Senate Concurrent Resolution No. 18 concerns vocational rehabilitation programs and services. Senate Concurrent Resolution No. 18 expresses the Legislature's support for the use of federal and State money as well as private contributions for the development of rehabilitation services that assist persons with disabilities to prepare for and engage in gainful employment.

S.C.R. 19 (File No. 37)

Senate Concurrent Resolution No. 19 recognizes April 2, 2007, as Participatory Democracy Day in the Nevada Legislature. The Legislature reaffirms the commitment to achieve by the 2008 General Election the goals of having 75 percent of eligible voters in the State registered and having 70 percent of those registered voters participate in that election. The Advisory Committee on Participatory Democracy must report to the 2009 Legislature on the achievement of these goals and progress in carrying out its statutory duties.

Additionally, the resolution honors the following Jean Ford Democracy Award recipients for exemplary service in promoting participatory democracy in Nevada: Destiny Carroll, Hannah Low, Judith Simpson, and Senator Dina Titus.

S.C.R. 20 (File No. 38)

Senate Concurrent Resolution No. 20 commends Father Jerry Hanley in honor of his retirement after 30 years of service with the St. Teresa of Avila Catholic Community in Carson City. Father Jerry performed hundreds of weddings, funerals, and baptisms during his time at St. Teresa's while also working with other local churches to form Friends in Service Helping. His impact on the community spread beyond the Catholic community of St. Teresa's to include all of Carson City by co-founding programs to help the needy and persons with drug and alcohol problems.

S.C.R. 21 (File No. 42)

Senate Concurrent Resolution No. 21 memorializes former Assemblyman James E. Wood. James E. Wood was born in 1914 and spent his childhood in Ryndon, Nevada, a railroad camp located 14 miles east of Elko. After graduating from Elko High School and marrying his high school sweetheart, he moved to California. In 1947, he began a bus service in Nevada that grew to include charter and casino bus tours to Nevada from the San Francisco Bay Area.

Elected to the State Assembly in 1953, James E. Wood served six regular and six special sessions of the Legislature. He was also active in numerous clubs and organizations and a founding member of the Reno National Air Races Committee.

S.C.R. 23 (File No. 51)

Senate Concurrent Resolution No. 23 memorializes Jelindo Angelo Tiberti who was well known as a civic leader, family man, philanthropist, and successful owner of J.A. Tiberti Construction in Las Vegas.

S.C.R. 24 (File No. 52)

Senate Concurrent Resolution No. 24 memorializes James Cashman Jr., a native of Las Vegas. After serving in the United States Army Air Corps during World War II, Mr. Cashman returned to Las Vegas where he later took over the family business, Cashman Enterprises. Mr. Cashman is remembered as a successful businessman who was devoted to his community and his family.

S.C.R. 25 (File No. 53)

Senate Concurrent Resolution No. 25 memorializes former district judge Paul C. Parraguirre. Descended from Basque shepherders who emigrated from Spain in the 1870s, Paul Parraguirre was a third-generation Nevadan. After earning his law degree from the University of Denver School of Law, he served as a Nevada deputy attorney general and a chief deputy district attorney for Clark County, and was appointed by Governor Bob Miller as a judge in the Fifth Judicial District Court in Tonopah.

Judge Parraguirre also served as President of the State Bar of Nevada and as a trustee of the Nevada Law Foundation. His professionalism earned him a fellowship in the American College of Trial Lawyers and induction into the American Board of Trial Advocates. He also served his country as a captain in the Nevada Air National Guard. Active in the Basque community, Paul Parraguirre was part of the organizing committee for the first Western Basque Festival held in 1959 and was honored for that contribution during the North American Basque Organization convention held in Reno in 1999.

S.C.R. 26 (File No. 56)

Senate Concurrent Resolution No. 26 designates May 2, 2007, as American Culinary Federation High Sierra Chefs Day in Nevada. The American Culinary Federation is the premier professional organization for chefs in North America, with more than 19,000 members and 240 chapters nationwide. The Federation's mission is "to make a positive difference for culinarians through education, apprenticeship, and certification, while creating a fraternal bond of respect and integrity among culinarians everywhere."

The High Sierra Chefs Association is the local chapter of the American Culinary Federation and represents Carson City, Lake Tahoe, Reno, Sparks, and the surrounding areas of northern Nevada and northeastern California. May 2, 2007, is the Chapter's 30th anniversary. The High Sierra Chapter promotes professionalism and represents chefs from the major hotels and casinos, catering, and independent restaurants. In addition, the Chapter mentors future chefs and supports many charities, including the Chef & Child Foundation, which focuses on ending childhood hunger and obesity by teaching America's children about nutrition and cooking.

S.C.R. 27 (File No. 57)

Senate Concurrent Resolution No. 27 encourages collaboration among agencies in Nevada that provide nutrition education. As the prevalence of obesity in the United States steadily rises, the risk of hypertension, high total cholesterol, coronary heart disease, stroke, gallstones, osteoarthritis, sleep apnea, respiratory problems, several cancers, and Type 2 diabetes also

rises. The resulting costs include \$61 billion in direct health care costs and \$3.9 billion in lost productivity annually.

Research-based, public-private partnerships can identify and address information and service gaps and help the State to plan and deliver better long-term outcomes. State agencies, school districts, and organizations that provide nutrition education, especially to new and expectant parents and early childhood caregivers, are encouraged to collaborate on appropriate nutrition education to Nevadans to reduce obesity and to encourage healthy lifestyle choices.

A report on the collected data and the status of proposed programs shall be presented to the 75th Session of the Nevada Legislature.

S.C.R. 28 (File No. 66)

Senate Concurrent Resolution No. 28 memorializes prominent Filipino-American, public servant, and community volunteer Peter Aduja.

Born in the Philippines, Peter was 7 years of age when his family migrated to Hawaii, where he watched his father labor in the sugar fields for \$1 a day. After graduating from the University of Hawaii, Peter volunteered for the United States Army in World War II, serving with the First Filipino Infantry Regiment. After serving in the Army, Peter used the G.I. Bill to earn his law degree from the Boston University School of Law.

He became a public servant in many capacities: as a teacher, politician, attorney, and district court judge. He also became the first person of Filipino ancestry to win a seat in the United States House of Representatives and in the Hawaii State House of Representatives. More than 30 community organizations were beneficiaries of his energy and social concern, including the Boy Scouts of America, the Salvation Army, and Big Brothers of Hawaii.

S.C.R. 29 (File No. 67)

Senate Concurrent Resolution No. 29 recognizes Matthew Cummings as the 2006 Children's Miracle Network Miracle Child for Nevada. Each year, a child is selected from each state in the United States and each province and territory in Canada to bring attention to the 17 million children treated by Children's Miracle Network hospitals. The Champions Across America program honors these remarkable children who have triumphed despite severe medical challenges, and the selected children act as ambassadors, meeting local and national leaders, and participating in the national television production of the "Children's Miracle Network Celebration" at Walt Disney World.

Matthew first became ill at age 3 and was diagnosed with arteriovenous malformation, an abnormal tangle of blood vessels in the left frontal lobe of his brain, which caused a severe brain hemorrhage. After brain surgery by Dr. Michael Song at Renown Regional Medical Center, a Children's Miracle Network hospital, Matthew fought through every complication that followed and made a remarkable recovery.

Matthew is enjoying his life attending school, watching Power Rangers, racing around on his scooter and playing with his older brother Christopher. Renown Regional Medical Center selected Matthew for this honor because of the courage, hope, and tenacity that he demonstrated during his diagnosis and treatment.

S.C.R. 31 (File No. 68)

Senate Concurrent Resolution No. 31 memorializes JohnD Nevers Winters, who is remembered as a long-time philanthropist, water resources conservation activist, and fourth-generation Nevadan. Mr. Winters was born in Carson City to long-time legislator Ira Winters and his wife Mary Kearney Winters in 1909. He helped to shape western Nevada through his civic engagement and generous donations.

S.C.R. 32 (File No. 74)

Senate Concurrent Resolution No. 32 recognizes the value and importance of music and other arts education programs in the public schools and encourages the development, enhancement, and expansion of those programs.

S.C.R. 33 (File No. 75)

Senate Concurrent Resolution No. 33 congratulates Tad Dunbar for his long and illustrious broadcasting career. Mr. Dunbar has been an important part of the KOLO-TV news team for more than 35 years and has been a broadcaster for 48 years. The resolution also recognizes Mr. Dunbar for his public service through his support of various nonprofit organizations throughout the Truckee Meadows and for his involvement with Sheep Dip, an annual fundraiser that benefits various charitable causes.

S.C.R. 34 (File No. 76)

Senate Concurrent Resolution No. 34 memorializes former Assemblyman Vincent Lovell Triggs who served in the Nevada Legislature in the 1987 and 1989 Sessions. Mr. Triggs was the champion for many of the social issues in which he believed and was instrumental in creating the Commission on Substance Abuse Education, Prevention, Enforcement, and Treatment and the Commission on Mental Health and Developmental Services. He will be remembered as a committed humanitarian who believed that all individuals deserved equal and fair treatment, and as a man who fought with passion for those beliefs.

S.C.R. 35 (File No. 77)

Senate Concurrent Resolution No. 35 honors John Snyder of the Advanced Technologies Academy in Las Vegas as the first Nevada teacher to be inducted into The National Teachers Hall of Fame. The combination of his patience, selflessness, and enthusiasm, and the personal attention he gives to his students makes Mr. Snyder worthy of this honor.

S.C.R. 36 (File No. 78)

Senate Concurrent Resolution No. 36 commends the Division of Forestry of the State Department of Conservation and Natural Resources for its distinguished 50-year history of service to the state and for the protection by the Division of the natural resources of the state.

S.C.R. 37 (File No. 79)

Senate Concurrent Resolution No. 37 designates June as Hemophilia Awareness Month to recognize the seriousness of the disease and to educate people about the importance of finding effective treatment and a cure.

S.C.R. 38 (File No. 80)

Senate Concurrent Resolution No. 38 congratulates the University of Nevada, Reno Wolf Pack men's basketball team for an outstanding season during which it reached a school-best ranking of 9 in the national polls and finished with a school-best record of 29-5. The team also won the regular season championship of the Western Athletic Conference and earned a berth in the National Collegiate Athletic Association national championship tournament, winning its first round game. The resolution commends the program for the pride, honor, and national recognition brought to the University and the state.

S.C.R. 39 (File No. 81)

Senate Concurrent Resolution No. 39 urges Nevadans to recognize that stroke is a health battle to be taken seriously in order to reduce its risks and to support the American Stroke Association's "Power to End Stroke" campaign by encouraging community members to become familiar with the warning signs, symptoms, and risk factors associated with a stroke.

S.C.R. 44 (File No. 85)

Senate Concurrent Resolution No. 44 recognizes December 1, 2007, as World AIDS Day. Approximately 39.5 million people worldwide are infected with Acquired Immunodeficiency Syndrome (AIDS) and over 25 million people have died of AIDS, making it perhaps the most serious public health problem of the time. Nevada ranks 18th in the nation for annual AIDS case rate and 20th in the nation for the number of new HIV cases.

Started in 1988 by the Joint United Nations Programme on HIV/AIDS, World AIDS Day is now coordinated by the World AIDS Campaign. The purpose is to raise money to help in the fight against AIDS, increase awareness, combat prejudice, and improve education. The ongoing slogan is "Stop AIDS. Keep the Promise." This year's theme is "Leadership," not just leadership within government, but in families, communities, and countries, both locally and internationally.

S.C.R. 46 (File No. 87)

Senate Concurrent Resolution No. 46 honors Richard J. Morgan, Dean of the William S. Boyd School of Law, upon his retirement. Richard J. Morgan earned his bachelor of arts degree in political science at the University of California, Berkeley and his juris doctor degree at the

University of California, Los Angeles. He practiced law for nearly a decade and served as a professor and associate dean at Arizona State University College of Law. He became Dean of the Arizona State University College of Law and later became Dean of the University of Wyoming College of Law.

In 1997, Richard Morgan was hired as Dean of the William S. Boyd School of Law at the University of Nevada, Las Vegas. The law school had no building, no library, no curriculum, no faculty, and no students. Dean Morgan rallied leaders in the State and implemented his vision for a first-rate law school serving Nevada and committed to community service. The William S. Boyd School of Law was recently ranked in the top 100 law schools by *U.S. News & World Report*.

S.C.R. 48 (File No. 111)

Senate Concurrent Resolution No. 48 encourages automobile manufacturers to make available to independent garages certain automotive service information, training information, and diagnostic tools.

S.C.R. 49 (File No. 112)

Senate Concurrent Resolution No. 49 allocates \$35 per service from the Legislative Fund to the clergy who performed religious services during the 74th Session of the Nevada Legislature. The coordinator of the clergy is allocated \$2,000.

STATE GOVERNMENT

A.B. 28 (Chapter 75)

Assembly Bill 28 changes the number of required meetings per year from two to one for the Advisory Council to the Division of Industrial Relations in the Department of Business and Industry.

This measure is effective on January 1, 2008.

A.B. 143 (Chapter 180)

Assembly Bill 143 requires the Commission on Ethics to render an opinion as soon as practicable or within 45 days after receiving a request, whichever is sooner, from a public officer to interpret and apply statutory ethical standards to the public officer's past, present, or future conduct.

The bill also provides that within 60 days of receiving an ethics complaint, the Executive Director of the Commission must complete an investigation and make a recommendation to a panel of the Commission concerning whether there is just and sufficient cause for the Commission to render an opinion in the matter.

This bill is effective on July 1, 2007.

A.B. 533 (Chapter 294)

Assembly Bill 533 resolves a conflict between two provisions currently in statute regarding the procedure used by notaries public to verify that a person is the person whose signature appears on a document. The bill clarifies that under both provisions a notary public may notarize the signature of a person unknown to him if that person provides a credible witness. This measure also requires training for new, and certain current, notaries public.

A.B. 600 (Chapter 324)

Assembly Bill 600 makes provisions that protect personal information on government documents consistent by protecting personal information, not only Social Security numbers, on both a public entity's website and on documents submitted to the entity. This measure also:

- Provides that a person may request the removal of personal information on certain documents;
- Provides immunity to certain officers and employees of governmental agencies regarding disclosure of personal information;
- Removes the requirement that a Social Security number be included on certificates of marriage and forms for divorces and annulments;

- Allows the inspection and copying of certain records by family members and legal representatives;
- Provides that the last four digits of a Social Security number are not personal information; and
- Authorizes the use of the last four digits of a Social Security number in judgments.

The section requiring the implementation of new recording procedures is effective on January 1, 2008, and all other provisions are effective on June 4, 2007.

S.B. 123 (Chapter 435)

Senate Bill 123 declares that the provisions of Chapter 239 of the *Nevada Revised Statutes* concerning public records are designed to foster democratic principles by providing the public with access to inspect and copy public records as permitted by law. The measure proclaims that the provisions of the Chapter should be construed liberally.

Senate Bill 123 further provides that the person having legal custody over public records must, by the end of the fifth business day after receiving a written request for the record or records, either allow the requester to inspect or copy the record or notify him of the circumstances as to why he is unable to view the record. If the public record is not available by the end of the fifth business day, the requester may inquire regarding the status of the request. Any denial of public records inspection due to confidentiality must be in writing and cite the specific legal or statutory authority making the document confidential. The governmental entity, in a judicial or administrative proceeding, bears the burden of proof in asserting that a public record is confidential.

With the exception of certain confidential records relating to crime victims and gaming licenses and, notwithstanding any provision of law that has declared a public book or record to be confidential, a person may apply to the appropriate district court for an order allowing him to inspect or copy a public book or record that has been in the custody of one or more governmental entities for a period of at least 30 years. The bill also clarifies that if the public book or record pertains to a natural person, a person may not apply for a court order allowing the public record inspection until the record has been in the legal custody or control of one or more governmental entities for at least 30 years or until the death of the person to whom the public book or record pertains, whichever is later.

The bill provides that a governmental entity having legal custody or control of a public record shall not deny a request to inspect or copy that record because it contains information that is confidential if the governmental entity can redact the confidential information. However, the confidential documents of the Gaming Control Board relating to applications for gaming licenses must remain confidential.

Finally, the bill clarifies that provisions in the measure must not be construed to prohibit an oral request to inspect or copy a public record.

S.B. 136 (Chapter 469)

Senate Bill 136 designates the month of May of each year as Archeological Awareness and Historic Preservation Month in Nevada and requires the Governor to issue a proclamation annually encouraging its observance. The measure provides that in his annual proclamation, the Governor may promote the goals of preserving the State's irreplaceable historic, archeological, and cultural resources and identify the contributions of many cultures to the history of Nevada. The proclamation may also recognize the historic significance of specific cultural sites, including Tule Springs and Springs Preserve located in southern Nevada, and various other paleontologic sites throughout the State.

The bill is effective on June 13, 2007.

S.B. 330 (Chapter 154)

Senate Bill 330 renames the Southern Nevada Women's Correctional Facility as the Florence McClure Women's Correctional Center.

The bill is effective on May 29, 2007.

Administrative Rules and Procedures

A.B. 94 (Chapter 164)

Assembly Bill 94 eliminates the prohibition against the admission of a person as a party to an administrative proceeding in a contested case that involves the granting, denial, or renewal of a license if the person does not have a direct financial interest in the license.

This measure is effective on May 29, 2007.

S.B. 307 (Chapter 461)

Senate Bill 307 requires a public officer or employee to refuse any offer or promise of future employment, a business opportunity, money, or anything of value from a person who has provided a bid on a purchasing contract to be awarded by a public body, and an employee must report such an offer within 72 hours. In addition, a State or local government or any public officer or employee shall not offer or provide to a bidder any proprietary information regarding the contract or details regarding a bid on the contract from another person, and the bidder is prohibited from requesting such information. Finally, S.B. 307 requires a "cooling off" period of one year for certain former public officers and employees before they may be employed by a person or company to whom a purchasing contract was awarded.

S.B. 367 (Chapter 248)

Senate Bill 367 requires the Legislative Commission or the subcommittee to review regulations to give written notice at least three working days before holding a meeting to review

regulations. The notice must include a list of the regulations that will be reviewed, which must be posted on the Legislative Counsel Bureau's website, and an explanation of how a person may obtain a copy of the regulation. The measure requires an agency's notice of intent to include a statement explaining how to obtain the text of the permanent regulation as prepared by the Legislative Counsel.

Senate Bill 367 revises the deadline by which an agency must deliver a copy of the proposed regulation or amendment to the Legislative Counsel from the same time it gives notice of intent to adopt, amend, or repeal the regulation to at least 30 days before the agency gives notice. Finally, S.B. 367 prohibits an agency from holding a public hearing on a proposed regulation on the same day that it holds the workshop for that regulation.

This bill is effective on July 1, 2007.

Financial Administration

A.B. 16 (Chapter 82)

Assembly Bill 16 authorizes the clerk of the State Board of Examiners to designate as bad debt any debts owed to the State that are \$50 or less.

This measure is effective on July 1, 2007.

A.B. 37 (Chapter 31)

Assembly Bill 37 requires that certain interest earned on funds in an individual Prisoners' Personal Property Fund account be credited to that account after deducting any applicable bank charges each calendar quarter. If an offender's share of the cost of administering the Fund is less than the interest and income earned by the offender, the Director of the Department of Corrections must credit the difference between the administrative cost and the interest to the individual account of the offender. If the offender's share of the costs of administering the Fund is greater than the interest earned by the offender, the Director must credit the interest to the Offenders' Store Fund.

The measure also changes the titles of the Assistant Directors of the Department to Deputy Directors and places the Deputy Directors in the unclassified service of the State.

A.B. 165 (Chapter 494)

Assembly Bill 165 creates the Justice Assistance Grant Trust Account within Nevada's General Fund in order that Nevada will be able to receive funds from the federal Edward Byrne Memorial Justice Assistance Grant Program. Interest and income earned on federal grant funds deposited to this trust account must be credited to the account.

The bill is effective on June 13, 2007, and applies retroactively from October 5, 2005, based on the effective date of the federal law.

A.B. 196 (Chapter 543)

Assembly Bill 196 excludes from Nevada's budget expenditure cap appropriations recommended by the Governor to reduce the unfunded accrued liability of the Public Employees' Benefits Program.

A.B. 220 (Chapter 87)

Assembly Bill 220 revises the duties of the Secretary of State. The bill changes, from August 1 to September 15 in even-numbered years, the date by which the Secretary of State must submit a biennial report to the Governor. This measure also requires the Secretary of State to retain excess payments of \$15 or more for 12 months, after which the Secretary will deposit any unclaimed excess payments with the State Treasurer for credit to the State General Fund.

A.B. 259 (Chapter 182)

Assembly Bill 259 requires that the Department of Wildlife provide to the Legislature, at each regular session, a financial report setting forth the activity and status of the Wildlife Obligated Reserve Account and any other account or subaccount with restricted funds administered by the Department.

This bill is effective on July 1, 2007.

S.B. 140 (Chapter 468)

Senate Bill 140 relates to purchasing. This measure requires entities whose primary purpose is the training and employment of persons with mental or physical disabilities to register with the Rehabilitation Division, Department of Employment, Training and Rehabilitation, if they wish to submit a contract under the Division's Program to Encourage and Facilitate Purchases by Agencies of Commodities and Services from Organizations and be exempt from competitive bidding requirements. If such a contract is awarded, the organization or agency must submit quarterly reports to the Division containing information the Division deems necessary to administer the Program. In addition, the Administrator of the Division must review the registration and reporting requirements imposed by this bill and report on that review to the 75th Session of the Nevada Legislature.

Finally, S.B. 140 repeals the expiration of provisions relating to the establishment of the Program, thereby making permanent the Rehabilitation Division's responsibility for creating and administering the Program.

The bill is effective on June 13, 2007.

S.B. 196 (Chapter 499)

Senate Bill 196 eliminates the \$3 million annual cap on financial assistance that may be granted by the Department of Cultural Affairs to governmental entities and certain nonprofit corporations for the preservation and promotion of cultural resources and instead provides that the face amount of bonds issued for this purpose may not exceed \$3 million. This measure

also exempts artifacts donated to the Department from procedures applicable to State agencies for the acceptance of gifts or grants of property or services. Senate Bill 196 also adds the Boulder City Museum and Historical Association to the list of organizations that qualify for tax exemptions on the buildings, equipment, and lots of ground they use. Finally, this measure changes the name of the “Nevada State Museum and Historical Society” to the “Nevada State Museum Las Vegas.”

The bill is effective on June 13, 2007.

S.B. 198 (Chapter 244)

Senate Bill 198 authorizes the Las Vegas City Council to enter into a lease or lease-purchase agreement for the construction or remodeling of a building or facility according to specifications adopted by the Council. The measure also amends or repeals portions of S.B. 426 of the 2005 Legislative Session (Chapter 508, *Statutes of Nevada*) to clarify that the Nevada System of Higher Education continues to be included in the definition of “state agency” for the purposes of installment-purchase and lease-purchase agreements if payments under the agreements will be made with State appropriations.

The bill is effective on June 30, 2007.

S.B. 210 (Chapter 175)

Senate Bill 210 requires the State Board of Examiners to establish the rate of reimbursement for officers or employees of the State who transact public business outside of the area where the person’s office is located. The rate must be comparable to the rate established for federal employees by the United States General Services Administration; but, the rate is not subject to any federal requirements, restrictions, or other conditions that are applicable to the federal rate.

This measure is effective on July 1, 2007.

S.B. 219 (Chapter 209)

Senate Bill 219 creates the Gift Account for Veterans within the State General Fund and authorizes the use of the money deposited in the account for the support of outreach programs and services for veterans and their families. This measure also changes the purpose for the issuance of special license plates from the support for veterans’ homes to the support of outreach programs and services for veterans and their families. Finally, this measure provides that all additional fees collected by the Department of Motor Vehicles for the issuance or renewal of these special license plates must be deposited with the State Treasurer for credit to the Gift Account for Veterans.

S.B. 511 (Chapter 260)

Senate Bill 511 eliminates the Account for Travel Advances administered by the State Treasurer and reverts all unused money in the Account to the State General Fund. This measure also moves from the State Treasurer to the State Controller responsibility for, and

regulatory authority over, cash travel advances for State employees. Additionally, the measure makes several technical changes related to the deposit of State money in financial institutions.

The bill is effective on July 1, 2007.

S.B. 515 (Chapter 241)

Senate Bill 515 provides a declaration of legislative intent emphasizing the important and valuable option State agencies and local governments have in using lease-purchase and installment-purchase agreements for the acquisition of and improvement to real property. The measure declares that statutory provisions governing lease-purchase and installment-purchase agreements should be interpreted to allow a streamlined and efficient use of these agreements. Finally, the measure notes that the State and its political subdivisions should not use lease-purchase and installment-purchase agreements to engage in bid-shopping or avoid the payment of prevailing wage for public works projects.

The measure is effective on July 1, 2007.

S.B. 517 (Chapter 535)

Senate Bill 517 requires the electronic transfer of all payments of money owed to a State agency for taxes, interest, penalties, or other obligations that, in the aggregate, amount to \$10,000 or more. The measure provides that any such electronic payments must be credited to the State on or before the payment due date. This requirement for electronic transfer does not apply to such payments made by governmental entities, or to payments to the Secretary of State unless he so requires.

The bill is effective on July 1, 2008.

S.B. 518 (Chapter 240)

Senate Bill 518 relates to State financial administration. The bill requires the Budget Division of the Department of Administration to maintain a computerized system for the storage of work programs of the Executive Branch agencies. The bill also provides that the Governor, through the Chief of the Budget Division, require each department head to review the agency's work program and notify the Governor of any errors or omissions in the program.

The bill is effective on May 31, 2007.

S.B. 519 (Chapter 261)

Senate Bill 519 renames the Abandoned Property Trust Fund as the Abandoned Property Trust Account, places the Account in the State General Fund, and clarifies that by the end of each fiscal year, the first \$7.6 million remaining in the Account must be transferred to the Millennium Scholarship Trust Fund. The measure further authorizes electronic filing of certain reports.

This measure is effective on July 1, 2007.

S.B. 520 (Chapter 262)

Senate Bill 520 requires the Nevada Legislature or the Interim Finance Committee to approve any change in scope of a lease-purchase or installment-purchase agreement entered into by a State agency. The measure defines a change in scope to mean: (1) a 10 percent increase or decrease in the square footage of the property subject to the agreement; (2) the reallocation to a different use of 10 percent or more of the square footage of the property; or (3) an increase or decrease by 10 percent or more of the number of users of the property subject to the agreement.

S.B. 562 (Chapter 403)

Senate Bill 562 requires the Commission on Tourism to transfer from the Fund for the Promotion of Tourism \$200,000 to the Western Folklife Center for support of the National Cowboy Poetry Gathering and \$200,000 to the Atomic Testing Museum for an educational program.

The bill is effective on July 1, 2007.

Organization

A.B. 30 (Chapter 20)

Assembly Bill 30 provides that the public agency eligible for certain administrative assessments used to fund the operation of a law enforcement computerized information system be changed from the Nevada Highway Patrol to the Department of Public Safety.

This bill is effective on July 1, 2007.

A.B. 101 (Chapter 273)

Assembly Bill 101 increases the voting membership of the Commission on Tourism to 11 members by making the chief administrative officers of the county fair and recreation boards of the two counties paying the highest transient occupancy taxes to the Fund for Promotion of Tourism voting members. The bill also authorizes the Governor to remove only the appointed members of the Commission for neglect of duties or malfeasance in office and authorizes payment of a daily salary to appointed members only.

This measure is effective on July 1, 2007.

A.B. 226 (Chapter 224)

Assembly Bill 226 creates the Unit for the Investigation and Prosecution of Crimes Against Older Persons within the Office of the Attorney General and authorizes the Unit to investigate and prosecute the alleged abuse, neglect, exploitation, or isolation of an older person.

The Attorney General is authorized to obtain equitable relief to prevent elder abuse and may file a civil action to recover a civil penalty. An account is created for the Unit that is

administered by the Attorney General and may be used to deposit grants, gifts, appropriations, and donations.

The measure also creates the Repository for Information Concerning Crimes Against Older Persons within the Central Repository for Nevada Records of Criminal History and requires that statistical information regarding crimes against older persons be maintained by the Central Repository. The Director of the Department of Public Safety must report that information annually to the Director of the Legislative Counsel Bureau.

This bill is effective on July 1, 2007.

A.B. 418 (Chapter 490)

Assembly Bill 418 removes wrestling from all statutory references related to “unarmed combat.” The measure authorizes the Nevada Athletic Commission, rather than the Governor, to appoint the members of the Medical Advisory Board until the Board is eliminated on July 1, 2009.

The bill is effective on June 13, 2007, and on July 1, 2009, the provisions governing the Board are repealed.

S.B. 38 (Chapter 505)

Senate Bill 38 establishes in statute the Records and Technology Division within the Department of Public Safety. The bill transfers the duties for maintaining the Central Repository for Nevada Records of Criminal History from the Nevada Highway Patrol to the Records and Technology Division. It also requires that the Division provide technology support services to the Department and the Nevada Criminal Justice System.

This bill also provides that the Central Repository for Nevada Records of Criminal History may disseminate certain authorized criminal history information regarding current or prospective employees and volunteers to a person or entity designated to receive such information on behalf of an employer as well as to the employer himself.

Provisions concerning the dissemination of records to designated persons are effective on March 1, 2008. The remainder of the bill is effective on July 1, 2007.

S.B. 220 (Chapter 63)

Senate Bill 220 eliminates existing requirements that reports be prepared by several different State agencies regarding programs and services for persons with disabilities and persons with traumatic brain injuries. Instead, the Office of Disability Services, Department of Health and Human Services, is required to publish and make available to governmental entities a single report concerning those programs and services. The bill also revises the definition of “severe functional disability” for the purpose of programs of personal assistance to include traumatic brain injury.

Finally, this measure transfers, from the Bureau of Vocational Rehabilitation, Department of Employment, Training and Rehabilitation, to the Office of Disability Services, the duty to maintain and make available a list of persons who are qualified to serve as interpreters for the deaf or hard of hearing in this State.

S.B. 508 (Chapter 259)

Senate Bill 508 creates the Office of Information Security within the Department of Information Technology. This measure shifts responsibility for the development of security standards for Executive Branch information systems from the Planning and Research Unit to the Director of the Department. The bill requires the Director to establish regulations for the development of these standards.

The bill is effective on July 1, 2007.

State Employees

A.B. 179 (Chapter 34)

Assembly Bill 179 changes the date on which the terms of office of members of the State Gaming Control Board begin from January 1 to the last Monday in January.

A.B. 319 (Chapter 533)

Assembly Bill 319 repeals a prohibition against compensating the Secretary of the Senate and the Chief Clerk of the Assembly for overtime. This measure also repeals sections of Assembly Bill 593 of the 74th Legislative Session that authorize employees of the Legislative Counsel Bureau to include certain overtime hours in calculations for the Public Employees' Retirement System.

This measure is effective on June 14, 2007, and applies retroactively to November 1, 2006.

A.B. 445 (Chapter 491)

Assembly Bill 445 relates to the State Personnel System. This measure provides that a final decision of the Employee-Management Committee is binding and authorizes the Committee and certain employees of the State to petition a court to enforce the binding decisions of the Committee. Additionally, this measure adds the occupational group of positions requiring certification by the Peace Officers' Standards and Training Commission to the index maintained by the Department of Personnel that categorizes all positions in the classified service of the State.

A.B. 612 (Chapter 308)

Assembly Bill 612 authorizes the Committee that administers the Public Employees' Deferred Compensation Program to select at least one plan for participants of the Program. If the Committee selects two or more plans from which participants may choose, the plans must be from separate providers.

The bill is effective on July 1, 2007.

A.B. 626 (Chapter 378)

Assembly Bill 626 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 2007-2009 biennium.

For State employees, the contribution is increased from \$500.20 per month in Fiscal Year (FY) 2006-2007 to \$557.30 per month in FY 2007-2008 and to \$626.16 per month in FY 2008-2009. 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 \$336.97 per month in FY 2006-2007, to \$365.34 per month in FY 2007-2008, and \$410.48 per month in FY 2008-2009.

The bill is effective on July 1, 2007.

S.B. 150 (Chapter 61)

Senate Bill 150 revises provisions related to certain employees of the Aging Services Division, Department of Health and Human Services (DHHS), who are appointed as advocates for persons 60 years of age or older by extending the jurisdiction of those advocates to include homes for individual residential care that are licensed by the Health Division of DHHS.

S.B. 183 (Chapter 150)

Senate Bill 183 changes the title of the "Administrative Assistant" in the Public Employees' Retirement System to "Administrative Services Coordinator."

This measure is effective on July 1, 2007.

S.B. 495 (Chapter 195)

Senate Bill 495 relates to ethics in government. The measure moves the deadline for the annual filing of a representation disclosure statement from January 10 to January 15, which is consistent with the deadlines for financial disclosure statements. The bill also authorizes the imposition of an additional civil penalty against a public officer or employee if that person realizes any financial benefit from a violation of ethics provisions. Additionally, S.B. 495 changes the punishment for a public officer or employee who accepts or receives an honorarium from a criminal penalty to a civil penalty, which is consistent with other ethics violations.

Finally, S.B. 495 requires the Legislative Counsel to create a new chapter in the *Nevada Revised Statutes* (NRS), to be numbered 281A, and include in that chapter the current provisions of NRS 281.411 through 281.581, which is the Nevada Ethics in Government Law.

S.B. 544 (Chapter 496)

Senate Bill 544 limits participation by local government retirees in the Public Employees' Benefits Program (PEBP), starting November 30, 2008, to retirees from local governments that provide insurance for their active employees through PEBP. Local government retirees enrolled in PEBP on that date may remain in the Program. Local governments that elect to participate in PEBP must commit to remaining in the Program for a minimum of four years. For local governments that are delinquent in the payment of required subsidies for their retirees in PEBP, the bill provides for recovery of delinquent payments by an offset of funding that would otherwise be transferred from the State to the local government.

Beginning July 1, 2008, the measure also requires PEBP to offer a cafeteria-style plan to Medicare-eligible retirees and allows PEBP to offer such a program to its other members. Senate Bill 544 clarifies that only the claims experience of members for whom PEBP provides primary health insurance shall be commingled for the purpose of establishing rates. Members of PEBP are authorized to seek assistance from the Governor's Office for Consumer Health Assistance and PEBP funds may only be used to benefit PEBP members. The bill also changes the content of the annual reports to the Legislature.

Numerous provisions, including those relating to use of Program assets and delinquency of local government payments, are effective on July 1, 2007. Provisions clarifying local government subsidies for retirees who reinstate coverage are retroactive to October 1, 2003. Provisions requiring flexibility in benefits for participants with Medicare coverage are effective July 1, 2008. Various parallel sections provide a period for retirees and local governments to act on participation options.

S.B. 547 (Chapter 520)

Senate Bill 547 creates the State Retirees' Health and Welfare Benefits Fund as the investment account for the accumulation of financial assets to offset current and future liabilities of the Public Employees' Benefits Program (PEBP). The Fund will be administered by the PEBP Board. The bill also makes the appointment of the Executive Officer of PEBP by the Board subject to the approval of the Governor and prohibits the Executive Officer or a Board member from participating in a business venture or investment with any Program vendor or in any real property in which PEBP has an interest.

Senate Bill 547 allows the PEBP Board to meet in closed session with its investment counsel to plan future investments and with legal counsel to receive advice on claims against the Program.

The bill clarifies that local governments must provide a subsidy for their retirees in PEBP, whether the retiree joined PEBP upon retirement or reinstated coverage after retirement.

The bill is effective on July 1, 2007. Provisions clarifying payment of retiree subsidies by local governments are retroactive to October 1, 2003.

S.B. 575 (Chapter 349)

This measure 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, S.B. 575 appropriates \$85.8 million in State General Fund money and approximately \$6.9 million in State Highway Fund money over the biennium.

The bill provides State employees with a salary increase of 2 percent in the first year of the biennium, and an increase of 4 percent in the second year of the biennium. To fund these increases, the measure makes separate appropriations from the State General Fund for classified State employees and for classified and professional employees of the Nevada System for Higher Education. Included in the measure is a salary increase of 2 percent in the first year of the biennium, and an increase of 4 percent in the second year of the biennium for employees of the Legislative Counsel Bureau. Contingent upon receiving matching funds from California, money 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 provide salary increases for classified workers in the Department of Motor Vehicles, the Department of Public Safety, and the Nevada Transportation Authority.

The bill also makes appropriations from the State General Fund to provide an additional 4.9 percent pay increase to improve salary equity for the unclassified employees of the Gaming Control Board and Lieutenant Governor's Office. The bill also funds two-grade pay increases on the classified employee compensation plan for nurses, health counselors, psychologists, clinical social workers, construction inspectors, and other related positions.

The bill authorizes the Gaming Control Board to continue the credential pay plan. The plan provides up to \$5,000 annually for unclassified gaming employees who possess a current Nevada certified public accountant certificate, a license to practice law, or are in a qualifying position as electronic laboratory engineer and possess a Bachelor of Science or higher degree in engineering, electronic engineering, or computer science, and use the skills evidenced by these qualifications to enhance the performance of their job duties.

The bill is effective on July 1, 2007.

TAXATION

A.B. 186 (Chapter 493)

Assembly Bill 186 relates to renewable energy. This measure requires that an agreement between a business and the Commission on Economic Development for partial abatement of taxes must include certain provisions. It must provide that the business agrees to be audited to determine whether it is in compliance with the agreement and agrees that the audits will be disclosed to the public, except for any trade secrets or confidential proprietary information, as set forth in the bill.

This measure also increases the number of schools that may participate in the Solar Energy Demonstration Program and increases from 570 kilowatts to 2 megawatts the total additional capacity for solar energy systems in schools that may be approved by the Public Utilities Commission of Nevada (PUCN) for the years 2007, 2008, and 2009. To promote the installation of solar energy systems at as many schools as possible, the PUCN may not approve for use in the Program a solar energy system having a generating capacity of more than 50 kilowatts if the solar energy system is or will be installed at a school on or after July 1, 2007, unless it determines that approval of a solar energy system with a greater generating capacity is more practicable for a particular school.

This measure is effective on July 1, 2007.

A.B. 433 (Chapter 296)

Assembly Bill 433 requires the Nevada Tax Commission to take such actions it deems necessary to protect the confidentiality of proprietary and confidential information provided by a taxpayer. The measure also clarifies when the Commission may or may not close a hearing concerning a taxpayer's tax liability. If the Commission determines that a hearing must be closed due to the discussion of confidential and proprietary information received by the taxpayer, other portions of the meeting addressing non-confidential matters must remain open. The measure allows the Commission to close a reopened hearing under certain circumstances. The Commission must make any definitive vote on a tax appeal during an open meeting and shall prepare and make public an abstract explaining its decision in the appeal. Finally, A.B. 433 clarifies that a meeting of any public body that is closed pursuant to a specific statute may only be closed to the extent specified in law.

The bill is effective on July 1, 2007.

A.B. 487 (Chapter 547)

Assembly Bill 487 exempts professional minor league baseball events conducted at a stadium from the excise tax charged for admission to a facility where live entertainment is provided.

This measure is effective on June 25, 2007.

A.B. 586 (Chapter 434)

Assembly Bill 586 adds a definition of “other tobacco products” that are taxed and treated differently than cigarettes. The bill also provides that counterfeit tobacco products shall be treated the same as contraband cigarettes for purposes of imposing criminal penalties. The varying levels of criminal penalties are revised based on dollar amounts rather than the number of cigarettes. The bill further provides for disposition by the Department of Taxation of “other tobacco products” upon seizure of such items.

Assembly Bill 586 requires an owner of a retail establishment to post a notice advising that the sale of cigarettes and other tobacco products to minors is prohibited by law and that the retailer may ask for proof of age. Failure to post such a sign is punishable by a fine of not more than \$100. The measure also makes the sale of cigarettes through a display that does not require the assistance of the retailer unlawful and punishable by a fine of not more than \$500. This prohibition does not include sales using a lawful vending machine. Money collected from such penalties shall be deposited in a separate account in the State General Fund and used for enforcement of such laws.

A.B. 595 (Chapter 344)

Assembly Bill 595 concerns taxes on fuels and funding for highway projects. The bill provides that no interest will be paid to a taxpayer on an overpayment for taxes on fuels if the overpayment is made intentionally or carelessly. The measure also provides that if the Department of Motor Vehicles (DMV) issues a deficiency determination against a taxpayer for underpayment of taxes on fuels, the petitioner may file a petition for an administrative hearing not more than 30 days after notice of the redetermination was made by the DMV. The bill limits the validity of a license issued to a dealer, supplier, transporter, or exporter to one year and requires the DMV to adopt regulations providing for the renewal of such a license.

The measure also provides that in Clark County, the county fair and recreation board shall, at the request of Nevada’s Department of Transportation (NDOT), issue bonds to provide funding to the Department to assist in paying the cost of highway projects in that county. The aggregate principal amount of the bonds issued will not exceed the lesser of \$300 million or the amount the board determines can be repaid over a period of not more than 30 years with a payment of not more than \$20 million per year.

The measure requires a board of county commissioners in Clark and Washoe Counties to allocate the ad valorem tax for capital projects in an incrementally increasing portion, not to exceed 60 percent of the proceeds of the tax. The proceeds will be deposited in the State Highway Fund for use in the construction and maintenance of the public highways in that county.

The bill further requires that a short-term lessor of a passenger car impose a recovery surcharge of 4 percent of the total amount for which the car is leased, and one-quarter of the proceeds must be deposited into the State Highway Fund. The money must be used for the construction, reconstruction, improvement, and maintenance of public highways and may not

be used for the costs of administration or to purchase equipment. Assembly Bill 595 also increases to \$22 the maximum amount that a short-term lessor of a passenger car may charge for a waiver of damages and provides for subsequent increases in that amount based upon increases in the Consumer Price Index (CPI). Additionally, the bill increases to \$10 per day the maximum amount that a short-term lessor of a passenger car may charge for more than one additional driver and provides for subsequent annual increases in that amount based upon increases in the CPI.

In addition, the measure requires the Board of Transportation to adopt a plan for measuring the performance of NDOT, which must include separate sets of performance measurements for each division of the Department and for the Department as a whole. The Director of NDOT must submit such a performance measure report annually to the Board of Transportation and the Interim Finance Committee. Nevada's Department of Transportation must also prepare a written analysis of the costs and benefits of any highway project over \$25 million before it submits the project to the Board of Transportation for approval. Nevada's Department of Transportation must report annually the projects undertaken with that funding. Finally, NDOT must provide a quarterly report to the Board of Transportation and the Interim Finance Committee on the status of all of the "super and mega" projects, as identified by the Blue Ribbon Task Force.

Sections of the bill relating to taxes on fuels and the waiver of damages and additional amount that may be charged for an additional driver of a rental car are effective on June 6, 2007. Sections of the bill relating to the county fair and recreation board in Clark County are effective on July 1, 2007. Sections of the bill relating to the ad valorem tax on capital projects are effective on July 1, 2008. All other sections of the bill are effective on October 1, 2007.

NOTE: After the passage of A.B. 595, the Legislature passed Senate Bill 577 which, among other things, amended provisions in A.B. 595 concerning the allocation of property taxes. See S.B. 577 for additional information.

A.B. 621 (Chapter 539)

Assembly Bill 621 requires the Director of the State Office of Energy to adopt a Green Building Rating System for the purposes of determining eligibility for tax abatements under this bill. The system must:

- Be based on the Leadership in Energy and Environmental Design (LEED) system;
- Include LEED standards that have been in place for at least two years;
- Not include LEED standards for homes; and
- Require a building or other structure to obtain a certain amount of energy conservation points at the LEED silver, gold, and platinum levels.

The Director must grant a partial abatement of real property taxes, other than taxes imposed for public education, which is defined as kindergarten through twelfth grade, for a building that meets the LEED silver, gold, or platinum standards or the equivalent. A project is not eligible for the abatement if it receives money from the State or a local government for acquisition, design, or construction of the building or for acquisition of the land. The partial abatement must be for ten years, and terminates if the structure ceases to meet the LEED silver standards or their equivalent.

Assembly Bill 621 also consolidates various existing statutes granting tax abatements and exemptions related to energy conservation in a new chapter of the *Nevada Revised Statutes* (NRS), and addresses the applicability of those existing statutes to projects already underway.

For purposes of legislative intent, the following should be noted:

- Assembly Bill 621 does not exclude condominium hotels. Under the LEED definitions, they are considered commercial units, not residential; and
- Sections 6 and 16 do not change the existing law on tax abatements for renewable energy projects. The existing statutes are merely being placed in a new chapter where they will be centralized and more easily seen as a part of a unified public policy initiative. Specifically, it should be noted that Sections 6 and 16 in no way impact existing projects such as the PowerLight solar PV project at the Nellis Air Force Base or the proposed similar project at Fallon Naval Air Station.

This measure is effective on June 15, 2007, for most purposes. The provisions calling for adoption of a Green Building Rating System and grants of partial abatement of real property taxes are effective on June 15, 2007, for the purpose of adopting regulations, and on July 1, 2007, for all other purposes. Certain existing statutes granting tax abatements and exemptions, which the bill transfers to a new chapter of the NRS, expire by limitation on June 30, 2009.

S.B. 503 (Chapter 257)

Senate Bill 503 imposes a penalty of not more than 10 percent of the amount due, plus interest at the rate of one percent per month, on persons or governmental entities that fail to pay licensing fees required in lieu of a State business license, for persons participating in trade or craft shows or conventions. The bill also provides an exemption from the wholesale tobacco tax for such products that are acquired free of charge at a trade show, convention, or other exhibition or public event in this State, and which do not have significant value as determined by the Department of Taxation.

The bill is effective on July 1, 2007.

S.B. 504 (Chapter 258)

Senate Bill 504 sets a standard rate of 0.5 percent per month for interest owed by the Department of Taxation on refunds or credits of overpayments of certain taxes, fees, and assessments. The taxes subject to the standard interest rate include the taxes on: mines and minerals; financial institutions; businesses; tobacco; live entertainment; and intoxicating liquors. In addition, the standard interest rate applies to sales and use taxes, local school support taxes, city-county relief taxes, and various special taxes. Affected fees and assessments include those on new tire purchases, short term car leases, and certain drug sales.

The bill is effective on July 1, 2007.

S.B. 567 (Vetoed on May 14, 2007)

Senate Bill 567 prohibits the Department of Taxation, the Nevada Tax Commission, the Commission on Economic Development, and the State Office of Energy from taking any action related to any application or request for:

- A sales tax abatement on materials used to construct a building certified as meeting the silver level or higher of the Leadership in Energy and Environmental Design Green Building Rating System adopted by the Office of Energy, or the equivalent; or
- A real property tax abatement for property with such a building.

This measure applies, without limitation, to considering or adopting any applicable regulation and considering or approving any applicable application or other request.

(Veto sustained on June 4, 2007.)

S.B. 577 (Chapter 421)

Senate Bill 577 makes technical changes to measures passed in the 74th Regular Session. The bill modifies the regulation of installment lenders by amending Assembly Bill 478 of this session. This measure specifies that an installment lender is only subject to regulation by the Division of Financial Institutions if the lender makes loans that are not subject to other state regulation; is an affiliate, subsidiary, or holding company of certain financial institutions; and makes an attempt to evade regulation by engaging in certain practices.

Senate Bill 577 also makes changes to the allocation of property taxes by Clark and Washoe Counties for highway construction and maintenance by amending A.B. 595 of this session. Senate Bill 577 specifies that the rate of such tax cannot be reduced by the counties without the approval of the State Board of Finance. Additionally, S.B. 577 places a limit on the security that may be provided for certain special obligation bonds on highway construction projects to ensure compliance with the constitutional limitation on state indebtedness.

Finally, S.B. 577 repeals changes related to bankruptcy exemptions enacted by S.B. 483 of this session. The measure removes sections related to payments for individual support that were in conflict with the federal Social Security Act.

The bill is effective on June 13, 2007.

A.J.R. 16—73rd Session (File No. 91)

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.

This measure was approved in identical form during the 2005 and 2007 Sessions of the Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2008 General Election.

Property Tax

A.B. 110 (Chapter 354)

Assembly Bill 110 continues the exemption from taxation for real and personal property owned by an apprenticeship program approved by the State Apprenticeship Council.

The tax exemption for property of apprenticeship programs was due to expire on July 1, 2007, but A.B. 110 removes the sunset provision. The tax exemption was first enacted in 1999 by Assembly Bill 211 (Chapter 210, *Statutes of Nevada*) and extended in 2001 by Senate Bill 29 (Chapter 10, *Statutes of Nevada*).

The bill is effective on July 1, 2007.

A.B. 209 (Chapter 415)

Assembly Bill 209 allows county assessors to disseminate information about property taxes by means other than the Internet. The bill modifies the exemption for the value of qualified heating and cooling systems in commercial or industrial buildings and modifies the Consumer Price Index (CPI) adjustment for certain property tax exemptions granted to blind persons, eligible veterans, and surviving spouses. The Archaeological Conservancy is made an exempt organization and certain charitable organizations are made fully exempt from taxation.

The bill clarifies that any change to an assessment due an appeal to the State Board of Equalization is only effective for the fiscal year for which the assessment was made and allows a minimal amount of recaptured property taxes to be collected in the first fiscal year. Assembly Bill 209 specifies a methodology for determining taxable value of a parcel in a common-interest community to avoid double taxation of any common elements and clarifies the definitions of “community unit” and “common element.”

With respect to partial abatements, the bill clarifies that the property tax cap for properties other than single-family owner-occupied residences, cannot be less than zero or greater than 8 percent. The measure authorizes the Committee on Local Government Finance to adopt regulations to allocate partial abatements among taxing entities, ratifies regulations adopted by the Committee prior to the passage of A.B. 209, and repeals certain definitions related to partial abatements. The measure also makes various changes regarding filing certain claims, statements, appeals, and exemptions.

Assembly Bill 209 extends the collection period for the 2 percent commission deposited into the assessors’ technology funding until June 30, 2009.

Finally, A.B. 209 makes various technical corrections to the property tax caps, also referred to as partial abatements, enacted in the 2005 Session by A.B. 489 and S.B. 509.

The bill continues the commission of 2 percent on net proceeds of mines and property taxes enacted in S.B. 394 in the 2005 Session. The funds must be used for the acquisition and improvement of technology in the county assessors’ offices.

The provision extending the 2 percent commission is effective on June 13, 2007. The sections ratifying the regulations adopted prior to the effective date of the bill and authorizing the adoption of regulations are also effective on June 13, 2007, except that the section setting forth principles to which the regulations must conform expires on December 31, 2007.

The provisions relating to dissemination of information, tax exemptions, CPI calculations, filing certain claims and petitions, and taxation of common-interest communities are effective on July 1, 2007. The provisions for calculating the partial abatements to property taxes and repealing definitions related to the abatements are effective on January 1, 2008, except for the section setting forth an interim calculation which is effective on July 1, 2007, and expires on December 31, 2007.

A.B. 585 (Chapter 472)

Assembly Bill 585 relates to taxation. This measure sets a standard rate of 0.5 percent per month for interest owed on the overpayment of property taxes except that interest shall not be paid on intentional or careless overpayments or refunds of penalties and interest. The tax receiver may pay deficient property tax payments of \$5 or less and may deposit overpayments of \$5 or less into the county treasury unless a refund request is made within six months. The bill provides immunity from liability for damages for a county and its officers for failure to provide actual notice of delinquent taxes if a preliminary title search is used to determine the names and addresses of affected taxpayers. The measure adds a judgment creditor to the list of persons who are entitled to receive reconveyance of a property with delinquent taxes. When a property is sold for delinquent taxes, the county treasurer shall deliver a quitclaim deed to the seller.

Assembly Bill 585 reduces from two years to one year the time in which claims for excess proceeds from sales of properties for delinquent taxes must be made and sets forth the priorities for distribution of claims of excess proceeds and resolution of disputed claims. An aggrieved taxpayer seeking a determination relating to a partial abatement of property taxes must submit the petition to the county assessor, not the tax receiver. The measure also makes various changes to the reporting procedures related to property taxes and delinquent properties.

The bill is effective on July 1, 2007.

S.B. 146 (Vetoed on June 15, 2007)

Senate Bill 146 allows counties, with the exception of Clark County and Washoe County, by a two-thirds vote of the board of county commissioners, to impose an additional property tax at the rate of 4 cents per \$100 of assessed valuation. The proceeds of the tax must be used to pay the operating costs of a regional juvenile detention facility. The measure also provides that the tax is outside of the property tax caps for the first fiscal year in which the tax is imposed and that the tax must be reviewed at least once every ten years. Currently, the law allows the boards of at least two county commissions to levy a property tax at the rate of 5 cents per \$100 of assessed valuation to operate a regional facility. This tax and the tax authorized by S.B. 146 are not subject to the 6 percent cap on increases in annual property tax revenues for local governments.

(Will be returned to the 2009 Legislature for the veto to be sustained or overridden.)

S.B. 154 (Chapter 541)

Senate Bill 154 creates the Washoe County Schools Construction and Revitalization Advisory Committee to make recommendations to the Board of Trustees of the Washoe County School District on the imposition of taxes to fund capital projects relating to education. The Committee shall be composed of the Superintendent of the School District and 14 other members, of which 10 must represent specific organizations or interests as set forth in the bill. Four of the members shall be legislators appointed by the Majority Leader of the Senate and the Speaker of the Assembly. Upon receipt of a resolution requesting the Washoe County

Commission to adopt an ordinance imposing a new tax, the Commission shall put the question to an advisory vote at the General Election in November 2008. If a majority of the voters voting on the advisory question approve the imposition of a new tax to fund capital projects by the School District, the County Commission shall adopt an ordinance imposing such a tax. The proceeds of the new tax shall not be considered in any collective bargaining within the school district and shall not reduce or supplant existing funding for capital projects.

The measure also clarifies that existing exemption from the real property transfer tax for a change in identity or form of a corporation includes such a change to any business entity.

The bill is effective on July 1, 2007. Provisions related to the Washoe County Schools Construction and Revitalization Advisory Committee expire by limitation on May 1, 2008.

Sales and Use Tax

A.B. 236 (Chapter 125)

Assembly Bill 236 provides that the Nevada Department of Taxation is not required to collect any unpaid sales or use taxes from a person if the average cost of collection, as determined by the Nevada Tax Commission, exceeds the amount of taxes and any interest and penalties owed.

The measure provides that certain taxpayers may report and pay their sales use and taxes on an annual basis. If a taxpayer was filing on a quarterly basis but had no tax due in the preceding three quarterly reporting periods, or had taxable sales that did not exceed \$1,500 for the preceding four quarterly reporting periods, the taxpayer may report and pay such taxes on an annual bases unless his taxable sales exceeded \$1,500 for a 12-month reporting period or \$10,000 for a calendar month.

Assembly Bill 236 authorizes the Department of Taxation to require a security of four times the estimated average tax due annually from persons filing annual returns. Further, for habitually delinquent taxpayers, the Department may require a security of seven times the estimated average tax due annually from persons filing annual returns.

The bill is effective on July 1, 2007.

A.B. 461 (Chapter 545)

Assembly Bill 461 relates to the Clark County Sales and Use Tax Act of 2005 and the authority of Nye County to increase sales and use taxes. The bill requires that any local governmental entity that authorizes expenditures for a police department from tax revenues under the Clark County Sales and Use Tax Act of 2005 must submit quarterly reports and an annual report to the Nevada Legislature.

The measure also creates the Nye County Sales and Use Tax Act of 2007. The bill authorizes the Nye County Commission to enact an ordinance imposing a local sales and use tax for the purpose of: (1) recruiting, employing, and equipping additional firefighters, deputy sheriffs,

and other public safety personnel; (2) improving and equipping existing public safety facilities; and (3) constructing and equipping new public safety facilities. The proceeds from the sales and use tax must be allocated for expenditure in the areas of Pahrump, Amargosa Valley, Beatty, Tonopah, Round Mountain, Manhattan, Gabbs, and any other city or town created in Nye County after October 1, 2007. The remaining areas of Nye County must also receive an allocation based upon the population ratio of those areas to the county as a whole. Any local government entity in Nye County that authorizes expenditures under the Act must submit quarterly reports and an annual report to the Nevada Legislature.

Portions of the bill regarding the Nye County Sales and Use Tax Act are effective on June 18, 2007, for the purposes of approving the necessary ordinances and performing needed administrative tasks to carry out the Act. The remainder of the bill is effective on October 1, 2007. The portion of the bill amending the Clark County Sales and Use Tax Act of 2005 expires by limitation on October 1, 2025, and the Nye County Sales and Use Tax Act provisions expire by limitation on October 1, 2027.

S.B. 74 (Chapter 177)

Senate Bill 74 allows all counties except Clark and Washoe Counties to expend monies from their infrastructure fund for the acquisition, construction, or equipping of facilities related to public safety or to cultural and recreational or judicial functions. The bill also allows such a county to use its infrastructure funds for street and highway construction, maintenance, and repair.

The measure is effective on July 1, 2007.

S.B. 502 (Chapter 443)

Senate Bill 502 makes various technical changes to provisions governing sales and use taxes, including repealing certain statutes, to ensure compliance with the Streamlined Sales and Use Tax Agreement.

The bill also provides for the submission of a ballot question at the General Election in November 2008 asking voters to authorize the Legislature, without an additional direct vote of the people, to enact legislation deemed necessary to carry out federal law or interstate agreements for the administration of sales and use taxes. The ballot question includes a provision noting that the proposed amendment would not authorize any legislation that increases the rate of any tax imposed pursuant to the Sales and Use Tax Act of 1955, and that any increase must still be approved by a vote of the people. Finally, the ballot question also includes a request for the repeal of a sales tax exemption for aircraft and aircraft components that was declared unconstitutional by Nevada's Supreme Court. If approved, the amendments to the Sales and Use Tax Act would be effective on January 1, 2009.

The bill is effective on October 1, 2007, except for the repeal of the exemption related to aircraft, which is effective on January 1, 2009, if the ballot question is approved by the voters at the 2008 General Election.

TRANSPORTATION

A.B. 8 (Chapter 26)

Assembly Bill 8 prohibits a person arrested for driving a vehicle or operating a vessel under the influence of alcohol from being released on bail or his own recognizance unless he has a concentration of alcohol below 0.04 on his breath, the results of which may not be used as evidence against the person. The measure also prohibits a person similarly arrested under the influence of a controlled substance combined with alcohol or certain other substances from being released on bail or his own recognizance sooner than 12 hours after his arrest.

A.B. 54 (Chapter 282)

Assembly Bill 54 requires a person submitting an application for a special license plate to the Department of Motor Vehicles (DMV) to post a \$5,000 surety bond with the application. However, the application no longer needs to include the signatures of at least 1,000 people who wish to obtain the special license plate. The measure also requires the DMV to release the surety bond if the DMV or the Commission on Special License Plates decides not to issue the plate or after at least 1,000 plates are issued.

This bill also requires that all changes in the distribution of revenue from special license plates must be approved by the Commission. For those changes in revenue distribution that require legislative approval, the Commission must submit a single bill draft request containing all of the proposed changes.

This bill is effective on July 1, 2007.

A.B. 64 (Chapter 279)

Assembly Bill 64 increases the penalties for failing to properly restrain a child in a car seat. For a first offense, the penalty is a fine of \$100 to \$500 and 10 to 50 hours of community service. For a second offense the penalty is a fine of \$500 to \$1,000 and 50 to 100 hours of community service. The penalty for a third offense is the suspension of the driver's license for 30 to 180 days.

If the defendant completes a program of training in the installation and use of a child restraint seat, the court must waive the penalty in the case of a first offense, or reduce it by half in the case of a second offense. The court may not reduce the fine or community service for a second time offender if the offender has already received a waiver on the first offense. The bill repeals a provision that now requires defendants to undergo training.

A.B. 118 (Chapter 84)

Assembly Bill 118 provides that Nevada's Department of Transportation may erect advisory signs indicating the lanes in which vehicles with a declared gross vehicle weight in excess of 26,000 pounds should travel on controlled access facilities within its jurisdiction that have three or more lanes for traffic in one direction.

A.B. 141 (Chapter 448)

Assembly Bill 141 prohibits vehicle dealers, garagemen, automobile wreckers, operators of salvage pools or body shops, or the employees of such establishments from taking possession of a motor vehicle or part from a motor vehicle which he knows to have identification numbers or marks that have been falsely attached, removed, defaced, or obliterated. A person who does so is guilty of a category D felony. If such a person discovers during the course of business that a motor vehicle or part from a motor vehicle has been altered, he must notify the Department of Motor Vehicles (DMV) or law enforcement within 24 hours after discovery. A person who fails to do so is guilty of a misdemeanor.

This bill also prohibits a person from disclosing in open court or in discovery documents the confidential investigative techniques or the location of any confidential identifying number or mark used by law enforcement or the DMV to identify a stolen vehicle or part. Additionally, this measure requires law enforcement or an employee of the DMV to inspect a motor vehicle or a part from a vehicle that has been seized by law enforcement to determine if it has been altered. If the motor vehicle part has been altered and there is no satisfactory evidence of ownership, then the vehicle must be forfeited. Further, A.B. 141 provides that a person who takes possession of a motor vehicle or a part from a motor vehicle knowing that it has been altered is guilty of a gross misdemeanor.

A.B. 181 (Chapter 132)

Assembly Bill 181 transfers the duty to conduct an annual survey of labor rates charged by licensed body shops from the Commissioner of Insurance to the Department of Motor Vehicles (DMV). The measure requires the DMV to conduct the survey by providing an online form that must be completed and submitted electronically by the operator of each licensed body shop. The information obtained from the survey must be made available to the public on the DMV's website not more than 30 days after the renewal of the body shop's license. In addition, the results of the survey must include the name and addresses of all body shops that completed the survey and the prevailing labor rate for body shops in a specific geographic area. Further, the DMV is required to provide a method on its website for a person to verify the license of a body shop. An operator of a body shop must complete the survey as a condition for the renewal of his license.

This bill is effective on July 1, 2007.

A.B. 311 (Chapter 141)

Assembly Bill 311 provides that a tow car operator must not impose any fees for the towing and storage of a vehicle for a period longer than 21 days after placing the vehicle in storage if the vehicle was towed at the request of law enforcement following an accident involving the vehicle, or 15 days after placing any other vehicle in storage. However, the tow car operator may impose a fee beyond 21 days if the vehicle was towed at the request of law enforcement or 15 days after placing any other vehicle in storage if he makes a reasonable attempt to ascertain the identity of the owner of vehicle.

This bill is effective on January 1, 2008.

A.B. 489 (Chapter 298)

Assembly Bill 489 provides that a person who believes his vehicle has been unlawfully towed from property where public parking is allowed may file a civil action in the justice court of the township where the vehicle was towed. The court must hold a hearing on the propriety of the towing within four working days after the action is filed. Also, the measure requires that notice of the hearing must be served on the owner or person in lawful possession of real property.

This bill is effective on July 1, 2007.

A.B. 497 (Chapter 433)

Assembly Bill 497 transfers the duty of training peace officers in identifying and handling drivers who suffer from a diabetic condition or epileptic seizure from the Department of Motor Vehicles (DMV) to the Department of Public Safety (DPS). This bill also requires that when the DMV revokes the driver's license or permit of a person convicted of a felony involving the use of a vehicle, the DMV must set aside the revocation during any period of imprisonment and resume it upon the completion of the imprisonment or when the person is placed on residential confinement or parole. The DMV is required to develop regulations regarding receiving information from the Department of Corrections or the DPS when a person with a revoked driver's license or permit is incarcerated, placed on residential confinement, or placed on parole.

This bill provides that the Nevada Highway Patrol (NHP) may enter into contracts to provide services for the control of vehicular traffic for a special event using the services of not only NHP personnel but also other qualified personnel of the DPS.

In addition, A.B. 497 provides that a person driving with a temporary permit because that person's license has been revoked for driving under the influence is not entitled to receive an additional temporary permit if he is found again to have driven with a prohibited amount of alcohol or prohibited substance in his blood or urine.

This bill also clarifies that each owner of a motor vehicle must maintain insurance from a company that is licensed and has been approved to do business in this State and requires applicants registering a vehicle to show proof of insurance at the time of registration. The measure requires an application for the registration of a motor vehicle to contain proof satisfactory to the DMV that the applicant carries insurance on the vehicle by an insurance company licensed by the Division of Insurance of the Department of Business and Industry. If the insurance company is not licensed in Nevada, then an applicant has seven calendar days to meet this requirement.

Further, this measure requires the DMV to immediately suspend the driver's license and motor vehicle registration of each owner of a vehicle involved in an accident involving injury or death when it is determined that the required security has not been deposited, unless the person immediately deposits the security at a hearing. This bill also clarifies that a waiver of filing

proof of financial responsibility will be provided by the DMV to a person upon death of the person on whose behalf the proof of financial responsibility was filed, or surrender of a driver's license and registration.

Assembly Bill 497 changes the name of the Transportation Services Authority to the Nevada Transportation Authority (NTA). The bill also requires that the NTA appoint a Deputy Commissioner to serve as its Chief Financial Officer and to oversee its daily operations, including its compliance enforcement activities. Compliance enforcement investigators of the NTA must be trained in commercial vehicle safety inspection. Only inspectors of the NTA are required to be peace officers.

Provisions of this bill relating to the revocation period of a driver's license are effective on March 1, 2008. The provisions of the bill relating to the NHP's ability to enter into contracts to provide traffic control services at special events are effective on June 13, 2007. The provisions of the bill relating to the NTA are effective on June 13, 2007, for the purpose of adopting regulations and conducting any preliminary activities necessary to ensure that the provisions of this measure are carried out in an orderly fashion and on October 1, 2007, for all other purposes. All other provisions of this bill are effective on October 1, 2007.

A.B. 594 (Chapter 546)

Assembly Bill 594 creates a Class A certification for a licensed body shop that complies with certain criteria, including: (1) local, state, and federal licensing requirements; (2) possessing workers' compensation insurance; and (3) having the ability to perform certain services for motor vehicles. This bill establishes the process for the Department of Motor Vehicles (DMV) to issue and renew a Class A certification to a licensed body shop. Further, this measure provides that the DMV may suspend or revoke a Class A certification if the applicant does not meet the requirements of the certification or if the license of the applicant is suspended or revoked by the DMV.

S.B. 277 (Chapter 288)

Senate Bill 277 authorizes the court to order a third time offender of driving under the influence (DUI) to a treatment program for a minimum of three years based on a report from a counselor or physician who diagnoses a drug or alcohol abuse problem. If the court orders the offender to a treatment program, it must suspend further proceedings and place the offender on probation upon condition that the treatment program is completed.

If the program is successfully completed, the conviction is reduced to a second-offense violation, which is a misdemeanor. However, for purposes of additional penalties imposed for subsequent DUI offenses, the offense will count as a third offense. If the program is not successfully completed or the offender is not accepted for treatment, the sentence must be served; however, the court has the discretion to reduce the sentence of imprisonment for the time served.

This measure is effective on July 1, 2007.

S.B. 300 (Chapter 211)

Senate Bill 300 exempts employees of public utilities from provisions of Nevada law that limit the number of hours that intrastate drivers may drive per day or per week, thereby subjecting these drivers to federal hours-of-service regulations and exemptions.

This bill also repeals the provision of Nevada's law that exempts drivers who are employees of public utilities from hours-of-service limitations during a declared state of emergency.

S.B. 315 (Chapter 233)

Senate Bill 315 deals with organizations that submit applications for special license plates. Government entities that apply for special plates must use the revenue for charitable purposes. Nongovernmental entities must be nonprofit charitable organizations that provide services relating to public health, education, or general welfare.

If an organization is required to be registered with the Secretary of State, its registration must be current. An organization must have a name and purpose that does not promote, advertise, or endorse a product, brand name, or service that is offered for profit. Organizations must be nondiscriminatory and no organization's license plate may promote a specific religion, faith, or antireligious belief.

The bill does not apply to special license plates that were approved before its effective date.

This bill is effective on May 31, 2007.

S.B. 417 (Chapter 249)

Senate Bill 417 authorizes the Clark County Regional Transportation Commission (RTC) to construct and maintain transit stops. The bill also authorizes the RTC to place benches, shelters, and transit stops within any public easement or right-of-way, including those dedicated to utility use. The RTC must execute an interlocal or cooperative agreement with the government entity that owns or controls the right of way, and the transit stop must be near a public highway. The benches, shelters, and transit stops must be placed safely within the public easement or right-of-way without damaging the existing facilities.

If a bench, shelter, or transit stop is to be installed within a common-interest community, the RTC must give the association written notice and cooperate with the association in determining where to place the installation. Finally, a local government may not prohibit or unreasonably restrict the construction of transit stops by the RTC.

This bill is effective on May 31, 2007.

S.B. 451 (Chapter 239)

Senate Bill 451 provides for a review of the financial practices of organizations that receive revenue from special license plates. These organizations must submit a balance sheet and a recent bank statement to the Commission on Special License Plates each year. The

Commission will send these to the Legislative Auditor. The Legislative Auditor must prepare a report that includes evidence of inadequate submissions, improper financial practices, and other relevant information.

If the Commission determines an organization has not submitted the required information or has engaged in improper financial practices, it must notify the organization. The organization may request a hearing to rebut the Commission's determination. If the Commission upholds the determination, it may direct the Department of Motor Vehicles to suspend the production of the special license plate and the collection of fees.

The bill also provides that the Commission must consider special license plate applications in the order in which they were received.

This bill is effective on May 31, 2007.

S.B. 452 (Chapter 526)

Senate Bill 452 makes many changes in the statutes relating to motor vehicle manufacturers, dealers, distributors, brokers, rebuilders, and lessors, including the following:

- Expands the enforcement authority of the Department of Motor Vehicle's (DMV) investigators with regard to acts of fraud committed by businesses licensed by the Department;
- Requires a dealer, rebuilder, manufacturer, distributor, broker, or long-term or short-term lessor to post his license, and the licenses of those he employs as salesmen, in a conspicuous place;
- Authorizes long-term and short-term lessors to license multiple locations under the same name in the same manner as dealers;
- Excludes the sale of vehicles personally owned by a broker from those services of a broker;
- Requires a licensee who submits a statement regarding a court order for child support with an electronic application for license renewal to retain the statement for three years;
- Allows vehicle dealers to use no more than six of their dealer special license plates for personal use by them or their immediate family;
- Repeals the authority of dealers to register certain vehicles without paying the government services taxes;
- Restricts the use of dealer special plates by licensees who have no established place of business in Nevada; adds salesmen who act as managers to those who may use a dealer

special plate; and prohibits the use of these plates on vehicles purchased by a dealer for personal use and which he is not licensed to sell;

- Establishes penalties for a person who repeatedly violates the requirements to secure a dealers license;
- Adds the intentional submission of certain fraudulent documents to the DMVs' grounds for denial or revocation of a manufacturer, distributor, rebuilder, or dealer's license;
- Allows a dealer with a branch location located not more than 500 feet of his principal place of business to license both locations as one place of business under one license;
- Prohibits a broker from displaying or using in conjunction with any form of advertisement a vehicle he is not licensed to sell;
- Enables a used vehicle dealer to:
 1. Sell at wholesale a new vehicle taken in trade or acquired as a result of a sales contract to a new vehicle dealer who is licensed and authorized to sell that make of vehicle;
 2. Sell at wholesale a new vehicle through a wholesale vehicle auction provided that the wholesale vehicle auctioneer does not take an ownership interest in the vehicle and auctions the vehicle to a vehicle dealer who is licensed and authorized to sell that make of vehicle or to an automobile wrecker who is licensed in this State or any other state; or
 3. Sell a new vehicle on consignment from a person not licensed as a vehicle dealer, rebuilder, or a long-term or short-term lessor;
- Requires a holder of an interest in a long-term leased vehicle to comply with the notification provisions for a redemption or resale in the same manner as is required for purchased vehicles;
- Makes the alteration or forgery of a temporary placard an unlawful act;
- Increases the bonds that must be filed with the DMV by brokers, manufacturers, distributors, rebuilders, and dealers;
- Shifts the responsibility of inspecting driving schools from the DMV to driving schools and reduces the time period between license renewals for driving schools from five years to one year;

TRANSPORTATION (continued)

- Requires a driving school to ensure its vehicles are inspected annually for road worthiness and safety;
- Increases the penalty for odometer fraud from a gross misdemeanor to a category B felony;
- Provides for the licensing and regulation of automobile wreckers;
- Allows for the transfer of ownership of a qualified junk vehicle in the same manner as with valued vehicles by endorsement in the space already provided on the reverse side of the junk certificate;
- Imposes a gross misdemeanor penalty for the use of a false affidavit involving a lien sale;
- Provides definitions for kit trailers and service vehicles;
- Expands the definitions of garage and motor vehicle;
- Provides clarification to the definitions of vehicle dealer, new vehicle, rebuilder, recreational park trailers, peace officer, and the term “based” for purposes of vehicle registration; and
- Clarifies certain provisions on summary actions against licensees, the criteria for licensing manufacturers, distributors and dealers, the restrictions for licensing salesman, Dealers’ Report of Sales and related penalties, Reports of Leases and related penalties, revocations or refusals to renew garage registrations, the unfitness of garagemen, grounds to take action on body shop licenses, the inspection of salvage vehicles, the requirements through which the DMV licenses emission stations, and the procedure followed by a dealer or long-term lessor for selling a used vehicle in a county requiring emission testing.

Provisions of this bill relating to certain administrative fines imposed by the Department, additional bond requirements, road worthiness inspections, and payment of governmental services taxes are effective on January 1, 2008. Other provisions are effective on July 1, 2007.

S.B. 481 (Chapter 235)

Senate Bill 481 amends the duties of the Commission on Special License Plates to require the Commission to approve or disapprove any application for a special license plate authorized by an act of the Legislature. Further, the Legislature pledges that if a new special license plate is authorized by an act of the Legislature after January 1, 2007, the license plate may not be issued by the Department of Motor Vehicles unless the Commission approves the application for the new plate.

This bill is effective on May 31, 2007.

Drivers' Licenses and Vehicle Registration**A.B. 5 (Chapter 27)**

Assembly Bill 5 requires the Department of Motor Vehicles (DMV) to register for a period of 12 consecutive months, beginning on the day established by the DMV, a motor vehicle with a declared gross weight in excess of 26,000 pounds that is registered intrastate. The DMV may establish by regulation as many registration periods as are required. The bill also provides that registration fees for fleets of vehicles with declared gross weights in excess of 26,000 pounds may be paid in installments in accordance with regulations adopted by the DMV. Finally, for vehicles with a declared gross weight in excess of 26,000 pounds that are registered interstate, an application for registration 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.

This measure is effective on May 7, 2007, for the purpose of adopting regulations and performing any other preparatory administrative tasks, but the registration period changes only apply to motor vehicles with a declared gross weight in excess of 26,000 pounds that are initially registered, or for which registrations are renewed, on or after January 1, 2009.

A.B. 76 (Chapter 137)

Assembly Bill 76 provides that one-half of the money received from the "Support of the Education of Children in the Arts" special license plate be distributed quarterly to VSA arts of Nevada. The bill provides that if VSA arts of Nevada ceases to exist, the Division shall retain all of the fees collected from the issuance of the special license plate.

A.B. 176 (Chapter 270)

Assembly Bill 176 provides that an owner or joint owners of a motor vehicle, trailer, or semitrailer may apply to the Department of Motor Vehicles for a certificate of title in beneficiary form, which directs the Department to transfer the title to the designated beneficiary on the death of the present owner or on the deaths of all joint owners. The bill also enables the owner of a motorboat to apply to the Department of Wildlife for a certificate of ownership in beneficiary form.

This bill is effective on January 31, 2008.

A.B. 264 (Chapter 38)

Assembly Bill 264 removes facilities for the treatment of burns as the recipients of fees charged to persons who request a “Professional Firefighter” special license plate. Instead, the fees are to be distributed to the Professional Fire Fighters of Nevada Benevolent Association.

This bill is effective on July 1, 2007.

A.B. 278 (Chapter 88)

Assembly Bill 278 requires the Commission on Special License Plates to study the feasibility of the design, preparation, and issuance of special license plates for use on motorcycles. The Commission must submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau on or before January 1, 2009, for transmission to the 2009 Legislature.

A.B. 297 (Chapter 168)

Assembly Bill 297 provides for the issuance of a special license plate for the support and enhancement of parks, recreation facilities, and programs in the City of Reno, if the Commission on Special License Plates approves the application for the license plate. The Department of Motor Vehicles (DMV) must not design, prepare, or issue these special license plates unless it receives at least 1,000 applications within 2 years after the effective date of this bill.

In addition to other registration and license fees and taxes, applicants for these special plates must pay an initial issuance fee of \$25 and annual fee of \$20. These fees are to be deposited by the DMV with the State Treasurer for credit to the State General Fund and distributed quarterly to the City of Reno for the support and enhancement of parks, recreation facilities, and programs in the City of Reno.

This bill also provides that the Commission on Special License Plates must approve any special license plate authorized by the Legislature after January 1, 2007.

This measure is effective on May 29, 2007.

A.B. 584 (Chapter 486)

Assembly Bill 584 relates to the REAL ID Act of 2005 and drivers of motor carriers. This measure requires that an applicant for a driver’s license, identification card, or motorcycle license furnish his full legal name, the address of his principal residence, and his mailing address, if different from the address of his principal residence. The bill repeals statutory provisions concerning when driver’s licenses and identification cards expire and requires the Department of Motor Vehicles (DMV) to prescribe by regulation when driver’s licenses and identification cards are to expire. The DMV is authorized to adopt regulations prescribing the documents an applicant may furnish as proof of his full legal name and age, and information necessary to record a conviction on a driver’s record. Regulations adopted pursuant to this act must be consistent with the regulations issued by the Department of Homeland Security.

Further, the measure provides that the DMV may not issue a driver's license to an international student or instructor who declares himself to be a resident of this State for the limited purpose of obtaining a driver's license. In addition, the bill repeals the Driver License Compact.

This measure makes it unlawful for any driver of a commercial motor vehicle, which includes a motor vehicle used to transport certain hazardous materials, to be under the influence of intoxicating liquor or a controlled substance, or to have a concentration of alcohol of 0.04 or more, but less than 0.08, in his blood or breath.

Provisions of the bill relating to adopting regulations to bring Nevada into compliance with the REAL ID Act of 2005 are effective on June 13, 2007. Sections relating to regulations issued by the Secretary of Homeland Security to implement the REAL ID Act of 2005 are effective on October 1, 2007. All remaining provisions are effective the later of May 11, 2008, the effective date issued by the Department of Homeland Security, or upon the expiration of any extension granted by the Department of Homeland Security.

S.B. 17 (Chapter 109)

Senate Bill 17 authorizes veterans who are survivors of the attack on Pearl Harbor, disabled, ex-prisoners of war, or recipients of the Purple Heart to receive a second set of special license plates to commemorate their service.

S.B. 175 (Chapter 112)

Senate Bill 175 authorizes the Director of the Department of Motor Vehicles to determine the combinations of letters and numbers for license plates assigned to passenger cars, trucks, and trailers. Additionally, use of the letters "I" and "Q" on license plates is no longer prohibited.

The bill also provides that if a vehicle has not been operated on the highways since the expiration of a temporary placard issued by a vehicle dealer or rebuilder in this State, penalties for having an expired registration may be waived.

Provisions of the bill concerning penalties for delinquent registrations are effective on October 1, 2007. All other provisions of the bill are effective on May 23, 2007.

S.B. 293 (Chapter 197)

Senate Bill 293 provides that if a parent or legal guardian knowingly and willfully allows his minor child to operate a motor vehicle without a valid license, or instruction permit, or in violation of the terms of the instruction permit, the parent or legal guardian is jointly and severally liable for all fines, fees, assessments, monetary penalties, and restitution. If the parent or legal guardian is unable to pay, the court may order him to perform community service.

See also Senate Bill 1 (Chapter 1) of the 23rd Special Session.

Motor Vehicles and Motor Carriers

A.B. 39 (Chapter 80)

Assembly Bill 39 clarifies that “special mobile equipment” is every motor vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved upon a highway. However, concrete pumpers, cranes, or drill rigs with highway rated tires are not considered special mobile equipment. This bill also requires the Department of Motor Vehicles (DMV) to adopt and enforce regulations relating to the administration and enforcement of special mobile equipment. Additionally, the regulations must define “incidentally operated or moved upon a highway.” Finally, the measure allows the Director of the DMV to make the final determination if a particular vehicle or kind of vehicle not specifically listed in the definition of “special mobile equipment” falls within the definition.

This bill is effective on July 1, 2007.

A.B. 154 (Chapter 121)

Assembly Bill 154 exempts vehicles used by a State-licensed nonprofit private elementary or secondary educational institution from the licensing requirements of the Transportation Services Authority as long as the vehicle that is used to transport pupils or property of the school does not have a gross vehicle weight rating of 26,001 pounds or more and is not registered with the Motor Carrier Division of the Department of Motor Vehicles.

This bill is effective on July 1, 2007.

A.B. 239 (Chapter 317)

Assembly Bill 239 requires a provider of a vehicle service contract to notify the buyer, in writing, within 30 days when it ceases doing business in this State, provided that the buyer’s contract has not yet expired.

A.B. 266 (Chapter 79)

Assembly Bill 266 requires the owner of a motor vehicle that has been declared a total loss by an insurance company and who is relinquishing the certificate of title to forward the endorsed certificate of title to the insurance company within 30 days after accepting a settlement. Additionally, the Department of Motor Vehicles (DMV) is required to issue a salvage title or nonrepairable vehicle certificate to an insurance company if the insurance company submits an application, without an endorsed title, to the DMV for a motor vehicle that has been declared a total loss together with a motor vehicle inspection certificate, proof that the title was required to be surrendered as part of the settlement, and documentation that it has made at least two written attempts by certified mail or a delivery service with a tracking system to obtain the endorsed certificate of title.

This bill is effective on May 21, 2007.

A.B. 321 (Chapter 310)

Assembly Bill 321 authorizes the Department of Motor Vehicles to register 100 replica vehicles each year. A replica vehicle is defined as any passenger car or light-duty motor vehicle that has: (1) a body manufactured after 1968 that is made to resemble a vehicle of a model manufactured before 1968; and (2) a body altered from the original design of the manufacturer, or a body constructed from materials that are not original to the vehicle. Additionally, a replica vehicle is maintained for occasional transportation, including exhibitions, club activities, parades, and tours. A replica vehicle does not include a vehicle that has been restored to its original design by replacing parts. This measure provides that a vehicle registered as a replica vehicle is exempt from emission control inspection requirements, if applicable.

This bill is effective on July 1, 2007.

A.B. 393 (Chapter 544)

Assembly Bill 393 makes certain provisions concerning deceptive trade practices applicable to garages and garagemen. The Commissioner of the Consumer Affairs Division, Department of Business and Industry, may impose an administrative fine of not more than \$10,000 against a person who engages in a deceptive trade practice, may negotiate the recovery of losses by an aggrieved person, and may mediate disputes.

This bill also requires the Consumer Affairs Division to prepare an annual report for submission to the Legislature on the complaints and investigations related to garages and bodyshops, the progress on joint efforts with the Department of Motor Vehicles (DMV), and the progress on enhancing electronic communications with the DMV.

This measure also creates a \$7,500 revolving account for the Bureau of Consumer Protection within the Office of the Attorney General for expenses related to undercover investigations of persons allegedly engaging in a deceptive trade practice or a violation of the duties of a garageman. The Commissioner of Consumer Affairs or the Director of the DMV may request an undercover investigation, or the Bureau of Consumer Protection may conduct an investigation on its own motion.

Assembly Bill 393 requires a garageman to post a \$5,000 bond or cash deposit, conditioned on whether he conducts his business without fraud or fraudulent representation and in compliance with the applicable statutes. The bill establishes the procedures for making an application for compensation from the bond or deposit.

Assembly Bill 393 also requires that a person selling a motor vehicle disclose to the buyer if the vehicle has been rebuilt or reconstructed and makes other changes regarding salvage vehicles, salvage titles, salvage pools, and wreckers.

A.B. 493 (Chapter 299)

Assembly Bill 493 provides that pneumatic tires containing retractable metal-type studs of tungsten carbide or other suitable material may be used any time of the year, but the studs may only be engaged or extended between October 1 and April 30.

A.B. 552 (Chapter 49)

Assembly Bill 552 authorizes a constable to collect a \$50 fee for removing or causing the removal of an abandoned vehicle from public property. The bill provides that an automobile wrecker who removes an abandoned vehicle from public property at the request of a constable may collect the fee on behalf of the constable and transmit it to him. If the owner of the abandoned vehicle cannot be identified or if the automobile wrecker is unable to collect the fee, the automobile wrecker is not required to transmit the fee to the constable unless he is able to satisfy his own lien.

This bill is effective on July 1, 2007.

A.B. 580 (Chapter 307)

Assembly Bill 580 establishes the Revolving Account for the Issuance of Salvage Titles as a special account in the Motor Vehicle Fund to pay for expenses relating to the issuance of salvage titles. Fees collected for the issuance of salvage titles of motor vehicles must be deposited in such Account by the Department of Motor Vehicles (DMV).

The measure requires that application and registration fees and administrative fines collected by the DMV from automobile wreckers, salvage pool operators, motor vehicle dealers or rebuilders, garage operators, and body shop operators be deposited in the Motor Vehicle Fund. Finally, the bill abolishes the Account for Regulation of Salvage Pools, Automobile Wreckers, Body Shops and Garages.

This measure is effective on July 1, 2007.

A.B. 624 (Chapter 474)

Assembly Bill 624 provides that any farm vehicle that is not required to be registered with the Department of Motor Vehicles or any special mobile equipment that is incidentally operated or moved upon a highway may contain dyed special fuel in the fuel tank while it is operated on a highway.

This bill is effective on June 13, 2007.

S.B. 39 (Chapter 110)

Senate Bill 39 increases from 75 feet to 97 feet the length limitation for the towing of multiple trucks or truck tractors.

This bill is effective on July 1, 2007.

S.B. 128 (Chapter 479)

Senate Bill 128 prohibits heavy vehicles, except charter buses, school buses, utility trucks, and garbage trucks from traveling on Scenic Route portions of State Route 159, unless those vehicles have a point of origin or destination there. Nevada's Department of Transportation must erect markers denoting this restriction.

This bill also provides that before the Department reduces maximum weight limits on highways under its jurisdiction, it must consider:

- The average number of vehicles traveling on the highway each day;
- The number of heavy vehicles;
- The availability of alternate routes;
- The impact of increased heavy truck traffic on each alternate route;
- The number of traffic accidents involving heavy vehicles;
- Any adverse economic or environmental impact resulting from reducing the maximum weight limits; and
- Any other factors the Department deems appropriate.

The Department must present these considerations with any proposed reduction to the Board of Directors of the Department of Transportation for approval.

S.B. 450 (Chapter 482)

Senate Bill 450 removes the authority of a city or county to issue permits to operate oversized or overweight vehicles on the highways of this State. The measure also requires the Nevada Department of Transportation (NDOT) and Clark County to establish a regional advisory committee. The committee must recommend to the Department and local governments, routes for oversized or overweight vehicles and day and time restrictions on certain routes.

Additionally, the measure requires NDOT, upon request, to notify a city or county when a permit has been issued authorizing an oversized or overweight vehicle to use a highway under the jurisdiction of the city or county. In counties other than Clark County, the NDOT must adopt regulations regarding the issuance of permits to oversized or overweight vehicles or equipment to be driven, occupy, or proceed upon any highway under the jurisdiction of that county. The NDOT must consider a recommendation of a city or county regarding the issuance of a continuous or multiple trip limited time permit.

This bill is effective on July 1, 2007.

Traffic Laws

A.B. 57 (Chapter 118)

Assembly Bill 57 prohibits a driver of a motor vehicle from stopping, standing, or parking a vehicle on or within 20 feet of a crosswalk, regardless of the location of the crosswalk.

A.B. 66 (Chapter 6)

Assembly Bill 66 requires a driver of a vehicle to stop for a school bus displaying a flashing red light signal that has stopped at any location to pick up or drop off a pupil.

This bill is effective on July 1, 2007.

A.B. 71 (Chapter 37)

Assembly Bill 71 clarifies that a driver of a motor vehicle involved in a traffic accident resulting only in property damage is required to immediately stop his vehicle at the scene of the accident. The driver must move his vehicle or cause the vehicle to be moved as soon as reasonably practicable if the vehicle is obstructing traffic and can be moved safely.

S.B. 43 (Chapter 432)

Senate Bill 43 increases the penalty for driving a vehicle in willful or wanton disregard of the safety of persons or property. The measure also provides that a person convicted of driving or organizing an unauthorized speed contest is subject to the following mandatory minimum penalties:

- For a first offense: a fine of not less than \$250 or more than \$1,000, community service of 50 to 99 hours, and jail time of up to six months;
- For a second offense: a fine of not less than \$1,000 or more than \$1,500, community service of 100 to 199 hours, and jail time of up to six months; and
- For a third or subsequent offense: a fine of not less than \$1,500 or more than \$2,000, community service of 200 hours, and jail time of up to six months.

In addition, the driver's license of a person convicted of driving or organizing an unauthorized speed contest must have his driver's license suspended for at least six months, but not more than two years.

The conviction for a first offense may also be punished by impoundment of any vehicle used in the commission of the offense and registered to the offender for up to 15 days. A conviction for a second or subsequent offense is also punishable with a mandatory 30-day vehicle impoundment.

S.B. 206 (Chapter 208)

Senate Bill 206 relates to traffic signals. The bill forbids local authorities from enacting an ordinance that prohibits a vehicle from crossing an intersection when the red light is lit if the vehicle had completely entered the intersection before the red light illuminated. The bill also voids any existing local ordinance that prohibits such a crossing.

S.B. 394 (Chapter 481)

Senate Bill 394 increases the penalties for certain traffic violations. The maximum term of imprisonment for refusing to stop a vehicle or eluding a peace officer, when that action results in death or bodily harm to another person, is increased from 15 years to 20 years and the maximum fine from \$10,000 to \$50,000. If the driver refuses to stop or attempts to elude a peace officer while driving under the influence of drugs or alcohol, that offense is a category D felony.

The bill also establishes penalties for aggressive driving and provides that a person convicted of two or more moving traffic violations in unrelated incidents within a 12-month period must appear personally in court.

Transportation Fees and Taxes**A.B. 595 (Chapter 344)**

Assembly Bill 595 concerns taxes on fuels and funding for highway projects. The bill provides that no interest will be paid to a taxpayer on an overpayment for taxes on fuels if the overpayment is made intentionally or carelessly. The measure also provides that if the Department of Motor Vehicles (DMV) issues a deficiency determination against a taxpayer for underpayment of taxes on fuels, the petitioner may file a petition for an administrative hearing not more than 30 days after notice of the redetermination was made by the DMV. The bill limits the validity of a license issued to a dealer, supplier, transporter, or exporter to one year and requires the DMV to adopt regulations providing for the renewal of such a license.

The measure also provides that in Clark County, the county fair and recreation board shall, at the request of Nevada's Department of Transportation (NDOT), issue bonds to provide funding to the Department to assist in paying the cost of highway projects in that county. The aggregate principal amount of the bonds issued will not exceed the lesser of \$300 million or the amount the board determines can be repaid over a period of not more than 30 years with a payment of not more than \$20 million per year.

The measure requires a board of county commissioners in Clark and Washoe Counties to allocate the ad valorem tax for capital projects in an incrementally increasing portion, not to exceed 60 percent of the proceeds of the tax. The proceeds will be deposited in the State Highway Fund for use in the construction and maintenance of the public highways in that county.

The bill further requires that a short-term lessor of a passenger car impose a recovery surcharge of 4 percent of the total amount for which the car is leased, and one-quarter of the proceeds must be deposited into the State Highway Fund. The money must be used for the construction, reconstruction, improvement, and maintenance of public highways and may not be used for the costs of administration or to purchase equipment. Assembly Bill 595 also increases to \$22 the maximum amount that a short-term lessor of a passenger car may charge for a waiver of damages and provides for subsequent increases in that amount based upon increases in the Consumer Price Index (CPI). Additionally, the bill increases to \$10 per day the maximum amount that a short-term lessor of a passenger car may charge for more than one additional driver and provides for subsequent annual increases in that amount based upon increases in the CPI.

In addition, the measure requires the Board of Transportation to adopt a plan for measuring the performance of NDOT, which must include separate sets of performance measurements for each division of the Department and for the Department as a whole. The Director of NDOT must submit such a performance measure report annually to the Board of Transportation and the Interim Finance Committee. Nevada's Department of Transportation must also prepare a written analysis of the costs and benefits of any highway project over \$25 million before it submits the project to the Board of Transportation for approval. Nevada's Department of Transportation must report annually the projects undertaken with that funding. Finally, NDOT must provide a quarterly report to the Board of Transportation and the Interim Finance Committee on the status of all of the "super and mega" projects, as identified by the Blue Ribbon Task Force.

Sections of the bill relating to taxes on fuels and the waiver of damages and additional amount that may be charged for an additional driver of a rental car are effective on June 6, 2007. Sections of the bill relating to the county fair and recreation board in Clark County are effective on July 1, 2007. Sections of the bill relating to the ad valorem tax on capital projects are effective on July 1, 2008. All other sections of the bill are effective on October 1, 2007.

NOTE: After the passage of A.B. 595, the Legislature passed Senate Bill 577 which, among other things, amended provisions in A.B. 595 concerning the allocation of property taxes. See S.B. 577 for additional information.

S.B. 147 (Chapter 206)

Senate Bill 147 relates to motor vehicle fuel taxes. The measure amends the definition of a "project" that may be funded by the regional street and highway fund in Carson City to include maintenance and repair of streets and highways.

The bill is effective on July 1, 2007.

S.B. 577 (Chapter 421)

Senate Bill 577 makes technical changes to measures passed in the 74th Regular Session. The bill modifies the regulation of installment lenders by amending Assembly Bill 478 of this session. This measure specifies that an installment lender is only subject to regulation by the Division of Financial Institutions if the lender makes loans that are not subject to other state regulation; is an affiliate, subsidiary, or holding company of certain financial institutions; and makes an attempt to evade regulation by engaging in certain practices.

Senate Bill 577 also makes changes to the allocation of property taxes by Clark and Washoe Counties for highway construction and maintenance by amending A.B. 595 of this session. Senate Bill 577 specifies that the rate of such tax cannot be reduced by the counties without the approval of the State Board of Finance. Additionally, S.B. 577 places a limit on the security that may be provided for certain special obligation bonds on highway construction projects to ensure compliance with the constitutional limitation on state indebtedness.

Finally, S.B. 577 repeals changes related to bankruptcy exemptions enacted by S.B. 483 of this session. The measure removes sections related to payments for individual support that were in conflict with the federal Social Security Act.

The bill is effective on June 13, 2007.

MISCELLANEOUS BILLS

A.B. 534 (Chapter 47)

Assembly Bill 534 makes technical corrections to certain legislative measures from the 73rd Regular Session and 22nd Special Session of the Nevada Legislature.

This bill is effective on May 14, 2007.

S.B. 132 (Chapter 188)

Senate Bill 132 adds cross-country skiing, snowshoeing, and road or mountain biking to the existing nonexclusive list of activities that are considered recreational activities for the purposes of the provision governing liability to persons using premises for recreational activities.

S.B. 491 (Chapter 255)

Senate Bill 491 establishes the preferred manner of referring to persons with disabilities. The bill requires the Legislative Counsel, to the extent practicable, to ensure that persons with physical, mental, or cognitive disabilities are referred to in the *Nevada Revised Statutes* and the *Nevada Administrative Code* using sentence structure that refers to the person before referring to that person's disability.

This bill is effective on July 1, 2007.

23RD SPECIAL SESSION

June 5, 2007

(See also Appropriations and Authorizations)

A.B. 1—23rd Special Session (Chapter 8)

Assembly Bill 1 relates to educational finance. The bill establishes the Grant Fund for Incentives for Licensed Educational Personnel and requires the board of trustees of each school district to establish an incentive pay program, which must be designed to attract and retain teachers, school psychologists, school counselors, school librarians, and school administrators in at-risk schools. Teachers in certain subject specialties also are eligible for the program. In no event may such personnel receive an amount of incentive pay in one year which is greater than \$3,500.

The measure directs the Superintendent of Public Instruction to compile a list of the incentive pay programs in the school districts and submit the list to the Interim Finance Committee for approval.

The measure also repeals the existing incentive program that provides for the purchase of one-fifth of a year of retirement credit for eligible teachers and other licensed personnel. Individuals participating in the existing program on the effective date of the measure may elect to:

- Continue to participate in the existing program until one full year of retirement credit has been purchased, after which they may elect to participate in the incentive pay program; or
- Participate in the incentive pay program instead of the existing program.

Finally, the measure revises the manner in which the Superintendent of Public Instruction's biennial budget request is to be prepared.

The measure is effective on July 1, 2007.

A.B. 2—23rd Special Session (Chapter 9)

Assembly Bill 2 makes the following appropriations from the State General Fund to education programs:

- \$800,000 to the Nevada Department of Education for gifted and talented programs for allocation to the school districts, based on pupil enrollment, provided that \$55,293 in Fiscal Year (FY) 2007-2008 and \$74,535 in FY 2008-2009 of that appropriation shall fund a parent involvement coordinator position in the Department;
- \$915,000 to the Department of Education for distribution to public schools for pilot programs for alternative programs of education for disruptive pupils;

- \$100,000 to the Department of Education for distribution to the school districts that establish pilot programs to teach the English language to limited English proficient pupils during the summer before they enroll in kindergarten;
- \$709,000 to the Communities in Schools of Southern Nevada, Inc., to coordinate the provision of student and family services to youth in Clark County;
- \$709,000 to the Greater Las Vegas After-School All-Stars, for the implementation and operation of an after-school program in certain at-risk schools in the Clark County School District;
- \$709,000 to the Department of Education for allocation to Save the Children for in school and after school literacy programs;
- \$10,000 to the Department of Education to provide signing bonuses to teachers of students who are deaf or hard of hearing who are newly hired by school districts;
- \$75,000 to the Department of Education for distribution to school districts for training stipends to teachers of and interpreters for students who are deaf or hard of hearing who engaged in college or university course work related to the education of students who are deaf or hard of hearing;
- \$200,000 to the Intel International Science and Engineering Fair to be held in May 2009 in Reno; and
- \$273,000 to the Department of Education for distribution to school districts to establish a program to develop a magnet or regional elementary school pilot program for students who are deaf or hard of hearing.

The measure is effective on July 1, 2007.

A.B. 3—23rd Special Session (Chapter 10)

Assembly Bill 3 establishes a pilot program for performance pay and enhanced compensation for the recruitment and retention of licensed teachers. The Clark County School District and the Washoe County School District must participate in the pilot. All other school districts may apply to the Nevada Department of Education to participate.

Each school district's pilot program must focus on pupil achievement and consider implementation in at-risk schools, which are defined in the measure. An approved program may include career leadership advancement options, professional development, group incentives, and multiple assessments of individual teachers with primary emphasis on individual pupil academic achievement. The measure provides that a teacher may not receive more than \$3,000 per year. Each school district shall evaluate the effectiveness of the program and may recommend changes.

The measure appropriates from the State General Fund \$10 million to be available in the 2007-2009 biennium to fund the pilot program. The measure also appropriates from the State General Fund \$950,000 for the biennium to continue the contractual services of a consultant to provide reports of pupil test scores to parents and other services.

The measure is effective on July 1, 2007.

A.B. 4—23rd Special Session (Chapter 6)

Assembly Bill 4 makes a technical correction to Assembly Bill 246 of the 74th Regular Session by reinstating the current law regarding the number of district judges in the Third Judicial District.

This measure is effective on June 13, 2007.

A.B. 5—23rd Special Session (Chapter 11)

Assembly Bill 5 appropriates \$5 million from the State General Fund to the State Department of Conservation and Natural Resources for stream habitat restoration throughout Nevada.

This measure is effective on June 13, 2007.

S.B. 1—23rd Special Session (Chapter 1)

Senate Bill 1 authorizes the Department of Motor Vehicles (DMV) to issue not more than 12 sets of special license plates, without charge or the imposition of the governmental services tax or registration fees, to any nonprofit organization that operates a museum for the exhibition or display of motor vehicles when the motor vehicles are driven for test drives, parades, or special events, or driven within 70 miles of the museum. The nonprofit organization must pay a fee of \$12 for each set of special license plates at the time of application and at each annual renewal. In addition, the DMV must not charge or collect any fees for the transfer of a certificate of title for a vehicle from certain government agencies to any nonprofit organization that operates a museum for the exhibition or display of motor vehicles.

This bill is effective on October 1, 2007. The provision prohibiting the DMV from charging or collecting any fees for the transfer of a certificate of title expires October 1, 2008.

S.B. 2—23rd Special Session (Chapter 2)

Senate Bill 2 creates the Committee on Co-Occurring Disorders, which consists of 14 members appointed by the Governor and one ex officio member. The Committee is required to:

- Study and review issues related to persons with co-occurring disorders;
- Develop a policy statement confirming the State's commitment to the treatment of persons with co occurring disorders;

- Review and recommend strategies to improve the treatment of persons with co-occurring disorders; and
- Develop recommendations concerning the licensing of treatment programs.

Finally, the Committee is required to submit to the Legislature a biennial report concerning the work of the Committee and recommendations for necessary legislation concerning issues related to co-occurring disorders.

S.B. 3—23rd Special Session (Chapter 3)

Senate Bill 3 extends the reversion date by which the funds approved by the 2005 Legislature for the exterior restoration and preservation of the Lear Theater must be obligated for expenditure. The date for committing the funds is changed from June 30, 2007, to June 30, 2009. Any unused funds must be reverted to the Fund for the Promotion of Tourism on or before September 18, 2009. In addition, S.B. 3 requires the Department of Cultural Affairs to prepare and transmit to the Interim Finance Committee by October 1, 2009, a report that describes the expenditures made from the money approved for this project.

The bill is effective on June 13, 2007.

S.B. 4—23rd Special Session (Chapter 4)

Senate Bill 4 designates additional issues that may be studied by the statutory Committees on Education and Health Care during the 2007-2009 interim. The issues for the Education Committee are truancy, long-term substitute teachers, and governance of the public schools. For the Health Care Committee, these issues are the regulation of health care providers and the regulation of lasers and intense pulsed light therapy.

The bill also appropriates from the State General Fund \$250,000 to Opportunity Village.

The measure is effective on June 13, 2007.

S.B. 5—23rd Special Session (Chapter 5)

Senate Bill 5 exempts Nevada high school students from the two year residency requirement for the Governor Guinn Millennium Scholarship if they have a parent or legal guardian who is on active duty in the United States Armed Forces. This measure also directs the Board of Regents of the Nevada System of Higher Education to adopt a procedure whereby applicants for the Millennium Scholarship declare that they are citizens or legal residents of the United States or that they are in the process of becoming legal residents.

The bill is effective on July 1, 2008.

S.B. 6—23rd Special Session (Chapter 7)

Senate Bill 6 relates to State financial administration. The bill authorizes certain funds appropriated by Assembly Bill 628 of the 74th Session to be used for costs incurred by counties for courthouse security.

The bill is effective on June 13, 2007.

A.C.R. 1—23rd Special Session (File No. 7)

Assembly Concurrent Resolution No. 1 adopts the Joint Rules of the Senate and Assembly for the 23rd Special Session of the Nevada Legislature.

VETOED BILLS

A.B. 230 (Vetoed on May 31, 2007)

Assembly Bill 230 provides that the jurisdiction of the justice courts extends to the limits of their respective counties and to the limits of all counties that have common boundaries with their respective counties in cases where an arrest is made by a field agent or an inspector of the State Department of Agriculture. An exception to this provision exists when a person is arrested in the county where he resides, in which case the justice of the peace of that county has sole jurisdiction of the matter.

(Veto sustained on June 2, 2007.)

A.B. 326 (Vetoed on June 2, 2007)

Assembly Bill 326 requires that on or before July 1, 2009, the State Public Works Board must compile a list of buildings in the State that are constructed of unreinforced masonry, and local governments must submit to the Board a list of such buildings within their jurisdictions. The local government must also notify the owner of a building of its placement on the list and of the seismic hazards resulting from unreinforced masonry.

(Veto sustained on June 2, 2007.)

A.B. 364 (Vetoed on June 4, 2007)

Assembly Bill 364 allows a defendant to submit a statement to a grand jury indicating whether a preliminary hearing was held and, if so, whether the evidence presented was considered insufficient to hold the defendant over for trial.

(Veto sustained on June 4, 2007.)

A.B. 396 (Vetoed on June 15, 2007)

Assembly Bill 396 revises various provisions governing common-interest communities. Specifically, this bill:

- Establishes conditions under which restrictions on the use of solar panels based on the color of panel may be enforced;
- Requires an executive board member who stands to gain any personal profit from a matter before the board to disclose the matter and abstain from voting on the matter. However, an employee of a declarant who is a member of the board shall not be deemed to gain any personal profit simply by reason of such employment;
- Prohibits an association from invalidating or modifying tariffs, rules, or standards of public utilities;

- Prohibits an association from impeding the operation of a motorcycle on any road or street intended for use by motor vehicles;
- Prohibits an association from using a radar gun to impose fines;
- Clarifies the definition of a “common-interest community” and provides that mere existence of covenants, conditions, and restrictions does not create a common-interest community;
- Prohibits the use of delegate voting in the election or removal of an executive board member;
- Requires certain disclosures if an association limits a unit owner from renting the owner’s unit;
- Requires certain disclosures in the declaration pertaining to responsibilities for maintenance and repair of common elements and individual units;
- Prohibits unreasonable restrictions on installation of rolling shutters on common or limited common elements adjoining a unit;
- Prohibits an association from imposing certain assessments on any property that is exempt from property taxation by virtue of it being a house of worship;
- Prohibits a fine against a unit’s owner or tenant for violations committed by vehicles or persons delivering goods or services to a unit;
- Prohibits an executive board member from participating in imposing a fine if the board member is delinquent in paying assessments;
- Requires an association to provide written confirmation that a fine has been paid within 30 days after payment in full has been received;
- Requires payments received from a unit’s owner to be applied first to assessments and thereafter to fines;
- Increases the term of office for executive board members from two years to three years;
- Expands the definition of “good standing” for candidates for election to an executive board;
- Authorizes the Commission for Common-Interest Communities to exempt certain low income associations from financial reporting requirements and adjusts the time for filing other financial reports so they are not due during tax season;

- Clarifies that an executive board has authority to impose necessary assessments to adequately fund reserves without obtaining approval of units' owners;
- Clarifies the definition of "adequate reserves;"
- Requires certain signatures to withdraw funds from association accounts;
- Establishes an equity of redemption applicable to foreclosed units;
- Clarifies when draft versions of association documents must be made public;
- Requires that official publications of an association that contain views or opinions on ballot questions, candidates, or association rules and regulations provide equal space to both supporting and opposing viewpoints;
- Allows an association to interrupt utility service to a unit's owner or tenant for non payment of utility charges when due, but the association must follow all existing legal requirements before doing so;
- Prohibits an association from placing certain restrictions on parking of utility service vehicles;
- Places limits on the amount of fees a third party designated by an association can charge for preparing a resale document package;
- Prohibits an association from charging any fee for resale of a unit;
- Makes certain changes regarding deposit of funds in connection with purchase of a unit;
- Provides for issuance of a temporary community manager certificate under certain conditions;
- Requires a community manager to post a bond in an amount and in a form established in regulations adopted by the Real Estate Commission; and
- Provides that a person who assists a registered reserve study specialist in preparing a reserve study, signed by a registered reserve study specialist, is not required to register as a reserve study specialist.

(Will be returned to the 2009 Legislature for the veto to be sustained or overridden.)

S.B. 66 (Vetoed on May 30, 2007)

Senate Bill 66 increases from \$50,000 to \$100,000 the amount of damages that may be awarded in certain tort actions brought against a governmental entity or its officers or employees.

(Veto sustained on June 4, 2007.)

S.B. 146 (Vetoed on June 15, 2007)

Senate Bill 146 allows counties, with the exception of Clark County and Washoe County, by a two-thirds vote of the board of county commissioners, to impose an additional property tax at the rate of 4 cents per \$100 of assessed valuation. The proceeds of the tax must be used to pay the operating costs of a regional juvenile detention facility. The measure also provides that the tax is outside of the property tax caps for the first fiscal year in which the tax is imposed and that the tax must be reviewed at least once every ten years. Currently, the law allows the boards of at least two county commissions to levy a property tax at the rate of 5 cents per \$100 of assessed valuation to operate a regional facility. This tax and the tax authorized by S.B. 146 are not subject to the 6 percent cap on increases in annual property tax revenues for local governments.

(Will be returned to the 2009 Legislature for the veto to be sustained or overridden.)

S.B. 567 (Vetoed on May 14, 2007)

Senate Bill 567 prohibits the Department of Taxation, the Nevada Tax Commission, the Commission on Economic Development, and the State Office of Energy from taking any action related to any application or request for:

- A sales tax abatement on materials used to construct a building certified as meeting the silver level or higher of the Leadership in Energy and Environmental Design Green Building Rating System adopted by the Office of Energy, or the equivalent; or
- A real property tax abatement for property with such a building.

This measure applies, without limitation, to considering or adopting any applicable regulation and considering or approving any applicable application or other request.

(Veto sustained on June 4, 2007.)

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ASSEMBLY STANDING COMMITTEES

Seventy-Fourth Session—2007

(The Chair is named first, the Vice Chair is named second, then members are listed alphabetically on each committee.)

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JUDICIARY

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Seventy-Fourth Session—2007

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JUDICIARY

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TAXATION

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