

# NEVADA LEGISLATURE

SEVENTY-FIFTH SESSION  
2009

❧ *ALSO INCLUDED* ❧

TWENTY-FOURTH SPECIAL SESSION  
JUNE 27, 2008

TWENTY-FIFTH SPECIAL SESSION  
DECEMBER 8, 2008

## SUMMARY OF LEGISLATION



PREPARED BY  
RESEARCH DIVISION  
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## INTRODUCTION

The 2009 Regular Session of the Nevada Legislature considered 1,000 bills—564 from the Assembly, 435 from the Senate, and 1 initiative petition. Of this total, 527 bills were approved. The Governor vetoed 48 bills, of which 25 vetoes were overridden. The Governor signed 470 bills, and he allowed another 9 bills to become law without his signature. Therefore, 504 bills became law. The 75th Legislative Session adjourned sine die at 12:24 a.m. on June 2.

Prior to the 2009 Regular Legislative Session, there were two special sessions in 2008 to address shortfalls in General Fund revenue. During the 24th Special Session, ten bills were considered by the Legislature and seven were passed and signed into law. Additionally, during the 25th Special Session, four bills were considered and passed by the Legislature, and all four were signed into law by the Governor.

The *Summary of Legislation* reviews each of the bills and joint and concurrent resolutions passed by the 2009 Regular and 24th and 25th Special Sessions. These summaries do not constitute legal analyses and are not intended for use by the legal community in place of the actual statutes.

**Unless otherwise noted, the measures passed during the 2009 Regular Session are effective on October 1, 2009.**

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 are included 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 during the 2009 Session, please consult the *Index and Tables* for the 75th Legislative Session.

Research Division  
Legislative Counsel Bureau  
October 2009





## APPROPRIATIONS AND AUTHORIZATIONS

### **Education Budget Bills**

#### **A.B. 533 (Chapter 17)**

Assembly Bill 533 appropriates \$323.8 million from the State General Fund to the State Distributive School Account to cover unanticipated shortfalls in certain tax revenue in Fiscal Year 2008-2009.

This bill is effective on April 28, 2009.

#### **A.B. 563 (Chapter 389)**

Assembly Bill 563 apportions the Distributive School Account (DSA) in the State General Fund and authorizes certain expenditures for support of public education in the State of Nevada for the 2009-2011 Biennium.

This measure appropriates from the State General Fund to the DSA \$2.468 billion (\$1.201 billion in Fiscal Year (FY) 2010 and \$1.267 billion in FY 2011). In addition, \$322.3 million of other revenues are authorized to be received and expended for State support of public education over the biennium (\$158.7 million in FY 2010 and \$163.6 million in FY 2011). These other revenues include an annual tax on slot machines, sales tax collected on out-of-state sales, interest earned on the Permanent School Fund, revenue from mineral leases on federal land, and a portion of real property taxes.

With these funds, the statewide average basic support per pupil is increased from the current FY 2009 weighted average rate of \$5,213 to an estimated \$5,251 in FY 2010 and an estimated \$5,395 in FY 2011. Enrollment in kindergarten through grade 12 (K-12) is projected to grow 0.78 percent in FY 2010 and 0.95 percent in FY 2011.

State funding for special education continues to be allocated on the basis of special education units. For each fiscal year of the 2009-2011 Biennium, 3,049 units are funded at a cost of \$39,768 per unit, totaling \$121.3 million in each fiscal year. Each year, 40 discretionary units are reserved for allocation by the State Board of Education to address school district shortfalls and requests from charter schools for the units. In addition, the measure authorizes the State Board of Education to spend up to \$162,571 in FY 2010 and \$167,459 in FY 2011 for gifted and talented pupils to participate in programs incorporating educational technology.

The State's Class-Size Reduction (CSR) Program receives \$144.3 million in FY 2010 and \$145.9 million in 2011 to pay for the salaries and benefits of at least 2,142 teachers hired to reduce pupil-to-teacher ratios in the first year and 2,163 in the second year of the biennium. 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 third grade, the same ratios as in the current biennium.

APPROPRIATIONS AND AUTHORIZATIONS (continued)

The measure continues the flexibility for school districts to carry out alternative programs for reducing the pupil-to-teacher ratios 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 pupil-to-teacher ratio in the aggregate of kindergarten through grade 3 does not exceed the combined ratio in those grades in School Year 2004-2005.

The measure's school funding provisions also allocate:

- \$43.8 million over the biennium (\$21.2 million in FY 2010 and \$22.7 million in FY 2011) for adult education programs, including those in prison facilities.
- \$51 million over the biennium in State General Fund (\$25.5 million in each year of the biennium) and authorizations of other revenues in the amount of \$951,327 in FY 2010 and \$1.3 million in FY 2011 to continue the full-day kindergarten program for at-risk schools.
- \$15.6 million over the biennium (\$7.8 million in each year of the biennium) for regional training 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 reorganizes the regional training programs into three regions from the current four regions.
- \$200,000 (\$100,000 in each year of the biennium) for the Statewide Council for the Coordination of Regional Training Programs to provide additional training opportunities for educational administrators in Nevada.
- \$6.7 million over the biennium (\$3.3 million in each year of the biennium) for competitive grants to school districts and community-based organizations for early childhood education programs. The measure continues the requirement for an evaluation of the effectiveness of the early childhood education programs.
- \$24.8 million in FY 2011 to fund the cost of retirement credits and teacher incentives earned in FY 2010. The cost of the requirement credits and teacher incentives earned in FY 2011, estimated to be \$25.7 million, will be considered by the 2011 Legislature for funding in FY 2012.
- \$19.6 million over the biennium (\$10.3 million in FY 2010 and \$9.4 million in FY 2011) for the Other State Education Programs Account for various projects and programs, including: educational technology, peer mediation, Career and Technical Education programs, library books, public broadcasting, National Board Certification programs for teachers and counselors, school support team substitutes, and other miscellaneous programs.

The measure requires Nevada school districts to coordinate federal, State, and local funds with State education reform efforts. Additionally, the measure authorizes school districts to utilize local funds for public schools for purposes other than capital projects for school districts for only the 2009-2011 Biennium. Finally, the measure temporarily expands the purposes for which a school district may issue its general obligations to raise money to include certain equipment used for the transportation of pupils.

The provisions of the measure relating to the reversion of money from the State DSA to the State General Fund for FY 2009 are effective on May 31, 2009. The provisions of the measure relating to the CSR Program and the Grant Fund for Incentives for Licensed Educational Personnel in FY 2011 are effective on July 1, 2010. All other provisions are effective on July 1, 2009. The provisions relating to general obligation authority and the purchase of certain equipment used for the transportation of pupils expire by limitation on June 30, 2011.

**NOTE: Assembly Bill 563 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

## **State Budget Bills**

### **A.B. 562 (Chapter 388)**

Assembly Bill 562 is the General Appropriations Act to support Nevada State Government during the 2009-2011 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 from the State General Fund over \$3.88 billion during the biennium, including approximately \$1.909 billion for Fiscal Year (FY) 2010 and \$1.973 billion for FY 2011. The State Highway Fund appropriations total nearly \$232.1 billion, including \$117.1 million in FY 2010 and \$115 million in FY 2011. 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 deliberations by the Assembly Committee on Ways and Means and the Senate Committee on Finance. The amount appropriated by the 2009 Legislature for the State General Fund for the 2009-2011 Biennium represents a reduction of approximately \$425 million when compared with State General Fund appropriations approved by the 2007 Legislature for the 2007-2009 Biennium.

The General Appropriations Act and other appropriations bills considered throughout the 2009 Session delineate the amount of the State General Fund support approved by the Legislature for the operation of Nevada State Government for the 2009-2011 Biennium. A summary of the major program decisions linked to these appropriations follows:

**Attorney General**—The Legislature approved \$32.2 million in State General Fund support for the Office of the Attorney General for the biennium. Of this amount, \$3.2 million supports legal activities in opposing the location of a federal nuclear waste repository at Yucca Mountain.

**Governor's Office**—In addition to other appropriations for the Governor's office, the Legislature approved State General Funds totaling \$766,000 that, in combination with other funds, will restore the Office of Consumer Health Assistance, which had been recommended for elimination by the Governor. Although smaller, the Office will provide services to consumers in navigating the health care system and addressing billing and other consumer-related concerns.

**Judicial Branch**—The Legislature approved State General Fund support for the Judicial Branch totaling \$55.5 million for the biennium. This amount includes more than \$237,000 for technology improvements, including funding to complete a project begun in the current biennium to replace the appellate court case management system and for computer network enhancements.

**Department of Taxation**—The Legislature approved \$52.7 million in State General Fund support for the Department of Taxation for the biennium. The funding includes \$2.8 million over the biennium to restore 23 positions and to establish a new taxpayer assistance telephone call center staffed by 10 of those restored positions. The other positions restored by the Legislature will improve the Department's ability to conduct audits, collect revenues, and assist taxpayers.

**K-12 Education**—The majority of funding for public schools is considered in a separate education funding bill (A.B. 563), which contains funding for basic support, class-size reduction, teacher and administrator training, early childhood education, teacher incentives, educational technology, and other programs. This measure, A.B. 562, contains State General Fund support for the Department of Education in the amount of \$25.8 million for the biennium, including \$11.7 million for continuation of the statewide testing program.

**Nevada System of Higher Education**—The Legislature approved State General Fund support for the Nevada System of Higher Education (NSHE) totaling \$1 billion, or \$158 million more than the \$824 million recommended by the Governor for the biennium. The Legislature also approved a total of \$184.8 million in federal ARRA education stabilization funding in the General Authorization Act (S.B. 431), to offset reduced State appropriations. The combination of these two funding sources reduced the funding cuts proposed by the Governor from 36 percent to 12.5 percent. According to testimony, the Board of Regents also will most likely approve additional fee increases or surcharges for the biennium in response to the reduced level of funding available from the State.

Funding for NSHE utilizes a formula that relies on projections of enrollment by the various campuses. The formula funding level, which the Governor's budget cut from the 85.5 percent approved by the 2007 Legislature to approximately 60 percent in each year of the

2009-2011 Biennium, was restored by the Legislature to approximately 74.1 percent in each FY. In addition, the Legislature accepted a recommendation by the Board of Regents to suspend using the traditional, three-year weighted average enrollment projection methodology for the 2009-2011 Biennium. Instead, enrollments for the biennium are based upon the actual enrollment of 65,858 full-time students during FY 2009. As a result of this change, the Legislature also approved the NSHE's recommendation that State appropriations be reallocated among budgets in order to provide University of Nevada, Las Vegas (UNLV), University of Nevada, Reno (UNR), College of Southern Nevada (CSN), and Nevada State College (NSC) with a combined \$10.3 million in stop-loss and equity funding in FY 2010 and stop-loss and equity funding of \$8.6 million in FY 2011 for UNLV, CSN and NSC.

**Department of Cultural Affairs**—The Legislature approved a total of \$21.5 million in State General Funds over the biennium to support the Department's library and museum operations statewide. Although this represents a decrease of about 27 percent from the amount approved for the 2007-2009 Biennium, it is an increase of \$2.3 million from the amount recommended by the Governor for the 2009-2011 Biennium. The additional funding approved restores 21 positions recommended by the Governor for elimination. Funding was approved to reopen the public galleries at the Nevada Historical Society, the East Ely Railroad Depot Museum, and the Comstock History Center, which were recommended for closure in the Governor's budget. The Legislature also approved the partial restoration of the hours at State Archives and the State Records Center, the restoration of the Nevada Literacy Office, and it increased grant authority for the Nevada Arts Council.

**Department of Business and Industry**—The Legislature approved the Governor's recommendation to eliminate the Division of Consumer Affairs. However, funding was approved to continue the Consumer Affairs Ombudsman for Minorities, which was scheduled to sunset at the end of the 2007-2009 Biennium.

**Department of Health and Human Services, Director's Office**—In approving the budgets administered by the Health and Human Services Director's Office, the Legislature transferred the Office of Disability Services and the Senior Rx and Disability Rx programs from the Director's Office to the Division for Aging Services to create a new Division for Aging and Disability Services. The Legislature also approved State General Funds for the operation of the Nevada 211 System, which is a single point of access to existing community health and human services information.

The Legislature approved State General Funds totaling approximately \$3.1 million over the biennium for caseload and inflationary increases for the Personal Assistance Services, Traumatic Brain Injury, and Independent Living programs. The Legislature approved additional State General Funds totaling \$3.2 million over the biennium to provide assistance to parents in paying the costs for the treatment of children with autism. The funding is sufficient to continue providing services throughout the biennium for the 109 children currently being served by the program.

**Division for Aging and Disability Services**—The Legislature approved the Governor’s recommendation to create a new Division for Aging and Disability Services. The reorganization and transfer includes the transfer of the Senior Rx and Disability Rx programs. The Legislature determined the transfer of these programs would create efficiencies and bring together common services that seniors and persons with disabilities most often need, which will result in better coordination of services. The Legislature approved \$130.3 million to support the Division, which includes State General Fund appropriations of \$45.4 million over the biennium. Portions of this funding will support senior citizen property tax rebates, increased caseloads for the Medicaid waiver programs, staffing for the Elder Ombudsman program, and personal care assistance to allow seniors to remain in their homes—the Community Options for the Elderly (COPE) program.

**Division of Health Care Financing and Policy**—The Legislature approved a total of \$935.2 million in State General Fund support in addition to the \$2.5 billion in authorized revenue contained in the General Authorization Bill for the Division of Health Care Financing and Policy over the biennium. The State General Fund support for the Medicaid program was reduced, and the Title XIX authorizations for the program were increased significantly, based on the federal matching assistance percentage (FMAP) funding provided for in the federal ARRA. The funding provides for projected caseload growth in the Medicaid program at approximately 214,000 recipients for FY 2010 and 226,000 average monthly recipients for FY 2011. The Legislature also approved the continuation of a 5 percent reduction in inpatient hospital reimbursement rates that was implemented during the current biennium; however, the Legislature did not approve the Governor’s recommendation to decrease those rates by an additional 5 percent during the 2009-2011 Biennium. The Legislature continued the limitations on personal care services implemented during the current biennium.

The Legislature did not approve the Governor’s recommendation to cap enrollment in the Nevada Check Up program. Instead, the Legislature approved an uncapped average monthly enrollment of 24,753 in FY 2010 and 31,035 in FY 2011. The Legislature also restored dental, vision, and orthodontia benefit reductions for the Nevada Check Up program that were implemented during the current biennium. Additionally, the Legislature approved funding to restore and continue the federal Health Insurance Flexibility and Accountability waiver program throughout the 2009-2011 Biennium at the Division’s latest projected enrollment for the program.

**Health Division**—The Legislature approved total funding of \$340.1 million over the biennium for the Health Division, which includes \$54.7 million in State General Fund support. The State General Fund appropriations include \$6.5 million and \$3.9 million in federal stimulus funding over the biennium to support caseload enhancements in the Early Intervention Services program. The caseload enhancements are designed to eliminate the existing waiting list of 669 children and to provide for modest caseload growth over the upcoming biennium. The Legislature also appropriated \$231,989 over the biennium to continue the expansion of the Immunization Registry, as well as \$1.9 million in each fiscal year for the AIDS Drug Assistance program.

**Division of Welfare and Supportive Services**—The Legislature approved State General Fund support in the amount of \$147.1 million over the biennium for the Division of Welfare and Supportive Services. State General Funds totaling \$49.1 million over the biennium were approved for the Temporary Assistance for Needy Families (TANF) budget, primarily to support TANF caseloads projected at 25,873 cases in FY 2010 and 29,376 in FY 2011. The Legislature approved the addition of federal ARRA Emergency Contingency TANF funds in lieu of State General Funds in the amount of \$4.4 million in FY 2010 and \$7.5 million in FY 2011 to provide for cash assistance payments to TANF recipients.

The Legislature approved 258 new positions to expand staffing in field offices to address projected increases in public assistance cases over the biennium. The Legislature also approved funding to restore Hawthorne, Owens, Winnemucca, and Yerington offices and the professional development center where staff training is presently conducted. Each of these facilities was recommended for closure in the Governor's budget. To address child-care waiting lists and reduced subsidy payments, the Legislature approved using additional federal ARRA funds and funds currently held in reserve and redirected funds for quality assurance for child-care services that will fully fund subsidy payments for the New Employees of Nevada family stabilization program and for at-risk cases. The funding made available will also serve up to 2,500 discretionary cases.

**Division of Mental Health and Developmental Services**—A total of \$465.7 million in State General Fund support was approved for the Division of Mental Health and Developmental Services over the biennium, a decrease of 6.5 percent when compared to State General Fund appropriations approved for the 2007-2009 Biennium. Although the Governor recommended eliminating over 225 positions in the Division, the Legislature restored 31 positions to maintain essential services statewide. The Legislature's actions are projected to provide over 15,000 individuals with mental health services and over 5,600 individuals with developmental services statewide by the end of the 2009-2011 Biennium.

At Southern Nevada Adult Mental Health Services, the Legislature restored 18 of the 103 positions recommended for elimination in the agency's inpatient hospital facilities in order to further strengthen staffing ratios for client care and safety, and restored 7 of 18 positions recommended for elimination due to the continued closure of the North Las Vegas clinic. These restored positions will be reallocated to the agency's four other outpatient clinics in Las Vegas.

At Northern Nevada Adult Mental Health Services, 36 positions are eliminated, including 13 positions from the Dini-Townsend Hospital, based upon modified staffing ratios. The Mobile Outreach program is funded to begin operations effective July 1, 2009. The program, similar to the Mobile Crisis program in southern Nevada, will assist local law enforcement in service calls, suicidal persons, and citizen welfare checks. The Legislature did not approve the Governor's recommendation to close 11 of the 21 rural clinics located throughout the State, but instead approved funding to restore 9 of those clinics. However, the Dayton clinic will remain closed, and funding for the Wendover clinic will cease on July 1, 2009.

The Legislature approved the majority of the Governor's recommendations to reduce funding for various developmental services programs. However, the Legislature restored State General Fund appropriations of \$361,200 to continue support to 14 families participating in the self-directed autism program, as well as appropriations of \$482,300 to maintain funding levels for families participating in the respite program.

**Division of Child and Family Services**—The Legislature approved \$250.6 million in State General Fund appropriations and an additional \$209.7 million in authorized revenues for the Division of Child and Family Services over the biennium. Of that amount, approximately \$246.4 million will fund statewide child welfare services. Funding was approved to support projected caseload increases in foster care, higher levels of care, and adoption subsidies. The Legislature approved \$3.2 million to implement an enhanced foster care rate for children in sibling groups. The Legislature approved the transfer of federal funding and State General Funds for mental health residential treatment placements from the Division's Rural Child Welfare budget to the Clark and Washoe County Integration budgets to allow the counties to oversee and manage all levels of foster care within their jurisdictions. Also approved were State General Fund reductions of approximately \$4 million as a result of increased Social Security Administration revenue and an additional eight new Family Support Worker positions, also funded with increased Social Security Administration revenue.

A total of 88 beds were approved for closure at the three juvenile correctional facilities in the State, along with the elimination of 44 group supervisor positions. Additional State General Funds of \$933,808 were approved, however, for the Community Corrections Block Grant to help prevent commitments to the State facilities, and funding was added for four additional youth parole counselor positions. State General Fund savings in the Division's budgets related to increased FMAP percentages included in the federal ARRA total \$11.2 million over the biennium. The Legislature also approved additional State General Funds and federal funding totaling \$20.8 million for residential treatment placement expenses that are no longer eligible for Medicaid reimbursement.

**Department of Corrections**—The Legislature approved State General Fund support for the Department of Corrections totaling \$446.5 million for the biennium, with additional funding of \$72.2 million from stimulus stabilization funds available from the federal ARRA. The approved funding will provide for housing an average of 12,889 inmates in FY 2010 and 13,009 inmates in FY 2011. Due to projections for a lower level of inmate population growth, funding was approved to implement an alternative inmate housing plan utilizing existing facilities within the Department before constructing or opening new or expanded facilities. The Legislature approved funding of \$36.6 million for continued operations of the Nevada State Prison and \$2.2 million for continued operations of the Tonopah Conservation Camp. Funding of \$3.3 million was also approved for the opening of 100 medium-custody beds in an expansion of the Florence McClure Women's Correctional Center.

**Department of Public Safety**—The Legislature approved approximately \$110.3 million in State General Funds and \$137.2 million in State Highway Funds for the Department of Public Safety over the biennium. Of the total appropriation from the State Highway Fund, the



Legislature approved \$133.6 million for the operations of the Nevada Highway Patrol. State General Fund support of \$82.8 million was approved for the Division of Parole and Probation, which will help maintain the projected offender-to-officer supervision caseloads at Legislature-approved ratios. In addition, the Legislature approved a total of \$5.1 million in State General Funds over the biennium for Narcotics Control and \$10.2 million in State General Funds over the biennium for the Investigation Division.

**Department of Motor Vehicles**—The Legislature approved State General Fund appropriations in the amount of \$36,400 and State Highway Fund appropriations in the amount of \$89.6 million to support the operations of Nevada’s Department of Motor Vehicles (DMV). This funding level reflects approximately \$17.5 million in State Highway Fund expenditure reductions over the biennium attributed to the decline in State Highway Fund and authorized revenues resulting from the current economic downturn. Approximately \$3.2 million was approved over the biennium to continue the use of kiosks in DMV field offices.

**State Department of Conservation and Natural Resources**—For the State Department of Conservation and Natural Resources, including the Tahoe Regional Planning Agency, the Legislature approved State General Fund appropriations totaling \$55.5 million over the biennium, a decrease of 16.9 percent over the 2007-2009 Biennium. The Legislature restored three positions recommended for elimination by the Governor in the Division of State Parks, and seven such positions in the Division of Water Resources. In the Division of Forestry, the Legislature restored the Southern Regional Forester position and agreed to keep the Tonopah Conservation Camp open, including the restoration of seven associated positions. The funding approved by the Legislature restores to full operation most of the park closures recommended by the Governor. However, the Legislature agreed to temporarily close two State park facilities at Elgin Schoolhouse and Walker Lake and partially close one park facility at Washoe Lake for four months in each year.

Sections of the bill effective on June 1, 2009, include: authorizing certain fund transfers from FY 2010 to FY 2009; coordination of transfers necessary under the federal American Recovery and Reinvestment Act (ARRA) between higher education and K-12; exempting a transfer to the Distributive School Account to cover a shortfall from certain budget limits; and extensions of authority for the State Treasurer to establish a line of credit with the Local Government Pooled Investment Fund and related expirations dates for the debt service. The remaining provisions of the bill are effective on July 1, 2009.

**NOTE: Assembly Bill 562 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**S.B. 431 (Chapter 392)**

Senate Bill 431, known as the General Authorized Expenditures Act, represents authority for agencies to collect and expend monies other than state General Funds and includes federal funds (including the American Recovery and Reinvestment Act [ARRA]), gifts, grants, interagency transfers, service fees and other funds. The total authorized funding recommended for approval by the Legislature for ongoing operations is approximately \$12.03 billion for the

2009-2011 Biennium, which includes approximately \$608 million in Highway Fund appropriations. 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 (CIP) bill are the final result of the deliberations by the Assembly Committee on Ways and Means and the Senate Committee on Finance. The General Authorized Expenditures 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:

**State Public Works Board**—Approximately \$15.7 million in authorized revenues for the State Public Works Board was approved for the 2009-2011 Biennium, which is a decrease of approximately 12 percent from amount authorized for the 2007-2009 Biennium. The majority of the decrease results from the elimination of eleven project management and inspection positions, due to the amount of work estimated to be included in the 2009 CIP.

**Department of Education**—Support for public schools was considered separately in the school funding bill, which contains basic support, class-size reduction, full-day kindergarten, teacher and administrator training, teacher incentives, early childhood education, educational technology, career and technical education, and other state education programs. The Legislature approved for the Department of Education budgets a total of \$675.6 million in federal revenue authority over the upcoming biennium. Of this amount, \$263.7 million is for continued implementation of the federal No Child Left Behind Act. The federal funds will be utilized to continue the Title I basic program and the Even Start program, to enhance teacher quality and the proficiency testing program, and to enhance the System for Accountability Information in Nevada. Also included in this amount are federal funds of \$74.6 million authorized pursuant to the ARRA to the Department of Education for distribution to school districts over the 2009-2011 Biennium to provide increased support for the Title I basic program, programs for students with disabilities, assistance to increase educational technology in the classroom, and programs that serve homeless students.

**Nevada System of Higher Education**—In closing the budgets of the Nevada System of Higher Education, revenue from all sources was approved totaling \$1.61 billion for the 2009-2011 Biennium. Non-General Fund revenue sources include student registration fees, non-resident tuition, student application fees and federal revenues. The revenue total includes \$184.8 million in ARRA education stabilization funding available as a result of Nevada's receiving a waiver to the maintenance of effort requirement by the U.S. Department of Education. In expectation that the Regents would approve additional fee increases or surcharges for the 2009-2011 Biennium, the Legislature approved suspending the existing fee allocation letter of intent, but approved reinstating the fee allocation provisions for the 2011-2013 Biennium. Additionally, the Regents were provided the flexibility to determine

how any additional revenues generated through a fee increase or surcharge would be expended at the campuses, as long as the increased fee revenues were recorded in the State-supported operating budgets.

**Department of Business and Industry**—For the Department of Business and Industry, the total authorized funding was \$270.5 million in the 2009-2011 Biennium, a decrease of 4.6 percent when compared to the 2007-2009 Biennium. The Governor’s recommendation to merge the Mortgage Lending Division with the Financial Institutions Division was not approved by the Legislature. The Governor also recommended merging the Manufactured Housing Division with the Nevada Housing Division, which was not supported by the Legislature; instead, funding for the Manufactured Housing Division totaling \$4.95 million for the biennium was authorized. For the Division of Insurance, a new administration fee was approved for the Insurance Regulation account for the 2009-2011 Biennium. The Legislature also approved changing the Employee Management Relations Board’s funding source from General Fund to fee-based by assessing fees to local governmental employers, with the provision that the State will fund the annual fee to be assessed to school districts and charter schools from the Distributive School Account.

**Commission on Tourism**—The Legislature did not approve the Governor’s recommendation to merge the Commission with the Commission on Economic Development. The Legislature also did not approve the Governor’s recommendation to transfer all of the room tax revenues that currently fund the commission’s operating budget to the state General Fund. The Legislature did, however, approve a transfer of room tax revenues to the General Fund, totaling approximately \$5.6 million over the biennium, to offset the revenue shortfall in the upcoming biennium.

**Director’s Office, Department of Health and Human Services**—The Legislature approved sufficient tobacco settlement revenues in the Healthy Nevada Fund budget to serve a projected Senior Rx enrollment of 4,922 clients in Fiscal Year (FY) 2010 and 5,031 in FY 2011 and a projected Disability Rx enrollment of 518 clients in FY 2010 and 523 in FY 2011.

**Division for Aging and Disability Services**—Approximately \$84.5 million in non-General Fund revenue to support the budgets of the newly-created Division for Aging and Disability Services was authorized. Non-General Fund revenues that support this Division include federal grant funds, tobacco settlement proceeds, and transfers from Medicaid. The increase in total funding support for this Division in the 2009-2011 Biennium is due to the transfer of the Office of Disability Services, as well as the Senior Rx and Disability Rx programs from the Health and Human Services Director’s Office. The approved funding will support increased caseloads for the Medicaid waivers, including the Community Home-Based Initiatives Program, the Waiver for Elderly in Adult Residential Care, and the Assisted Living Waiver.

**Division of Health Care Financing and Policy**—The Legislature approved a total of \$2.5 billion in authorized revenue for the Division over the 2009-2011 Biennium. The General Fund support for the Medicaid program was reduced, and the Title XIX authorizations

for the program were increased significantly, based on the federal matching assistance percentage funding provided in the ARRA. The funding approved provides for caseload growth in the Medicaid program projected at approximately 214,000 recipients for FY 2010 and 226,000 average monthly recipients for FY 2011.

**Health Division**—Of the total funding approved for the Health Division, \$140.7 million in non-General Fund revenues was authorized for FY 2010 and \$144.6 million for FY 2011. These revenues include federal grants, licensure, screening and other types of fees, transfers from Medicaid and Nevada Check-Up, and cost allocation revenue. The Legislature approved the use of fees to fund eleven new Health Facility Surveyor positions in order to decrease the time between inspections of licensed health facilities, as well as a new Biostatistician position. The Legislature also approved the reorganization of the various bureaus within the Health Division, as well as the consolidation of fiscal and accounting services within the Office of Health Administration. In addition, the transfer of the Medical Marijuana Registry from the State Department of Agriculture to the Health Division was approved.

**Division of Welfare and Supportive Services**—Overall, the Legislature approved authorized revenues of \$422.6 million over the 2009-2011 Biennium for the Division of Welfare and Supportive Services. The addition of ARRA Emergency Contingency TANF (Temporary Assistance for Needy Families) funds of \$11.9 million over the 2009-2011 Biennium was approved to replace General Funds to support cash assistance payments to TANF recipients. The federal ARRA child-care funds of \$14.3 million over the biennium were approved to provide for subsidy payments to New Employees of Nevada and at-risk child-care cases.

**Division of Mental Health and Developmental Services**—The bill authorizes \$240 million for the Division of Mental Health and Developmental Services over the 2009-2011 Biennium, which represents a decrease of 2.2 percent when compared to the total from the previous biennium.

**Division of Child and Family Services**—The Legislature approved \$209.7 million in authorized revenues for the Division over the 2009-2011 Biennium. Of that amount, approximately \$112.6 million was approved to fund statewide child welfare services. Funding was approved to support projected caseload increases in foster care, higher levels of care, and adoption subsidies. New positions were approved to support foster care caseload increases in Clark County and to support finalized adoptions in Washoe County. The approval included the transfer of federal funding and General Funds for mental health residential treatment placements from the Division's Rural Child Welfare budget to the Clark and Washoe County Integration budgets, to allow the counties to oversee and manage all levels of foster care within their jurisdictions. Additional General Funds and federal funding totaling \$20.8 million were approved for residential treatment placement expenses that are no longer eligible for Medicaid reimbursement.

**Department of Motor Vehicles**—Highway Fund authorizations of \$325,639 and federal fund authorizations of approximately \$1.2 million over the biennium were approved to complete the

implementation of the REAL ID Act in Nevada, including a public information campaign; regulation workshops and hearings; field office modifications; a centralized REAL ID call center with temporary staff; and identity verification expenses.

**State Department of Conservation and Natural Resources**—Funding of \$206.2 million over the 2009-2011 Biennium was approved for the State Department of Conservation and Natural Resources, including the Tahoe Regional Planning Agency, a decrease of 9.3 percent when compared to the previous biennium. Although funding was approved for the Division of Forestry to keep the Tonopah Conservation Camp open, state park facilities at Elgin Schoolhouse and Walker Lake will be temporarily closed, and one park facility at Washoe Lake will close for four months in each year of the biennium.

**Nevada's Department of Transportation**—Included with the authorization is an additional \$201.4 million in ARRA funding to address Highway Fund construction and maintenance projects throughout the State.

**Public Employees' Benefits Program**—The Legislature authorized a total budget of \$915.1 million over the biennium for the Public Employees' Benefits Program (PEBP). These amounts reflect the portion of the budget reductions requested by the Governor and reviewed by the PEBP Board to maintain the State's contribution toward active employee and retiree group health insurance at the same level as FY 2009. The significant changes to effect budget reductions include: reducing by 5 percent the amount of the premium covered by the subsidy in each coverage tier; eliminating the subsidy for retired employees who retire after June 30, 2010, with fewer than 15 years of service credit; removing the Health Assessment Questionnaire and the participant incentives for completing it; instituting a single deductible instead of the low- and high-deductible options; and indexing both annual deductible and annual out-of-pocket maximum to medical inflation. The total savings from all of these budget reduction actions is \$53 million over the 2009-2011 Biennium.

The Governor's additional recommendations for budget reductions through shifting more costs to active employees and retirees were rejected. Those proposed reductions included: eliminating the subsidy for all Medicare retirees (current and prospective) effective July 1, 2009; eliminating the subsidy for any employee retiring after July 1, 2009; reducing the subsidy for existing non-Medicare retirees by 25 percent on July 1, 2009, and 25 percent more on July 1, 2010; and establishing the base subsidy to cover 75 percent of the premium for active employees as well as active dependents.

**Office of the Military**—The Legislature approved using reserves totaling \$30,000 per year to pay a \$100 entitlement to any member of the Nevada National Guard who attends a course on reintegration training upon return from active duty. The Office estimates a total of 300 members of the Guard would be eligible for this payment each year. Senate Bill 408 (Chapter 273, *Statutes of Nevada 2009*) includes the revisions to NRS 412.1435 that are necessary to enable this program to proceed.

Sections of the measure dealing with transfers of unexpended money in certain funds, along with provisions concerning transfers of funds in accordance with the American Recovery and Reinvestment Act (ARRA) are effective on May 29, 2009. The remaining portions of the bill are effective on July 1, 2009.

**NOTE: Senate Bill 431 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 29, 2009.**

## **Other Appropriations and Authorizations**

### **A.B. 18 (Chapter 431)**

Assembly Bill 18 authorizes the issuance of not more than \$100 million in general obligation bonds for the State of Nevada's apportioned share of the costs of the Environmental Improvement Program (EIP) in the Lake Tahoe Basin. The bonds are to be issued between July 1, 2009, and June 30, 2020. The bill requires that bonds for the first \$4.42 million be issued for:

- Continued implementation of forest restoration projects;
- Improvement of recreational facilities;
- Development of a comprehensive trail system;
- Protection of sensitive species;
- Control of invasive species; and
- Water quality, erosion control, and stream restoration projects.

Finally, Assembly Bill 18 extends from June 30, 2010, to June 30, 2011, the deadline for the issuance of the remaining \$16.8 million of general obligation bonds originally authorized by the Legislature in 2005.

This measure is effective on July 1, 2009.

### **A.B. 146 (Chapter 381)**

Assembly Bill 146 requires the Secretary of State to establish a State business portal that would allow businesses to conduct certain transactions with governmental agencies using the portal. The Secretary of State must establish, through cooperative efforts, the standards and requirements necessary to design, build, and implement the business portal, along with the standards and requirements for participation by State agencies and local governments and any necessary regulations and other actions needed to implement the business portal.

The bill authorizes the Secretary of State to accept gifts, grants, and donations and, with the approval of the State Board of Examiners, to enter into contracts with public or private entities to assist in the implementation of the business portal. Assembly Bill 146 appropriates

\$6,520,349 from the State General Fund to the Interim Finance Committee for allocation to the Secretary of State to establish the business portal.

Responsibility for collection of the annual State business license fees is transferred from Nevada's Department of Taxation to the Secretary of State and the State business license fee is increased from \$100 to \$200. (Senate Bill 435 [Chapter 429, *Statutes of Nevada 2009*] provides that the State business license fee will revert to \$100 on July 1, 2011.) The measure also requires any entity organized under Title 7 of the *Nevada Revised Statutes* to obtain a State business license, including businesses without a physical presence in Nevada, with the exception of nonprofit corporations, small home businesses, a person whose only business is the rental of four or fewer dwelling units, motion picture production companies, and corporations sole.

For purposes of adopting regulations, performing preparatory acts, and appropriations, the bill is effective on May 31, 2009. All other provisions are effective on October 1, 2009.

**NOTE: Assembly Bill 146 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**A.B. 534 (Chapter 315)**

Assembly Bill 534 provides a supplemental appropriation in the amount of \$181,169 to the Office of Consumer Health Assistance. The supplemental appropriation will be used to correct the inappropriate reversion of hospital assessment revenue to the State General Fund which occurred in past fiscal years.

This bill is effective on May 28, 2009.

**A.B. 557 (Chapter 319)**

Assembly Bill 557 makes a supplemental appropriation from the State General Fund to Nevada's Department of Corrections in the amount of \$2,872,874. The supplemental appropriation will provide funding for projected shortfalls in the Fiscal Year 2008-2009 budgets, including those for utilities, operations, revenue, and personnel.

This measure is effective on May 28, 2009.

**A.B. 564 (Chapter 440)**

Assembly Bill 564 provides for the implementation of the State's Capital Improvements Program (CIP) for the 2009-2011 biennium. The measure contains funding for the program in the amount of \$241.2 million. During this biennium, the CIP will be funded primarily from the issuance of \$143.9 million in general obligation bonds. Assembly Bill 564 also authorizes the utilization of \$60.7 million in federal funds for projects for the Office of the Military and the Office of Veterans' Services. It also provides for the utilization of \$17.8 million in donations and other funding for the projects approved for the Nevada System of Higher Education (NSHE). Additionally, the bill appropriates \$2.2 million in State Highway Fund revenues for projects for Nevada's Departments of Motor Vehicles and Public Safety.

Finally, the measure reserves 15.55 cents of the property tax levy for debt service in each year of the biennium for general obligation bonds issued to finance the CIP. The remaining 1.45-cent levy must be used exclusively for the repayment of bonds issued as a result of the approval of Question No. 1 by voters on the November 2002 ballot. Question No. 1 requires the issuance of \$200 million in bonds to protect, preserve, and obtain the benefits of the property and natural resources of the State. Thus, the total property tax levy of 17 cents remains unchanged from the levy approved for the 2007-2009 Biennium. The levies above the historic 15-cent levy (2 cents) are not subject to the \$3.64 local government property tax cap.

The bill is effective on June 3, 2009.

**S.B. 1 (Chapter 1)**

Senate Bill 1 appropriates \$15 million from the State General Fund to the Legislative Fund for the costs of conducting the 2009 Legislative Session.

This measure is effective on February 11, 2009.

**S.B. 146 (Chapter 406)**

Senate Bill 146 allocates \$225,000 from the Fund to Protect Natural Resources in the State General Fund to Nevada's Department of Wildlife. The money is to be used to create and fund a coordinator position to ensure local, State, and federal entities are working together to protect and restore sagebrush habitats, restore areas damaged by wildfires, prevent wildfires, and reduce cheatgrass.

This bill is effective on June 1, 2009.

**S.B. 400 (Chapter 407)**

Senate Bill 400 provides an appropriation of \$110,800 State General Fund to the Nevada System of Higher Education for stale claims owed to the Public Employees' Benefits Program.

This measure is effective on June 1, 2009.

**S.B. 401 (Chapter 408)**

Senate Bill 401 provides a State General Fund appropriation of \$6,898 to the State Fire Marshal Division of Nevada's Department of Public Safety for refunds of hazardous material fees, plan review fees, and licensing fees.

This measure is effective on June 1, 2009.

**S.B. 403 (Chapter 465)**

Senate Bill 403 provides State General Fund appropriations of \$5.5 million to restore the balance of the Stale Claims Account, \$150,000 to restore the balance of the Emergency Account, \$3.0 million to restore the balance of the Reserve for Statutory Contingency Account, and \$7.5 million to restore the balance attributable to the State General Fund in the



Contingency Fund. In addition, this measure makes appropriations from the State General Fund to cover the costs of implementing changes to various taxes.

Finally, this measure clarifies provisions governing the temporary suspension of longevity payments and merit pay salary increases to State employees as approved through the passage of Senate Bill 421 of the 2009 Legislative Session.

The section of the bill relating to the restoration of certain fund balances is effective on July 1, 2009. All other sections of the measure are effective on June 4, 2009.

**S.B. 408 (Chapter 273)**

Senate Bill 408 authorizes the payment of \$100 from the Patriot Relief Account to certain members of the Nevada National Guard for attendance at a reintegration course if accompanied by his spouse, an adult member of his immediate family, or an adult with whom he cohabits. To be eligible for the payment, a member must have returned from active deployment in a combat zone within the past 90 days and have been on active service for at least 45 days in full-time National Guard duty.

The measure also allows unexpended appropriations in the Patriot Relief Account to remain in the Account, along with any accrued interest.

The bill is effective on July 1, 2009.

**S.B. 422 (Chapter 424)**

Senate Bill 422 makes supplemental appropriations for two divisions within Nevada's Department of Motor Vehicles. The measure appropriates \$980,000 to the Field Services Division and \$795,000 to the Administrative Services Division, respectively. These amounts are added to separate appropriations previously made by the 2007 Legislature and are needed to offset declines in authorized revenues resulting from the economic downturn.

The bill is effective on June 3, 2009.

**S.B. 423 (Chapter 425)**

Senate Bill 423 makes appropriations to the Interim Finance Committee (IFC) to assist State agencies and the Nevada System of Higher Education with paying electricity, heating, and cooling costs. A total of \$5,332,564 from the State General Fund and \$464,091 from the State Highway Fund is appropriated over the biennium for this purpose. This money may only be used if all other sources of funding for paying these types of costs already have been exhausted. The measure specifies the process for requesting these funds, authorizes the IFC to request additional information related to such requests, and provides for the reversion of any unspent funds.

The bill is effective on July 1, 2009.

**S.B. 424 (Chapter 409)**

Senate Bill 424 appropriates \$2 million from the State Highway Fund to the Fund for Insurance Premiums, generally referred to as the Attorney General's Tort Claim Fund, to restore the balance in the Fund.

This measure is effective on June 1, 2009.

**S.B. 425 (Chapter 410)**

Senate Bill 425 extends the reversion date and final reporting requirements for the appropriation by the 2007 Legislature to the Institute for Neuro-Immune Disease for the construction of a facility until September 16, 2011. The bill requires the submission of an additional report to the Interim Finance Committee on or before December 15, 2010, describing expenditures made from the money appropriated from the date the money was received by the Institute through December 1, 2010.

This measure is effective on June 1, 2009.

**S.B. 433 (Chapter 391)**

Senate Bill 433 is known as the State Employee Salary Act. The measure establishes the maximum salaries for State employees in the unclassified service and certain State employees in the classified service. Employees subject to furloughs are held harmless in the accumulation of retirement service credit for time taken as furlough leave. The Board of Regents for the Nevada System of Higher Education is required to implement a method for professional employees to participate in the furlough requirement or reduce overall costs for professional employees by an equivalent amount. The measure also provides an exception to the requirement of furlough leave for employees in identified areas of critical need that include the protection of public health, safety, and welfare and makes an appropriation for salaries for these positions. Appropriations from the General Fund and Highway Fund are provided to make up the difference in funding approved for departments, commissions, and agencies and the actual salaries net of requirements for unpaid furlough leave. In addition, Nevada's Department of Health and Human Services may adopt a plan to authorize additional callback pay for unclassified medical positions and pharmacists to perform on-call responsibilities to ensure 24-hour coverage in psychiatric facilities.

During the biennium, the Interim Finance Committee will project the balance in the General Fund and the Distributive School Account. If the projected balance of the General Fund is at least \$390 million, the bill provides for General Fund and Highway Fund appropriations to reduce unpaid furlough leave from 12 days to 9 days, along with funding sufficient to increase the salaries for personnel employed by school districts by 1 percent. If the projected balance of the General Fund is \$425 million, the bill provides for General Fund and Highway Fund appropriations to reduce unpaid furlough days from 12 days to 7 days with funding sufficient to increase the salaries for personnel employed by the school districts by 2 percent. Appropriations included in this bill to reduce furlough days and increase salaries

do not apply if the State Treasurer borrows money on or after July 1, 2009, from the Local Government Pooled Investment Fund.

Finally, 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, 2009.

**NOTE: Senate Bill 433 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 29, 2009.**



## COMMERCE

### **A.B. 90 (Chapter 280)**

Assembly Bill 90 authorizes the Attorney General to obtain and use investigative information or intelligence made available on a confidential or restricted basis. Such information must retain its confidential status.

Assembly Bill 90 also allows the Attorney General to share certain information related to such an investigation before criminal or civil proceedings are initiated under certain circumstances. The measure stipulates that if the information received in the course of the investigation involves a trade secret, the Attorney General shall enter into and be bound by an agreement which limits the disclosure of information involving the trade secret. Finally, A.B. 90 allows the Attorney General to coordinate enforcement of laws on deceptive trade practices with other government officials.

### **A.B. 149 (Chapter 364)**

Assembly Bill 149 provides that the power of sale on any trust agreement concerning owner-occupied housing must not be exercised unless the trustee provides the borrower relevant contact information and a form the borrower may use to elect to enter into mediation. If the borrower elects mediation, the trustee must notify the lender and file a form with the mediation administrator, who must assign the matter to a senior justice, judge, hearing master, or other designee and schedule the matter for mediation. The bill provides that no further action may be taken to exercise the power of sale until the mediation is complete.

Assembly Bill 149 authorizes the court to impose sanctions, upon the recommendation of the mediator, if the lender or his representative fails to attend the mediation or participate in good faith. If the borrower fails to attend, the mediation administrator must provide the trustee a certificate stating that no mediation is required. If the parties, acting in good faith, are unable to agree to a loan modification, the mediator must recommend termination of the mediation. The bill also authorizes Nevada's Supreme Court to adopt rules concerning the mediation and to establish a mediation fee of not more than \$400, payment of which is to be shared equally by the parties.

This measure also allows a borrower on a trust agreement concerning owner-occupied housing, a beneficiary under a subordinate deed of trust, or any other person with a subordinate lien or encumbrance on the property to make good a deficiency in performance or payment until five business days before the date of a foreclosure sale.

This measure is effective on July 1, 2009.

**NOTE: See also Assembly Bill 140 (Chapter 484).**

**A.B. 266 (Chapter 323)**

Assembly Bill 266 prohibits a person from selling or offering to sell a novelty lighter or distributing such a lighter at retail or for promotion. This prohibition does not apply to transport through the State, warehouse storage, or distribution centers closed to the public. The measure also defines “novelty lighter” and authorizes the Attorney General or a district attorney to bring an action to enjoin a violation.

This bill is effective on January 1, 2010.

**A.B. 274 (Chapter 296)**

Assembly Bill 274 provides that the sale or lease of goods or services payable by agreement in more than four installments is a retail installment transaction, whether or not a finance charge is required. This measure also requires a seller, other than a financial institution, to provide a sales contract before credit is extended.

Regarding the sale of motor vehicles, A.B. 274 requires a standard contract to contain a provision that default on the part of the purchaser is enforceable only if the purchaser fails to make a payment or the seller proves that the prospect of payment is significantly impaired.

This measure is effective on May 28, 2009, for retail installment transactions and on October 1, 2009, for defaults on a contract for sale of a motor vehicle.

**A.B. 378 (Chapter 343)**

Assembly Bill 378 authorizes a liquor wholesaler to receive original packages of a brand of liquor from an affiliate located outside Nevada if a supplier has designated the wholesaler as the designated importer of that brand. The affiliate must be a licensed wholesaler in the state from which it ships the liquor, and the wholesaler must promptly report to Nevada’s Department of Taxation receipt of the liquor and pay all applicable excise taxes.

Assembly Bill 378 also prohibits a supplier from unreasonably withholding approval of an assignment, sale, or transfer of a wholesaler’s stock or assets. The measure further prohibits a supplier from fixing the price at which a wholesaler may resell an alcoholic beverage, requires a wholesaler to accept delivery of items not voluntarily ordered or required under a franchise, and takes certain other actions toward wholesalers.

**A.B. 389 (Chapter 161)**

Assembly Bill 389 prohibits a business that accepts credit or debit cards for a transaction from printing more than the last five digits of the account number on any copy of a receipt he retains. A business that violates this provision is liable for penalties to be recovered in a civil action and paid to the State General Fund. A court may issue an injunction to prevent any violation without proof of actual damage sustained by a consumer.

Assembly Bill 389 also requires a supplier of cash registers and other machines that print receipts not to provide, lease, or sell equipment for use in a business transaction after October 1, 2009, that does not allow a person to comply with the provisions of this bill.

The provisions of this bill concerning suppliers of cash registers and other machines that print receipts are effective on October 1, 2009. The remaining provisions of the bill, including the prohibition on printing more than the last five digits of the account number on any copy of a receipt, are effective on July 1, 2009. Until December 31, 2009, the prohibition applies only to a business that has the control or ability to adjust the manner in which a receipt is electronically printed.

**A.B. 430 (Chapter 436)**

Assembly Bill 430 prohibits a retailer of a new or used product intended for children under the age of 12 from advertising, selling, or offering for sale a product that is subject to a recall notice or a health or safety hazard warning. The bill requires a retailer to arrange to receive recall notices and warnings, dispose of a children's product identified in a recall notice or warning, and comply with all instructions for labeling, returning, or repairing a product. Assembly Bill 430 also provides that a violation relating to unsafe cribs or children's products is a deceptive trade practice.

This measure also enacts the Infant Crib Safety Act. The Act prohibits the sale or lease of an unsafe crib for use by an infant and establishes penalties for violations by commercial users and others.

**A.B. 472 (Chapter 133)**

Assembly Bill 472 requires a purchaser of credit card debt to include in any complaint filed to collect the debt the name of the issuer, the last four digits of the original account number, all subsequent account numbers assigned, and the date of default. A court may not enter a judgment, including a default judgment, in favor of the purchaser unless the complaint includes this information and the purchaser satisfies the standard of proof by providing authenticated evidence of the amount owed.

This measure is effective on July 1, 2009.

**S.B. 101 (Chapter 457)**

Senate Bill 101 makes several changes to Nevada's Uniform Securities Act. The measure removes a requirement that the Administrator of the Securities Division of the Office of the Secretary of State must first obtain the Attorney General's authorization before examining the records of anyone issuing securities who is required to be licensed but is not licensed. Instead, the bill authorizes the Administrator, without previous notice, to examine certain records of anyone who is not licensed but is otherwise subject to licensure as a broker-dealer, sales representative, investment advisor, or representative of an investment advisor.

The measure changes the amount of civil penalties to not more than \$25,000 for each violation that may be imposed by the Administrator or a district court for willful violations of Nevada's

securities law. The Securities Division is further authorized to collect reimbursement for costs associated with imposing sanctions. Additionally, among the fines associated with violating Nevada's Uniform Securities Act, the bill allows a court to order payment of investigative and prosecutorial costs incurred by the Division.

The bill authorizes the Securities Division to obtain certain information from a financial institution regarding a customer's account. The bill increases from 60 days to 90 days the period that a court may delay notifying a customer that a subpoena for the customer's financial records has been issued and further increases from 30 days to 45 days the period for an extension of the delayed customer notification.

Finally, the measure updates the names of applicable regulatory authorities and licensing examinations, and adds criminal investigators employed by the Secretary of State to the list of law enforcement personnel and undercover investigators who are issued certain identification.

This measure is effective on July 1, 2009.

**S.B. 128 (Chapter 247)**

Senate Bill 128 requires the trustee to record the sale of a property with the appropriate county recorder within 30 days of the sale, or to deliver, within 20 days of the sale, the deed of trust to the successful bidder who must record the deed within 10 days of delivery. The bill provides for damages should the successful bidder fail to record the deed. Further, S.B. 128 requires a sheriff responsible for conducting a foreclosure sale to record such a sale within 30 days.

The bill is effective on July 1, 2009.

**S.B. 172 (Chapter 259)**

Senate Bill 172 provides that the provisions of Chapter 119 of *Nevada Revised Statutes* concerning the sale of subdivided land do not apply to subdivisions in which all lots, parcels, units, or interests of the subdivision are restricted exclusively to nonresidential use.

**S.B. 227 (Chapter 355)**

Senate Bill 227 requires any association, business, educational institution, or government agency that handles nonpublic personal information to comply with national data security standards in connection with the sale of goods or services. The bill prohibits such entities from transferring unencrypted personal information or moving a data storage device outside of its control without ensuring the data is secure, and it provides that the entity is not liable for a security breach if it complies with the provisions of the bill and the breach is not the result of gross negligence or an intentional act.

The requirements of this bill do not apply to a telecommunication provider acting solely in the role of conveying the communications of other persons or to transmission of certain financial data over a secure, private communications channel.

This measure is effective on January 1, 2010.



**S.B. 348 (Chapter 91)**

Senate Bill 348 revises existing Nevada law to conform to rulings from the Internal Revenue Service regarding the way in which an individual retirement account or other retirement account that was left to a trust rather than to a spouse qualifies for the federal estate marital tax deduction, thereby preventing estate tax from incurring until the surviving spouse dies.

To the extent the fund earns income and upon request of the surviving spouse, the bill requires the trustee to make certain distributions to the surviving spouse. The measure also revises the taxes that must be paid by the trustee on the trust's share of an entity's taxable income.

**Corporations, Partnerships, and Other Business Associations****A.B. 146 (Chapter 381)**

Assembly Bill 146 requires the Secretary of State to establish a State business portal that would allow businesses to conduct certain transactions with governmental agencies using the portal. The Secretary of State must establish, through cooperative efforts, the standards and requirements necessary to design, build, and implement the business portal, along with the standards and requirements for participation by State agencies and local governments and any necessary regulations and other actions needed to implement the business portal.

The bill authorizes the Secretary of State to accept gifts, grants, and donations and, with the approval of the State Board of Examiners, to enter into contracts with public or private entities to assist in the implementation of the business portal. Assembly Bill 146 appropriates \$6,520,349 from the State General Fund to the Interim Finance Committee for allocation to the Secretary of State to establish the business portal.

Responsibility for collection of the annual State business license fees is transferred from Nevada's Department of Taxation to the Secretary of State and the State business license fee is increased from \$100 to \$200. (Senate Bill 435 [Chapter 429, *Statutes of Nevada 2009*] provides that the State business license fee will revert to \$100 on July 1, 2011.) The measure also requires any entity organized under Title 7 of the *Nevada Revised Statutes* to obtain a State business license, including businesses without a physical presence in Nevada, with the exception of nonprofit corporations, small home businesses, a person whose only business is the rental of four or fewer dwelling units, motion picture production companies, and corporations sole.

For purposes of adopting regulations, performing preparatory acts, and appropriations, the bill is effective on May 31, 2009. All other provisions are effective on October 1, 2009.

**NOTE: Assembly Bill 146 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature.**

**S.B. 55 (Chapter 488)**

Senate Bill 55 proposes several changes to laws concerning commercial recordings in Nevada. The measure allows a business entity to cancel its filing with the Secretary of State if that filing

has not yet been processed, and it changes the method by which the Secretary of State notifies certain business entities of their statutory obligation to file certain lists.

The bill requires a business to provide information to the Secretary of State concerning its owners of record only upon request and in conjunction with a criminal investigation, and not as part of the document filing process. The process for a registered agent to resign his representation of an entity is revised to require the registered agent to provide written notice to each represented entity and file an affidavit with the Secretary of State.

Senate Bill 55 expands the availability for foreign entities to domesticate in Nevada and outlines the filing requirements and shareholder liability for those entities. Additionally, the law authorizing a court to charge a stockholder's stock with payment of an unsatisfied judgment is amended to:

- Apply to corporations with up to 100 stockholders, instead of up to 75 stockholders;
- Define the rights of an assignee of the stock; and
- Clarify that the articles or bylaws of the corporation may not be superseded by private agreements between a stockholder and a creditor.

The bill also prohibits the formation of new corporations sole in Nevada after the effective date of the bill. The measure allows for the continued existence of corporations sole that existed prior to that date unless the corporation is dissolved or its charter is revoked. In those cases, the corporation sole may not be reinstated.

Finally, S.B. 55 allows a partnership to register as a limited-liability limited partnership.

Provisions of this bill that prohibit the formation of new corporations sole are effective on June 9, 2009. Other provisions are effective on July 1, 2009.

### **S.B. 169 (Chapter 189)**

Senate Bill 169 adopts the Revised Uniform Unincorporated Nonprofit Association Act of 2008, and sets forth the internal governance, fiduciary duties, and authority of unincorporated nonprofit associations. The measure addresses the relation of the Uniform Act to other existing laws, recognizes that such associations are legal entities with the ability to own and dispose of property and to sue and be sued in its own name, and provides for the contractual and tort liability of the association and its members and managers. Finally, S.B. 169 provides for the dissolution and merger of unincorporated nonprofit associations.

### **S.B. 350 (Chapter 361)**

Senate Bill 350 clarifies that a registered agent who is an attorney is not required to notify the Commissioner of Financial Institutions that he believes an entity he represents is not properly licensed, if such notification would violate the attorney-client privilege.

The measure increases from \$500 to a minimum of \$1,000 and a maximum of \$10,000 the fine that may be imposed on certain foreign entities that are doing business in Nevada but are not properly registered, and it authorizes the Secretary of State to pursue action through the Office of the Attorney General or district attorney against those entities. A person who does business in this State without forming a business entity consistent with the provisions of Nevada law is also subject to a fine of \$1,000 to \$10,000.

The bill revises the filing requirements of certain notices so that an entity whose principal office is not located in Nevada must file those notices in the county in which the corporation's registered office is located. Also authorized by S.B. 350 is the formation of a restricted limited-liability company and a restricted limited partnership.

The measure addresses the admission of members to a limited-liability company and authorizes a member or manager of a limited-liability company to inspect certain records; however, the right to inspect those records may be denied under certain circumstances. The bill also clarifies the process by which an operating agreement may be amended, and it clarifies the rights and liabilities of members and managers of limited-liability companies and other persons bound by the operating agreement.

Additionally, an attorney is authorized to form a legal services professional entity that is organized or incorporated in Nevada, under certain circumstances. Finally, S.B. 350 makes various changes concerning dissenters' rights in accordance with recent changes to the Model Business Corporation Act.

## **Financial Institutions and Procedures**

### **A.B. 144 (Chapter 328)**

Assembly Bill 144 establishes standards for an appraisal of real property securing a loan in which an investor is acquiring an interest. The appraisal must comply with the Uniform Standards of Professional Appraisal Practice, must have been completed no more than six months before the mortgage broker first solicited the loan, and must be performed by an appraiser authorized to perform appraisals in Nevada or in the state where the real property is located. If the mortgage broker obtains a waiver of the appraisal, he must provide a disclosure of the relevant valuation methods and techniques before accepting any money.

Assembly Bill 144 revises the authority of the Commissioner of Mortgage Lending to withhold information from public inspection and provides that the Commissioner may withhold information that would interfere with a pending investigation or examination or reveal personal information in violation of the law. If a mortgage broker sells investments in promissory notes secured by liens on real property, the Commissioner must disclose information in his possession on the broker's ownership and management structure and the results of examinations or investigations of the broker conducted in the last five years.

This measure also requires the Commissioner to suspend or revoke the license of a mortgage agent or broker who was required to have a license and conducted business as a broker or agent without a valid license. Further, if a broker sells investments in promissory notes secured by liens on real property and receives the lowest possible rating on two consecutive examinations, the Commission must suspend or revoke his license.

**A.B. 151 (Chapter 329)**

Assembly Bill 151 requires a licensed financial institution to disclose information on the actual cost and risk of each nontraditional mortgage loan product it offers. The financial institution must certify to the Commissioner of Financial Institutions that it has made the required disclosure, and may contract with a nonprofit or government-operated consumer credit counseling, housing counseling, or legal services agency to provide the certification.

Assembly Bill 151 also requires a mortgage broker to include his license number on each mortgage loan he engages in.

This measure is effective on May 29, 2009, and applies only to loans offered on or after the effective date. Until October 1, 2009, a mortgage broker or financial institution that fails to comply with A.B. 151 may cure the failure within 30 days after the loan is made without penalty.

**A.B. 523 (Chapter 474)**

Assembly Bill 523 revises the definition of “mortgage agent” to include all residential mortgage loan originators. The bill requires a mortgage banker, mortgage broker, or qualified employee of a mortgage broker to be licensed as a mortgage agent if he acts as a residential mortgage loan originator. Assembly Bill 523 also revises the licensing criteria, continuing education requirements, and disciplinary provisions applicable to mortgage agents, bankers, and brokers, and requires a mortgage banker to exercise supervision over his mortgage agents.

A licensed mortgage broker or banker who is required to be licensed as a mortgage agent under A.B. 523 may continue his activities without obtaining an agent’s license until July 1, 2011, or such other date as the Commissioner of Mortgage Lending may prescribe if necessary to comply with federal law. All other persons who are required to be licensed as a mortgage agent under this bill must obtain a license by July 1, 2010.

Assembly Bill 523 directs the Commissioner of Mortgage Lending to comply with and implement the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 and to adopt, by regulation, methods for reporting enforcement activity and other information to the Nationwide Mortgage Licensing System and Registry.

This measure is effective on June 8, 2009, for the purpose of adopting regulations and for licensure as a mortgage agent, and on October 1, 2009, for all other purposes.

**S.B. 310 (Chapter 374)**

Senate Bill 310 requires a retail trust company licensed in Nevada to maintain its principal office in Nevada, and it prohibits such a company from engaging in business at an office outside Nevada without the prior approval of the Commissioner of Financial Institutions. The bill grants authority to the Commissioner to:

- Conduct a pre-opening examination of a retail trust company and to require such a company to maintain more capital than the minimum required;
- Sign the Nationwide Cooperative Agreement for Supervision and Examination of Multi-State Trust Institutions;
- Require an audited financial statement from a licensee; and
- Remove an officer, director, manager, or employee of a retail trust company who is found to be dishonest, incompetent, or reckless or who persistently violates applicable laws.

Senate Bill 310 also provides for disciplinary proceedings and penalties for violations of the statutes and regulations on retail trust companies.

**S.B. 333 (Chapter 360)**

Senate Bill 333 revises procedures concerning a written notice from a borrower to a lender that terminates the operation of a real property instrument as security for future advances on the principal. The notice must be sent to the lender at each address indicated in the instrument, or to another address as indicated by the lender in a “Change of Notice Address” document recorded with the county recorder and provided to the borrower. The borrower’s notice and the lender’s address document are effective only when received by the other party.

Finally, the measure revises the information that must be provided by the lender at the time the instrument is recorded with the county recorder.

**S.B. 355 (Chapter 376)**

Senate Bill 355 enacts the Uniform Debt-Management Services Act. The bill directs the Commissioner of Financial Institutions to regulate debt management services including credit counseling, the development and implementation of debt-management plans, and debt settlement services. The bill requires all such companies to register with the Commissioner and establishes detailed requirements for registration, including a surety bond in the amount of at least \$50,000.

Senate Bill 355 enacts provisions governing contracts between a debtor and a debt-management services company, prescribes the duties and obligations of a company, identifies prohibited activities, and grants the Commissioner investigative and regulatory authority, including the

authority to regulate advertising. The bill provides that a violation of the applicable statutes is a deceptive trade practice.

This measure is effective on May 29, 2009, for the purpose of adopting regulations, and on July 1, 2010, for all other purposes.

**S.B. 365 (Chapter 270)**

Senate Bill 365 creates a new chapter in the *Nevada Revised Statutes* (NRS) to provide for the regulation of family trust companies through optional licensure, and clarifies that family trust companies regulated under the new chapter are exempt from regulation under Chapter 669 of NRS (“Trust Companies”). The measure creates an assessment to fund regulation by the Division of Financial Institutions, Nevada’s Department of Business and Industry, and provides the Commissioner of Financial Institutions with investigative and enforcement authority.

**Professions and Occupations (see also Health Care and Human Services)**

**A.B. 71 (Chapter 96)**

Assembly Bill 71 authorizes the Real Estate Division, Nevada’s Department of Business and Industry, to keep confidential the criminal and financial records of a person who holds or applies for a license or permit to sell subdivided land, unless ordered otherwise by a court.

This measure is effective on May 18, 2009.

**A.B. 133 (Chapter 27)**

Assembly Bill 133 prohibits an escrow officer or a person who acts as an escrow agent from disbursing money from an escrow account unless deposits of at least equal value have been received. The bill also prohibits disbursing money from an escrow account on the same business day as a deposit unless the deposit is in cash or another form available for immediate withdrawal or convertible to cash on the same day.

This bill is effective on May 6, 2009, for the purpose of adopting regulations and on October 1, 2009, for all other purposes.

**A.B. 152 (Chapter 330)**

Assembly Bill 152 requires the Commissioner of Mortgage Lending to adopt regulations for the licensure of foreclosure consultants and loan modification consultants, as well as persons who perform other specified services for compensation. The bill requires persons regulated under these provisions to enter into a written contract with homeowners before providing services, and it requires the Commissioner to prescribe through regulation the form and contents of such an agreement.

The measure also stipulates that funds received for compensation must be deposited in a trust account and requires the maintenance and retention of records related to those trust accounts

until services are completed. The Commissioner is authorized to inspect and audit such records.

Assembly Bill 152 requires the Commissioner to adopt regulations regarding fees to be paid by regulated persons for supervision and examination by the Commissioner. Any fees collected are to be deposited in the Fund for Mortgage Lending.

Finally, the bill provides additional investigative and enforcement authority to the Commissioner to carry out the provisions of the bill and stipulates that a violation of the provisions is to be considered mortgage lending fraud.

The bill is effective on May 29, 2009, for the purposes of adopting regulations, and on July 1, 2009, for all other purposes.

**A.B. 202 (Chapter 446)**

Assembly Bill 202 requires all practitioners of threading and owners of facilities where threading is practiced to register with the Board of Cosmetology. The bill also requires the Board of Cosmetology to submit to the Legislature a report concerning the practice of threading in the State.

Assembly Bill 202 authorizes the Board of Cosmetology to issue a registration as a cosmetologist's apprentice to a person who must travel more than 60 miles from his home to attend a licensed school of cosmetology. The training of the apprentice must take place at a licensed cosmetology establishment that is also located more than 60 miles from a licensed cosmetology school. The bill authorizes the Board to waive these requirements for an applicant for good cause.

Assembly Bill 202 also revises the minimum training requirements for a student aesthetician and for an applicant for licensure as an aesthetician, instructor of aestheticians, instructor in nail technology, or nail technologist. The measure requires cosmetology licensees to complete at least four hours of instruction relating to infection control prior to renewing a license.

Provisions of this bill that revise the minimum training requirements are effective on July 1, 2010. The provision requiring instruction relating to infection control is effective January 1, 2011. The remaining provisions are effective on June 4, 2009.

**A.B. 208 (Chapter 242)**

Assembly Bill 208 requires an applicant for certification as a crane operator to hold a certificate issued by an organization that is accredited and meets criteria established by the Division of Industrial Relations, Nevada's Department of Business and Industry. Issuance of a mobile crane certificate must require a minimum of 1,000 hours of crane-related experience or training during the last five years. Issuance of a tower crane certificate must require a minimum of 1,000 hours of crane-related experience during the last five years, of which at least 500 hours must be specifically on tower crane operation.

Assembly Bill 208 provides that a crane operator must be recertified every five years. The bill also exempts a trainee under the direct supervision of a certified operator from the certification requirement.

This measure is effective on July 1, 2011, or the date on which the Governor declares that the federal government has adopted provisions governing the certification of crane operators, whichever is later.

**A.B. 233 (Chapter 290)**

Assembly Bill 233 requires scrap metal purchasers to be licensed by the State and the appropriate local government and to have authorization to operate from the appropriate solid waste management authority. Scrap metal processors are required to maintain records of all their scrap metal purchases. Under the measure, scrap metal purchases with a value of \$150 or more must be made by check or electronic money transfer, and a scrap metal processor shall not conduct more than one cash transaction of less than \$150 with the same seller on the same day.

The bill authorizes a law enforcement officer to place a hold on property in the possession of a scrap metal processor alleged to be related to criminal activity during the investigation or prosecution. A person who fails to maintain the required records, violates a law enforcement hold on property subject to criminal investigation, or violates the limits on scrap metal purchases is guilty of a misdemeanor.

The willful or malicious removal, damage, or destruction of utility property, agricultural infrastructure, or construction sites to obtain scrap metal is punishable as a misdemeanor if the value of the property is less than \$500 and as a felony if the value is more than \$500 or interrupts a utility service. The bill also provides that theft of scrap metal within a 90-day period with a value of:

- Less than \$250 is punishable as a misdemeanor;
- At least \$250 but less than \$2,500 is punishable as a category C felony; and
- \$2,500 or more is punishable as a category B felony.

This bill is effective on July 1, 2009.

**A.B. 287 (Chapter 338)**

Assembly Bill 287 prohibits a person with an interest in a real estate transaction involving an appraisal from improperly influencing or attempting to influence the appraisal. The bill provides that an appraiser or intern is guilty of unprofessional conduct if he contracts to provide an appraisal for which his compensation is affected by the amount of the appraised value.



Assembly Bill 287 also requires an appraisal management company to obtain a registration from the Commission of Appraisers of Real Estate, and provides that it is unlawful for such a company to influence or attempt to influence an appraisal through coercion, extortion, compensation, intimidation, or other means, or to alter a completed appraisal report. The bill authorizes the Commission to impose administrative fines for violations by appraisal management companies.

Finally, A.B. 287 revises the continuing education requirements for appraisers and adds the voluntary surrender of an appraisal license in another jurisdiction, in lieu of other discipline, as grounds for disciplinary action against an appraiser or intern.

This measure is effective on May 29, 2009, for the purpose of adopting regulations; on January 1, 2010, for purposes related to regulation of appraisal management companies; and on July 1, 2009, for all other purposes.

#### **A.B. 486 (Chapter 200)**

Assembly Bill 486 establishes that a mortgage broker has a fiduciary duty to a client and requires a broker to post a surety bond. Specifically, the bill:

- Authorizes administrative fines and appropriate penalties for a person who conducts unlicensed activity for which an escrow agent's or mortgage agent's, banker's, or broker's license is required;
- Increases the maximum administrative fine for violations by escrow agents and agencies; and
- Authorizes the Division of Mortgage Lending, Nevada's Department of Business and Industry, to order a licensee to pay restitution to a consumer who has suffered an economic loss resulting from a violation of applicable statutes or regulations.

A contract entered into by a person conducting unlicensed activity for which an escrow agent's or agency's license is required is voidable, regardless of the date on which it was entered into.

Assembly Bill 486 also requires a mortgage loan servicer doing business in Nevada and domiciled in another state to register with the Commissioner of Mortgage Lending.

#### **A.B. 509 (Chapter 55)**

Assembly Bill 509 makes certain minor adjustments in definitions, educational requirements, and grounds for discipline related to the practice of court reporting. The bill also revises the terminology of the applicable statutes to address licenses as well as certificates issued by the Certified Court Reporters' Board of Nevada.

**A.B. 513 (Chapter 347)**

Assembly Bill 513 authorizes the Commissioner of Mortgage Lending to conduct an investigation or impose discipline on an escrow agent or agency, a mortgage broker or agent, or a mortgage banker if that person's license is revoked or voluntarily surrendered. The bill also allows the Commissioner to compel by subpoena the production of any document when conducting an audit, examination, hearing, or investigation.

Assembly Bill 513 also requires a mortgage broker to include with each loan a disclosure of the specific amount of all fees earned, the party responsible for payment, and the probable impact of the fees on the terms of the loan.

This measure provides that consumer finance companies are not exempt from regulation as mortgage agents, bankers, and brokers, and that financial institutions claiming an exemption must provide evidence of their right to transact mortgage loans.

The bill requires escrow agents to comply with pre-licensing and continuing education standards.

Finally, A.B. 513 authorizes the holders of 51 percent or more of the outstanding principal balance on a mortgage loan to act on behalf of all holders of beneficial interests, except as provided in an agreement between the parties, and requires the Commissioner to adopt regulations regarding the servicing or arranging of loans in which an investor has a beneficial interest.

This measure is effective on May 29, 2009, except for the provisions regarding educational qualifications of escrow agents and agencies, which are effective on January 1, 2011.

**S.B. 6 (Chapter 201)**

Senate Bill 6 removes the stipulation that the heart disease of a volunteer firefighter will only be considered an occupational disease if the firefighter is under the age of 55 years and provides this coverage to all volunteer firefighters. The measure requires such a volunteer firefighter to submit and pay for physical examinations and maintain continuous active status as a volunteer firefighter in order to receive certain benefits. The bill also provides that an applicant who is 50 years of age or older may be responsible for payment of the costs of his physical examinations but will be reimbursed for those costs if he becomes a volunteer firefighter.

The bill is effective on July 1, 2009.

**S.B. 15 (Chapter 19)**

Senate Bill 15 ratifies corrections of certain errors in Chapters 645 ("Real Estate Brokers and Salesmen") and 645G ("Exchange Facilitators") of *Nevada Revised Statutes* (NRS). Senate Bill 476 (Chapter 517, *Statutes of Nevada*) of the 2007 Legislative Session transferred regulation of exchange facilitators from the Real Estate Division to the Division of

Financial Institutions, both in Nevada's Department of Business and Industry, and created a new chapter in NRS that specifically applies to exchange facilitators.

This bill corrects an error that resulted in the inadvertent deletion of a provision that exempted certain persons from regulation by the Real Estate Division. It also corrects an error in the addition of a new section to Chapter 645G of NRS that should have remained in Chapter 645 of NRS.

This bill is effective on May 4, 2009.

**S.B. 26 (Chapter 252)**

Senate Bill 26 expands the definition of unprofessional conduct of a chiropractor to include violation of a lawful order of or agreement with the Chiropractic Physicians' Board of Nevada. The bill also specifies that the Board may impose a fine up to \$5,000 for each act that is defined as unprofessional conduct.

**S.B. 49 (Chapter 80)**

Senate Bill 49 requires an architect, registered interior designer, or residential designer to execute a written contract with a client before providing services. No contract is required if a client has been informed of the provisions of this bill and gives his written consent. Also, with the client's written agreement, services may begin prior to the execution of a contract.

This bill is effective on May 18, 2009.

**S.B. 90 (Chapter 23)**

Senate Bill 90 authorizes the State Board of Architecture, Interior Design and Residential Design to grant an emeritus title to a registered design professional who is no longer practicing.

This bill is effective on May 4, 2009.

**S.B. 91 (Chapter 83)**

Senate Bill 91 provides that a partnership, corporation, limited liability company, or other business engaging in the practice of architecture, interior design, or residential design and consisting of both registered design professionals and persons from other disciplines must have a registered design professional working regularly at each place of business.

Senate Bill 91 also modifies the examination standards used by the State Board of Architecture, Interior Design and Residential Design to evaluate residential designers, changes the reference to the accrediting agency for programs of interior design, and clarifies the procedure for imposing a penalty against a person who does not hold a certificate issued by the Board.

This bill is effective on May 18, 2009.

**S.B. 119 (Chapter 459)**

Senate Bill 119 requires a licensed massage therapist to display his original license at each place he performs massage therapy and prohibits the production or display of counterfeit or duplicate licenses. The bill prohibits an unlicensed person from advertising as a massage therapist and prohibits false or misleading advertising by licensed persons.

Senate Bill 119 grants additional enforcement and investigative authority to the Board of Massage Therapists, including the authority to impose administrative fines for violations by licensees and for unlicensed activity. The bill also authorizes the Board and governmental agencies or courts of competent jurisdiction to share confidential information related to a conviction involving violence, prostitution, or other sexual offense.

Finally, S. B. 119 allows an applicant for a license to practice massage therapy to take an oral examination, rather than a written examination, to qualify for licensure.

**S.B. 127 (Chapter 206)**

Senate Bill 127 adds construction oversight services related to recovery efforts after a disaster or emergency to the existing list of persons and activities that are exempt from licensing and regulation of contractors if those services are provided to a long-term recovery group by a qualified person. The bill creates a definition of construction oversight services and also creates a definition of qualified person to perform such services. It also allows for the reimbursement of expenses incurred in the performance of construction oversight services.

**S.B. 151 (Chapter 207)**

Senate Bill 151 authorizes the State Contractors' Board to suspend or revoke the license of a contractor if the Board's Recovery Fund reimburses a property owner under certain circumstances. The bill also authorizes the Board not to issue a license to, renew, or reinstate the license of a contractor whose license has been suspended or revoked for this reason. Senate Bill 151 additionally expands the definition of an injured person for purposes of eligibility to request reimbursement from the Recovery Fund and authorizes payment from the fund to injured persons.

**S.B. 184 (Chapter 371)**

Senate Bill 184 authorizes a real estate broker or salesman to provide and charge a fee for a broker's price opinion that meets the requirements established in the bill. The broker or salesman may prepare a broker's price opinion for a seller, a buyer, a third party, or an existing or potential lienholder, except that such an opinion may not be used in lieu of an appraisal for purposes of approving a mortgage loan. A broker is responsible for the activities of a licensee associated with him regarding the preparation of a broker's price opinion.

Senate Bill 184 also establishes requirements related to electronic submittals of, and signatures on, broker's price opinions.

This measure is effective on July 1, 2009.

**S.B. 193 (Chapter 208)**

Senate Bill 193 exempts antique buyers and sellers from local regulation as a secondhand dealer.

The bill is effective on July 1, 2009.

**S.B. 207 (Chapter 195)**

Senate Bill 207 provides protection against discrimination based on sexual orientation in places of public accommodation. The bill further provides a remedy for a person who believes he has been discriminated against based on his sexual orientation by authorizing such a person to file a complaint with the Nevada Equal Rights Commission.

**S.B. 230 (Chapter 372)**

Senate Bill 230 increases from 12 months to 24 months the period of initial licensure for a license as a real estate broker, broker-salesman, or salesman and doubles the license renewal period for licensees of the Real Estate Division of Nevada's Department of Business and Industry. The bill also doubles the fees for an application for a license or a license renewal to correspond with the increased period of licensure.

This bill is effective on July 1, 2011.

**S.B. 254 (Chapter 214)**

Senate Bill 254 requires an attorney acting in the capacity of a real estate broker to comply with the ethical standards of a real estate broker as described in Chapter 645 ("Real Estate Brokers and Salesmen") of the *Nevada Revised Statutes*. The bill also provides for discipline by the State Bar of Nevada should an attorney fail to comply with those ethical standards.

**S.B. 265 (Chapter 373)**

Senate Bill 265 removes the requirement that security guards and other persons employed by private investigators must receive a work card from the local law enforcement agency, and instead requires those persons to register with the Private Investigator's Licensing Board. The bill provides for provisional registration of a person who has submitted a complete application and who meets the requirements, and also deems any person holding an active work card issued before January 1, 2010, to be registered.

Regarding persons licensed by the Private Investigator's Licensing Board, S.B. 265 also authorizes a city or county to enact general business regulations only.

Senate Bill 265 also provides that statutes relating to the regulation of private investigators and related professions do not apply to a commercial registered agent examining public records or a Certified Public Accountant performing duties under his certificate.

Provisions concerning commercial registered agents and Certified Public Accountants are effective on May 29, 2009. Other provisions are effective on January 1, 2010.

**S.B. 268 (Chapter 224)**

Senate Bill 268 allows a regulatory board to share information with other regulatory bodies, including the Health Division of Nevada's Department of Health and Human Services, as long as the confidentiality of that information is maintained according to law. The bill also allows joint investigations by regulatory bodies. Senate Bill 268 establishes certain requirements that a public member of a regulatory board must meet. Further, S.B. 268 provides that a professional who was ordered to do community service work as a result of disciplinary action by a board is not considered to be performing such work as a Good Samaritan.

**S.B. 314 (Chapter 64)**

Senate Bill 314 repeals existing provisions in *Nevada Revised Statutes* that pertain to the use of powers of attorney, and instead enacts the comprehensive Uniform Power of Attorney Act. The measure authorizes powers of attorney to grant authority to an agent to act on behalf of a principal in a wide variety of civil matters concerning finance, real and personal property, stocks and bonds, banks and other financial institutions, business operations, insurance and annuities, estates, trusts, claims and litigation, personal and family matters, taxes, and gifts.

**S.B. 335 (Chapter 89)**

Senate Bill 335 requires a foreign partnership, corporation, limited liability company, or sole proprietorship to register with the Nevada State Board of Accountancy if it issues opinions or reports for a Nevada client on the reliability of information. The bill does not require a natural person licensed as a certified public account in another state to obtain a certificate or permit from the Board, but that person and his employer are deemed to consent to the disciplinary authority of the Board, and he may issue opinions or reports on the reliability of information only if his employer is registered with the Board.

Senate Bill 335 also requires a person who is authorized to sign an accountant's report on financial statements to meet the competency requirements of the professional standards of accounting. The bill authorizes the Board to deny a certificate to an applicant who has been convicted of a felony in Nevada or an offense in another state that would be a felony in Nevada, authorizes the Board to initiate disciplinary proceedings on the complaint of another state's board, and makes other changes related to the regulation of accountants.

The bill is effective on July 1, 2009.

## CONSTITUTIONAL AMENDMENTS

### **A.J.R. 1 (File No. 98)**

Assembly Joint Resolution No. 1 proposes to amend the *Nevada Constitution* to remove provisions requiring that a statewide initiative petition be signed by at least 10 percent of the voters who voted at the last preceding general election in at least 75 percent of the counties in the State. Instead, the resolution declares that an initiative petition shall be proposed by a number of registered voters from each petition district in this State equal to 10 percent of the number of voters who voted at the last general election in the petition district. The measure also stipulates that petition districts must be created by the Legislature.

Finally, the resolution specifies that the number of signatures required on a petition for initiative or referendum will be determined when a copy of the petition is filed with the Secretary of State before circulating the petition for signatures.

If approved in identical form during the 2011 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2012 General Election.

### **A.J.R. 5 (File No. 92)**

Assembly Joint Resolution No. 5 proposes to amend the *Nevada Constitution* to provide that the Legislature may call itself into a special session on extraordinary occasions by a petition signed by two-thirds of the members of both houses. Such occasions include:

- Impeachment or removal proceedings against the Governor, Supreme Court Justices, or certain other State and judicial officers who have committed misconduct in office;
- Expulsion procedures against legislators who have committed misconduct in office;
- Unexpected conditions and financial emergencies; or
- Reconsideration of vetoed measures after the adjournment of a legislative session.

The measure stipulates that the Legislature may only address those issues named in the petition calling for the special session and limits most such sessions to 20 days. An exception is provided to the 20-day limit if a special session is called for the purpose of impeachment, removal, and expulsion procedures in order to allow for sufficient time for due process considerations. Finally, the resolution clarifies that a special session convened by the Legislature must be adjourned prior to “midnight on the clock,” of the 20th day, linked to the actual measure of time being used and observed by the general population of Nevada during that special session.

If approved in identical form during the 2011 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2012 General Election.

**A.J.R. 3—74th Session (File No. 51)**

Assembly Joint Resolution No. 3 of the 74th Session of the Nevada Legislature 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 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 to use within 15 years.

Finally, A.J.R. 3 provides that the provisions of the People's Initiative to Stop the Taking of Our Land (PISTOL), which was approved at the 2008 General Election, will be repealed upon final approval of A.J.R. 3 by the voters at the 2010 General Election.

This measure was approved in identical form during the 2007 and 2009 Sessions of the Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2010 General Election.

**S.J.R. 1 (File No. 80)**

Senate Joint Resolution No. 1 proposes to amend the *Nevada Constitution* to replace the State Board of Pardons Commissioners with a Clemency Board. The measure provides that the Governor, Chief Justice of the Nevada Supreme Court, and Attorney General will each appoint three members to the Clemency Board. At least five of the nine members must have experience working in the criminal justice system.

Finally, S.J.R. 1 authorizes the Legislature to determine the duties, organization, and operation of the Clemency Board through statute.

If approved in identical form during the 2011 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2012 General Election.

**S.J.R. 2—74th Session (File No. 87)**

Senate Joint Resolution No. 2 of the 74th Session of the Nevada Legislature 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.

This measure was approved in identical form during the 2007 and 2009 Sessions 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—74th Session (File No. 57)**

Senate Joint Resolution No. 9 of the 74th Session of the Nevada Legislature 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.

This measure was approved in identical form during the 2007 and 2009 Sessions 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. 46 (Chapter 444)**

Assembly Bill 46 provides that when a defendant in a criminal trial is found or pleads guilty but mentally ill, is acquitted by reason of insanity, or is found incompetent to stand trial, the court must transmit the defendant's record to the Central Repository for Nevada Records of Criminal History for inclusion in the appropriate National Instant Criminal Background Check System (NICS) database. Similarly, a court must transmit to the Central Repository an order involuntarily admitting a person to a public or private mental health facility or an order finding that the proposed ward is a person with a mental defect in a permanent guardianship case.

The measure authorizes a person to petition a court to have his record removed from the NICS database and have his right to purchase or possess a firearm restored if the court finds the person no longer suffers from mental illness. The bill further requires the Central Repository to establish a procedure for a person to inspect and correct information contained in the mental health records held by the Central Repository.

This bill is effective on January 1, 2010.

### **A.B. 47 (Chapter 113)**

Assembly Bill 47 removes the three-year waiting period and instead requires a court to immediately seal a defendant's criminal record upon completion of a program for the treatment of mental illness or mental retardation or a program of treatment for the abuse of alcohol or drugs. The bill further requires a court to seal a defendant's criminal record upon completion of a presentence program of treatment for the abuse of alcohol or drugs.

The bill provides that offenders who are convicted of driving under the influence and are accepted into a program of treatment for the abuse of alcohol or drugs must not have their driving privileges revoked.

This bill is effective on May 19, 2009.

### **A.B. 63 (Chapter 143)**

Assembly Bill 63 authorizes the appointment of masters in justice courts to hear certain matters. The measure requires that a master must possess the same qualifications as justices of the peace in that county and must receive the training outlined by Nevada's Supreme Court prior to performing any duties as a master. Masters appointed pursuant to A.B. 63 may not preside over misdemeanor cases of domestic violence, vehicular manslaughter, or driving under the influence, or in preliminary hearings for gross misdemeanors or felonies.

This bill is effective on July 1, 2009.

**A.B. 64 (Chapter 442)**

Assembly Bill 64 increases from 14 to 15 the number of district court judges in the Second Judicial District (Washoe County), with the additional judge to handle general jurisdiction cases. The bill also increases from 43 to 52 the number of judges in the Eighth Judicial District (Clark County). Two of the additional judges are added to the family court and the remaining seven are added as general jurisdiction judges.

The provisions of this bill that increase the number of judges in the Second and Eighth Judicial Districts are effective only upon passage and approval of A.B. 65, which provides filing fee revenues to support the costs of the new judges for the 2009-2011 Biennium.

Although the number of district court judges is increased effective on October 1, 2009, they will not be selected until the general election on November 2, 2010, and will take office on January 3, 2011.

**A.B. 65 (Chapter 443)**

Assembly Bill 65 authorizes the district courts to charge and collect additional filing fees in civil cases, which must be deposited into a special county account maintained for the benefit of the court, including court-appointed special advocate programs in counties other than Clark and Washoe Counties. The new fee revenues must only be used to offset the costs of adding and maintaining new judicial departments and reimbursing the county for capital costs incurred for adding new departments.

Notwithstanding any specific provisions to the contrary as provided in the bill, A.B. 65 requires that the fees collected from January 1, 2011, to June 30, 2011, must be used to fund the salary and benefits of any district court judge added by A.B. 64 of this Legislative Session only if that measure is also enacted.

In addition to the new filing fees, the measure authorizes a board of county commissioners to impose a filing fee of not more than \$20 for the commencement of any civil action or district court proceeding, to be used for certain court security costs. The bill also requires the collection of a \$50 filing fee for any notice of default and election to sell, to be deposited in a special account to support a program of foreclosure mediation established by Supreme Court Rule. A portion of this fee must be placed in a special account for use by the county recorder.

The measure is effective on July 1, 2009.

**A.B. 92 (Chapter 398)**

Assembly Bill 92 authorizes a retired justice or judge who accepts employment as a senior justice, senior judge, senior justice of the peace, or senior municipal judge of the Nevada Court System to qualify to receive an allowance under the Judicial Retirement Plan for the duration of his or her active service. To receive the allowance, the judge or justice must be at least 60 years of age at the time of his or her reemployment and accept employment at least six months after the effective date of his or her retirement.

In addition, the measure prohibits a retired justice or judge who accepts reemployment as a senior justice, senior judge, senior justice of the peace, or senior municipal judge, and who qualifies to receive an allowance under the Judicial Retirement Plan, from enrolling in the Plan. Instead, the measure provides that a retired justice or judge who is reemployed and commissioned as a senior justice, senior judge, senior justice of the peace, or senior municipal judge is entitled to receive a retirement allowance in addition to compensation for his or her service, and he or she is entitled to receive additional service credit for actual time served if he or she re-enrolls in a retirement plan.

Finally, A.B. 92 requires the Public Employees' Retirement Board to conduct an experience study of the Judicial Retirement System of the reemployment of retired justices or judges by the Nevada Court System and report the findings to the Interim Retirement and Benefits Committee of the Legislature on or before December 31, 2014.

This measure is effective on July 1, 2009, and expires by limitation on June 30, 2015.

**A.B. 102 (Chapter 326)**

Assembly Bill 102 authorizes a court to establish a program for the treatment of problem gambling to which a problem gambler convicted of certain crimes that were committed in furtherance or as the result of problem gambling may be assigned. Assignment must include the terms and conditions for successful completion of the program and provide for progress reports at intervals set by the court to ensure that the person is making satisfactory progress toward completion of the program. The measure further requires that the conditions include payment of restitution to the victim of the crime. Finally, A.B. 102 authorizes a defendant to file a petition requesting the court to seal his criminal record after completion of the treatment program.

**A.B. 132 (Chapter 7)**

Assembly Bill 132 clarifies that in an action for forcible or unlawful entry or detention of real property, actual damages includes damages to real property and personal property.

**A.B. 168 (Chapter 99)**

Assembly Bill 168 authorizes a court to reduce or suspend the sentence of any person convicted of trafficking in a controlled substance if the court finds that the convicted person rendered substantial assistance in the investigation or prosecution of any offense.

When determining whether to reduce or suspend the sentence of the person, the court may consider:

- The significance and usefulness of the convicted person's assistance;
- The truthfulness, completeness, and reliability of the information;
- The nature and extent of the person's assistance;

- Any injury suffered or risk of injury to the convicted person resulting from the assistance; and
- The timeliness of the assistance.

This bill is effective on May 18, 2009, and the amendatory provisions of this measure apply to any convicted person sentenced on or after the effective date.

**A.B. 179 (Chapter 283)**

Assembly Bill 179 authorizes a person convicted of a category A or B felony and who is currently under a sentence of imprisonment to petition the court for postconviction genetic marker analysis. The bill sets forth the information that must be included in the petition. The court may dismiss the petition or appoint counsel to further review, supplement, and present the petition to the court.

If the court schedules a hearing on the petition, the judge who conducted the trial that resulted in the conviction must preside over the hearing unless that judge is unavailable. The bill requires notification of the petition, the time and place of any scheduled hearings, and the outcome of the hearings to victims who have requested such notice.

If the results of the analysis are unfavorable to the petitioner, the court must send the results to the State Board of Parole Commissioners. The petitioner must pay for the costs of the analysis unless the results are favorable to the petitioner and he is indigent and incarcerated at the time of the petition.

**A.B. 187 (Chapter 44)**

Assembly Bill 187 authorizes a district court to establish a program for the treatment of eligible defendants who are veterans or members of the military. The court may suspend the criminal proceedings without entering a judgment of conviction and place the defendant on probation with successful completion of the treatment program as a condition. A defendant is ineligible for assignment to the treatment program if the defendant committed an offense with the use of force or violence or if existing law prohibits the sentence be suspended or prohibits probation.

Further, the bill requires the court to seal the defendant's criminal record after the defendant is released from probation and upon successful completion of the program. Justice and municipal courts are authorized to transfer misdemeanor cases to the district court for the purpose of assigning a defendant to the treatment program.

Finally, A.B. 187 honors Nevada's veterans for their military service and recognizes that while most returning veterans do not have contact with the criminal justice system, those who do should have an alternative to incarceration with proper access to treatment programs.

This bill is effective on July 1, 2009.

**A.B. 250 (Chapter 16)**

Assembly Bill 250 provides that a person may qualify to testify as an expert witness in any court of record in the State, rather than only in a State district court, regarding the presence of alcohol in the breath, blood, or urine of a person, or the identity or quantity of a controlled substance or other chemical in a person's possession. The measure defines who qualifies as a chemist for purposes of such expert witness testimony and authorizes a request to have the affidavit or declaration admitted as evidence at a trial to be personally served on the defendant or his counsel.

**A.B. 462 (Chapter 70)**

Assembly Bill 462 provides that a corporate surety that is authorized to transact insurance in this State with a certificate of authority issued by the Commissioner of Insurance is a sufficient surety for all courts.

This bill is effective on July 1, 2009.

**A.B. 496 (Chapter 312)**

Assembly Bill 496 revises procedures relative to the Commission on Judicial Discipline. Specifically, the measure provides the following:

- The appointment of alternate members is required;
- Annual and biennial reports containing specific information must be prepared by the Commission;
- Time limitations may be extended for good cause shown. With some exceptions, the Commission may not consider certain actions occurring more than three years before a complaint is filed or more than a year after the complainant knew or should have known of the conduct;
- The Commission must dismiss or resolve a complaint or file formal charges within 18 months, and may dismiss a complaint with or without a letter of caution;
- Time frames and procedures are revised for certain Commission proceedings;
- Informal resolution of matters involving the incapacity, and physical or mental disability of a judge must be attempted;
- Public admonishment and public reprimand are added to the forms of discipline the Commission may use for a judge subject to a complaint;
- Letters of caution or deferred discipline agreements are limited and the requirements of a deferred discipline agreement are revised;

- Disclosure of certain information regarding a complaint or investigation against a judge is prohibited before formal charges are filed, except by the complainant and the judge; and
- Under certain circumstances, the Commission may issue an explanatory statement concerning a complaint in order to maintain confidence in the judicial system and the Commission.

This bill is effective on January 1, 2010. The amendatory provisions of the bill apply only to certain filings with the Commission that occur on or after January 1, 2010.

**A.B. 497 (Chapter 313)**

Assembly Bill 497 requires the Central Repository for Nevada Records of Criminal History to facilitate the collection of statistical information and coordinate the exchange of the information among certain criminal justice agencies in the State, and provide statistical data and information to the Advisory Commission on the Administration of Justice as requested.

The bill further requires Nevada's Department of Corrections to provide information on the rates of recidivism and the effectiveness of educational and vocational programs to the Advisory Commission. Finally, the Court Administrator must compile statistical information concerning specialty courts, including the number of participants, the nature of the criminal charges filed, the number of participants who complete the programs, and the disposition of the cases. This information must be included in the report on specialty court programs that the Court Administrator is required to provide to the Legislature before each legislative session.

This bill is effective on July 1, 2010.

**A.B. 499 (Chapter 136)**

Assembly Bill 499 requires a prosecuting attorney to provide copies of discovery to a defendant charged with a felony or gross misdemeanor at the initial arraignment or as soon as practicable thereafter, but not less than five judicial days before the preliminary examination.

**A.B. 509 (Chapter 55)**

Assembly Bill 509 makes certain minor adjustments in definitions, educational requirements, and grounds for discipline related to the practice of court reporting. The bill also revises the terminology of the applicable statutes to address licenses as well as certificates issued by the Certified Court Reporters' Board of Nevada.

**S.B. 34 (Chapter 173)**

Senate Bill 34 authorizes the magistrate of a justice court, when presiding over a preliminary hearing in a case that does not involve the death penalty, to use either a court reporter or sound recording equipment to record testimony and proceedings of the hearing. Recordings must conform to certain existing laws and any resulting transcripts must be treated in the same manner as transcripts from a court reporter.

This measure is effective on May 22, 2009.



**S.B. 35 (Chapter 476)**

Senate Bill 35 provides that if a person is acquitted of a crime in another jurisdiction, his acquittal may be introduced as evidence by the defendant if he is prosecuted for the same offense in Nevada. The measure further amends existing law to eliminate the prohibition on the prosecution of a person in Nevada of a crime for which he has been convicted or acquitted in another country.

This measure is effective on July 1, 2009.

**S.B. 45 (Chapter 455)**

Senate Bill 45 expands the list of witnesses who may provide testimony by deposition if they are unable to attend a trial to include older persons who are at least 70 years of age and vulnerable persons. A court may enter an order to take a deposition from an older or vulnerable person only if good cause is shown.

This measure is effective on June 4, 2009.

**S.B. 84 (Chapter 412)**

Senate Bill 84 extends authority for creating departments of alternative sentencing to cities and defines the supervisory responsibilities of the chiefs of those departments at the city and county levels. In cities with a municipal court, the chief of the city's department of alternative sentencing is required to administer the program of supervision for persons sentenced by the city's municipal court.

For cities with departments of alternative sentencing located in a county that has a justice court but where no county department exists, the measure provides that the chief of the city's department of alternative sentencing may administer the program of supervision for those who were sentenced by the county's justice court. However, if the city chief chooses not to administer it, the bill authorizes the justice court to contract with a qualified person to administer the program.

Finally, the bill revises the responsibility of the chief of a county department of alternative sentencing. In those counties where a municipal court exists in a city but that city has no department of alternative sentencing, the county chief is required to supervise the program of supervision for those sentenced by the municipal court. Where there is no county department of alternative sentencing, the bill authorizes the municipal court to contract with a qualified person to administer the program.

**S.J.R. 2—74th Session (File No. 87)**

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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.

This measure was approved in identical form during the 2007 and 2009 Sessions 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—74th Session (File No. 57)**

Senate Joint Resolution No. 9 of the 74th Session of the Nevada Legislature 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.

This measure was approved in identical form during the 2007 and 2009 Sessions of the Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2010 General Election.

## **CRIMINAL JUSTICE**

(See also Courts and Judicial Procedures)

### **A.B. 105 (Chapter 39)**

Assembly Bill 105 eliminates the requirement for a court order to collect personal identifying information and a biological specimen from a defendant, and provides that if it is determined that a defendant's biological specimen has previously been submitted for conviction of a prior offense, an additional specimen is not required.

The measure authorizes a board of county commissioners to deposit grants and donations into the county's fund for genetic marker testing and expands the authority of a forensic lab to use funding to cover any expense related to genetic marker testing.

This bill is effective on July 1, 2009.

### **A.B. 279 (Chapter 368)**

Assembly Bill 279 provides that upon conviction of a defendant for a category A or B felony, an agency of criminal justice that possesses certain biological evidence must preserve such evidence until expiration of any sentence imposed on the defendant.

### **A.B. 332 (Chapter 50)**

Assembly Bill 332 provides that immunity from civil liability applies to persons who donate and who receive or distribute perishable food.

This bill is effective on July 1, 2009.

### **A.B. 380 (Chapter 160)**

Assembly Bill 380 provides that the assets of a person who commits pandering or prostitution of a child are subject to forfeiture and a court may enter a temporary restraining order to freeze the assets. Proceeds from the forfeiture of assets must be distributed to programs to prevent child prostitution which are designated to receive such distributions from the county district attorney.

The bill provides that in addition to criminal penalties prescribed by statute, a court may impose additional criminal fines on a person convicted of pandering or prostitution of a child.

### **A.B. 385 (Chapter 486)**

Assembly Bill 385 requires the Board of State Prison Commissioners to adopt regulations establishing the maximum number of prisoners that may be incarcerated in a private facility, based on standards adopted by the American Correctional Association.

Nevada's Department of Corrections is required to monitor all private facilities that house prisoners, the expense of which will be reimbursed by the facility being monitored. The bill specifies that certain State laws governing State correctional facilities and escapes from those

facilities also apply to private facilities built in Nevada. A private organization operating a private facility or institution must reimburse the State for expenses charged against or paid by the State concerning a prisoner who escapes from the private facility or institution.

Finally, correctional officers employed by a private facility must receive training equivalent to that given to State correctional officers.

This bill is effective on July 1, 2009.

## **Crime and Punishment**

### **A.B. 88 (Chapter 471)**

Assembly Bill 88 prohibits a person from using the Internet to knowingly and willfully control child pornography with the intent to view child pornography.

The bill also creates a civil cause of action for a person who, while under the age of 16, appeared in child pornography and suffered personal or psychological injury as a result. The action may be brought against anyone over the age of 18 who knowingly and willfully promoted or possessed the pornography, or used the Internet with the specific intent to view the pornography. A victim who prevails in the civil action may recover actual damages, which are deemed to be at least \$150,000, plus attorney's fees and costs. The victim may also request the use of a pseudonym in court proceedings and records.

The statute of limitations for such an action is three years after the court enters a verdict in a related criminal case or the victim reaches the age of 18, whichever is later.

### **A.B. 93 (Chapter 37)**

Assembly Bill 93 expands the crime of assault to include unlawfully attempting to use physical force against another person in addition to intentionally placing another person in reasonable apprehension of immediate bodily harm, which is the existing crime of assault.

This bill is effective on May 6, 2009.

### **A.B. 164 (Chapter 42)**

Assembly Bill 164 revises the crime of battery by providing that a person who intentionally impedes the normal breathing or blood circulation by applying pressure on the throat or neck, or by blocking the nose or mouth of another person in a manner that creates a risk of death or substantial bodily harm, is guilty of the crime of battery which is committed by strangulation.

This bill is effective on May 6, 2009.

**A.B. 182 (Chapter 11)**

Assembly Bill 182 adds the federal list of explosive materials to the definition of explosive for purposes of crimes involving explosives and repeals certain duplicative State laws relating to crimes involving explosives.

This bill is effective on April 22, 2009.

**A.B. 238 (Chapter 291)**

Assembly Bill 238 provides that a person who solicits a child for prostitution is guilty of a category E felony.

**A.B. 239 (Chapter 156)**

Assembly Bill 239 removes from the statutes provisions concerning convictions and prior convictions for petit larceny or certain crimes involving fraud or the intent to defraud that relate to conviction as a habitual criminal. This bill provides that a person may be prosecuted as a habitual criminal, punishable as a category B felony if he receives a felony conviction and has two previous felony convictions, or punishable as a category A felony if he receives a felony conviction and has three previous felony convictions.

**A.B. 253 (Chapter 58)**

Assembly Bill 253 revises the crime of resisting, obstructing, or delaying a public officer in the discharge of his duties by making it a category C felony to use a firearm in the resistance, obstruction, or delay or if the person removes or takes the public officer's firearm in the course of resisting, obstructing, or delaying the public officer. This bill makes it a category D felony to use a dangerous weapon, other than a firearm, in the commission of this crime.

**A.B. 264 (Chapter 46)**

Assembly Bill 264 revises the list of crimes that a defendant whose case has been dismissed due to the defendant's incompetence must have been charged with before a prosecuting attorney may file a motion for a hearing to determine whether that defendant should be committed to a forensic facility of the Division of Mental Health and Developmental Services, Nevada's Department of Health and Human Services. Instead of being charged with a category A or a category B felony, the defendant must have been charged with a category A felony or a specified violent category B felony before the motion may be filed.

The bill also requires the Division to conduct a comprehensive risk assessment to determine whether the person requires placement in a secure forensic facility, and the Division must provide that assessment to the court, the prosecuting attorney, and the person's counsel. Before a court may commit a person to a forensic facility, the person's dangerousness must be at a level that requires him to be placed in such a facility.

Finally, the bill authorizes the Division or the committed person to petition the court for conditional release from a forensic facility.

**A.B. 286 (Chapter 48)**

Assembly Bill 286 provides that a sufficient warning against trespass is given by the owner or occupant of the land or the building by making an oral or written demand to any guest to vacate the land or the building.

**A.B. 309 (Chapter 497)**

Assembly Bill 309 revises the crime of stalking to include a course of conduct that would make a reasonable person feel fearful for the immediate safety of a member of the person's family or household. Family or household member is defined as a spouse, a former spouse, a parent or other person who is related by blood or marriage or is or was actually residing with the person. The bill adds text messaging to the existing crime of stalking with the use of a communication device, which is punishable as a category C felony.

The measure also revises the Nevada Clean Indoor Air Act to allow smoking in the area of a convention facility where a meeting or trade show related to tobacco or convenience stores is taking place, under certain circumstances.

This bill is effective on December 9, 2009, for purposes of revising the Nevada Clean Indoor Air Act, and on October 1, 2009, for all other purposes.

**A.B. 322 (Chapter 49)**

Assembly Bill 322 provides that it is a category B felony for a person, under certain circumstances, to engage in at least two similar transactions within four years that operate as a fraud or deceit on another person by making false representations or omitting material facts that the person knows are false, intends to have another person rely on, and results in loss to another person who relied on the false information. To be guilty of this crime, a person must, in the course of an enterprise or occupation, engage in the fraudulent or deceitful transactions knowingly and with the intent to defraud. The new crime set forth in this bill is also incorporated into the crimes of racketeering and money laundering.

The bill also prohibits a person from transporting, attempting to transport, or providing property to another person knowing the property will be used to further racketeering activity. Finally, the bill makes it unlawful for a person to conduct a property transaction, knowing the property is derived from unlawful activity, with the intent to further racketeering activity or knowing the transaction conceals the source of the property.

**A.B. 335 (Chapter 303)**

Assembly Bill 335 includes in the definition of a private nuisance any building or place that is regularly and continuously used by members of a criminal gang to further gang activities, and it allows the person whose property is affected to bring a civil action for abatement of the nuisance and damages. Such a building or place may also constitute a public nuisance, and anyone responsible for the nuisance is guilty of a misdemeanor.

The measure also allows the board of county commissioners and the governing body of a city to adopt ordinances authorizing civil actions to enjoin the activities of a specific member of a gang and to recover damages, fees, and costs against the gang member and the owner of the building or place that is found to be a nuisance due to gang activity. Fees collected must be used to benefit the community or neighborhood injured by the criminal activities of the gang, or where the building or place of gang activity is located. A material violation of the injunction is a misdemeanor.

**A.B. 384 (Chapter 52)**

Assembly Bill 384 expands to prisoners under lawful arrest the criminal provisions governing certain unlawful acts involving human excrement or bodily fluid. A first offense is a gross misdemeanor, and a second or subsequent offense is a category D felony.

If the victim of such a crime is an officer or employee of a law enforcement agency, that agency must pay for certain examinations or tests to determine whether a communicable disease was transmitted to the victim.

**A.B. 461 (Chapter 437)**

Assembly Bill 461 provides that reports investigating crimes against an older person must be submitted to the Aging Services Division, Nevada's Department of Health and Human Services, the repository of crimes against older persons, and the Attorney General's investigative unit for crimes against older persons within 30 days after completion of the report.

The bill also creates a multidisciplinary team, which may be organized by the Attorney General's investigative unit, to review allegations of crimes against older persons and requires that all peace officers be trained in cases of crimes against older persons.

**A.B. 481 (Chapter 135)**

Assembly Bill 481 defines fugitive from justice as a person found in this State after: (1) being charged with a felony in another state and fleeing from that state to avoid prosecution for the felony; or (2) fleeing from another state to avoid giving testimony in any criminal proceeding. This definition applies to existing law that makes it a crime for a person who is a fugitive from justice to:

- Own or possess a firearm;
- Possess an electronic stun device;
- Purchase firearms or ammunition; and
- Receive explosives.

**S.B. 125 (Chapter 205)**

Senate Bill 125 prohibits the intentional use of radio frequency identification to capture, read, retain, or use the personal identifying information of another person without his knowledge or consent for the purpose of fraud, identity theft, or other illegal purposes.

The measure also contains a housekeeping provision to make consistent those statutory provisions that address certain financial transactions involving payment cards and permission for the financial transaction.

**S.B. 142 (Chapter 112)**

Senate Bill 142 establishes the crime of criminal gang recruitment, committed when an adult engages in certain threatening or violent activities with the specific intent to coerce or solicit a child to join, rejoin, or remain in a criminal gang. A person who commits this crime is guilty of a category E felony, but is not subject to the additional penalty for crimes committed to promote or assist the activities of a criminal gang.

**S.B. 223 (Chapter 63)**

Senate Bill 223 clarifies that for the purposes of certain property crimes, the identifying description of a credit card or debit card may be the physical or electronic description of the card.

**Juvenile Crime and Delinquency**

**A.B. 237 (Chapter 69)**

Assembly Bill 237 revises the factors a court may consider when determining whether to certify a child for criminal proceedings as an adult under the procedure commonly referred to as presumptive certification if the child is charged with certain offenses. Specifically A.B. 237 provides that the juvenile court shall not certify the child as an adult if the court finds by clear and convincing evidence that the child has substance abuse or emotional or behavioral problems that may be appropriately treated through the jurisdiction of the juvenile court. The bill also raises from 14 to 16 years the age at which a child may be certified as an adult under presumptive certification.

This bill is effective on May 11, 2009.

**S.B. 235 (Chapter 25)**

Senate Bill 235 requires a hearing by a juvenile court to determine whether to dismiss the charges against certain juvenile offenders or to transfer jurisdiction to a criminal court that would otherwise have jurisdiction if the delinquent act was committed by an adult. The juvenile offenders to whom these provisions apply are those who, between 16 and 18 years of age, commit an act that would be a category A or B felony if committed by an adult, and who are identified by law enforcement before turning 21 years of age but are apprehended after reaching the age of 21.



The court's decision to either dismiss the charges or to transfer the case to a criminal court must be based on the interests of justice and the need for protection of the public, with consideration given to the nature of the acts, impact to the victim, extent of punishment or counseling, behavior of the offender, risk of recidivism, and other factors. Transfer of the case to a criminal court also transfers jurisdiction over the offender, and the offender must be held as an adult and is entitled to bail.

Finally, except for the hearing to dismiss the charges or transfer the case to an adult criminal court, the bill provides that these delinquent acts and juvenile offenders are not otherwise under the jurisdiction of the juvenile court.

## **Pardons, Parole, and Probation**

### **A.B. 117 (Chapter 148)**

Assembly Bill 117 authorizes the State Board of Parole Commissioners to grant parole to a prisoner without a meeting if the Board anticipates that parole will be granted. The bill also provides that a member of the Board or a case hearing representative may recommend parole of a prisoner without a hearing if certain conditions are met. Such a recommendation remains subject to final approval by a majority of the Board.

This bill is effective on July 1, 2009.

### **A.B. 259 (Chapter 447)**

Assembly Bill 259 requires the standards for offenders who are eligible for residential confinement, as adopted by the Director of Nevada's Department of Corrections (NDOC), to provide that an offender convicted of a category B felony is eligible for assignment to the custody of the Division of Parole and Probation, NDOC, if the offender is not otherwise ineligible and the Director makes a written finding that the offender is not likely to pose a threat to the safety of the public.

The bill amends existing law authorizing a term of residential confinement for parolees and probationers who violate the terms of their parole or probation to provide that such offenders may also be placed in an institution of the Department, and that the Department may select the facility or institution in which to place the person. Under A.B. 259, a court may provide for the forfeiture of credits for good behavior of a probationer who violates a condition of probation, and as appropriate, for the restoration of those credits. In addition, the bill requires that a person sentenced to a period of probation for a felony or gross misdemeanor must be allowed a deduction from his period of probation for certain activities if the probationer is in compliance with the terms and conditions of his probation as determined by the Division. Finally, the bill provides that a parolee returned to confinement in the Department, may earn credits to reduce his sentence.

The bill is effective on July 1, 2009.

**A.B. 474 (Chapter 345)**

Assembly Bill 474 changes parole eligibility for prisoners serving two or more consecutive life sentences with the possibility of parole. For offenses committed on or after July 1, 2009, parole eligibility must be based on the aggregate minimum sentence for those offenses. If committed prior to July 1, 2009, and the prisoner has not previously been considered for parole, he may elect to have his parole eligibility based on the minimum aggregate sentence. Regardless of the date of the offenses, the State Board of Parole Commissioners is not required to consider parole until the minimum aggregate sentence is served.

The bill further provides conditions under which a prisoner sentenced to life imprisonment with the possibility of parole, who was less than 16 years of age at the time he committed the offense, must be granted parole. The prisoner must:

- Have served the minimum term;
- Have completed a program of general education or an industrial or vocational training program;
- Not be a member of a group that poses a security threat within Nevada's Department of Corrections; and
- Have not, within the immediately preceding 24 months, committed a major violation or been housed in disciplinary segregation.

If the prisoner is serving consecutive sentences, he will be paroled from his current sentence to his subsequent term of imprisonment. If he is not serving consecutive sentences, he will be released on parole. Upon release, he is subject to the same conditions and supervision requirements as other prisoners released under Nevada's mandatory parole statute.

The bill is effective on July 1, 2009, as it pertains to parole eligibility using minimum aggregate sentencing, and on October 1, 2009, for parole of prisoners whose offense was committed under the age of 16 years.

**S.B. 238 (Chapter 211)**

Senate Bill 238 authorizes the State Board of Pardons Commissioners to adopt a policy to provide an expedited process for restoring the civil rights of certain persons without the need for a meeting of the Board. The person must submit an application to the Board and meet certain conditions. Among the conditions, there must be no objection from either the court in which the judgment was rendered or the district attorney of the county where the conviction took place, and there can be no written request from the victim for notice of a clemency hearing.

**NOTE: See also Senate Bill 4 (Chapter 6) of the 24th Special Session.**

## **Victims of Crime**

### **A.B. 27 (Chapter 5)**

Assembly Bill 27 revises the identity theft passport program administered by the Office of the Attorney General for victims of identity theft. The bill changes the name of the “identity theft passport” to the “identity theft program card”; it distinguishes the application requirements for residents and nonresidents of Nevada; and it provides authority to the Office of the Attorney General to designate the agencies that may accept an application for an identity theft program card.

### **A.B. 114 (Chapter 40)**

Assembly Bill 114 extends from 15 days to 60 days the period of time in which a crime victim may appeal the denial of a claim from the Fund for the Compensation of Victims of Crime.

This bill is effective on May 6, 2009.

### **A.B. 116 (Chapter 147)**

Assembly Bill 116 prohibits a compensation officer with the Fund for the Compensation of Victims of Crime from considering the provocation, consent, or any other behavior of a victim in cases involving domestic violence or sexual assault when determining whether to award compensation to the victim. The measure requires a law enforcement agency or a juvenile court to provide the compensation officer with a copy of the requested investigative and police reports within ten days after the receipt of the request or within ten days after the report is completed, whichever is later.

This bill is effective on May 22, 2009.

### **A.B. 120 (Chapter 68)**

Assembly Bill 120 authorizes a victim of a sexual assault to request a temporary or extended order of protection against a person who allegedly committed the sexual assault. Further, the bill:

- Provides for the deferment of fees related to the protection order;
- Fixes the duration of the order;
- Requires the order to be transmitted to and enforced by law enforcement; and
- Requires the court to provide a copy of the order to the victim if a condition of the defendant’s sentence restricts the ability of the defendant to have contact with the victim.

This bill is effective on May 11, 2009.

**A.B. 283 (Chapter 337)**

Assembly Bill 283 increases from \$50,000 to \$100,000 the limit on the amount of compensation that may be awarded to a crime victim from the Fund for the Compensation of Victims of Crime. The bill also authorizes the State Board of Examiners to provide an additional award up to \$50,000 after considering the amount of money in the Fund and the circumstances of the victim.

This bill is effective on May 29, 2009.

**A.B. 325 (Chapter 300)**

Assembly Bill 325 provides that a person convicted of certain sexual offenses and released on probation, a suspended sentence, parole, or placed on lifetime supervision must not have any contact with the victim or a witness who testified against him unless approved by the Chief of the Division of Parole and Probation, Nevada's Department of Public Safety, or his designee.

The bill further expands the prohibition against public disclosure of a sexual assault victim's identification to include a victim of statutory sexual seduction or sexual conduct involving a pupil or student.

The bill is effective on October 1, 2009. The provisions of the bill apply to a person who is convicted on or after October 1, 2009.

## EDUCATION

### **A.B. 13 (Chapter 229)**

Assembly Bill 13 authorizes a school district to request a waiver from all or a portion of the minimum expenditure requirement for textbooks, instructional supplies, and instructional hardware in the event of an economic hardship, which is defined as occurring when revenue projections do not meet or exceed the revenues anticipated by the Legislature, or if the school district incurs unforeseen expenses, including those relating to a natural disaster.

A request for a waiver must be reviewed by Nevada's Department of Education and the State Board of Examiners. The Interim Finance Committee (IFC) makes the final determination to grant a waiver. A school district receiving a waiver may not use the money for collective bargaining or to adjust salaries and benefits.

The measure requires the board of trustees of the school district receiving a waiver to submit a report to the IFC and the Department. If the IFC determines the economic hardship has been mitigated or the actual expenses incurred by the school district are less than anticipated, the amount of the waiver must be reduced and the required minimum expenditures for the school district must be adjusted.

This measure is effective on July 1, 2009.

### **A.B. 14 (Chapter 93)**

Assembly Bill 14 requires Nevada's Department of Education to adopt a model to measure annual growth in pupil achievement on statewide criterion-referenced tests. Progress in pupil achievement must be reported in the State and district annual accountability reports. The Department must adopt the model by July 1, 2010.

This bill reduces from 3 to 2 the number of times that a pupil, before beginning grade 12, must have failed the high school proficiency examination (HSPE) before that pupil is eligible to proceed under alternative examination requirements.

Provisions relating to the growth model and to the HSPE are effective on July 1, 2009. Provisions relating to reporting the testing results are effective on January 1, 2011.

### **A.B. 56 (Chapter 232)**

Assembly Bill 56 relates to the use of physical and mechanical restraints on pupils with disabilities. This bill requires public and private schools to report annually on the use of restraints. When the reported use of restraints exceeds certain limits, a review of the pupil's circumstance or the individualized education program must be conducted. If the restraint continues after such review, the measure requires additional positive behavior approaches be included in the pupil's services plan or program to ensure that restraint of the pupil does not continue. Procedures to report the use of corporal punishment are included in the bill.

This measure is effective on July 1, 2009.

**A.B. 154 (Chapter 282)**

Assembly Bill 154 requires a school district board of trustees to establish a policy to prohibit activities of criminal gangs on school property. The policy may include:

- Training for the prevention of the activities of criminal gangs on school property;
- Provisions prohibiting a pupil from wearing any clothing or carrying any symbol on school property that denotes membership in or an affiliation with a criminal gang;
- Provisions prohibiting any activity that encourages participation in a criminal gang or facilitates illegal acts of a criminal gang; and
- Provisions providing for the suspension or expulsion of pupils who violate the policy.

The measure authorizes the board of trustees of each school district to develop the policy in consultation with local law enforcement agencies, school police officers, persons with experience regarding the actions and activities of criminal gangs, and organizations that are dedicated to alleviating criminal gangs or assisting members of criminal gangs who wish to disassociate from a gang.

Finally, the measure requires the board of trustees of each school district to submit to the Legislative Committee on Education a report concerning the policy prohibiting the activities of criminal gangs on school property, including the activities of the board in ensuring the policy is carried out.

This measure is effective on July 1, 2009.

**A.B. 191 (Chapter 285)**

Assembly Bill 191 provides that school districts are required to conduct examinations of height and weight of a representative sample of pupils in grades 4, 7, and 10. The districts are required to report these results to the State Health Officer. Although the measure authorizes the school districts to conduct the examinations in other grade levels, the results are not to be included in the report to the State Health Officer.

The measure requires the Legislative Committee on Health Care to examine issues related to the height and weight of children during the 2009-2010 Interim.

This measure is effective on July 1, 2009, and expires by limitation on June 30, 2015.

**A.B. 220 (Chapter 288)**

Assembly Bill 220 sets a schedule for the purchase of a school site that is set aside as part of the approval of a subdivision in Washoe County and a deadline for construction of the school. In Washoe County, the school district and subdivider may negotiate for a price that does not exceed the fair market value of the land at the time the tentative map was approved plus any

costs paid by the subdivider between that time and the purchase date or the fair market value of the land on the date of purchase, whichever is less. The Washoe County School District must purchase the site, if at all, no later than five years from the date on which the final map that contains the school site is approved and construction of the school must begin no later than ten years from the date of approval of the final map. If construction of the school does not commence within ten years, the land purchased by the school district must be offered for sale to the subdivider or his successor in interest.

**A.B. 243 (Chapter 292)**

Assembly Bill 243 requires certain employers to grant to a parent or guardian of a child enrolled in a public or private school leave to attend school-related functions. An employer must grant an employee up to four hours per child per school year. The parent or guardian must request the leave at least five school days prior to the leave and the leave must be mutually agreed upon. An employer is not required to pay the employee for the absence. An employer may not discharge, demote, or discriminate against any employee who takes leave. These provisions do not apply if the employee is afforded the same leave under the same conditions pursuant to a collective bargaining agreement.

An aggrieved person may file a claim or complaint with the Labor Commissioner. If the Commissioner determines the claim or complaint is valid and enforceable, the Commissioner must provide notice and opportunity for a hearing. If the Commissioner decides in favor of the employee, the Commissioner may award additional remedies, to include:

- Wages and benefits lost as a result of the violation;
- An order of reinstatement without loss of position, seniority, or benefits; and
- Damages equal to the amount of the lost wages and benefits.

This measure is effective on August 15, 2009.

**A.B. 348 (Chapter 304)**

Assembly Bill 348 requires the board of trustees of each school district and each public school to prepare a written notice of certain educational programs and services available to a pupil at his school and elsewhere in the school district. The programs that must be identified include:

- Advanced placement courses;
- Honors courses;
- International baccalaureate courses;
- Special education services; and
- Gifted and talented programs.

Each public school is required to provide notice of the availability of the information to pupils, parents, and guardians. The notice must be provided at the beginning of each school year or

upon a pupil's enrollment in public school and must be available in such languages as determined by the board of trustees.

This bill is effective on July 1, 2009.

**A.B. 359 (Chapter 342)**

Assembly Bill 359 creates the Grant Fund for the Training and Education of Personnel Who Work With Pupils With Autism to provide grants to schools for training certain personnel. To the extent that money is available in the fund, school districts and charter schools must ensure that licensed educational personnel who work with pupils with autism and who assist parents of children with autism receive appropriate training.

This measure also requires Health Division, Nevada's Department of Health and Human Services, personnel who provide early intervention services, and any contractor with the Division that provides those services, to possess the knowledge and skills necessary to provide services to children with autism and their families.

This measure is effective on July 1, 2009.

**A.B. 429 (Chapter 131)**

Assembly Bill 429 revises the formula to determine the required minimum expenditures for textbooks, instructional supplies, and instructional hardware by establishing a base of expenditures in Fiscal Year 2004-2005 and allowing adjustments for enrollment changes and inflation. The formula must be developed by Nevada's Department of Education in consultation with the Budget Division of Nevada's Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau. Finally, the bill adds instructional software to expenditures, and it applies the minimum expenditure requirements to charter schools and the university school for profoundly gifted pupils.

This bill is effective on July 1, 2009.

**A.B. 487 (Chapter 311)**

Assembly Bill 487 requires the board of trustees of each school district to adopt several policies relating to middle school or junior high school pupils for implementation beginning with School Year 2011-2012. The policies shall include:

- The development of an academic plan for each pupil initially enrolled in the school;
- A program of small learning communities in a school with an enrollment of 500 pupils or more;
- A program of peer mentoring that may include a component of adult mentoring; and
- A program to require a pupil to conduct at least one pupil-led conference among the pupil, parent or guardian, and a teacher.



The policies must provide that, even if a pupil does not satisfy all of the goals of the academic plan or does not conduct a pupil-led conference, he is eligible for promotion to high school if he otherwise meets the requirements.

The provisions relating to the adoption of policies are effective on July 1, 2009. All other provisions, including provisions concerning implementation of the policies, are effective on July 1, 2011.

**A.B. 560 (Chapter 320)**

Assembly Bill 560 eliminates the Western Nevada Regional Training Program and reorganizes the membership of school districts in the remaining three Regional Training Programs for the Professional Development of Teachers and Administrators. The membership of the Statewide Council for the Coordination of the Regional Training Programs is reduced to reflect the elimination of one regional training program.

Provisions relating to the termination of members on the Statewide Coordinating Council and to the transfer of certain personnel records are effective on May 28, 2009. Provisions relating to the elimination of Western Nevada Regional Training Program are effective on July 1, 2009.

**S.B. 12 (Chapter 71)**

Senate Bill 12 requires applicants for funds from the Commission on Educational Excellence to identify whether the request is to support a new program or continue an existing program and identify all other sources of money requested or received by the applicant for the same or similar program. In addition, this measure prohibits the Commission from awarding money for a program of remedial study that is available commercially unless the program has been adopted by Nevada's Department of Education as being effective in improving the academic achievement and proficiency of students. Finally, S.B. 12 requires the Legislative Auditor to include in its biennial audit:

- A review of the length of time it takes applicants to receive funding approved by the Commission; and
- A determination of whether the applicant utilized the funding received for purposes approved by the Commission.

This bill is effective on July 1, 2009.

**S.B. 61 (Chapter 82)**

Senate Bill 61 allows a school district that receives revenue from the net proceeds of minerals tax to have greater access to its mitigation fund, which is created by each school district through setting aside a portion of the annual net proceeds revenue. The measure removes the condition that a school district may only access the fund if the amount of revenue received from the tax declines in each of the preceding two fiscal years. The bill expands the authorized uses of the fund to include mitigating the adverse effects caused by a

natural disaster. In addition, school districts in counties whose populations are less than 5,000 (Esmeralda, Eureka, Lincoln, and Storey Counties) may use money in their respective mitigation funds to retire bonds or other outstanding obligations and support the continuation of instructional programs and related support services that would otherwise have been reduced or eliminated if access to the mitigation fund was not available.

This bill is effective on July 1, 2009.

**S.B. 62 (Chapter 203)**

Senate Bill 62 authorizes the board of trustees of a school district in a county whose population is less than 400,000, charter schools, and the university school for profoundly gifted pupils to offer early intervening services for pupils who do not require special education services but who need additional academic or behavioral support to succeed in a regular school program. In implementing a program of intervening services, the eligible school districts may use not more than 15 percent of the State's allocation for special education program units to support the services.

Senate Bill 62 authorizes the State Board of Education to prescribe the minimum standards for the provision of early intervening services.

This measure is effective on May 26, 2009.

**S.B. 77 (Chapter 180)**

Senate Bill 77 provides for the establishment of teen mentoring programs in Nevada's public high schools. The measure authorizes the board of trustees of each school district to establish a policy for a program of teen mentoring in public high schools within the school district. The program may include a component of adult mentoring and may be designed to assist ninth graders with the successful transition from middle school or junior high school to high school. The board of trustees of each school district and each public high school is authorized to apply for and accept gifts, grants, and donations from any source for support of the teen mentoring program. This measure does not prevent a public high school from continuing to provide any similar program of teen mentoring that already exists.

This measure is effective on May 22, 2009.

**S.B. 161 (Chapter 74)**

Senate Bill 161 revises provisions governing the Nevada Youth Legislative Issues Forum, including changing the name to the Nevada Youth Legislature, changing the date for appointment, and changing the commencement date of members' terms. The measure specifies that in the event that a member of the Senate does not make an appointment to the Youth Legislature by March 30, members of the Assembly whose assembly districts are at least partially located within the senatorial district of that member of the Senate must collaborate to appoint a person to become a member of the Youth Legislature.

Senate Bill 161 revises the eligibility requirements for the Youth Legislature to authorize only pupils who are enrolled in grades 10 through 12 in public, private, and home schools to apply for appointment to the Youth Legislature. This measure prohibits a student from being appointed by a relative. Finally, S.B. 161 extends by two years the date by which the money appropriated to the Nevada Youth Legislature during the 2007 Legislative Session will revert to the State General Fund.

Provisions that extend the date by which money reverts to the State General Fund are effective on May 12, 2009. The remaining sections of the measure are effective on July 1, 2009.

**S.B. 163 (Chapter 188)**

Senate Bill 163 revises the provisions governing safe and respectful learning environments for all school districts and public schools to include a prohibition on bullying and cyber-bullying. Bullying is defined as a willful act that exposes a pupil repeatedly to negative actions that are highly offensive and intended to cause harm or emotional distress. Cyber-bullying is defined as bullying through the use of electronic communication. In addition, this measure requires the Council to Establish Academic Standards for Public Schools to include a policy in the academic standards for courses in computer education and technology for the ethical, safe, and secure use of computers and other electronic devices.

Provisions relating to rulemaking are effective on July 1, 2009. Provisions relating to implementation by school districts are effective on July 1, 2010.

**S.B. 303 (Chapter 463)**

Senate Bill 303 enacts the Interstate Compact on Educational Opportunity for Military Children. This Compact addresses issues relating to children of military families in states that are members of the Interstate Compact, including uniformity of guidelines for the enrollment, placement, graduation, and extracurricular activities of those children.

In order to carry out the provisions of the Interstate Compact, S.B. 303 creates the State Council for the Coordination of the Interstate Compact. The State Council is required to appoint a liaison to assist military families transferring into Nevada. The Governor is required to appoint a Commissioner to oversee the administration of the Interstate Compact in Nevada. The members of the State Council, the liaison, and the Commissioner serve without compensation and are not entitled to any per diem or travel expenses.

The measure creates the Interstate Compact on Educational Opportunity for Military Children Account. This account is administered by the Superintendent of Public Instruction and may be used by the State Council to pay any assessments, obligations, or fees to the Interstate Commission and to meet necessary administrative expenses of the State Council. The measure authorizes the State Superintendent to accept gifts, grants, or donations for deposit in the Account.

The provisions relating to the Account are effective on July 1, 2009. All other provisions are effective on January 1, 2011.

**S.B. 317 (Chapter 268)**

Senate Bill 317 requires each school district board of trustees and each charter school governing body to ensure that instruction in financial literacy is provided to pupils enrolled in high school, as applicable. Instruction in financial literacy must include the skills necessary to:

- Develop financial responsibility;
- Manage finances;
- Understand the use of credit and the incurrence of debt; and
- Understand the basic principles of saving and investing.

This measure is effective on July 1, 2009.

**S.B. 389 (Chapter 422)**

Senate Bill 389 eliminates the requirement to establish a school support team for schools that have been designated as demonstrating need for improvement for three consecutive years. The measure authorizes Nevada's Department of Education to establish a school support team only for those schools where it is deemed necessary. In order to determine the need for a school support team, the measure requires the school district or governing body of a charter school to conduct a comprehensive audit for an eligible school, including an audit of the curriculum implemented at the school. The audit of the curriculum, at a minimum, must include a review of the methods of instruction and the assessments administered by the school.

For non-Title I schools that have been designated as demonstrating need for improvement for four consecutive years, S.B. 389 requires the development of a turnaround plan to improve the academic achievement of pupils. The measure specifies the minimum criteria to be included in the turnaround plan for non-Title I schools and the restructuring plan for Title I schools to include:

- Measureable goals and objectives;
- Specific actions; and
- A timeline for completing the plan.

If a school support team is established, it shall make recommendations concerning the turnaround plan or the restructuring plan. Finally, S.B. 389 removes the requirement for a school to develop a plan for improvement when the school is also required to develop a turnaround or restructuring plan.

The sections of the bill relating to the adoption of regulations by the State Board of Education and assignment of school support teams are effective on July 1, 2009. The sections of the bill relating to regulations for empowerment schools expire by limitation on June 30, 2011. All other sections of the bill are effective on July 1, 2010.

**S.B. 416 (Chapter 423)**

Senate Bill 416 continues to limit district-wide examinations in public elementary and secondary schools to tests required by federal or State law, or adopted by a school district before July 1, 2007.

Senate Bill 416 also temporarily suspends the statewide administration of the norm-referenced tests in grades 4, 7, and 10 through the 2009-2011 Biennium.

The sections of the bill relating to the moratorium on the expansion of district-wide examinations are effective on June 3, 2009, and expire by limitation on June 30, 2011. The provisions relating to the temporary suspension of the norm-referenced tests are effective on July 1, 2009.

**Charter Schools and Other Nontraditional Schools****A.B. 26 (Chapter 231)**

Assembly Bill 26 revises provisions governing charter schools, including:

- Providing that the sponsor of a charter school and Nevada's Department of Education shall not request a performance audit more often than every three years unless there is reasonable evidence of noncompliance on the part of the charter school in achieving its educational goals and objectives as specified in the sponsor's annual report;
- Changing the deadline for application for renewal of a charter from 90 days prior to expiration of the charter to 120 days before the charter expires; and
- Requiring Nevada's Department of Education to submit annual reports to the State Board of Education on charter schools sponsored by the State Board.

This measure is effective on July 1, 2009.

**A.B. 100 (Chapter 234)**

Assembly Bill 100 revises certain charter school operations. The bill provides that a sponsor of a charter school shall approve a trustee to oversee the closure of a school and may receive reimbursement if it compensates the trustee. A sponsor may require annual performance audits if the charter school no longer qualifies for an exemption that permits an audit every three years. The sponsor may request quarterly, rather than annual, reimbursement for administrative costs; however, the governing body of a charter school may apply for a delay in the payment of a quarterly reimbursement if a financial hardship exists to the charter school. A pupil enrolled in a charter school may participate in classes or sports offered by a school district in which he resides, if the board of trustees approves.

Assembly Bill 100 requires the Deputy Superintendent for Administrative and Fiscal Services to investigate, inspect, and report on the funds and accounts of charter schools and university schools for profoundly gifted pupils in the same fashion as performed for school

districts. Finally, this measure requires Nevada's Department of Education to develop a formula to determine a charter school's minimum annual expenditures for textbooks and instructional materials.

This bill is effective on July 1, 2009.

**A.B. 393 (Chapter 162)**

Assembly Bill 393 authorizes a charter school, dedicated to providing services to pupils who are at risk due to economic or academic disadvantage, to establish certain enrollment priorities. The charter school may enroll a pupil who was enrolled in a preschool program at the charter school or a pupil whose parent is employed full-time by the charter school before enrolling other eligible children.

This bill is effective on July 1, 2009.

**S.B. 391 (Chapter 75)**

Senate Bill 391 authorizes certain charter schools to enroll a child who is in a particular category of at-risk pupils if the child meets the eligibility for enrollment prescribed by the charter school for that particular category. In so doing, the measure requires a charter school to include in its application to form a charter school a statement of whether it will enroll pupils who are in a particular category of at-risk pupils before enrolling other eligible children. The charter school must describe the method for determining eligibility for enrollment in each such category.

This measure is effective on July 1, 2009.

**Higher Education**

**A.B. 96 (Chapter 38)**

Assembly Bill 96 clarifies that a qualified student may receive the Governor Guinn Millennium Scholarship if he is enrolled in more than one eligible institution in the same academic term for a total of at least 12 semester credit hours. The Scholarship must be administered by the institution in which the student is enrolled in a program leading to a degree or certificate. The Board of Regents of the University of Nevada shall establish procedures and guidelines for the administration of the Scholarship, including per credit hour amounts to which the student is entitled.

This bill is effective on July 1, 2009.

**A.B. 188 (Chapter 28)**

Assembly Bill 188 authorizes the Board of Regents of the University of Nevada to waive certain fees for a child or surviving spouse of a person killed while performing duties as a member of the Nevada National Guard or a person identified as a prisoner of war or missing in action while performing duties as a member of the Armed Forces of the United States. A person is eligible to continue the waiver of certain fees if he maintains at least a 2.0 grade

point average, on a 4.0 grading scale, each semester or the equivalent of a 2.0 grade point average if a different scale is used.

This measure is effective on July 1, 2009.

**A.B. 327 (Chapter 157)**

Assembly Bill 327 requires the Board of Regents of the University of Nevada to report biennially to the Director of the Legislative Counsel Bureau on the participation of racial and ethnic minorities, women, and other protected classes in higher education. The report must include information about students and employees by category, the impact of policy changes on protected classes, and efforts to enroll and retain students in underrepresented categories.

This bill is effective on July 1, 2009.

**A.B. 401 (Chapter 307)**

Assembly Bill 401 extends the authority for the issuance of revenue bonds for certain capital construction projects at the University of Nevada, Reno, and University of Nevada, Las Vegas, for an additional 20 years to January 1, 2029.

The bill also amends the applicable statutes to reflect the new names of two community colleges: Western Nevada College and the College of Southern Nevada.

The bill is effective on May 28, 2009.

**S.B. 209 (Chapter 192)**

Senate Bill 209 requires the Board of Regents of the University of Nevada to establish criteria with respect to students who actively served or participated in a charitable, religious, or public service assignment or mission to exempt such students from the six-year limitation on applications for the Millennium Scholarship. The criteria must specify that the awards will be made to the extent that money is available after all other obligations for the current school year have been satisfied.

This measure is effective on July 1, 2009.

**S.B. 298 (Chapter 217)**

Senate Bill 298 authorizes the Board of Regents of the University of Nevada to plan for and establish programs for the study of energy efficiency and renewable energy resources within the Nevada System of Higher Education. In so doing, this measure authorizes the Board of Regents to:

- Carry out the programs through joint ventures with one or more public or private entities, as long as the Board of Regents has final authority to direct and supervise the programs; and

## EDUCATION (continued)

- Apply for any available grants and accept any gifts, grants, or donations for the support of the programs.

This measure is effective on May 26, 2009.

### **S.B. 318 (Chapter 420)**

Senate Bill 318 provides that tuition at all campuses of the Nevada System of Higher Education must be free for:

- Active members of the Armed Forces of the United States who are stationed in Nevada; and
- Veterans of the Armed Forces of the U.S. who were stationed in Nevada at the time of discharge or who were stationed at any other military installation that has a specific nexus, including a commercial or geographic tie to Nevada, at the time of discharge; this would include the Marine Corps Mountain Warfare Training Center located at Pickel Meadow, California.

This measure is effective on July 1, 2009.

## **Personnel Governance**

### **A.B. 425 (Chapter 166)**

Assembly Bill 425 provides that a teacher licensed in Nevada, who has three years of experience and meets the course work requirements, may be licensed to teach at an additional grade level. The Commission on Professional Standards in Education may not require a licensed teacher to student teach at the other grade level to qualify for the additional license. Educational personnel licensed in other states who apply for licensing in Nevada will no longer be required to show evidence of previous teaching experience if they have successfully completed examinations for initial licensing comparable to those required in Nevada.

This measure is effective on May 22, 2009.

### **A.B. 428 (Chapter 130)**

Assembly Bill 428 provides that an applicant holding a bachelor's degree may be issued a special qualifications license to teach if he submits: (1) proof of participating in a program of student teaching or mentoring; or (2) agrees to participate in a program of mentoring or courses of pedagogy for the first two years of employment as a teacher.

This bill is effective on July 1, 2009.

### **A.B. 542 (Chapter 18)**

Assembly Bill 542 delays, from May 1, 2009, to May 15, 2009, the deadline for school districts to notify probationary and post-probationary employees concerning their reemployment status for School Year (SY) 2009-2010. The bill also extends, from



May 15, 2009, to May 25, 2009, the date by which these employees must notify the school district of their intention to accept a contract for employment for the next SY. Finally, the bill specifies that the failure of an employee to notify the school district of his intentions concerning the contract serves as conclusive evidence of the employee's rejection of the contract.

This bill is effective on April 28, 2009, and expires by limitation on July 1, 2009.

## **School Facilities**

### **A.B. 40 (Chapter 142)**

Assembly Bill 40 requires the Clark County School District to establish its own building department for the review and approval of construction by the District. The District is required to adopt its own building codes as appropriate but is still subject to the authority of the State Fire Marshal with respect to fire prevention standards. The bill eliminates the authority of the State Public Works Board to review projects by the Clark County School District.

### **S.B. 185 (Chapter 244)**

Senate Bill 185 requires school districts to ensure that only environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces are utilized in public schools in Nevada. Environmentally sensitive cleaning and maintenance products are defined as those products that reduce the chemicals, hazardous wastes, and other environmental hazards to which pupils and school personnel may be exposed.

Nevada's Department of Education is required to adopt regulations setting forth the standards for environmentally sensitive cleaning and maintenance products for use in the cleaning of all floor surfaces in public schools. The regulations must not prohibit the use of any product when necessary to protect the health and welfare of pupils and educational personnel.

If the Board of Trustees of a school district determines that the costs associated with the purchase of the environmentally sensitive cleaning and maintenance products are unreasonable and would place an undue burden on the efficient operation of the school district or a particular school within the school district, the Board of Trustees may submit a written request to the Department for a waiver. In addition, the Board of Trustees of a school district is authorized to submit a waiver from the use of a particular product if it determines that there is a more economically feasible or more effective product that could be purchased. If approved, the waiver would be effective for one year after the date of approval.

This measure is effective on July 1, 2009.



## ELECTIONS

### **A.B. 39 (Chapter 9)**

Assembly Bill 39 amends the City Charter of North Las Vegas to require a primary election before each general election without regard to the number of candidates for city office.

The bill is effective on July 1, 2009.

### **A.B. 41 (Chapter 95)**

Assembly Bill 41 expands the acceptable use of the federal “special absent ballot” form to include primary and special elections for State and local offices and ballot questions. The special absent ballot may also be used by an overseas citizen to register to vote. The bill revises the definition of “approved electronic transmission” to include the use of the Internet, and authorizes the Secretary of State to adopt regulations governing the approved electronic transmission by eligible overseas voters of registration applications, absentee ballots, and other forms.

The bill also expands the availability of late voter registration to include a person, or his spouse or dependent, who is either discharged from the Armed Forces of the United States or who is separated from his employment no more than 60 days before an election, and who can provide evidence of this to the county clerk or registrar.

This bill is effective on July 1, 2009.

### **S.B. 156 (Chapter 61)**

Senate Bill 156 clarifies that any registered voter of the State or applicable political subdivision represented by a public officer may sign a petition to recall that officer, regardless of whether the registered voter voted in the election when the public officer was elected.

### **S.B. 162 (Chapter 295)**

Senate Bill 162 moves the date of the primary election to the second Tuesday in June of each even-numbered year. Other election-related dates are adjusted in accordance with the June date for the primary election. Further, the bill revises provisions governing the effective date for certain mail-in voter registration application forms. This change provides that the applicant shall be deemed to be registered on the date the application is postmarked or the date received by the county clerk, whichever is earlier.

### **S.B. 212 (Chapter 460)**

Senate Bill 212 requires the Legislature to create petition districts from which signatures for a petition for initiative must be gathered. The bill defines “petition district” to mean congressional district until July 1, 2011, at which time the Legislature must have established petition districts for the period after that date.

The Director of the Legislative Counsel Bureau is required to retain a copy of maps of the petition districts and make them available to any interested person for a reasonable fee not to exceed the actual cost of producing the copy. A petition for initiative must be signed by a number of registered voters in each petition district in the State equal to at least 10 percent of the voters who voted in that petition district in the last preceding general election.

The bill is effective on June 4, 2009.

## **Election Procedures**

### **A.B. 79 (Chapter 146)**

Assembly Bill 79 authorizes the governing body of a city to conduct a city election entirely by mail if the election is a special election, the election involves only one ward, or the election involves only a single office or ballot question. The bill provides that, under certain circumstances, if one candidate receives more than a majority of the votes cast in a primary election, he or she will be declared elected and no race will be held for that office in the general election. Also, A.B. 79 revises provisions governing absentee ballots so that, with limited exceptions, any registered voter may vote an absent ballot. Finally, the measure requires that, if a city or city clerk maintains an Internet website, the clerk shall post tabulated election results on the Internet as soon as possible after an election, and must post the results in a conspicuous place on the outside of the counting facility, courthouse, or city hall no later than the start of business on the day following an election.

This measure is effective on May 22, 2009.

### **S.B. 263 (Chapter 493)**

Senate Bill 263 amends the charters of the Cities of Carlin and Wells to specify that candidates for municipal office in those cities must file a declaration of candidacy with the City Clerk not less than 5 days or more than 15 days prior to the statewide primary election. The bill also amends the charters to specify the appropriate appearance of names on an election ballot, and clarifies in the *Carlin City Charter* how the names of candidates with similar surnames are to appear on the ballot.

This bill is effective on June 9, 2009.

## ENERGY

### A.B. 387 (Chapter 246)

Assembly Bill 387 revises provisions relating to the triennial resource plans of electric utilities. It directs the Public Utilities Commission of Nevada (PUCN) to designate renewable energy zones where resources are sufficient to develop generating capacity and where transmission constrains the delivery of electricity to customers. The bill also directs the PUCN to require an electric utility to include a plan for construction of transmission facilities to serve the zones in its resource plan.

In its review of an electric utility's resource plan, A.B. 387 requires the PUCN to consider the level of financial commitment from developers of renewable energy projects in each zone. The PUCN may accept a transmission plan for a given zone if the construction of transmission facilities would assist the utility in meeting the renewable portfolio standard.

Assembly Bill 387 also revises the renewable portfolio standard (RPS). The bill:

- Requires a provider of electric service to generate, acquire, or save not less than 25 percent of electricity sold in 2025 and each year thereafter from renewable energy systems or efficiency measures;
- Requires at least 6 percent of the RPS requirement in 2016 and each year thereafter to be generated or acquired from solar renewable energy systems;
- Amends the definition of "renewable energy system" to include systems that transmit electricity via power lines connected to, but not owned, operated, or controlled by a provider; and
- Establishes a separate, parallel RPS requirement for a provider of new electric resources effective on the date on which the PUCN issues an order approving the application.

This measure is effective on July 1, 2009.

### A.B. 522 (Chapter 377)

Assembly Bill 522 authorizes a person who wishes to locate a renewable energy facility in Nevada to apply for a partial abatement of local sales and use taxes, property taxes, or both. The Nevada Energy Commissioner must approve the application if the facility will continue in operation and meet eligibility requirements for at least ten years, receives no funding for construction or land from a government entity in Nevada, generates financial benefits that exceed the loss of tax revenue, and meets specific employment and wage standards. However, the Commissioner must not approve an application for abatement of property taxes for a geothermal facility unless the affected county approves the application.

Assembly Bill 522 authorizes a facility to receive an abatement of 55 percent of property taxes for 20 years. The bill provides for a 3-year abatement of local sales and use taxes, during which the facility is required to pay sales and use taxes at the rate of 2.6 percent. After July 1, 2011, the rate changes to 2.25 percent. An abatement terminates if the facility ceases to meet eligibility requirements and no person may receive an abatement after June 30, 2049.

The bill includes provisions for the allocation and distribution of taxes collected from a facility receiving an abatement to State and local units of government. After July 1, 2011, A.B. 522 directs a portion of the property taxes from a facility into a fund to offset the electric bills of customers of utilities that are subject to the Renewable Portfolio Standard.

This measure also creates the Fund for Renewable Energy, Energy Efficiency and Energy Conservation Loans and the Account for Set-Aside Programs, which the Director of the Nevada Office of Energy may use only for purposes set forth in the federal American Recovery and Reinvestment Act of 2009. The Director may make loans from the Fund for the construction of renewable energy projects at an interest rate not to exceed 3 percent. The Legislature or, if the Legislature is not in session, the Interim Finance Committee must approve the commitment of any money from the Fund.

Finally, A.B. 522 makes changes to Senate Bill 358 concerning the appointment of the Nevada Energy Commission as the head of the Renewable Energy and Energy Efficiency Authority and the appointments to the New Energy Industry Task Force.

This measure is effective on July 1, 2009, except for the provisions reducing the abated sales and use tax rate to 2.25 percent and directing a portion of property taxes received into the fund to offset electric bills, which are effective July 1, 2011. Provisions affecting S.B. 358 are effective May 30, 2009. Provisions related to the partial abatement of taxes expire by limitation on June 30, 2049.

**S.B. 73 (Chapter 245)**

Senate Bill 73 provides that the standards for energy conservation in buildings adopted by the Director of the Office of Energy are the minimum standards for buildings in this State. The governing body of a local government that is authorized to adopt and enforce a building code may adopt higher and more stringent standards if such standards are reported to the Director, along with supporting documentation.

The bill also limits the use of an electric resistance heating system except under certain specified conditions. Finally, S.B. 73 requires an owner of property who is seeking a partial tax abatement under the Green Building Rating System adopted by the Director to send copies of each abatement application to various governmental entities.

The bill is effective on May 28, 2009.

**S.B. 114 (Chapter 353)**

Senate Bill 114 prohibits a local government ordinance or a covenant in a deed or contract affecting real property from imposing certain restrictions on solar energy systems. The ordinance or covenant may not impose a restriction that reduces the efficiency or performance of the system by more than 10 percent, as determined by the Director of the Office of Energy, or prohibit black solar glazing on the solar energy system.

Senate Bill 114 also clarifies that a local government ordinance or a covenant may impose a reasonable restriction on a wind energy system if the restriction relates to the height, noise, or safety of the system or is imposed pursuant to a determination by the Federal Aviation Administration that its installation would create a hazard to air navigation.

This measure is effective on May 29, 2009.

**S.B. 152 (Chapter 490)**

Senate Bill 152 requires Nevada's Department of Employment, Training and Rehabilitation and the Housing Division of Nevada's Department of Business and Industry to establish contractual relationships with one or more nonprofit collaboratives. The purpose of the contracts is to create new energy efficiency jobs and provide job training for residential weatherization, energy retrofit applications, or renewable energy plants. The bill specifies the requirements for a collaborative, which include entering into written agreements with such entities as:

- A labor management agency, or other affiliated agency that has established an apprenticeship program approved by the State Apprenticeship Council; and
- A community college or other institution of higher education.

To the extent money is available, funding for job training must include the cost of tuition and supplies and may include a cost-of-living stipend. Each contractor awarded a contract to perform residential weatherization using federal funds must pay prevailing wages and offer employees and their dependents health care coverage as specified in the bill.

Within 90 days after the effective date of the bill, the State Public Works Board, the board of trustees of each school district, and the Board of Regents of the University of Nevada shall identify and prioritize projects in accordance with the provisions of the bill and provide a report to the Interim Finance Committee regarding these projects.

The Labor Commissioner is required to enforce prevailing wages under this bill in the same manner as he is authorized to enforce labor laws and regulations generally. Also, the Board of Examiners must immediately transmit a copy of any weatherization contract the Housing Division enters into under this bill to the Legislative Commission, and the Housing Division must make reports to the Interim Finance Committee on energy audits it performs.

This measure is effective on June 9, 2009.

**S.B. 188 (Chapter 414)**

Senate Bill 188 expresses the intent of the Legislature to build a market for solar thermal systems to reduce the demand for natural gas in homes, businesses, and other buildings through the installation of at least 3,000 solar thermal systems in Nevada by 2019. The bill requires the Public Utilities Commission of Nevada (PUCN) to establish the Solar Thermal Systems Demonstration Program for private residential, public, school, small businesses, and other property.

Senate Bill 188 directs the PUCN to adopt regulations establishing requirements for participation; specifications for design, energy output, and installation; program milestones; and a rebate program.

This measure is effective on July 1, 2009.

**S.B. 298 (Chapter 217)**

Senate Bill 298 authorizes the Board of Regents of the University of Nevada to plan for and establish programs for the study of energy efficiency and renewable energy resources within the Nevada System of Higher Education. In so doing, this measure authorizes the Board of Regents to:

- Carry out the programs through joint ventures with one or more public or private entities, as long as the Board of Regents has final authority to direct and supervise the programs; and
- Apply for any available grants and accept any gifts, grants, or donations for the support of the programs.

This measure is effective on May 26, 2009.

**S.B. 339 (Chapter 225)**

Senate Bill 339 requires the Colorado River Commission (CRC) to review and analyze available information, studies, and reports to assess the feasibility of constructing a hydrokinetic generation project below Hoover Dam. If such a project is determined to be feasible, the CRC will present its findings to the relevant federal agencies and request those agencies to determine whether to develop a hydrokinetic facility.

On or before July 1, 2010, the CRC shall submit a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislative Committee on Public Lands concerning the feasibility of the project.

The bill is effective on July 1, 2009.



**S.B. 358 (Chapter 321)**

Senate Bill 358 creates the Renewable Energy and Energy Efficiency Authority to foster the State's policy of increasing energy efficiency and renewable energy development, and transfers some responsibilities from the Office of Energy and the Task Force for Renewable Energy and Energy Conservation to the Authority. The bill creates the State and Local Government Panel on Renewable and Efficient Energy and the New Energy Industry Task Force to advise the Authority. The bill also eliminates the Task Force for Renewable Energy and Energy Conservation.

Senate Bill 358 revises provisions concerning the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program, and the Waterpower Energy Systems Demonstration Program. The bill requires local governmental entities to develop plans to retrofit public buildings and facilities to make them more energy efficient and to employ renewable energy systems. It also authorizes them to utilize bonding programs to help fund installation of renewable energy and energy efficiency systems and public safety projects.

The bill increases the renewable energy portfolio standard (RPS) to 25 percent by 2025 and increases the minimum amount of solar energy required to meet the RPS from 5 percent to 6 percent by 2016. It also provides incentives for increased deployment of distributed solar generation facilities.

The Division of Welfare and Supportive Services, Nevada's Department of Health and Human Services, must transfer certain unspent funds generated by the Universal Energy Charge to the Housing Division, Nevada's Department of Business and Industry, if directed to do so by the Legislature. The Interim Finance Committee may determine an amount of money received pursuant to the American Recovery and Reinvestment Act of 2009 to be used by the Chief of the Buildings and Grounds Division of Nevada's Department of Administration to track the use of energy in buildings owned by the State.

The bill authorizes the Public Utilities Commission of Nevada (PUCN) to implement a reduced rate for low-income residential customers under certain conditions and increases the role of the Nevada System of Higher Education in educating students to serve the renewable energy industry in this State.

Senate Bill 358 requires the PUCN to adopt regulations requiring an electric utility to disclose information to customers regarding safe disposal and recycling of certain electronic waste. The PUCN must also adopt regulations authorizing an electric utility to recover an amount based on the measurable and verifiable effects of energy efficiency and conservation programs approved by the PUCN.

This bill is effective on May 28, 2009.

**NOTE: See also Assembly Bill 522 (Chapter 377).**

**S.B. 395 (Chapter 480)**

Senate Bill 395 exempts electric generating plants with a nameplate capacity of 70 megawatts or less from the permitting requirements of the Utility Environmental Protection Act (UEPA). The bill also expands the permitting requirements of the UEPA to electric generating plants located within a county with a population of 100,000 or more (Clark and Washoe Counties) and to gas transmission lines, storage plants, and compressor stations outside an incorporated city, in a county with a population of 100,000 or more.

Senate Bill 395 also requires the Chief of the Purchasing Division of Nevada's Department of Administration to adopt energy efficiency standards for State agencies to follow when purchasing new appliances, equipment, and lighting. In addition, S.B. 395 requires the State Public Works Board to adopt energy and water efficiency standards for use in the design and construction of State buildings and projects.

Finally, beginning with the 2012 model year, S.B. 395 requires a licensed vehicle dealer in Nevada to ensure that each new vehicle he offers for sale is accompanied by a prominent disclosure of the estimated amount of carbon dioxide it emits, unless that information is not available.

This measure is effective on July 1, 2009, except for the provisions related to vehicle dealers, which are effective on January 1, 2010.

**Public Utilities**

**A.B. 186 (Chapter 284)**

Assembly Bill 186 provides that a person engaging in the business of owning and operating individual renewable electric energy systems and selling the electricity from those systems is not a public utility, provided that each system:

- Is located on another person's property;
- Is intended to generate no more than 150 percent of the average annual electricity requirements on the premises; and
- Is not part of a system that aggregates electricity for resale.

**A.B. 355 (Chapter 441)**

Assembly Bill 355 addresses the regulation of public utilities that furnish water or services for the disposal of sewage. The bill increases the limit on gross sales of a utility that qualifies for simplified rate change procedures to \$2 million, and provides that sales of water and sewage services must be treated separately in making the determination.

Similarly, A.B. 355 increases to \$2 million the amount of annual gross operating revenue that triggers a requirement for submittal of a general rate application at least once every 36 months, and provides that sales of water and sewage services must be treated separately.

Finally, this measure provides that sales of water and sewage services must be treated separately for purposes of identifying public utilities with annual gross operating revenue over \$1 million, which must submit a triennial resource plan to the Public Utilities Commission of Nevada.

Assembly Bill 355 is effective on July 1, 2009.

**A.B. 402 (Chapter 308)**

Assembly Bill 402 requires the Public Utilities Commission of Nevada (PUCN) to determine the parties to a public hearing on the adequacy of a three-year plan of an electric utility. The bill authorizes a person or governmental entity to petition for permission to participate as a party, and directs the PUCN to grant such a petition if the person or entity has relevant, material evidence to provide.

Assembly Bill 402 allows the PUCN to limit participation of a party to avoid duplication and to prohibit continued participation that will unduly broaden the issues or is not necessary to further the public interest.

**A.B. 510 (Chapter 168)**

Assembly Bill 510 directs the Public Utilities Commission of Nevada (PUCN) to appoint an executive director to direct the daily operations of the PUCN and serve as its chief financial officer.

Assembly Bill 510 also requires all PUCN commissioners to act on general rate applications, deferred energy accounting applications, and the three-year resource plans of electric utilities. If fewer than the required number of commissioners is available to act on an item and the Governor has not appointed an acting commissioner, the measure authorizes the PUCN to designate a hearing officer to serve as an acting commissioner.

This bill also changes the dates on which the general rate applications of electric utilities are due and provides that the PUCN is not prohibited from authorizing an electric utility to adopt reduced rates for low-income customers after conducting an investigation and a hearing.

**S.B. 165 (Chapter 258)**

Senate Bill 165 requires the Public Utilities Commission of Nevada to require a utility to include in its triennial integrated resource plan a comparison of a diverse set of scenarios of the best combination of sources of supply to meet the demand on the utility's system. A utility must include at least one low carbon emission scenario in its plan.



## FAMILY TOPICS

### **A.B. 59 (Chapter 67)**

Assembly Bill 59 creates a rebuttable presumption in cases of divorce, custody and visitation, and child abuse and neglect against awarding sole or joint custody or unsupervised visitation to a parent or other person who has abducted a child. The measure also provides that after final entry of a child custody order, a court may reconsider that order upon a motion to modify, if a judge determines there is probable cause to believe that a party to the custody proceeding has abducted a child.

This bill is effective on May 11, 2009.

### **A.B. 76 (Chapter 145)**

Assembly Bill 76 brings provisions relating to the placing of children in foster care into compliance with the federal Adam Walsh Child Protection and Safety Act of 2006. It requires licensing authorities to conduct a child abuse and neglect screening in every state in which certain employees and applicants for licensure resided during the last five years. The measure also requires the Division of Child and Family Services, Nevada's Department of Health and Human Services, to assist licensing authorities in other states by providing information about people they are screening for the same purposes.

Finally, this bill expands the exemptions from the provisions governing licensure of foster homes so that those provisions do not apply to a person who provides care to a minor child who is in the custody of an agency that provides child welfare services if the caregiver is related to the child within the fifth degree of consanguinity and the caregiver is not licensed.

### **A.B. 101 (Chapter 235)**

Assembly Bill 101 authorizes each county in this State to participate in the federal Program for the Enforcement of Child Support, and specifies the duties and responsibilities of each county that chooses to participate in the program. It also revises various provisions relating to court procedures, financial institutions, and employers in the payment of child support.

### **A.B. 227 (Chapter 332)**

Assembly Bill 227 requires the Division of Child and Family Services, Nevada's Department of Health and Human Services, to adopt regulations regarding the placement of children in foster care and authorizes agencies that provide child welfare services to license foster care agencies within each jurisdiction. If a licensing authority licenses a foster care agency, then all foster care agencies within that jurisdiction must obtain a license. This measure also defines what constitutes a "specialized foster home," and the bill requires that a person who operates a specialized foster home obtain a license.

This measure is effective on May 29, 2009, for the purpose of adopting regulations, and on January 1, 2011, for all other purposes.

**A.B. 262 (Chapter 336)**

Assembly Bill 262 provides that in a marriage license application:

- Proof of an applicant's name and age may be evidenced by a birth certificate and any secondary document that contains a photograph or requires verification of identification;
- If the applicant appears over 25 years of age, documented proof of age is not required;
- An applicant cannot be denied a marriage license if a Social Security number or parental information is unknown; and
- A parent giving consent to a minor to marry can prove his relationship with the minor using the minor's birth certificate.

Finally, the bill provides that if a male and female are married to each other, they may be rejoined in marriage under certain circumstances.

This bill is effective on July 1, 2009.

**A.B. 280 (Chapter 47)**

Assembly Bill 280 expands the existing Uniform Interstate Family Support Act, which addresses interstate jurisdictional disputes by limiting child and family support orders to a single state by incorporating the provisions of The Hague Convention on the International Recovery of Child Support and Other Forms of Family Maintenance. The provisions of this bill apply to international child support cases by establishing uniform procedures for the registration, recognition, enforcement, and modification of foreign support orders from countries that are parties to the Convention.

This bill is effective on the date that the Convention is ratified by the President, and the United States deposits its instrument of ratification.

The amendatory provisions of this bill apply to proceedings commenced on or after October 1, 2009, to establish a support order to determine parentage of a child or to register, recognize, enforce, or modify a prior support order, determination, or agreement, whenever issued or entered.

**A.B. 320 (Chapter 449)**

Assembly Bill 320 requires a petitioner for the appointment of a guardianship for an adult ward to provide a licensed physician's assessment of the needs and limitations of the proposed ward before the court issues a final order in the case. The bill requires that a proposed ward must be advised of his right to counsel in the guardianship proceeding and further provides that a proposed ward who is unable to attend a guardianship hearing in person may attend by videoconference. If the proposed ward is unable to attend in person or by videoconference, the person who signs the certificate to excuse the proposed ward from attending the hearing

must meet with the proposed ward and report to the court the proposed ward's desire for counsel, preferences if a guardianship is imposed, and any conditions that may have limited the proposed ward's responses.

Under A.B. 320, a guardian must petition the court and receive consent, or receive written authorization by a licensed physician, licensed social worker, or protective services employee, before an adult ward may be moved to a secured residential long-term care facility. The bill requires a guardian to file a report with the court within ten days after moving a ward to a secured residential long-term care facility, and authorizes the court to determine the form and contents of the report.

Finally, A.B. 320 makes a technical correction to Senate Bill 277 (Chapter 358, *Statutes of Nevada 2009*) of this Session, which establishes the allowable compensation of an attorney of a personal representative.

**A.B. 364 (Chapter 111)**

Assembly Bill 364 makes several changes to the procedure for the court-ordered admission of certain children with emotional disturbances into a locked facility for treatment. It also requires each agency providing child welfare services to establish policies that ensure children in the custody of the agency have timely access to clinically appropriate psychotropic medication. This measure also provides for a court procedure to determine whether to include an order for visitation with a sibling in certain decrees of adoption for children in the custody of an agency that provides child welfare services.

This measure is effective on July 1, 2009.

**A.B. 500 (Chapter 314)**

Assembly Bill 500 provides that when a person receives consent to adopt a child, he has legal custody over the child and is legally responsible for the child at the time the consent is executed and while the court hearing to determine the merits of the adoption is pending. The bill requires a child-placing agency to include its license information in any advertisement placed with a periodical, newspaper, radio, or other public medium.

This bill is effective on October 1, 2009. The provisions of the bill relating to adoption apply to petitions filed before, on, or after October 1, 2009.

**S.B. 130 (Chapter 197)**

Senate Bill 130 creates the term "a person authorized to solemnize a marriage" as a person, other than a minister, who is authorized to solemnize a marriage according to his church or religious organization and grants the same rights and responsibilities for solemnizing a marriage as are currently provided to a minister. The measure also creates an affidavit to revoke those rights and responsibilities if the individual no longer has authority with his church or religious organization.

Senate Bill 130 further allows a minister or person authorized to solemnize a marriage who is retired or resides in another state to perform marriages in Nevada under certain circumstances.

Finally, the bill requires the Secretary of State to create and maintain an electronic database of ministers or other persons authorized to solemnize marriages, and requires county clerks to enter into the database information about those certified to perform marriages.

This measure is effective on July 1, 2009.

**S.B. 141 (Chapter 73)**

Senate Bill 141 enacts the Uniform International Wills Act, thus providing a means for testators to make an international will that is valid in any state that adopted the Uniform Act and in certain foreign countries. The bill sets forth the form, process, and associated requirements for the valid execution of an international will.

**S.B. 277 (Chapter 358)**

Senate Bill 277 expands the circumstances under which a will is not revoked as to the spouse when a person marries after making a will and is survived by his spouse. In addition to current exemptions, revocation will not occur if the surviving spouse is provided for by a transfer of property outside of the will and it appears that the maker of the will intended for the transfer to be in lieu of a property transfer provision in the will. However, when a will is revoked as to the spouse, the spouse is entitled to the same share of the estate as if the decedent died without a valid will, and the remainder of the will remains intact. The bill makes similar provisions for a child born after a parent's will is made.

The distribution of an estate when there is no surviving spouse, children, or parents is revised so that nieces and nephews are entitled to the same share as their parents if their parents had been living at the time of the decedent's death.

The bill creates a rebuttable presumption that a lost or destroyed will was not revoked if the primary beneficiary is a nontestamentary trust established by the will maker and in existence at the time of his death. If there is no objection and a prima facie showing indicates that the will was likely not revoked before the will maker's death, the will must be admitted to probate.

The measure gives the court discretion to determine whether a felony conviction should disqualify someone from serving as an executor or administrator of an estate. Additionally, the circumstances under which a nonresident of Nevada may qualify as an administrator are revised, and only those who qualify as an administrator may be appointed by the court as a special administrator.

Senate Bill 277 provides for enforcement of a no-contest clause in a will or a trust with certain exceptions and authorizes the court to make certain decisions by considering the needs and resources of the surviving family.



Finally, certain attorney's fees, compensation for extraordinary services by an attorney, and declaratory relief are provided for under certain circumstances.

**NOTE: See also Assembly Bill 320 (Chapter 449).**

**S.B. 283 (Chapter 393)**

Senate Bill 283 provides for the registration and dissolution of domestic partnerships. The bill states that a domestic partnership is not a marriage for purposes of the *Nevada Constitution*. It also provides that public and private employers are not required to provide health care benefits to a domestic partner of an officer or employee, but those employers are not precluded from offering such benefits.

**NOTE: Senate Bill 283 was vetoed by the Governor on May 25, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**S.B. 287 (Chapter 215)**

Senate Bill 287 makes various changes to laws concerning guardians and trusts. The bill allows for the appointment of a guardian who was convicted of a felony if the court determines that the conviction should not disqualify that person. The measure also allows any interested party to petition a court for an order authorizing the guardian to take certain actions.

The bill adopts various provisions for trusts by classifying a beneficial interest in a trust and providing for the rights and interests of beneficiaries and others with respect to such trusts. A third party fiduciary may be appointed to direct the trustee in carrying out certain duties.

The measure authorizes certain actions by trustees, including the:

- Appointment of some or all of the trust's assets to another trust;
- Purchase or sale of trust property;
- Conversion of an income trust to a unitrust in a manner that is impartial to all beneficiaries; and
- Allocation of community property based on the aggregate value of community assets.

An interested person may also petition the court, under certain circumstances, concerning the internal affairs of a revocable living trust while the settlor is still living.

Additionally, S.B. 287 addresses spendthrift trusts. The bill:

- Permits the settlor of a spendthrift trust to hold certain powers;
- Permits the trust to accumulate income and principal;
- Clarifies the transfer of spendthrift trusts; and

- Provides that any action regarding a spendthrift trust must take place under the same process as a testamentary or nontestamentary trust.

The measure further provides that a person may not bring an action against a settlor's adviser unless the adviser knowingly and in bad faith violated Nevada law and his actions caused damage suffered by the person.

Finally, S.B. 287 provides for the exemption of certain trust property, interest, or powers from execution or attachment.

### **S.B. 313 (Chapter 359)**

Senate Bill 313 adopts, in part, the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act and amends various provisions concerning guardianships.

The bill adopts portions of the Uniform Act regarding jurisdictional issues in order to:

- Facilitate cooperation between courts in different states;
- Clarify which court has jurisdiction in certain circumstances;
- Specify a procedure for transferring proceedings from one state to another; and
- Address the enforcement of orders from other states.

Additionally, S.B. 313 provides that a court may find that a petitioner for guardianship is a "vexatious litigant" and issue sanctions if he files repeated petitions that are without merit or to harass or annoy the guardian. The bill revises the persons who must be notified of a guardianship petition and revises requirements concerning supporting documents necessary in certain petitions.

The measure also establishes certain record keeping and accounting requirements for the guardian, revises the guardian's authority to manage the state and affairs of a ward, and addresses responsibility for repayment of certain expenses of a ward that were paid by the county.

Finally, the bill addresses the release of a ward who was involuntarily committed by a court and gives the guardian discretion to determine where the person will be released.

## **Domestic Violence and Child Abuse**

### **A.B. 89 (Chapter 233)**

Assembly Bill 89 expands the list of crimes that the Bureau of Services for Child Care, Division of Family Services, Nevada's Department of Health and Human Services, must inquire about during background checks for participants in outdoor youth programs who are

18 years of age or older and child care facility applicants, licensees, employees, and residents. This measure requires the termination of an employee and removal of any resident or participant found to have committed certain crimes or have a substantiated case of child abuse or neglect in his record. It also authorizes the Bureau to suspend or revoke licenses and impose administrative fines as penalties for violating these provisions.

**S.B. 14 (Chapter 76)**

Senate Bill 14 increases from \$20 to \$25 the portion of the fee for a marriage license collected by the county clerk that funds the Account for Aid for Victims of Domestic Violence. Further, S.B. 14 provides that the county clerk, if authorized by the board of county commissioners, and the county recorder shall collect an additional \$5 fee for a certified copy of a marriage certificate or a certified abstract of a marriage certificate. This additional \$5 fee is also to be deposited in the Account for Aid for Victims of Domestic Violence.

This bill is effective on May 13, 2009.

**S.B. 342 (Chapter 65)**

Senate Bill 342 expands the preference for relatives when a child is placed in the custody of a person other than a parent. It requires that courts, agencies that provide child welfare services, and others give preference to relatives within the fifth degree of consanguinity. The measure authorizes the same preference when placing a child whose parents have had their parental rights terminated.

This measure is effective on July 1, 2009.

**S.B. 343 (Chapter 90)**

Senate Bill 343 aims to preserve or reunify families by requiring the Director of Nevada's Department of Health and Human Services to include in each State plan, to the extent possible, priority for a parent who is referred to certain treatment and services by an agency that provides child welfare services. The measure also provides that the Division of Welfare and Supportive Services must expedite applications for treatment or services for certain people involved in the child welfare system.

This measure is effective on July 1, 2009.



## GAMING

### **A.B. 218 (Chapter 434)**

Assembly Bill 218 requires an applicant that is a governmental entity or is owned or controlled by a governmental entity to apply for a license, registration, finding of suitability, or any required approval prescribed by the Nevada Gaming Commission.

The bill also expands the statutory definition of “sports pool” to make this definition consistent with Nevada Gaming Commission regulations and clarifies that existing law on pari-mutuel wagering also includes dog races.

The measure provides that an agreement negotiated by the Off-Track Pari-Mutuel Wagering Committee for off-track wagering must not set a different rate for intrastate wagers that are placed on the licensed premises of a race book and wagers placed using communications technology.

This bill is effective on June 3, 2009.

### **S.B. 83 (Chapter 79)**

Senate Bill 83 makes several revisions to the Nevada Gaming Control Act. The measure:

- Adds new definitions for “manufacture” and “control program” and revises definitions of “gaming device,” “gaming employee,” and “manufacturer”;
- Revises provisions concerning the confidentiality of information and documents provided to or prepared by the State Gaming Control Board and Nevada Gaming Commission;
- Authorizes the Board and Commission to require certain call center operators and game developers to be licensed or found suitable;
- Requires anyone who is licensed or found suitable by the Commission to continue to meet those standards and qualifications, subject to disciplinary action;
- Provides for an administrative fee to process a “change of employment” notice by a gaming employee and requires the notice be filed within 10 calendar days;
- Applies certain provisions of the Nevada Gaming Control Act to limited-liability partnerships;
- Authorizes the Commission to provide regulations concerning independent contractors in relation to manufacturers;

GAMING (continued)

- Prohibits the transfer of interests from probate that are subject to the Act until necessary approvals are obtained, and absent those approvals, the interest must be purchased at fair market value;
- Extends the time from 30 to 45 days for an investigative agent of the Board to mail written notice of his decision resolving a patron dispute;
- Revises procedures and associated fees concerning the dissemination of live racing broadcasts; and
- Authorizes the Board Chairman to enter into lease agreements for branch offices.

This measure is effective on May 18, 2009, for the purpose of adopting regulations; on October 1, 2009, for the application of new and revised definitions; and on July 1, 2009, for all other purposes.

## HEALTH CARE AND HUMAN SERVICES

### A.B. 216 (Chapter 30)

Assembly Bill 216 revises provisions relating to the Nevada Academy of Health by:

- Removing the sunset date for the Nevada Academy of Health, which was established during the 2007 Legislative Session and set to expire on June 30, 2009;
- Revising the Academy's membership by adding the authorized representative of the State of Nevada for the quality improvement organization of the Centers for Medicare and Medicaid Services, United States Department of Health and Human Services, reducing the total number of members from 14 to 13, and decreasing the number appointed by the Governor from 6 to 4; and
- Revising the Academy's duties by adding that it is responsible for studying various topics relating to accountability, access, and quality of health care in Nevada. It also removes the duty of providing recommendations concerning the establishment of a Statewide biomedical and health research program.

This bill is effective on May 7, 2009, for the purpose of removing the sunset date, and on July 1, 2009, for all other purposes.

### A.B. 263 (Chapter 294)

Assembly Bill 263 authorizes the Aging Services Division, Nevada's Department of Health and Human Services, to establish the Program of All-Inclusive Care for the Elderly, which is also known as PACE. This measure requires the Division to report twice a year to the Legislature about the progress of establishing PACE.

### S.B. 4 (Chapter 171)

Senate Bill 4 requires Nevada's Department of Health and Human Services to establish and maintain a system that allows applicants for certain programs to submit applications electronically. The measure further requires agencies that are designated by the Director of the Department to receive applications or determine eligibility for Medicaid or the Children's Health Insurance Program to use the system to forward applications to the Department.

This measure is effective on July 1, 2009.

### S.B. 54 (Chapter 456)

Senate Bill 54 revises the qualifications of the State Health Officer by requiring that the Officer have not less than five years' experience in population-based health care, and be either: (1) licensed or eligible for a license as a physician or administrative physician in any state, the District of Columbia, or a territory of the United States; or (2) a physician or administrative physician who has a master's or doctoral degree in public health or a related field.

This measure is effective on June 4, 2009.

**S.B. 65 (Chapter 21)**

Senate Bill 65 reorganizes certain positions in the Aging Services Division in order to comply with federal definitions required to receive federal funding, such as creating the Office of the State Long-Term Care Ombudsman. The measure also authorizes the creation of a program within the Division to train and use volunteer advocates. Finally, the measure removes the requirement to publish a county guide to the resources and services available for aging persons in each county.

This measure is effective on May 4, 2009.

**S.B. 79 (Chapter 181)**

Senate Bill 79 creates the Nevada Commission on Services for Persons with Disabilities within the Office of Disability Services in Nevada's Department of Health and Human Services. It also restructures the Committee on Communication Services for Persons Who Are Deaf or Hard of Hearing and Persons with Speech Disabilities, and the Advisory Committee on Personal Assistance for Persons with Severe Functional Disabilities, making them subcommittees of the Commission.

The measure also revises provisions governing the Advisory Committee in the Office of Minority Health, the Advisory Board on Maternal and Child Health, the Committee on Emergency Medical Services, and the Committee on Co-Occurring Disorders. Finally, the bill eliminates the Task Force on Prostate Cancer and the Task Force on Cervical Cancer.

This measure is effective on July 1, 2009.

**S.B. 319 (Chapter 502)**

Senate Bill 319 revises provisions relating to sentinel events, including those regarding medical facility investigations; reporting requirements; and the responsibilities of the Health Division, Nevada's Department of Health and Human Services, the Board of Medical Examiners, the State Board of Nursing, and the State Board of Osteopathic Medicine in identifying and reporting sentinel events.

The measure also requires the Health Division to study the feasibility of tracking and reporting near-miss events as part of the reports of sentinel events, to define the term "near-miss event," and to report the findings of the study to the Legislative Committee on Health Care.

The provisions related to studying the feasibility of tracking "near-miss" events are effective on July 1, 2009. All other provisions are effective on October 1, 2009.

**NOTE: Senate Bill 319 was vetoed by the Governor on May 26, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**



**S.B. 344 (Chapter 66)**

Senate Bill 344 authorizes the Director of Nevada's Department of Health and Human Services to create an interagency committee to review the child welfare system and make recommendations for changes in the system. If an interagency committee is created, it must submit a report to the Legislature each odd-numbered year and may submit one bill draft request directly to the Legislative Counsel by September 1 of each even-numbered year.

This measure is effective on July 1, 2009.

**Mental Health****A.B. 6 (Chapter 92)**

Assembly Bill 6 revises procedures for the emergency admission of an allegedly mentally ill person to a mental health facility. It changes the time before which the person must be examined from before the person may be transported to before the person may be admitted to a public or private mental health facility. It also clarifies that a licensed physician on the medical staff of a mental health facility may release a person by completing a certificate indicating that the person is not mentally ill, and it revises the timeline for petitioning a court to hold someone involuntarily.

**A.B. 61 (Chapter 36)**

Assembly Bill 61 requires the Administrator of the Division of Mental Health and Developmental Services, Nevada's Department of Health and Human Services, to notify a victim of a crime of the discharge, conditional release, or escape of a person committed to the Administrator's custody, such as a person acquitted by reason of insanity or found incompetent to stand trial. This notification is required at least ten days before the person is discharged or conditionally released, or after the person escaped.

This bill is effective on May 6, 2009.

**S.B. 131 (Chapter 185)**

Senate Bill 131 requires each mental health consortium to provide a long-term strategic plan that is effective for ten years and includes the strategies and goals of the consortium for providing services to children with emotional disturbances. The measure also revises the membership of a mental health consortium to include a representative of an agency that provides services for the treatment and prevention of substance abuse. Finally, it provides that each mental health consortium may submit a bill draft request to the Legislature.

This bill is effective on July 1, 2009.

## **Prescriptions and Pharmaceuticals**

### **A.B. 213 (Chapter 122)**

Assembly Bill 213 requires the State Board of Pharmacy to establish the Cancer Drug Donation Program.

This measure is effective on July 1, 2009.

### **A.B. 326 (Chapter 301)**

Assembly Bill 326 revises provisions relating to the computerized program to track prescriptions for controlled substances. It requires that the database of the computerized program be available on the Internet to certain pharmacists, that the program include the contact information for each person with access, and that a person who elects to access the database must complete a course of training before being granted access. Finally, this measure requires that the Legislative Committee on Health Care conduct a study of the abuse of prescription narcotic drugs and the manner of monitoring and addressing this abuse in Nevada.

This measure is effective on July 1, 2009.

### **A.B. 370 (Chapter 306)**

Assembly Bill 370 requires the State Board of Pharmacy to adopt regulations necessary for the operation of remote sites, satellite consultation sites, telepharmacies, and for the regulation of dispensing practitioners and dispensing technicians. A remote or satellite consultation site must be located in a service area serving fewer than 2,000 persons, must be at least 50 miles from the nearest pharmacy, and may be operated by a pharmaceutical technician or a dispensing technician.

This measure is effective on July 1, 2009.

### **S.B. 197 (Chapter 261)**

Senate Bill 197 authorizes public and private mental health facilities, facilities for skilled nursing, facilities for intermediate care, and correctional facilities to return to dispensing pharmacy drugs that are dispensed to a patient of the facility but not used by that patient for reissuance by a nonprofit pharmacy designated by the State Board of Pharmacy. The bill authorizes nonprofit pharmacies to reissue those drugs for other prescriptions in the pharmacy free of charge. The measure clarifies that controlled substances are not eligible for reissuance.

Senate Bill 197 also provides that a person, pharmacy, or facility who exercises reasonable care is immune from civil or criminal liability or disciplinary action for any loss or injury relating to the transfer and reissuance of the unused drugs. Similarly, a manufacturer is not subject to civil or criminal liability from any claim or injury relating to the transfer and reissuance. The State Board of Pharmacy is required to adopt regulations to carry out the provisions of this bill.

This measure is effective on May 28, 2009, for the purpose of adopting regulations, and on October 1, 2009, for all other purposes.

## **Professions and Occupations (see also Commerce)**

### **A.B. 10 (Chapter 324)**

Assembly Bill 10 provides additional protection against retaliation or discrimination for registered nurses, licensed practical nurses, and nursing assistants who in good faith report information or concerns about the safety of patients; refuse to engage in conduct that would result in disciplinary action; and refuse to engage in actions that would violate the duty to protect patients from actual or potential harm. Finally, this measure prohibits physician licensing boards from taking adverse action against a physician who discloses or cooperates in the investigation of a violation of any law, rule, or regulation by an applicant or licensee.

Provisions relating to nurses are effective on July 1, 2009.

### **A.B. 176 (Chapter 119)**

Assembly Bill 176 changes the name of the Nevada State Board of Examiners of Facilities for Long-Term Care to the “Board of Examiners for Long-Term Care Administrators.” The bill increases to \$10,000 the maximum administrative fine the Board may impose on an administrator who violates an applicable law or regulation or violates the trust of a patient or resident for gain.

Assembly Bill 176 also directs the Board to give notice of disciplinary proceedings in accordance with the Administrative Procedure Act and the Open Meeting Law, authorizes a licensee to waive in writing his right to attend, and authorizes the Board to compel the attendance of witnesses or the production of documents or objects by subpoena.

### **A.B. 314 (Chapter 339)**

Assembly Bill 314 directs the Board of Dental Examiners of Nevada to issue a limited license to a graduate of an accredited dental school or college to supervise courses of postgraduate continuing education involving live patients at a permanent facility registered with the Board. The limited license expires after one year and may be renewed.

This measure also allows a dentist licensed in another state to treat a patient of record during an approved course of continuing education under the supervision of a person holding a limited license.

Finally, A.B. 314 authorizes the Board to issue a specialist’s license to an applicant who has completed the educational requirements for certification in a specialty but has not yet become a diplomate in that specialty, if the applicant meets the other requirements for licensure.

### **S.B. 8 (Chapter 251)**

Senate Bill 8 requires that members of the Boards of Medical Examiners, Homeopathic Medical Examiners, and Osteopathic Medicine read and understand certain ethical standards that pertain to public officers.

The bill is effective on July 1, 2009.

**S.B. 17 (Chapter 453)**

Senate Bill 17 prohibits the health care records of any patient under the age of 23 from being destroyed. The records of a patient over the age of 23 may be destroyed after five years, unless a longer period is required by federal law. The measure also requires the medical record retention requirements to be posted on the websites of the State Board of Health and each of the boards regulating health care professionals. The requirements must also be provided in writing to a patient and posted conspicuously at each health care location. Finally, the measure exempts pharmacists from certain record keeping provisions otherwise required of health care providers.

**S.B. 72 (Chapter 204)**

Senate Bill 72 allows a pharmacist or registered pharmacist intern to perform a blood glucose test in accordance with certain standards.

**S.B. 78 (Chapter 403)**

Senate Bill 78 repeals various provisions governing community training centers for the care and training of persons with mental and functional retardation. Instead, the measure authorizes the Division of Mental Health and Development Services of Nevada's Department of Health and Human Services to certify and regulate persons who provide jobs and day training services to persons with mental retardation and persons with related conditions. The measure authorizes the Division to investigate a person who applies for a certificate, and authorizes the Division to bring an action to enjoin any person who provides jobs and day training services without a certificate or after the certificate has been suspended. Finally, the measure requires the Division to adopt regulations governing the provision of jobs and day training services.

This measure is effective on June 1, 2009, for the purpose of adopting regulations, and on July 1, 2009, for all other purposes.

**S.B. 129 (Chapter 84)**

Senate Bill 129 provides that a course in Basic Disaster Life Support, Core Disaster Life Support, or an equivalent course, as determined by the Board of Dental Examiners, may satisfy the requirements for continuing education in the medical consequences of an act of terrorism that involves the use of a weapon of mass destruction.

**S.B. 228 (Chapter 262)**

Senate Bill 228 authorizes nonprofit entities and federally qualified health centers to own and operate dental offices or clinics, provided that they meet the requirements of this bill. The bill also allows licensed dentists and professional dental organizations to contract with such offices and clinics.

**S.B. 229 (Chapter 210)**

Senate Bill 229 establishes and outlines the duties of the Physician Visa Waiver Program in the Health Division of Nevada's Department of Health and Human Services. The measure also provides that, in addition to any other penalty prescribed by law, a J-1 visa physician who does

not provide the minimum number of hours of health services required by federal law, refuses to provide health services to medically underserved persons in this State, or violates any provision of State law governing physicians or the provision of health services is subject to penalties prescribed by the State Board of Health.

A J-1 visa is a nonimmigrant visa available to certain people who are designated “exchange visitors.” Certain classes of J-1 visas, including J-1 visas issued to foreign medical graduates, require that the person return to his home country or country of last permanent residence for a period of two years after his completion of J-1 status. The two-year foreign residence requirement may be waived by the federal government under certain circumstances. One condition for the issuance of such a waiver is that a letter of support stating that the waiver is in the public interest must be issued to the Waiver Review Division of the United States Department of State by the state health department of the state in which the foreign medical graduate will work (8 U.S.C. §§ 1182(e), 1184(l); 22 C.F.R. § 41.63).

This measure is effective on July 1, 2009.

**S.B. 266 (Chapter 265)**

Senate Bill 266 authorizes the Board of Medical Examiners and the State Board of Osteopathic Medicine to issue a special event license to a practitioner licensed in another jurisdiction in order to demonstrate medical techniques and procedures to other practitioners for educational purposes in this State.

The bill is effective on July 1, 2009.

**S.B. 268 (Chapter 224)**

Senate Bill 268 allows a regulatory board to share information with other regulatory bodies, including the Health Division of Nevada’s Department of Health and Human Services, as long as the confidentiality of that information is maintained according to law. The bill also allows joint investigations by regulatory bodies. Senate Bill 268 establishes certain requirements that a public member of a regulatory board must meet. Further, S.B. 268 provides that a professional who was ordered to do community service work as a result of disciplinary action by a board is not considered to be performing such work as a Good Samaritan.

**S.B. 269 (Chapter 494)**

Senate Bill 269 makes various changes to laws governing the practice of medicine and osteopathic medicine. It defines perfusion and requires the Board of Medical Examiners to license and regulate perfusionists. The bill also grants additional investigative, disciplinary, and enforcement powers to the Board of Medical Examiners and the State Board of Osteopathic Medicine, and makes changes regarding the licensing and regulation of physicians and other practitioners.

Among other provisions, S.B. 269 revises the authority of members of the Board of Medical Examiners to issue subpoenas, addresses the verification of information in an application for a

physician's license, authorizes the President and the Executive Director of the Board of Medical Examiners to issue a license by endorsement between regular meetings of the Board, and requires a practitioner of respiratory care to complete an accredited educational program.

Senate Bill 269 also makes various changes to licensure of psychologists. The bill specifies the national examination to be used by the Board of Psychological Examiners. It also revises requirements for licensure as a psychologist by requiring the submission of fingerprints to the Board for purposes of a criminal history background check. Finally, S.B. 269 makes changes to other examination provisions required by the Board relating to the administration of the examination and provision of the results to applicants.

Sections of the bill that make changes to licensure of psychologists and licensure of physicians by endorsement and grandfathering of practicing perfusionists are effective on June 9, 2009. Sections of the bill related to the regulation of perfusionists become effective on June 9, 2009, for the purposes of adopting regulations, and on July 1, 2010, for all other purposes. Sections related to remediation programs for physicians and osteopathic physicians are effective on July 1, 2011. All other provisions are effective on October 1, 2009.

**S.B. 273 (Chapter 478)**

Senate Bill 273 stipulates that State and local governments may not regulate certain activities related to nonembryonic stem cells. It also specifically authorizes the operation of cell or tissue banks; the administration of nonembryonic cells to a person; and the compounding of a drug, medical, or health product using nonembryonic cells. Finally, the bill authorizes the importation of nonembryonic cells under certain circumstances.

The bill is effective on July 1, 2009.

**S.B. 295 (Chapter 495)**

Senate Bill 295 allows a person to provide goods or services to a dental practice, office, or clinic under certain circumstances. The bill specifies that the provision of certain management services and the ownership of certain assets used in a dental practice, office, or clinic is not precluded under Chapter 631 ("Dentistry and Dental Hygiene") of the *Nevada Revised Statutes*; however, the bill requires a person who engages in these activities to register with the Board of Dental Examiners of Nevada. Senate Bill 295 also allows the revocation of the state business license of an entity providing dental management services under certain circumstances. The measure specifies that the purchase of or payment for goods or services to a dental practice, office, or clinic does not constitute a violation of the law. Finally, S.B. 295 authorizes, but does not require, the Attorney General to serve as legal counsel to the Board.

**S.B. 362 (Chapter 227)**

Senate Bill 362 clarifies existing law related to summary suspension of physician licenses. The bill also allows the suspension or revocation of a license of a health care professional who owns or operates a medical facility that is investigated or disciplined for misconduct. Finally, the bill requires a board that licensed health care professionals to retain all complaints filed, whether acted upon or not, for ten years.

## **Public Health and Disease Prevention**

### **A.B. 16 (Chapter 230)**

Assembly Bill 16 provides that when a medical facility, and in certain circumstances the coroner or medical examiner, determines that an emergency victim has an infectious disease, the facility, coroner, or medical examiner must notify the employer of the emergency responders who transported the victim. This measure also provides a procedure by which emergency responders may request information if they believe they have been exposed to an infectious disease by being in contact with an emergency victim.

This measure is effective on July 1, 2009.

### **A.B. 80 (Chapter 278)**

Assembly Bill 80 establishes the duties and rights of an operator of a sewer main relating to sewer service laterals connected to that main. The bill requires the operator to maintain certain information regarding the locations of sewer lateral connections to the main. The measure also authorizes an operator, until January 1, 2011, to be reimbursed for the cost of identifying the location when a person excavates or demolishes a connection and clarifies the circumstances on or after January 1, 2011, under which the operator may or may not charge for such excavation or demolition. Assembly Bill 80 also establishes limitations on the duties and responsibilities of an operator and clarifies the duties of a person who connects a sewer service lateral to a sewer main, which includes providing the operator with information relating to the location of the lateral.

Provisions of the measure regarding charging for the excavation and demolition in the course of marking sewer laterals beginning in January 2011 are effective on January 1, 2011. The remainder of the bill is effective on October 1, 2009.

### **A.B. 107 (Chapter 81)**

Assembly Bill 107 creates the Advisory Committee for the Prevention and Treatment of Stroke and Heart Disease within the Health Division of Nevada's Department of Health and Human Services. The purpose of the Committee is to make recommendations to the Division for the establishment of a comprehensive plan for the prevention of stroke, heart disease, and other vascular diseases in Nevada.

This measure is effective on October 1, 2009, for the purpose of appointing the Committee members, and on July 1, 2010, for all other purposes.

### **A.B. 112 (Chapter 98)**

Assembly Bill 112 requires the Governor to determine if a public health emergency or other health event threatens the health and safety of the public to the extent that requires a coordinated response by an emergency team. If a coordinated response is required, the Governor must issue an executive order creating an emergency response team chaired by the State Health Officer and comprised of representatives from state agencies, licensing boards,

and other entities involved in the event. The team must provide certain information to the public and the Legislature, investigate and evaluate the response of the entities involved in the event, and make recommendations to boards of health regarding regulations and policies concerning public health events.

This measure is effective on July 1, 2009.

**A.B. 136 (Chapter 14)**

Assembly Bill 136 establishes the State Program for Oral Health within the Health Division of Nevada's Department of Health and Human Services to educate residents and raise awareness about the importance of oral health. To carry out the Program, the Health Division must:

- Establish a scientific database of the most current information about the importance of oral health;
- Increase public awareness, provide educational materials, and conduct media campaigns relating to oral health topics, including prevention strategies, detection, and available treatment services;
- Coordinate the establishment of regional coalitions to support the efforts of the Program, and coordinate State and local programs to ensure public access to dental services;
- Work with other governmental agencies, national health organizations, business leaders, providers of oral health care, and community groups to maximize the use of resources and coordinate efforts;
- Evaluate the need to improve the quality and accessibility of dental services in Nevada; and
- Develop recommendations to encourage proper oral hygiene by children.

The measure also establishes the Advisory Committee on the State Program for Oral Health to make recommendations to the Health Division concerning the Program.

This bill is effective on April 22, 2009, for the purpose of appointing members to the Advisory Committee on the State Program for Oral Health, and on July 1, 2009, for all other purposes.

**A.B. 219 (Chapter 123)**

Assembly Bill 219 requires Nevada's Department of Health and Human Services to encourage health care providers to perform blood tests to determine the amount of lead in the blood of each child they serve. The lead poisoning test should be conducted at least once before a child is six years old, but ideally a child should be tested twice, once when the child is one year old,



and again at two years old. The laboratories that test blood for the presence of lead in children must submit a report of the test results to the appropriate health authority.

This bill also requires that if any blood test for lead poisoning uses a capillary specimen, and the results indicate lead in the blood greater than 10 micrograms per deciliter, then a second test using a sample of blood from a vein must be conducted as soon as possible to confirm the results.

**A.B. 249 (Chapter 334)**

Assembly Bill 249 provides that in Clark and Washoe Counties, a district health officer who orders the extermination or abatement of mosquitoes, flies, other insects, rats, or any breeding place thereof may authorize certain actions to abate the nuisance and prevent its recurrence. This measure also authorizes a district health officer to order the owner of property to abate and prevent the recurrence of nuisances, and if the owner does not comply, the officer is authorized to abate and prevent the nuisances and recover the money expended to do so.

Finally, this measure authorizes the district board of health to adopt regulations to ensure the enforcement of laws that protect the public health and safety associated with the condition of residential property, rental dwelling units, and commercial property.

This measure is effective on July 1, 2009.

**A.B. 349 (Chapter 341)**

Assembly Bill 349 requires the State Board of Health to prescribe regulations for the endorsement of intermediate emergency medical technicians, advanced emergency medical technicians, and certain firefighters and attendants to perform particular tasks. These tasks include administering immunizations, dispensing medication, and preparing and responding to public health needs under certain circumstances, such as an emergency. The State Board's regulations for the endorsement apply to all counties except Clark County. In Clark County, the district board of health is authorized to adopt regulations for such an endorsement.

This measure is effective on May 29, 2009, for purposes of adopting regulations, and on July 1, 2009, for all other purposes.

**A.B. 538 (Chapter 170)**

Assembly Bill 538 transfers the responsibility for the program for the medical use of marijuana from the State Department of Agriculture to the Health Division of Nevada's Department of Health and Human Services.

This measure is effective on July 1, 2009.

**S.B. 7 (Chapter 411)**

Senate Bill 7 makes revisions to the membership of the Advisory Council on the State Program for Fitness and Wellness; provides that the chair and vice chair will be selected by the Council;

and authorizes the Council to appoint committees and subcommittees to study issues relating to physical fitness and wellness. This measure also extends from 2009 to 2011 the date by which an appropriation made to the Council in 2007 must be spent.

This measure is effective on June 3, 2009.

**S.B. 60 (Chapter 220)**

Senate Bill 60 provides that the district board of health in Clark County, or the State Board of Health in all other counties, is the governmental entity responsible for determining that a building or place that was used for unlawfully manufacturing a controlled substance is safe for habitation. It also requires these entities to evaluate the removal or remediation of controlled substances and any materials that contain methamphetamine. Finally, the measure requires the State Environmental Commission to adopt regulations concerning the monitoring of the remediation of such substances and establishing standards for the circumstances under which a location may be deemed safe for habitation.

This measure is effective on May 26, 2009, for the purpose of adopting regulations and performing any other preparatory administrative tasks, and on July 1, 2009, for all other purposes.

**S.B. 186 (Chapter 260)**

Senate Bill 186 requires district boards of health, and authorizes the State Environmental Commission, to adopt regulations for the issuance of permits to operate facilities for the management of waste tires. This bill requires a person to obtain a permit to operate a facility for the management of waste tires, and it prohibits retail and wholesale sellers of new motor vehicle tires from disposing of waste tires in any municipal solid waste landfill in a health district or county in which a facility is operated.

Senate Bill 186 is effective on May 28, 2009, for the purpose of adopting regulations, and on October 1, 2009, for all other purposes.

**S.B. 220 (Chapter 85)**

Senate Bill 220 requires the Health Division of Nevada's Department of Health and Human Services to establish, within the limits of available money, the Chronic Obstructive Pulmonary Disease Program. The Program is required to establish strategies for reducing the impact of chronic obstructive pulmonary disease and to coordinate efforts to assist persons with chronic obstructive pulmonary disease in this State.

This measure is effective on July 1, 2009.

**S.B. 231 (Chapter 249)**

Senate Bill 231 provides that a licensed child care facility is exempt from certain board of health regulations that govern standards for the construction and equipment required for a food establishment, even if the child care facility includes a kindergarten.

This measure is effective on July 1, 2009.

**S.B. 244 (Chapter 212)**

Senate Bill 244 requires the Health Division of Nevada's Department of Health and Human Services to establish and maintain, within the limitations of available funding, a database containing information concerning automated external defibrillators and to make that information available to each agency and facility that employs an emergency medical dispatcher in this State. The measure also:

- Requires a manufacturer that sells an automated external defibrillator for commercial use in this State to provide certain information to the purchaser and the Health Division;
- Authorizes the owner of an automated external defibrillator to register the defibrillator with the Health Division; and
- Authorizes medical facilities, health clubs, and the boards of trustees of school districts to provide for the placement of automated external defibrillators in certain locations.

**S.B. 304 (Chapter 87)**

Senate Bill 304 requires physicians and persons who attend to pregnant women to conduct an additional test for syphilis during the first trimester of pregnancy. It also provides that regulations relating to tests for the detection of HIV may not be more stringent than federal regulations, which allows rapid testing for HIV. Laboratories that conduct rapid tests for HIV must conduct the tests in accordance with federal quality assurance guidelines and comply with State reporting requirements.

This measure is effective on July 1, 2009.

**S.B. 325 (Chapter 219)**

Senate Bill 325 encourages each hospital in this State to establish a methicillin-resistant Staphylococcus aureus (MRSA) infection control program to identify and isolate patients with MRSA infection, enforce hand-washing policies, and work with the Nevada Hospital Association (NHA) to develop a method to report information about infections. This bill further encourages the NHA, in cooperation with the Health Division of Nevada's Department of Health and Human Services and hospitals, to develop a model for reporting cases of MRSA infection.

**S.B. 340 (Chapter 226)**

Senate Bill 340 requires that funds allocated through the Fund for a Healthy Nevada to support certain tobacco-related programs be consistent with evidence-based best practices established by the Centers for Disease Control and Prevention.

The measure also amends the Fund's allocations and administration to support regional tobacco prevention and control programs. Instead of 15 percent of the available revenue being allocated by contract or grant by the Grants Management Advisory Committee of

Nevada's Department of Health and Human Services (DHHS), 15 percent will be allocated to the Health Division, DHHS, to be granted or contracted:

- To the district board of health in each county whose population is 100,000 or more;
- For programs in counties whose population is less than 100,000; and
- For statewide programs for tobacco cessation and other statewide services and evaluations of programs that receive money.

This measure is effective on July 1, 2010.

### **Services and Facilities**

#### **A.B. 20 (Chapter 141)**

Assembly Bill 20 requires homes for individual residential care to comply with provisions already in statute for other types of residences licensed by the Health Division, Nevada's Department of Health and Human Services, such as provisions relating to surety bonds and criminal background checks. This measure also expands the list of crimes that would result in the denial or revocation of licensure for certain homes and facilities, to include sexually related crimes and crimes involving domestic violence.

This measure is effective on January 1, 2010.

#### **A.B. 52 (Chapter 469)**

Assembly Bill 52 requires certain hospitals to report to the Legislative Committee on Health Care regarding the transfer of patients from one hospital to another and the availability of specialty medical services in the hospital. It also authorizes boards of county commissioners to adopt ordinances relating to the lease of naming rights for property and events in public hospitals.

This measure is effective on July 1, 2009.

#### **A.B. 111 (Chapter 327)**

Assembly Bill 111 prohibits certain residential facilities for groups that are authorized to have ten or fewer beds and homes for individual residential care from providing accommodations to a person who does not meet the requirements for admission to that home. An exception is provided for certain relatives of a resident.

**A.B. 121 (Chapter 380)**

Assembly Bill 121 requires certain hospitals in Washoe and Clark Counties to create staffing committees responsible for drafting documented staffing plans that address the number, skill mix, and classification of licensed nurses required for each unit in the facility. Certain other health care facilities in the same counties must also make available to the Health Division, Nevada's Department of Health and Human Services, documented staffing plans.

**NOTE: Assembly Bill 121 was vetoed by the Governor on May 23, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**A.B. 123 (Chapter 149)**

Assembly Bill 123 requires certain facilities to obtain a permit from the Health Division, Nevada's Department of Health and Human Services, before offering services involving certain levels of sedation and requires the Health Division to conduct annual, unannounced inspections of those facilities. This measure also requires surgical centers for ambulatory patients to maintain accreditation by a nationally recognized accrediting organization approved by the State Board of Health.

This measure is effective on May 22, 2009, for the purpose of adopting regulations and on January 1, 2010, for all other purposes.

**A.B. 137 (Chapter 15)**

Assembly Bill 137 changes the name of the State Hygienic Laboratory to the State Public Health Laboratory and authorizes the University of Nevada School of Medicine to designate the operation of branch laboratories to other entities. This measure also provides that if a designated branch laboratory is operated or controlled by a public agency other than the School of Medicine, then the public agency and the School must enter into a cooperative agreement that establishes the powers and duties of each entity.

This measure is effective on July 1, 2009.

**A.B. 196 (Chapter 121)**

Assembly Bill 196 authorizes the Health Division, Nevada's Department of Health and Human Services, to issue an order to cease and desist when it is believed that a facility for refractive surgery is being operated without a license. The Division may file an action in court for issuance of an injunction and imposition of a civil penalty of up to \$10,000 for the first offense, and between \$10,000 and \$20,000 for the second or subsequent offenses.

This measure also requires a facility for refractive surgery to ensure that all surgical treatments are performed by a licensed ophthalmologist and that a licensed ophthalmologist is available for postoperative care if the medical needs of a patient necessitate such services.

It also codifies into statute an exemption from a requirement to obtain a license to operate or maintain a medical facility currently provided by regulation for certain licensed ophthalmologists who provide surgical procedures in addition to surgical treatments for refractive errors of the eye.

This measure is effective on July 1, 2009.

**A.B. 206 (Chapter 153)**

Assembly Bill 206 makes various changes to the authority and responsibilities of entities responding to adverse public health events. Specifically, this measure:

- Revises provisions relating to the reporting and investigation of sentinel events in medical facilities;
- Authorizes the Health Division, Nevada's Department of Health and Human Services, to take control of certain medical records under certain circumstances;
- Provides that a health authority may investigate suspected cases of an infectious disease or exposure to a biological, radiological, or chemical agent and require a facility to cease and desist operations if it significantly contributes to such cases;
- Revises provisions relating to the licensure and discipline of certain facilities;
- Requires certain facilities to provide information to their employees about the whistleblower protections to which they are entitled; and
- Requires the Office for Consumer Health Assistance to assist consumers in filing certain complaints against facilities.

This measure is effective on July 1, 2009.

**S.B. 302 (Chapter 218)**

Senate Bill 302 authorizes a hospital in this State to enter into an agreement with the Armed Forces of the United States to allow certain medical officers to provide medical care in the hospital. The medical officer must hold a valid license in a state or territory of the U.S., and the medical care must be provided as part of a training or educational program for the medical officer.

This measure is effective on July 1, 2009.

**S.B. 382 (Chapter 421)**

Senate Bill 382 changes the way payments are made to hospitals that serve a disproportionate share of low-income patients to comply with the recent federal rule issued by the Centers for Medicare and Medicaid Services. The measure eliminates the specific amount that Clark and

Washoe Counties must pay to the Division of Health Care Financing and Policy, Nevada's Department of Health and Human Services, to assist with disproportionate share payments. It also eliminates the specific amounts that must be paid to certain hospitals and requires the State Plan for Medicaid and the Division, by regulation, to establish methodologies for determining the disproportionate share payments that must be paid to hospitals.

This measure is effective on June 3, 2009, for purposes of adopting regulations and amending the State Plan for Medicaid, and on July 1, 2010, for all other purposes.





## HOUSING AND REAL PROPERTY

### **A.B. 139 (Chapter 150)**

Assembly Bill 139 requires the Housing Division in Nevada's Department of Business and Industry to create and maintain a statewide low-income housing database. The database will be a compilation and analysis of demographics, affordable housing markets, and housing needs and availability. The database will also address the housing needs of persons with disabilities, low-income families, the homeless, senior citizens, veterans, victims of domestic violence, and other vulnerable populations. The Division may use up to \$175,000 per year from the Account for Low-Income Housing to create and maintain the database.

The bill requires owners of residential housing who have received government assistance for renting to low-income persons or persons with disabilities, to report to the Office of Disability Services in Nevada's Department of Health and Human Services certain information on the available units. The Department must adopt regulations to implement the reporting requirement.

The bill is effective on July 1, 2009.

### **A.B. 140 (Chapter 484)**

Assembly Bill 140 enhances the notification requirements related to a foreclosure on a single-family residence. If the sale of property is a residential foreclosure, both the notice of default and the notice of sale must be posted in a conspicuous place on the property and must include contact information for a person who has authority to provide information on the status of the foreclosure. When the notice of sale is given, a separate notice must also be served on any tenant or subtenant in actual occupation of the premises, informing him of the notice of sale.

Assembly Bill 140 also requires a person to maintain any vacant residential property he acquires through foreclosure on a mortgage or deed of trust. In addition to complying with the applicable local government regulations, the purchaser must limit excessive growth of foliage and prevent trespassers, growth of mosquitoes, and other conditions that create a public nuisance. A person who violates these requirements is subject to enforcement action under local ordinance or, in the absence of such an ordinance, to civil penalties up to \$1,000 per day.

In the event of foreclosure on a mortgage or deed of trust on a single-family home, A.B. 140 provides that a tenant or subtenant in actual occupation of the premises, other than the person named on the mortgage or deed, may not be removed in an eviction proceeding until after 60 days or, for periodic tenancies with a period of less than a month, the length of the tenancy. If the tenant or subtenant vacates the property during this period, no record of eviction may be entered against him. In addition, a landlord must disclose in writing to a prospective tenant if the property to be leased or rented is the subject of any foreclosure proceedings. A willful violation of this requirement is a deceptive trade practice.

Finally, A.B. 140 resolves certain conflicts with A.B. 149 regarding social security numbers on promissory notes.

This measure is effective on July 1, 2009, for the purposes of the changes in A.B. 149, and on October 1, 2009, for all other purposes.

**A.B. 149 (Chapter 364)**

Assembly Bill 149 provides that the power of sale on any trust agreement concerning owner-occupied housing must not be exercised unless the trustee provides the borrower relevant contact information and a form the borrower may use to elect to enter into mediation. If the borrower elects mediation, the trustee must notify the lender and file a form with the mediation administrator, who must assign the matter to a senior justice, judge, hearing master, or other designee and schedule the matter for mediation. The bill provides that no further action may be taken to exercise the power of sale until the mediation is complete.

Assembly Bill 149 authorizes the court to impose sanctions, upon the recommendation of the mediator, if the lender or his representative fails to attend the mediation or participate in good faith. If the borrower fails to attend, the mediation administrator must provide the trustee a certificate stating that no mediation is required. If the parties, acting in good faith, are unable to agree to a loan modification, the mediator must recommend termination of the mediation. The bill also authorizes Nevada's Supreme Court to adopt rules concerning the mediation and to establish a mediation fee of not more than \$400, payment of which is to be shared equally by the parties.

This measure also allows a borrower on a trust agreement concerning owner-occupied housing, a beneficiary under a subordinate deed of trust, or any other person with a subordinate lien or encumbrance on the property to make good a deficiency in performance or payment until five business days before the date of a foreclosure sale.

This measure is effective on July 1, 2009.

**NOTE: See also Assembly Bill 140 (Chapter 484).**

**A.B. 471 (Chapter 310)**

Assembly Bill 471 provides that if a judgment creditor or the beneficiary of a deed of trust is a financial institution, the court may not award a deficiency judgment, even if there is a deficiency, if:

- The real property is a single-family dwelling and the debtor owned the property at the time of foreclosure;
- The debtor used the loan to purchase the property;
- The debtor continuously occupied the property as a principal residence; and
- The owner did not refinance the loan.

The measure provides that a deficiency in payment on a mortgage or other lien may be cured by payment of the sum in default at any time not later than five days before a foreclosure sale.

**A.B. 477 (Chapter 54)**

Assembly Bill 477 provides that a person who works for a landlord of dwelling units occupied by persons 55 years of age and older is not required to have a criminal background check to obtain a work card from the county sheriff if the person had a background check as a condition to employment with a medical or other related facility within the immediately preceding six months.

**A.B. 508 (Chapter 167)**

Assembly Bill 508 sets parameters on certain regulations related to the financing of affordable multifamily housing which may be adopted by the Housing Division in Nevada's Department of Business and Industry. The regulations may not defer more than 60 percent of a developer's profits and overhead if the project is constructed or financed through the United States Department of Housing and Urban Development and secured by a performance bond. The regulations may establish the maximum amount of profit and overhead for a developer as a percentage of the appraised value of the project.

The measure also removes a 2009 reversion date for a \$1 million appropriation to the Housing Division approved in the 2007 Session. The appropriation is to provide grants to employers who create programs to assist employees in finding affordable housing.

The provisions relating to the regulations are effective on October 1, 2009, while the removal of the reversion date is effective on May 22, 2009.

**A.B. 512 (Chapter 137)**

Assembly Bill 512 authorizes a tenant to purchase a surety bond to secure his obligations to a landlord, instead of paying all or part of any security deposit. The landlord is not required to accept a surety bond, nor may he require a tenant to purchase a surety bond.

When a tenancy is terminated, A.B. 512 allows a tenant who disputes an itemized accounting of his security deposit to send a written response to the surety. If the tenant sends the response within 30 days, the surety may not report the claim to a credit reporting agency without obtaining a judgment against the tenant.

This measure also requires a successor to a landlord's interest in a dwelling unit to accept the tenant's security or surety bond and not to require an additional security or bond for the duration of the rental agreement.

**S.B. 74 (Chapter 178)**

Senate Bill 74 removes the sunset on provisions adopted in 2001 and 2003 concerning assistance to finance housing. In 2001 and 2003, the Legislature temporarily authorized the Housing Division of Nevada's Department of Business and Industry to utilize various techniques, including entering into certain agreements to hedge its interest rate risk, issuing

letters of credit, acquiring real estate, and making insured and uninsured loans, in carrying out its mission of encouraging and providing for the development of affordable housing. Senate Bill 74 makes these practices permanent by removing language in the 2001 and 2003 legislation that would have ended these provisions on July 1, 2009.

This bill is effective on May 22, 2009.

**S.B. 106 (Chapter 183)**

Senate Bill 106 expands the disclosure requirements for the sale of homes and improved or unimproved lots that are adjacent to open range by requiring the seller to disclose to the buyer that the property may be subject to rights-of-way granted by Congress, which are commonly referred to as “R.S. 2477” rights-of-way.

Further, S.B. 106 requires the seller to provide a copy of the signed disclosure document to the purchaser, and to record the original disclosure document with the purchaser’s signature in the office of the county recorder where the property is located.

This measure is effective on July 1, 2009.

**S.B. 121 (Chapter 256)**

Senate Bill 121 exempts certain sales of subdivided land from Nevada licensing and regulation requirements under certain circumstances. The exemption applies only to interests in undivided raw land located in another state that are offered for sale in Nevada to Nevada residents. The bill provides that the land must not be divided into lots or parcels, and it must only be for investment purposes and not for short- or long-term residential development.

The measure requires that the property report from the other jurisdiction must be provided to each potential purchaser, and the developer must pay the annual exemption fee of \$275 currently in statute. The exemption is nullified if the property report is revoked or withdrawn.

The bill requires the Real Estate Division of Nevada’s Department of Business and Industry to develop necessary regulations for the exemption, including an application form that the developer must complete with information necessary to validate the exemption.

**S.B. 176 (Chapter 354)**

Senate Bill 176 allows for the relocation of a time share to another unit or parcel if the replacement unit is within the same project, governed by the same time-share instrument, provides a substantially similar vacation experience, and satisfies other criteria in the bill. The bill applies only to time shares owned by the developer, unless the majority of the association approves the relocation and the developer agrees.

Senate Bill 176 also allows a developer to withdraw a unit or parcel from a time-share plan if the remaining owners give their consent, the time-share instrument is changed to reflect the withdrawal, and a new cost-sharing agreement between the developer and the association is entered into.

**S.B. 338 (Chapter 375)**

Senate Bill 338 authorizes a landlord who leases or subleases any commercial premises under a rental agreement that was terminated for any reason, to dispose of abandoned personal property left on the premises without incurring any civil or criminal liability. The landlord must make reasonable effort to notify any holder of a lien or security interest of the property. The landlord must also notify the former tenant of his intent to dispose of the property, and once 14 days have elapsed, the measure allows the landlord to dispose of those items.

The measure further authorizes the landlord to recover reasonable and actual costs of inventory, moving, and safe storage of the property before releasing it to the former tenant. The bill provides for a process of resolving disputes concerning those costs.

Finally, S.B. 338 provides that a written agreement between a landlord and a secured party regarding the disposal of abandoned personal property determines their rights and obligations in that respect.

**Common-Interest Communities (Homeowners' Associations)****A.B. 129 (Chapter 240)**

Assembly Bill 129 states that the provisions of Chapter 116 of *Nevada Revised Statutes* concerning common-interest ownership do not invalidate or modify the tariffs, rules, and standards of a public utility. The bill further provides that the governing documents of a homeowner's association must be consistent and not conflict with the tariffs, rules, and standards of a public utility.

The measure provides that an association must not prohibit a service provider from parking certain utility service, law enforcement, or emergency service vehicles within certain areas while providing utility, law enforcement, or emergency services within the common-interest community. An association must not prohibit a unit's owner or tenant from parking those service vehicles in certain areas of the common-interest community if the person is required to bring the vehicle home pursuant to his employment.

Finally, A.B. 129 allows a unit owner's association to require written proof that the service vehicle meets the qualifications outlined in the bill.

**A.B. 204 (Chapter 286)**

Assembly Bill 204 requires the executive board of a unit owners' association at the beginning of each fiscal year to make available information regarding any policy established by the association concerning the collection of any fees, fines, assessments, or costs imposed by the unit's owner.

The bill also changes from six months to nine months the threshold for super priority of a lien for an association, and provides for a shorter period of priority for the lien under certain circumstances if federal regulations adopted by the Federal Home Loan Mortgage Corporation or the Federal National Mortgage Association require a shorter period.

**A.B. 207 (Chapter 397)**

Assembly Bill 207 exempts a limited-purpose association created for a rural agricultural residential common-interest community from the requirements to:

- Pay the \$3 fee per unit to the Ombudsman unless it chooses to register with the Ombudsman and utilize the services of that office;
- Mail a meeting notice to each resident; and
- Conduct a reserve study every five years.

The bill authorizes associations with 20 or fewer units in a county with a population of 50,000 or less (Carson City, Clark and Washoe Counties) to have reserve studies conducted by a person deemed qualified by the executive board, instead of a reserve study specialist.

The measure also amends the definition of “public body” to include a limited-purpose association created for a rural agricultural residential common-interest community for purposes of the Open Meeting Law and subjects such an association to enforcement of violations by the Office of the Attorney General.

This bill is effective on July 1, 2009.

**A.B. 251 (Chapter 293)**

Assembly Bill 251 provides that if the number of candidates nominated for membership on the executive board of a unit owners’ association is less than or equal to the number of open positions on the board, then the secretary or other officer specified in the bylaws must give notice to each unit’s owner informing them that the association will not prepare and mail ballots, and that the nominated candidates shall be deemed to be elected unless a qualified owner nominates himself within 30 days of the notice and the total number of nominees is greater than the number to be elected.

If the number of nominees is greater than the number to be elected, the association must prepare and mail ballots and conduct an election. If the number of nominees is equal to or less than the number to be elected, the board may deem such nominees duly elected members of the board without a formal election by the members of the association.

The bill also requires the Commission on Common-Interest Communities and Condominium Hotels to establish a procedure for a community manager who was previously issued a certificate to reapply for and to obtain the new certificate without the required period of supervision under another community manager.

This bill is effective on July 1, 2009.

**A.B. 311 (Chapter 126)**

Assembly Bill 311 eliminates the requirement for a unit owners’ association with an annual budget of less than \$75,000 to have its financial statement audited once every four years. The

bill instead requires the financial statement to be reviewed in the year immediately preceding the year in which a study of the association's reserves is conducted, unless a review is otherwise requested by the voting members of the association.

The bill also eliminates the requirement for an audit of the financial statement of associations with annual budgets of \$75,000 to \$150,000, and instead it requires a review of the financial statement every fiscal year. In any fiscal year, the executive boards of these associations must have the financial statement audited if 15 percent of the total number of voting members of the association submit a written request for such an audit.

**A.B. 350 (Chapter 485)**

Assembly Bill 350 revises provisions relating to the operation of common-interest communities. The bill:

- Authorizes a unit owners' association to charge reasonable fees for costs associated with collecting past due obligations pursuant to regulations adopted by the Commission for Common-Interest Communities and Condominium Hotels; provides that any past due fines must not bear interest; prohibits associations from charging a fee for certain documents available in electronic format; limits charges for copies of those documents to 25 cents per page for the first ten pages and 10 cents per page thereafter;
- Provides that punitive damages may not be recovered against members of an executive board or the officers of a unit owners' association for acts or omissions that occur in their official capacities; authorizes a unit owner to bring an action to recover compensatory damages and attorney's fees for certain retaliatory actions;
- Requires associations to hold executive board meetings at a time other than during standard business hours at least two times a year; requires that certain documents maintained by an association must be available for review at a location that does not exceed 60 miles from the physical location of the common-interest community;
- Provides that any assessment for common expenses that is 60 days or more past due bears interest at a rate equal to the prime rate plus 2 percent;
- Requires that documents given to a purchaser must include a statement describing all current and expected fees or charges for a unit; and
- Incorporates from the *Nevada Administrative Code* extensive provisions governing community managers, required disclosures, and their responsibilities and duties.

The section of the bill that establishes provisions governing reasonable fees for costs associated with collecting past due obligations is effective on June 9, 2009, for the purpose of adopting regulations, and on January 1, 2010, for other purposes. Other provisions of the bill are effective on July 1, 2009.

**A.B. 361 (Chapter 248)**

Assembly Bill 361 requires a person who holds a security interest in a unit within a common-interest community to provide the unit-owners' association with his contact information no later than 30 days after the person files an action for recovery of a debt or enforcement of any right secured by the unit or records a notice of breach of obligation secured by the unit.

The bill also provides that an association may, without liability for trespass, enter a unit that is vacant or in the foreclosure process to maintain the exterior of the unit or abate a public nuisance if, after a hearing, the unit's owner refuses to do so. The costs of such maintenance or abatement that are not paid by the unit's owner will be a lien against the unit that has priority over certain liens, claims, encumbrances, and titles.

Finally, the bill provides that the period of priority of a super priority lien is indefinite. However, if certain federal regulations require a shorter period, the period of priority will not be less than six months.

**S.B. 68 (Chapter 489)**

Senate Bill 68 provides that unit-owners' associations in common-interest communities are responsible for the maintenance, repair, restoration, or replacement of security walls and ornamental fences located within the common-interest community unless the governing documents specifically assign responsibility to the unit's owner or other entity.

In order to carry out these responsibilities, the measure authorizes certain persons to enter the grounds of a unit after providing written notice and to perform the work during business hours, within a reasonable length of time, and in a manner that does not adversely affect access to the unit or the rights of the unit owner.

Finally, S.B. 68 prohibits the executive board from imposing an assessment without prior approval of the units' owners unless the total amount of the assessment is less than 5 percent of the annual budget of the association.

This measure is effective on October 1, 2009. If a common-interest community was created before October 1, 2009, the amendatory provisions of this measure do not apply to the common-interest community until January 1, 2013, unless the governing documents provide that the association is responsible for the maintenance, repair, restoration, and replacement of the security wall.

**S.B. 182 (Chapter 491)**

Senate Bill 182 makes it a crime for anyone to knowingly and fraudulently alter the outcome of an election of an executive board member or any other vote of a unit owners' association of a common-interest community, or conspire to falsify or tamper with a ballot. The bill makes it a crime for any community manager or member of an executive board to request or receive compensation in order to influence his vote or official action. Similarly, it is a crime for a person to offer or give compensation intended to influence such a vote.



The bill also makes various changes pertaining to the election or removal of executive board members, as well as to the recording of board meetings, allowances for public comment, and consideration of sanctions and complaints at board meetings. Punitive damages may not be recovered against an executive board member or association officer for acts or omissions that occur in their capacity as members or officers.

Additionally, the measure:

- Requires the Real Estate Division, Nevada's Department of Business and Industry, to adopt regulations concerning the filing and disposition of petitions for certain orders and opinions;
- Clarifies that associations do not have the power of eminent domain and that Chapter 116 of *Nevada Revised Statutes* supersedes any conflicting provision in the governing document of a common-interest community;
- Expands the rights of units owners to authorize the display of certain political signs in certain areas, and to prohibit associations from interfering with the collection of signatures for a petition or from interrupting utility service unless charges have gone unpaid;
- Limits the imposition of fines against a unit's owner, tenant, or invitee for certain violations and prohibits an association from charging a fee to enter the association against a person providing services or visiting a unit, unit's owner, or tenant;
- Authorizes court action to recover certain fees and penalties imposed by the State;
- Clarifies that an executive board has authority to impose necessary assessments based on an approved reserve study to adequately fund reserves without obtaining approval of units' owners;
- Expands the prohibition against certain contracts between an association and a member of the executive board to include contracts that involve financing; and
- Supports the use of drought tolerant landscaping.

Finally, S.B. 182 expands membership of the Commission for Common-Interest Communities and Condominium Hotels, revises the authority of the Commission to pay certain fees, provides for the issuance of temporary certificates for community managers, prohibits the disclosure of certain confidential information, provides for certain duties of an arbiter if one is appointed, and makes certain revisions concerning nonbinding arbitration.

The provisions concerning the adoption of regulations for the issuance of temporary certificates are effective on June 9, 2009, and on January 1, 2010, for the issuance of those certificates. The remainder of the bill is effective on October 1, 2009.

**S.B. 183 (Chapter 492)**

Senate Bill 183 makes various changes concerning common-interest communities. The bill:

- Requires an executive board member of a unit owners' association who stands to gain any personal profit from a matter before the board to disclose that information and abstain from voting and prohibits an executive board member from imposing a fine if his assessments are unpaid;
- Increases the term of office for executive board members from two years to three years and prohibits the use of delegate voting in the election or removal of an executive board member;
- Prohibits an association from imposing a fine against a unit's owner or tenant for violations committed by vehicles or persons delivering goods or services to a unit;
- Requires certain signatures to withdraw funds from association accounts and requires an association to establish an account for a unit owner's payments that must be separate from any other account for assessments;
- Clarifies when draft versions of association documents must be made public and 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 nonpayment of utility charges when due, but the association must follow all existing legal requirements before doing so;
- Extends from 90 days to 100 days the length of time that may elapse between executive board meetings;
- Expands the prohibition against certain contracts between an association and a member of the executive board to include contracts that involve financing and makes certain changes regarding the deposit of funds in connection with purchase of a unit; and
- Authorizes the Commission for Common-Interest Communities and Condominium Hotels or the Real Estate Division, Nevada's Department of Business and Industry, to adopt regulations requiring certain disclosures in the sale of a unit.

The measure is effective on June 9, 2009, for the purpose of adopting regulations and performing certain preparatory administrative tasks and on July 1, 2009, concerning the deposits of funds. Provisions for creation of an account for member payments and limitations on certain forms of voting are effective on October 11, 2011. All remaining sections are effective on October 1, 2009.

**S.B. 216 (Chapter 72)**

Senate Bill 216 provides that a unit owner's association within a common-interest community may not unreasonably restrict, prohibit, or withhold its approval for a unit's owner to add shutters that are attached to certain common elements associated with the unit, in order to improve the security or reduce the energy costs of the unit. The measure further holds the unit's owner responsible for the maintenance of the shutters.

This measure is effective on July 1, 2009.

**S.B. 253 (Chapter 264)**

Senate Bill 253 requires a member of the executive board of a common-interest community to disclose whether he or a family member stands to gain any personal profit or compensation from a matter under consideration by the board, and requires the board member to abstain from voting on the matter. The measure also requires that any bids solicited for certain association projects or services must be opened during a meeting of the executive board.

The bill provides that unless the declaration in effect at the time a unit was purchased specifically prohibited the rent or lease of the unit, or required the unit's owner to secure association approval, the association may not prohibit the rent or lease of that unit. Any declaration that limits the number of units that can be rented or leased in the common-interest community cannot be amended to decrease the number. However, a unit's owner may request a waiver upon a showing of economic hardship if the maximum number of units has already been rented. Additionally, units owned by the declarant must not be considered in determining the maximum number of units in the common-interest community that may be rented.

The measure further requires the seller of a unit to provide a resale package to the purchaser at the seller's expense, which is expanded to include disclosure of any transfer fees or other fees associated with the resale of the unit.

The bill expands to all counties existing provisions in *Nevada Revised Statutes* that allow for the transient commercial use of units within a planned community that is restricted to residential use in certain circumstances.

Finally, S.B. 253 increases from \$5,000 to \$10,000 the administrative fine that may be imposed against a person who engages in certain activities without the necessary permit.

**S.B. 261 (Chapter 357)**

Senate Bill 261 incorporates certain provisions of the Uniform Common-Interest Ownership Act and makes them only applicable to a nonresidential condominium if provided in the declaration. The measure also clarifies the applicability of the Uniform Act by revising the definition of a common-interest community, including clarification that certain agreements to share expenses do not create a common-interest community.

The bill eliminates references to the preparation of certain plans for certain common-interest communities and condominium hotels.

**S.B. 351 (Chapter 362)**

Senate Bill 351 requires a unit-owners' association within a common-interest community to deposit all funds of the association into insured accounts, including certain investments. The measure also expands the use of adequate reserves from association assessments to include the repair and replacement of any portion of the common-interest community that the association is obliged to maintain, in addition to the major components of the common elements.

The bill requires a statement advising a unit's buyer that Nevada's Uniform Common-Interest Ownership Act may supersede the governing documents be included in the information that is provided to the buyer.

The bill prohibits an executive board from filling a vacancy without a vote of the units' owners if the governing documents require a vote of the association's membership.

Finally, the bill exempts architectural records provided by a unit's owner from the records that must be made available upon request.

**Eminent Domain**

**A.J.R. 3—74th Session (File No. 51)**

Assembly Joint Resolution No. 3 of the 74th Session of the Nevada Legislature 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 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 to use within 15 years.

Finally, A.J.R. 3 provides that the provisions of the People's Initiative to Stop the Taking of Our Land (PISTOL), which was approved at the 2008 General Election, will be repealed upon final approval of A.J.R. 3 by the voters at the 2010 General Election.

This measure was approved in identical form during the 2007 and 2009 Sessions of the Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2010 General Election.

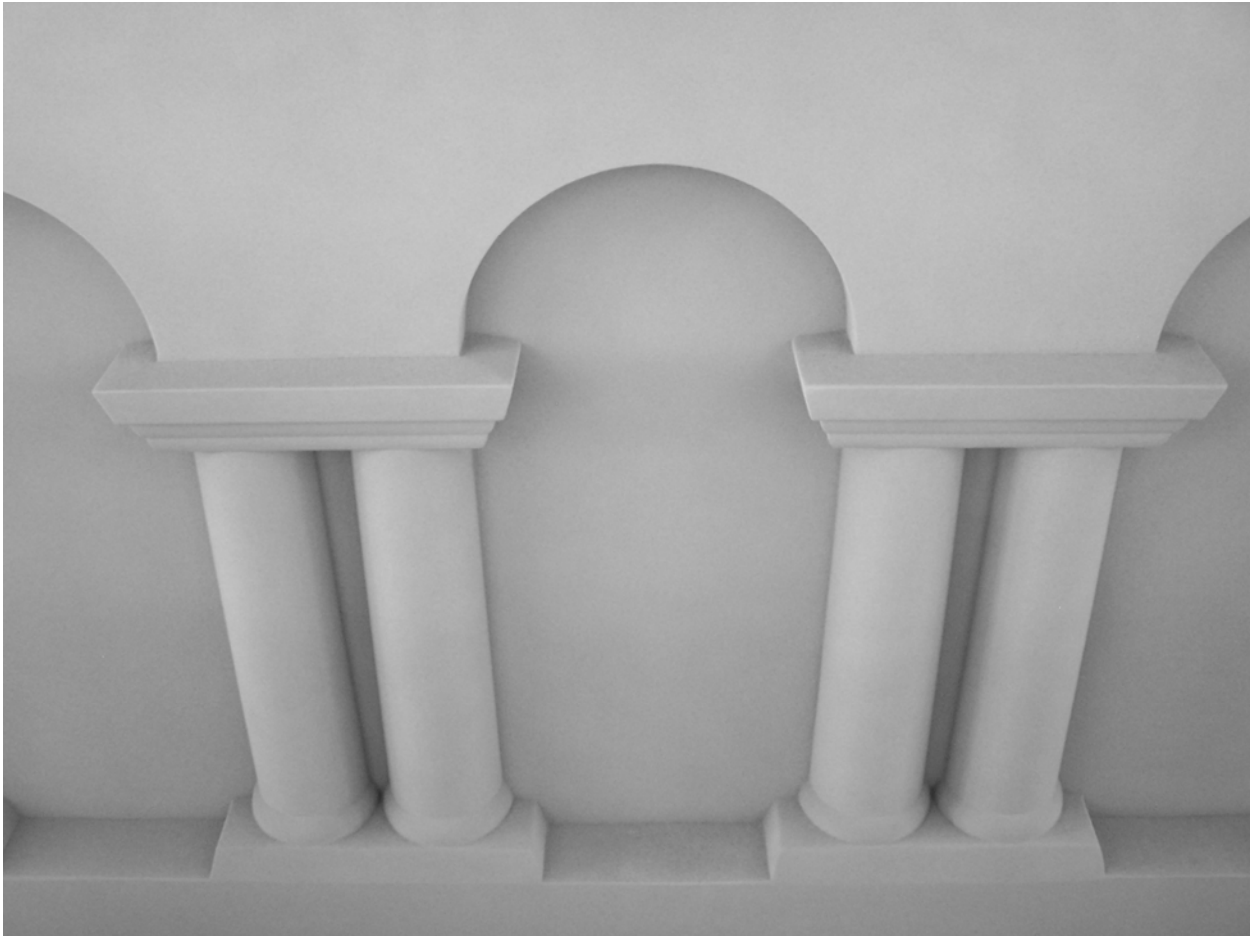
## **Manufactured Homes and Mobile Home Parks**

### **S.B. 89 (Chapter 370)**

Senate Bill 89 requires distributors of manufactured homes, mobile homes, manufactured buildings, commercial coaches, and factory-built housing to obtain a license from the Manufactured Housing Division, Nevada's Department of Business and Industry, and authorizes the Division to audit and investigate the financial accounts related to the business of a dealer or distributor. The bill also expands the grounds for disciplinary action against licensees and requires a dealer to deposit down payments, earnest money, and other proceeds he receives in an escrow account.

Senate Bill 89 also revises the procedure for determining the fair market value of a manufactured home when a manufactured home park is closed or converted.

This measure is effective on July 1, 2009.



## INSURANCE

### **A.B. 248 (Chapter 333)**

Assembly Bill 248 requires the Commissioner of Insurance to approve an insurance company merger or acquisition unless the Commissioner makes certain findings regarding the transaction. The bill adds to the current list of findings that will result in denial of an acquisition certain practices of the applicant that indicate a general business practice of improperly managing claims.

The bill also allows the Commissioner to deny a license or issue a cease and desist order if an acquisition is not in the interest of the insurance-buying public. Finally, A.B. 248 shifts the burden of proof from the Commissioner to the acquiring company for establishing that an acquisition will not substantially lessen competition or tend to create a monopoly.

### **Health Insurance**

### **A.B. 162 (Chapter 331)**

Assembly Bill 162 requires a health insurance plan issued on or after January 1, 2011, to provide coverage for screening, diagnosis, and treatment of autism spectrum disorders to individuals under the age of 18 or, if enrolled in high school, until the person reaches the age of 22. Autism coverage is subject to a maximum annual benefit of \$36,000 for treatment by applied behavior analysis and the same copayment, deductible, and coinsurance provisions as other covered medical services and prescription drugs. This measure applies to participants in group and blanket health insurance, health insurance plans for small employers, health management organizations, self-insured public employers, and programs of managed care except for Medicaid recipients.

Under the provisions of A.B. 162, an insurer may not cancel or refuse to issue a health insurance policy solely because the applicant uses or may use any autism-related services. Treatment must be identified in a treatment plan prescribed by a licensed physician or psychologist.

Assembly Bill 162 also requires providers of individual health insurance to offer a consumer the option of obtaining the same coverage for screening, diagnosis, and treatment of autism spectrum disorders.

Finally, A.B. 162 provides for the regulation of behavior analysts, assistant behavior analysts, and autism behavior interventionists by the Board of Psychological Examiners and increases the size of the Board from five members to seven members.

Provisions of this bill affecting self-insured public employers are effective May 29, 2009, for purposes of adopting regulations, and on July 1, 2011, for all other purposes. The remaining provisions are effective on May 29, 2009, for purposes of adopting regulations and providing regulation of behavior professionals, and on January 1, 2011, for all other purposes.

**A.B. 546 (Chapter 439)**

Assembly Bill 546 provides that a person who worked for a small employer, who was terminated from employment between September 1, 2008, and February 16, 2009, and who did not have health insurance coverage on February 17, 2009, is eligible for continuing health insurance coverage. For those who elect coverage, the coverage begins on May 1, 2009, and the period from September 1, 2008, to August 31, 2009, is excluded for any purpose related to exclusion of benefits for pre-existing conditions.

The bill provides that the insurer is responsible for accepting a reduced premium payment from the former employee and obtaining reimbursement from the federal government pursuant to the American Recovery and Reinvestment Act of 2009.

Assembly Bill 546 also provides that the premium charged to a person who worked for a small employer and who elects continued health insurance coverage may not exceed 110 percent of the rate charged to the employer, and that premiums must be paid monthly.

This measure is effective on June 3, 2009.

**S.B. 426 (Chapter 365)**

Senate Bill 426 creates and prescribes fees for an enterprise fund called the Fund for Insurance Administration and Enforcement. The bill eliminates certain restrictions on out-of-state insurers. The bill also requires compliance with the Genetic Information Nondiscrimination Act of 2008, the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act of 2008, and Michelle's Law. In addition, S.B. 426 makes various changes to laws governing viatical settlements.

Senate Bill 426 also requires a health insurer to provide notice before changing its formulary under certain circumstances, if that change will affect a drug used by an insured to prevent the rejection of a transplanted organ. Finally, S.B. 426 revises provisions related to the Federal Deposit Insurance Corporation.

Provisions of this bill requiring compliance with the Genetic Information Nondiscrimination Act and provisions related to the enterprise fund and the new fees are effective on May 29, 2009. Provisions that require insurers to provide notice before making certain changes are effective on June 15, 2009. Provisions that require compliance with the Paul Wellstone and Pete Domenici Mental Health Parity and Addiction Equity Act and that modify the requirements for mandatory coverage of substance abuse and severe mental illness are effective on October 3, 2009. The provision that requires compliance with Michelle's Law is effective on October 9, 2009. The remaining provisions in the bill are effective on October 1, 2009.



## **Workers' Compensation**

### **A.B. 24 (Chapter 483)**

Assembly Bill 24 provides certain benefits to an injured worker who is a victim of a catastrophic injury. It requires an insurer to assign a claims examiner, nurse, and vocational rehabilitation counselor to the claim as soon as practicable after claim acceptance, and it requires that the insurer develop a life care plan that will ensure prompt, efficient, and appropriate medical care for the injured worker. The bill further provides that a catastrophic injury claim can only be administered by a claims examiner who meets certain competency standards.

The bill is effective on June 9, 2009, for the purpose of adopting regulations and on October 1, 2009, for all other purposes.

### **A.B. 173 (Chapter 151)**

Assembly Bill 173 provides that an arson investigator is eligible to receive workers' compensation benefits during his lifetime for certain contagious diseases. The measure also creates a conclusive presumption that heart and lung diseases of a person who was employed in Nevada as a full-time salaried arson investigator arose out of and in the course of the employment.

Assembly Bill 173 also provides that those arson investigators, firefighters, and police officers entitled to a conclusive or rebuttable presumption that an occupational disease arose out of and in the course of employment are not required to establish that fact by a preponderance of the evidence.

This bill is effective on October 1, 2009, and applies only to claims filed on or after that date.

### **A.B. 281 (Chapter 297)**

Assembly Bill 281 makes various changes to provisions governing workers' compensation insurance. For a claimant for occupational disease benefits who is a police officer or firefighter, the bill:

- Allows such a claimant to submit a contested claim directly to an appeals officer and requires the appeals officer to deem the failure of an insurer to respond to a written request for a determination within 30 days a denial of the request;
- Requires the appeals officer to schedule a hearing on the merits of such a contested claim to take place within 60 days of being notified of the claim. The scheduled date must allow sufficient time for full exchange and examination of medical and other information, and no information not previously disclosed may be introduced at the hearing without the consent of all parties; and

INSURANCE (continued)

- Requires the appeals officer to render his decision within 15 days after a hearing regarding such a claimant or, if he orders a medical examination, 15 days after he receives the report, unless both parties agree to a later date.

For all injured workers, the bill:

- Requires an insurer to include a scheduled evaluation for permanent partial disability with a notice of claim closure, or to include a notice that no evaluation will be scheduled;
- Requires an insurer to make a new determination on claim acceptance or denial within 30 days after he is ordered to do so;
- Allows certain injured employees to make an alternative choice of physician or chiropractor within 90 days of their injuries, without the insurer's approval;
- Requires an insurer to act within 10 days when the insurer's approval of a change in treating physician or chiropractor is required, or the request is deemed granted;
- Makes an affidavit of a qualified chemist or medical laboratory director admissible to prove the existence of alcohol or a controlled substance in an employee's system;
- Allows an insurer to deny compensation for temporary total disability if an injured employee is discharged as a result of misconduct. No other form of compensation other than temporary total disability compensation may be denied under this provision; and
- Repeals the statute that reduces an employee's disability compensation by the amount of any federal disability benefits he receives.

Provisions of this bill that apply solely to occupational diseases of police officers and firefighters are effective on October 1, 2009. The remaining provisions of this bill are effective on July 1, 2009.

**A.B. 410 (Chapter 383)**

Assembly Bill 410 directs the State of Nevada to recognize as valid certain collective bargaining agreements between employers or groups of employers and employee groups, notwithstanding any provision of the Nevada Industrial Insurance Act to the contrary, if the agreements:

- Establish procedures for alternative dispute resolution in workers' compensation matters;
- Contain lists of specified medical evaluators and providers;

- Create joint safety committees; or
- Establish programs for returning injured employees to work.

The collective bargaining agreement may not reduce the entitlement of an employee to workers' compensation benefits.

This measure is effective on July 1, 2009.

**NOTE: Assembly Bill 410 was vetoed by the Governor on May 23, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**A.B. 521 (Chapter 487)**

Assembly Bill 521 adds four substances to the list of known carcinogens reasonably associated with certain disabling cancers of firefighters for the purposes of the provisions governing coverage for cancer as an occupational disease.

This measure is effective on July 1, 2009.

**S.B. 195 (Chapter 500)**

Senate Bill 195 requires the Division of Industrial Relations, Nevada's Department of Business and Industry, to adopt regulations providing that the American Medical Association's *Guides to the Evaluation of Permanent Impairment*, Fifth Edition, must be applied to all examinations for a permanent partial disability. The bill also provides that:

- The discharge of an employee, for reasons other than gross misconduct, does not limit his entitlement to temporary total disability benefits;
- The hearing officer or the appeals officer in a workers' compensation case may consider the opinion of an examining physician or chiropractor when determining what compensation is payable;
- A mental injury caused by extreme stress in time of danger may be considered in calculating permanent partial disability compensation;
- A death benefit includes burial expenses of up to \$10,000, plus the cost of transporting the remains of the deceased worker; and
- An employer, insurer, health care provider, or third-party administrator is liable for administrative fines for engaging in a pattern of untimely payments to injured employees.

Senate Bill 195 increases the maximum administrative fines and benefit penalties for violating workers' compensation laws and regulations, and authorizes the State to make a claim against the insurer's surety bond for payment of any fine or benefit penalty imposed.

Finally, S.B. 195 authorizes a person licensed as a producer of health insurance to sell workers' compensation insurance if he is properly licensed and the policies are sold jointly and cover the same individual.

This measure is effective on May 31, 2009, as it relates to the Fifth Edition of the *AMA Guides*; on July 1, 2009, as it relates to the joint issuance of health insurance and workers' compensation insurance; and on October 1, 2009, for all other purposes.

**NOTE: Senate Bill 195 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**S.B. 361 (Chapter 269)**

Senate Bill 361 allows an assurance organization to act as an agent for an employee leasing company. The bill also revises the way employee leasing companies may obtain workers' compensation coverage. It also requires an employee leasing company to pay certain fees and provide financial statements to the Division of Industrial Relations, Nevada's Department of Business and Industry. Further, S.B. 361 provides that a leased employee who notifies the supervisor at the job site of an injury has fulfilled the requirement for notifying the employer for purposes of workers' compensation and provides that employee leasing companies are subject to fines and benefits penalties for violations of industrial insurance laws.

Requirements pertaining to the application for registration of an employee leasing company are effective on January 1, 2010. The remainder of the bill is effective on October 1, 2009.

**S.B. 363 (Chapter 503)**

Senate Bill 363 eliminates the requirement that death benefits paid to a surviving spouse of an employee whose death was a result of an industrial accident cease upon the surviving spouse's remarriage.

**NOTE: Senate Bill 363 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

## LABOR AND MANAGEMENT

### A.B. 148 (Chapter 432)

Assembly Bill 148 requires a construction worker or a supervisory employee working on a construction site, not later than 15 days after he is hired, to obtain a card stating that he has completed an approved construction safety course and to present the completion card to his employer. If the construction worker or supervisory employee fails to do so, the employer must suspend or terminate his employment. The bill provides that an employer who fails to suspend or terminate an employee as required is subject to an administrative fine.

The measure also provides that employees may satisfy the safety training requirements by completing an alternative course provided by an employer and requires such an employer to maintain certain records. Finally, A.B. 148 requires the Division of Industrial Relations, Nevada's Department of Business and Industry, to approve courses for fulfilling the requirements of the bill and directs the Division to establish a registry of providers of approved courses.

This measure is effective on January 1, 2010.

### A.B. 214 (Chapter 433)

Assembly Bill 214 adds peace officers employed by the Division of State Parks, State Department of Conservation and Natural Resources, to the definition of "police officer," as the term is used in the Nevada Occupational Diseases Act. The bill also adds certain chiefs, investigators, supervisors, and training officers of Nevada's Department of Public Safety to the definition of "police officer."

This bill is effective on July 1, 2009.

### A.B. 469 (Chapter 8)

Assembly Bill 469 makes certain changes to methods used to determine eligibility for unemployment compensation benefits. The bill amends the definition of base period and revises the definition of an "on" indicator for the purposes of extended unemployment benefits. The measure also revises the total benefit amount that may be received under certain circumstances. Finally, A.B. 469 requires the Director of Nevada's Department of Employment, Training and Rehabilitation and the Administrator of the Employment Security Division to take action to ensure that all unemployment compensation benefits made available by the American Recovery and Reinvestment Act of 2009 are received.

This bill is effective on April 16, 2009. The provisions of the bill that revise the definition of an "on" indicator and that revise the total extended benefit amount a person may receive expire by limitation on January 1, 2010, or on the date that federal funds are no longer available, whichever is later.

**S.B. 288 (Chapter 216)**

Senate Bill 288 requires the Division of Industrial Relations, Nevada's Department of Business and Industry, to communicate certain information with the immediate family of an employee whose death was a result of an industrial accident. The bill also requires the Division to provide certain information regarding the deceased worker's immediate family to the Occupational Safety and Health Review Board under certain circumstances.

**Unemployment****A.B. 84 (Chapter 445)**

Assembly Bill 84 requires a person who has committed unemployment insurance fraud to pay interest, penalties, and costs, in addition to repaying the benefits received. A person who fraudulently obtains more than \$250 in benefits shall also be punished as if he committed theft. A person may not file a claim to obtain or increase benefits if he is incarcerated in Nevada and does not disclose his incarceration.

Assembly Bill 84 also disqualifies a person who has committed unemployment insurance fraud from receiving benefits for at least one year. The Administrator of the Employment Security Division, Nevada's Department of Employment, Training and Rehabilitation, may waive the disqualification if the person adheres to a repayment schedule or for good cause.

Finally, this bill provides that certain laws related to the payment of overtime do not apply to a retail or service employee if the employee's rate of pay is more than one and one-half times the minimum wage and more than half of that employee's compensation comes from commission on the sale of goods or services. The employee's rate of pay is to be calculated for a representative period of not less than one month.

This measure is effective on July 1, 2009.

**A.B. 124 (Chapter 281)**

Assembly Bill 124 relieves an agricultural employer of the requirement to pay State unemployment taxes on the labor of nonimmigrant foreign workers brought to the United States to perform temporary or seasonal agricultural labor.

This bill is effective on July 1, 2009.

## LEGISLATURE

### **A.B. 535 (Chapter 348)**

Assembly Bill 535 provides that reports made to the Legislature may be submitted electronically. It also allows a former legislator to purchase and use legislative letterhead and business cards after leaving the Legislature provided those items clearly identify the person as a former or retired legislator.

The bill also revises certain statutes to provide that a legislator who does not seek reelection or who is defeated at a general election continues to serve on certain legislative committees after the election until the start of the next regular legislative session. However, A.B. 535 provides that the term of the Chair of the Interim Finance Committee terminates before the convening of the next regular legislative session if a new Chair has been named to the Assembly Committee on Ways and Means or to the Senate Committee on Finance, as appropriate. In such a case, the Chair of the appropriate committee will serve as Chair of the Interim Finance Committee until the next regular legislative session convenes. The term of a member of the Interim Finance Committee or the Legislative Commission who does not run for reelection or who is defeated at the general election ends on the day following the general election. Vacancies on the Interim Finance Committee are to be filled by the Speaker of the Assembly or the Majority Leader of the Senate, as appropriate. Vacancies on the Legislative Commission are to be filled pursuant to the applicable Joint Rules of the Senate and Assembly. In addition, the measure expands the authority of the Legislative Counsel to represent the Legislature's official interests in various actions and proceedings.

Assembly Bill 535 also increases the membership of the Legislative Committee on Public Lands and authorizes the Legislative Commission to appoint alternate members to the Committee. Further, the bill revises the statutory description of the Administrative Division of the Legislative Counsel Bureau to reflect its duties more accurately. Finally, the measure repeals the sunset on provisions that require the prefiling of measures proposed by certain nonlegislative requesters and various other changes relating to bill draft requests.

Provisions of this bill that expand the authority of the Legislative Counsel and that relate to prefiling of measures are effective on May 29, 2009. The remaining provisions are effective on July 1, 2009.

### **A.B. 554 (Chapter 369)**

Assembly Bill 554 ratifies various technical corrections made by the Legislative Counsel to certain measures enacted by the 2007 Legislature.

This bill is effective on May 29, 2009.

### **S.B. 160 (Chapter 257)**

Senate Bill 160 codifies the constitutional doctrines of separation of powers and legislative privilege and immunity for members of the Nevada Legislature. Under this measure, a Legislator shall not be questioned in any other place for speech and debate in either House.

Legislators are protected from having to defend themselves, from being held liable, and from being questioned or sanctioned in administrative or judicial proceedings for speech, debate, deliberation, and other actions performed within the sphere of legitimate legislative activity. The measure amends only those portions of the Nevada Ethics in Government Law necessary to conform to these constitutional doctrines, but maintains all other existing provisions for financial disclosures and misuse of office by members of the Nevada Legislature.

Statutory provisions regarding impeachment or removal from office are revised to comport with the *Nevada Constitution*. Additionally, the definitions of several terms are also clarified consistent with case law, including “public officer,” “willful violation,” “intentionally,” and “knowingly.” The responsibility for observance of the one-year cooling-off period before a former public officer can be hired by a business or industry with which he was previously involved in his official capacity is transferred from business or industry to the individual and is to be overseen by the Nevada Commission on Ethics.

Further, S.B. 160 clarifies that abstentions, disclosures, and voting by Legislators are governed by the *Standing Rules of the Legislature*. The bill also requires the Commission on Ethics to give appropriate weight and deference to a public officer’s right to vote, provided the officer has disclosed all conflicts. The measure revises provisions concerning the distribution and signing of ethics acknowledgment forms by public officers to facilitate ongoing knowledge and understanding of Nevada’s ethics laws. Finally, the bill conforms existing statutory law with the constitutional provisions governing impeachment, expulsion, and removal from office.

Sections of this bill affecting legislative immunity and the separation of powers are effective on January 1, 2009. All other sections are effective on May 28, 2009.

**S.B. 247 (Chapter 213)**

Senate Bill 247 provides that the special legislative license plate assigned to Senator William J. Raggio with the designation “State Senator 1” is granted as a lifetime endowment to Senator Raggio. Senator Raggio shall continue to be furnished that plate, regardless of whether he continues to serve in the Nevada State Senate.

The bill is effective on May 26, 2009.

**S.B. 370 (Chapter 271)**

Senate Bill 370 clarifies the term “presiding officer” in each house of the Legislature for the purpose of authorizing a fiscal note from the Fiscal Analysis Division of the Legislative Counsel Bureau. For this purpose, in the Assembly, the presiding officer is defined as the Speaker of the Assembly, and in the Senate the presiding officer is defined as the Majority Leader of the Senate. The measure also deletes requirements for immediate reprints of amended bills and archaic requirements concerning handwritten amendments to bills.

This bill is effective on May 28, 2009.



**A.J.R. 5 (File No. 92)**

Assembly Joint Resolution No. 5 proposes to amend the *Nevada Constitution* to provide that the Legislature may call itself into a special session on extraordinary occasions by a petition signed by two-thirds of the members of both houses. Such occasions include:

- Impeachment or removal proceedings against the Governor, Supreme Court Justices, or certain other State and judicial officers who have committed misconduct in office;
- Expulsion procedures against legislators who have committed misconduct in office;
- Unexpected conditions and financial emergencies; or
- Reconsideration of vetoed measures after the adjournment of a legislative session.

The measure stipulates that the Legislature may only address those issues named in the petition calling for the special session and limits most such sessions to 20 days. An exception is provided to the 20-day limit if a special session is called for the purpose of impeachment, removal, and expulsion procedures in order to allow for sufficient time for due process considerations. Finally, the resolution clarifies that a special session convened by the Legislature must be adjourned prior to “midnight on the clock,” of the 20th day, linked to the actual measure of time being used and observed by the general population of Nevada during that special session.

If approved in identical form during the 2011 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2012 General Election.

## **Legislative and Other Studies Directed by the Legislature**

**A.B. 9 (Chapter 430)**

Assembly Bill 9 creates the Legislative Committee on Senior Citizens, Veterans, and Adults with Special Needs. The Committee consists of three members from each House of the Legislature. One member from each House must be a member of the minority political party and the Chair and Vice Chair are to be selected by the Legislative Commission. The Committee is empowered to hold hearings, conduct investigations, review, study, and comment upon a wide range of issues relating to senior citizens, veterans, and adults with special needs and is required to report its findings to the Director of the Legislative Counsel Bureau on or before January 15 of each odd-numbered year for transmission to the next regular session of the Legislature.

This bill is effective on July 1, 2009.

**A.B. 85 (Chapter 116)**

Assembly Bill 85 creates the Advisory Committee to Study Laws Concerning Sex Offender Registration. The purpose of the Committee is to identify and study issues relating to State and federal law concerning the registration of sex offenders and any litigation concerning those

laws. The bill specifies the composition of the Committee and provides that the Attorney General or his designee will serve as chair. The Attorney General will provide the staff for the Committee and may apply for any available grants to assist in its operation.

The Committee must prepare a report concerning its activities and findings and submit the report to the Director of the Legislative Counsel Bureau for submission to the Legislative Commission on or before September 1 of each even-numbered year.

The bill is effective on May 19, 2009.

**A.B. 216 (Chapter 30)**

Assembly Bill 216 revises provisions relating to the Nevada Academy of Health by:

- Removing the sunset date for the Nevada Academy of Health, which was established during the 2007 Legislative Session and set to expire on June 30, 2009;
- Revising the Academy's membership by adding the authorized representative of the State of Nevada for the quality improvement organization of the Centers for Medicare and Medicaid Services, United States Department of Health and Human Services, reducing the total number of members from 14 to 13, and decreasing the number appointed by the Governor from 6 to 4; and
- Revising the Academy's duties by adding that it is responsible for studying various topics relating to accountability, access, and quality of health care in Nevada. It also removes the duty of providing recommendations concerning the establishment of a Statewide biomedical and health research program.

This bill is effective on May 7, 2009, for the purpose of removing the sunset date, and on July 1, 2009, for all other purposes.

**A.B. 294 (Chapter 298)**

Assembly Bill 294 directs the Legislative Commission to appoint a committee to conduct an interim study of group homes in Nevada. The committee will consist of three members from each House of the Legislature; one member from each House must have served on that House's Committee on Government Affairs during the 75th Session of the Nevada Legislature.

The Committee must gather input from interested parties and examine several issues related to group homes, with special emphasis placed upon methods by which the siting of these facilities may be monitored and regulated consistent with federal law. The Legislative Commission shall submit the findings of the study along with any recommendations for legislation to the 76th Session of the Nevada Legislature.

This bill is effective on July 1, 2009.

**A.B. 326 (Chapter 301)**

Assembly Bill 326 revises provisions relating to the computerized program to track prescriptions for controlled substances. It requires that the database of the computerized program be available on the Internet to certain pharmacists, that the program include the contact information for each person with access, and that a person who elects to access the database must complete a course of training before being granted access. Finally, this measure requires that the Legislative Committee on Health Care conduct a study of the abuse of prescription narcotic drugs and the manner of monitoring and addressing this abuse in Nevada.

This measure is effective on July 1, 2009.

**S.B. 3 (Chapter 452)**

Senate Bill 3 creates a permanent six-member Legislative Committee on Child Welfare and Juvenile Justice consisting of three members of the Senate and three members of the Assembly appointed by the Legislative Commission. The Chair of the Committee is selected by the Legislative Commission and rotates between the Assembly and the Senate. The measure specifies that the Committee is charged with evaluating and reviewing issues relating to child welfare services in Nevada and juvenile justice services in Nevada.

Some specific items listed for evaluation and review related to child welfare include: programs for the provision of child welfare; licensing and reimbursement of providers of foster care; mental health services; and compliance with federal requirements regarding child welfare.

Some specific items listed for evaluation and review related to juvenile justice include: coordinated continuum of care as it relates to health services, substance abuse treatment, education, and training; individual supervision as it relates to accommodating individual and family needs; programs for aftercare and reintegration; overrepresentation and disparate treatment of minorities in the juvenile justice system; and gender specific services.

The bill is effective on July 1, 2009.

**S.B. 111 (Chapter 184)**

Senate Bill 111 revises the membership of the Western Regional Water Commission to allow the Mayor of the City of Sparks to be a member. The measure also revises the membership of the Northern Nevada Water Planning Commission to include a representative of the largest Indian reservation that is contiguous to the planning area of the Western Regional Water Commission. Finally, S.B. 111 revises the membership of the Northern Nevada Water Planning Commission to include a representative of the Washoe County Water Conservation District, rather than the Washoe Storey Conservation District.

Senate Bill 111 is effective on July 1, 2009.

**S.B. 113 (Chapter 458)**

Senate Bill 113 creates in statute the Subcommittee on Juvenile Justice and the Subcommittee on Victims of Crime as subcommittees of the Advisory Commission on the Administration of Justice. The measure further provides that the Chair of the Advisory Commission will appoint the members and chairs of the subcommittees, and that the chairs must be members of the Advisory Commission.

Finally, S.B. 113 transfers staffing responsibility for each subcommittee to the Legislative Counsel Bureau.

This measure is effective on July 1, 2009.

**S.B. 264 (Chapter 462)**

Senate Bill 264 directs the Legislative Commission to conduct an interim study concerning the powers delegated to local governments. The study will include the feasibility of increasing the powers of local governments, the fiscal impact to the State of making such changes, and the experiences of states that have rejected Dillon's Rule under which local governments are unable to exercise powers that are not expressly granted to them. The measure authorizes a technical advisory committee of local government representatives to assist the committee in this study.

In addition, the measure provides for the appointment of an Interim Technical Advisory Committee on Intergovernmental Relations. The Interim Technical Advisory Committee will review issues concerning communication and cooperation among the State government and local government, and make a recommendation concerning the future need for a permanent Nevada Advisory Commission on Intergovernmental Relations.

The results of the study and any recommendations for legislation are to be submitted for consideration to the 2011 Legislative Session.

The bill is effective on July 1, 2009.

**S.B. 278 (Chapter 267)**

Senate Bill 278 requires the Legislative Committee on Health Care to study the feasibility of:

- Establishing a health district in counties other than Clark and Washoe Counties;
- Consolidating or integrating certain health and social services provided in Clark County; and
- Establishing regional centers for the provision of services for the prevention and treatment of alcohol and substance abuse.

The Legislative Committee on Health Care is required to submit a report of the results of the study and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 76th Session of the Nevada Legislature.

This measure is effective on July 1, 2009.

**S.B. 307 (Chapter 88)**

Senate Bill 307 requires the Office of the Director of Nevada's Department of Health and Human Services, to the extent money is available, to hire a consultant to analyze the rates paid by Medicaid and study the financing of Medicaid in Nevada. The Office must submit quarterly reports to the Legislative Committee on Health Care regarding the consultant's progress, funding, and any recommendations for legislation.

This measure is effective on May 18, 2009, for the purposes of accepting money to hire a consultant to perform the study and on July 1, 2009, for all other purposes.

**S.B. 316 (Chapter 496)**

Senate Bill 316 directs the Legislative Committee on Health Care, as part of its work program for the 2009-2010 Interim, to consider studying the establishment of a health insurance exchange that provides information on health insurance options and health care products. Such a study could include an examination of the potential scope of such an entity, the types of health care plans that might be offered, the potential powers and duties of an exchange, and other related matters.

**S.B. 371 (Chapter 272)**

Senate Bill 371 increases the authority of the Legislative Commission over interim study committees and statutory committees that typically meet between legislative sessions. The measure:

- Requires that the Legislative Commission review and approve the work programs and budgets of statutory committees and interim study committees;
- Sets the beginning and ending dates for statutory committees to November 1 of odd-numbered years and August 31 of the following even-numbered years, respectively. Interim study committees must meet and complete their deliberations between January 1 and June 30 of even-numbered years; and
- Prohibits the Legislative Commission from assigning staff of the Legislative Counsel Bureau to committees not chaired by legislators, unless otherwise required in statute.

The bill is effective on May 28, 2009. Provisions concerning the Legislative Committee to Oversee the Western Regional Water Commission expire by limitation with the Committee on July 1, 2013.

**A.C.R. 2 (File No. 89)**

Assembly Concurrent Resolution No. 2 directs the Legislative Commission to conduct a study during the 2009-2010 Interim concerning the governance and oversight of the system of public elementary and secondary education. The committee, composed of three members of the Senate and three members of the Assembly, shall recommend actions necessary for the efficient and effective operation of the statewide system.

The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 76th Session of the Nevada Legislature.

**A.C.R. 19 (File No. 76)**

Assembly Concurrent Resolution No. 19 directs the Legislative Commission to conduct an interim study of the requirements for reapportionment and redistricting of the election districts of Nevada's members of the United States House of Representatives, the State Legislature, the University Board of Regents, and the State Board of Education following the conduct of the 2010 decennial census.

The interim study must include an examination of any redistricting systems recommended or established by the 75th Session of the Nevada Legislature; a review of all pertinent case law; a review of redistricting programs and plans used in other states; and the continuation of Nevada's participation in programs of the Census Bureau of the U.S. including participation in the decennial census to ensure a complete and accurate count of all Nevadans.

The Legislative Commission must report the results of the study and any action to be taken in preparation for and recommendations concerning reapportionment and redistricting to the 76th Regular Session of the Legislature.

**A.C.R. 30 (File No. 96)**

Assembly Concurrent Resolution No. 30 directs the Legislative Commission to appoint a subcommittee to conduct an interim study concerning the development and promotion of Nevada as a logistics and distribution center. The study is to include, among other considerations, the identification of barriers to the development of logistics and distribution systems; the delineation of future foreign trade zones; the prioritization of infrastructure needs including energy, water, and mass transportation; the infrastructure for transportation systems; the formation of public-private partnerships to facilitate new business creation; funding options for the expansion of transportation systems, including mass transit systems and light rail corridors; and the identification of strategic public policy actions to expedite private investment in the development of logistics centers in the State. Finally, the measure authorizes the subcommittee to solicit input, as it deems appropriate, from various State and local agencies and organizations that are associated with the topic, as well as business entities and representatives of the Nevada System of Higher Education.

The Legislative Commission is directed to report its findings and any recommendations to the 76th Regular Session of the Legislature.

**A.C.R. 34 (File No. 97)**

Assembly Concurrent Resolution No. 34 directs the Interim Finance Committee to appoint the Subcommittee for Federal Stimulus Oversight to oversee the use of funds allocated from money that is received by the State of Nevada from the federal government pursuant to the American Recovery and Reinvestment Act of 2009. The Subcommittee is directed to:

- Consider proposals for the use of allocated funds to ensure that the use maximizes State goals;
- Examine federal government programs made available to the states to determine whether it is beneficial and feasible for the State to participate in such programs;
- Monitor the spending of allocated funds for transportation and public works projects to ensure that such projects provide a maximum of job opportunities;
- Review the plans of state agencies for spending allocated funds;
- Review federal grant proposals;
- Establish priorities for the use of money from such grants; and
- Ensure that grant monies are distributed equitably based on need.

The Subcommittee is directed to provide a manner of holding entities that receive such funds accountable for the appropriate and effective use of the money received, and to require the entities to report to the Subcommittee concerning the manner in which the money is used, the number of jobs that were created, and any other improvements resulting from the use of the money. If the Subcommittee determines that the money allocated is not being used in the most effective manner, the Subcommittee may recommend to the entity the manner in which the remaining money should be redirected to a more effective use within the program.

**S.C.R. 19 (File No. 99)**

Senate Concurrent Resolution No. 19 directs the Legislative Commission to appoint a committee to conduct an interim study concerning issues relating to energy in Nevada. The resolution notes the importance of energy production for the State economy and the potential benefits for energy projects within Nevada. The study will serve to update previous reviews and provide for continuing legislative experience and leadership in energy matters.

The resolution specifies that the study include a review of statutes and regulations concerning all aspects of energy, including production, transmission, and programs for energy efficiency. Electric vehicles, alternative fuels, and other related issues also are to be included in the study. Further, the review must include an analysis of the effectiveness and the implementation of existing energy or energy efficiency programs, and any new programs enacted by the

2009 Legislature. Finally, the study must investigate existing and emerging green technologies, including efforts to attract and expand green industries and jobs to Nevada.

The results of the study and any recommendations for legislation are to be submitted for consideration to the 2011 Legislative Session.

**S.C.R. 26 (File No. 100)**

Senate Concurrent Resolution No. 26 directs the Legislative Commission to appoint a subcommittee to conduct an interim study concerning employee misclassifications. The resolution notes the problems that arise when workers are improperly classified as independent contractors when they should be legally classified as employees. Improper classification can affect numerous employment, labor, and tax laws at both the State and federal level. The subcommittee is charged with determining the scope of the problem, along with making a determination concerning the economic losses for employees and lost revenues for State and federal government. The subcommittee also must make proposals related to identifying misclassifications, potential penalties for violations, and legal recourse for affected employees. The five-member subcommittee shall consist of two legislators (one from each house), who serve as Chair and Vice Chair. Other members include a representative of management who works for an entity in the construction industry who has not signed an agreement with a labor union, a representative of union labor from the construction industry, and a member of the general public. The results of the study and any recommendations for legislation are to be submitted for consideration to the 2011 Legislative Session.

**S.C.R. 37 (File No. 102)**

Senate Concurrent Resolution No. 37 provides for the appointment of a Subcommittee by the Interim Finance Committee to conduct a review of Nevada's revenue structure and to provide long-term stabilization of revenue. Existing revenue sources are insufficient to fund essential State services, and the Fiscal Year 2009-2011 budget includes nonrecurring federal stimulus funds and tax revenues that will sunset on June 30, 2011. The Legislature believes that State must have stable, equitable, transparent, and competitive revenue system that reflects long-term needs, the diversity of the economy, and nationally recognized best practices.

The Interim Finance Committee shall retain the services of a qualified, independent consultant to review Nevada's public revenue structure and make recommendations to the Interim Finance Committee. In conjunction with the revenue stabilization study process, the consultant shall collect data on Nevada's national rankings in quality-of-life areas and coordinate with the Nevada Vision Stakeholder Group to develop strategies to advance Nevada's national standing in these areas. The consultant shall deliver a report of his findings concerning revenue stabilization and a report of his findings concerning quality-of-life areas to the Interim Finance Committee on or before July 1, 2010.

The Subcommittee shall create a Technical Working Group to undertake any work necessary to ensure that the State is prepared to implement on or before July 1, 2011, revenue stabilization recommendations accepted and forwarded by the Subcommittee. On or before



October 1, 2010, the Interim Finance Committee shall submit a report of the results of its review and any recommendations for legislation to the Governor and the Director of the Legislative Counsel Bureau.

**S.C.R. 39 (File No. 101)**

Senate Concurrent Resolution No. 39 requires the Legislative Committee on Health Care to conduct a study during the 2009-2010 Interim. The Committee shall consider methods for establishing a fair and equitable system for the payment of medical services and care for persons who are covered by a policy of insurance or other contractual agreement with a third party that provides coverage for the provision of health care, but whose insurance does not cover expenses by the hospital or physician that provided the care.

**Legislative Counsel Bureau and Legislative Building**

**A.B. 103 (Chapter 2)**

Assembly Bill 103 requires the Legislative Auditor to conduct performance audits of governmental and private facilities for children to determine whether those facilities adequately protect the health, safety, and welfare and respect the civil rights of the children in their care.

The measure also requires any governmental or private facility for children to cooperate with the Legislative Auditor in the performance of his duties and to forward to the Legislative Auditor any complaint filed by a child or any other person on his behalf concerning the child's welfare.

This bill is effective on July 1, 2009.

**A.B. 232 (Chapter 124)**

Assembly Bill 232 provides that the term of the Chair of the Interim Finance Committee terminates before the convening of the next regular legislative session if a new Chair has been named to the Assembly Committee on Ways and Means or to the Senate Committee on Finance, as appropriate. In such a case, the Chair of the appropriate committee will serve as Chair of the Interim Finance Committee until the next regular legislative session convenes.

This bill also provides that the term of a member of the Interim Finance Committee or the Legislative Commission who does not run for reelection or who is defeated at the general election ends on the day following the general election. Vacancies on the Interim Finance Committee are to be filled by the Speaker of the Assembly or the Majority Leader of the Senate, as appropriate. Vacancies on the Legislative Commission are to be filled pursuant to the applicable *Joint Rules of the Senate and Assembly*.

## **Lobbying**

### **A.B. 231 (Chapter 101)**

Assembly Bill 231 exempts from the payment of lobbyist registration fees and late filing fees any veteran who is not paid for his or her lobbying activities and provides proof that he or she was honorably discharged from the Armed Forces of the United States, a reserve component thereof, or the National Guard.

This measure is effective on May 18, 2009.

## LOCAL GOVERNMENTS

### **A.B. 97 (Chapter 117)**

Assembly Bill 97 requires advance notice of the transfer of a function between a State agency and a local government and between local governments. In order to transfer a function between a State agency and a local government, notice must be given no later than 30 days prior to September 1 of an even-numbered year. The bill also provides that any such transfer shall not be effective before July 1 of the following year. For the transfer of a function between local governments, notice must be given at least 180 days in advance. These notice provisions may be waived by mutual agreement of the parties. The Committee on Local Government Finance must adopt regulations consistent with these notice provisions and setting forth other procedures relevant to such transfers.

The bill is effective on May 19, 2009.

### **A.B. 540 (Chapter 438)**

Assembly Bill 540 requires the Local Government Employee-Management Relations Board to collect from each local government employer a fee of not more than \$10 for each employee employed by the local government during the first pay period of the immediately preceding fiscal year. The fee shall not be reduced if the employee is not employed for a full year and the local government may not charge its employees for the fee. The fees must be paid on or before July 31 of each year.

The Board may verify the number of employees of a local government by any reasonable means and may also assess a penalty of not more than \$10 for each employee for which the fee was not paid. The measure provides that the fees collected must be accounted for separately by the Board and used to carry out the duties of the Board.

The bill is effective on June 3, 2009.

### **S.B. 103 (Chapter 351)**

Senate Bill 103 makes a number of changes to the Public Employees' Benefits Program. The bill clarifies that local governments may bring employees into the Program only if all the employees and their dependents are brought in, with the exception of particular employees excluded based upon their coverage under certain other plans. In addition, local government retirees enrolled in the Program before November 30, 2008, are grandfathered even if the local government elects to leave the Program after that date. The authority of the Board of the Program to adopt regulations is clarified, and the Board is required to adopt regulations relating to payments, including penalties and interest, by local governments for their retirees in the Program. The bill also ratifies regulations that were adopted after October 2003.

The bill further clarifies that the State Retirees' Health and Welfare Benefits Fund is to be used for funds received to offset costs of current and future retirees. Coverage payments for active employees and dependents are split, with the State agency paying a fixed amount while the employee pays the remainder through a payroll deduction, and the Board authorized to allocate

those funds. The measure expands the prohibition against proration of any year of service to include proration of years of service with a local government employer.

Senate Bill 103 also authorizes the Program to bring an action in court to recover payments, including penalties and interest, from local governments that are delinquent more than 90 days. The statute of limitations for such actions is six years from the time the amount was 90 days delinquent. Further, this authority is applied retroactively to recover payments that were delinquent for at least 90 days on or after October 1, 2003.

The bill establishes two processes for retired public employees to be reinstated under the last employer's health plan—one for local government retirees and one for retired State employees. The measure also makes it optional to offer the flexible benefits plan for Medicare eligible retirees covered under the Program and requires the Board to adopt regulations concerning notification and termination of such coverage.

Finally, the bill eliminates the specific titles of the individuals the Executive Officer of the Program may appoint and instead authorizes such appointments as may be necessary for administering the Program.

The section that modifies the requirement regarding the offer of a flexible benefits plan to Medicare eligible retirees is effective on November 1, 2009. The provisions concerning adoption of the termination of coverage procedures for the flexible benefit program expire by limitation on October 31, 2009. The remaining sections of the bill are effective on July 1, 2009.

**S.B. 174 (Chapter 191)**

Senate Bill 174 allows volunteer firefighters who are retired public employees to continue to receive retirement benefits from the Public Employees' Retirement System while they are volunteering for the fire department.

The bill is effective on July 1, 2009.

**S.B. 427 (Chapter 426)**

Senate Bill 427 makes changes to the Public Employees' Benefits Program (PEBP), the Public Employees' Retirement System (PERS), and collective bargaining statutes.

**PEBP**—The bill provides that when State employees who are initially hired on or after January 1, 2010, retire, they will be eligible for a State subsidy if they have continuously participated in PEBP since retirement and have: (1) at least 15 years of service; or (2) at least 5 years of service and receive disability payments from PERS or the Nevada System of Higher Education (NSHE) retirement program for professional employees. A local government employer must pay its retiree the same subsidy as the State pays a State retiree if the local government retiree meets the same requirements as a State retiree. For purposes of determining years of service, a local government may include years of State service and the State may include years of local government service.

**PERS**—Senate Bill 427 limits call-back pay that may be considered compensation to a situation in which a member whose effective date of membership is on or after January 1, 2010 (“new member”), returns to duty within 12 hours after regular working hours for an emergency involving clear and imminent danger as declared by the public employer. Post-retirement increases for a retired new member are capped at 4 percent after the 12th anniversary of retirement and each year thereafter.

The PERS Board must post on its website any document relating to the public employer’s contribution mechanism required to be submitted to PERS on or after January 1, 2010. The measure sets the terms of the members on the Police and Firefighters’ Retirement Fund Advisory Committee at four years and authorizes removal of the members only for cause. To reduce the unfunded liability of PERS, the bill allows PERS to retain a portion of the contribution rate when the rate exceeds the actuarially determined rate by less than 2 percent. A public employer who reports ineligible wages is made responsible to the employee for any impact to the employee’s benefit.

Senate Bill 427 raises the age at which a new member may retire after ten years of service from age 60 to age 62. For new police and firefighter members, the eligible age for retirement after ten years of service is raised from age 55 to age 60 and the option to retire at any age after 25 years of service is eliminated.

The bill increases the amount by which a retirement benefit must be reduced for new members who retire before the appropriate retirement age from 4 percent to 6 percent of the unmodified benefit for each full year, and from 0.33 percent to 0.5 percent for each additional month. Further, the bill provides that the monthly retirement allowance for a new member will be determined by multiplying the member’s average compensation by 2.5 percent for each year of service.

When calculating “average compensation,” the bill limits increases in compensation for new members to 10 percent in the 24 months prior to the 36 consecutive months of highest compensation and during the 36 consecutive months of highest compensation. A new member whose retirement allowance is limited by the 10 percent cap is entitled to a refund for a portion of his PERS contributions. Promotion and assignment-related compensation are excluded when calculating the 10 percent limit.

**Collective Bargaining**—The bill requires a new, extended, or modified collective bargaining agreement of a local government to be approved by the governing body at a public hearing and requires the chief financial officer of the local government to provide a report on the fiscal impact of the agreement. Before a collective bargaining dispute can be submitted to a fact finder or a panel of neutral arbitrators, the parties to the dispute must have failed to reach an agreement after at least six meetings and the option for submitting a dispute involving a bargaining unit of less than 30 persons without going to mediation is eliminated.

In determining the financial ability of the local government to grant monetary benefits, the fact finder must consider the ability to pay over the current year being negotiated, or, for multi-year contracts, the local government's ability to pay over the life of contract. Once financial ability to pay has been determined, the fact finder must, to the extent appropriate, consider the compensation of other government employees in Nevada and in other states.

Within 45 days after the receipt of the report from the fact finder, the local government must hold an open meeting to discuss the report and the overall fiscal impact of the decision and to receive a report from the chief fiscal officer on the fiscal impact of the agreement. The fact finder must not be asked to discuss the decision during the meeting. These same requirements also apply to disputes between police and firefighters and their employers, and between school district employees and their employers.

The section of this bill concerning erroneous reporting of wages by a public employer is effective on June 3, 2009. The remaining provisions of this bill are effective on January 1, 2010.

## **Bills Applying Generally to Local Governments**

### **A.B. 49 (Chapter 115)**

Assembly Bill 49 authorizes a board of county commissioners to impose a civil penalty in lieu of a criminal penalty for the violation of an ordinance on the regulation and licensing of a business. The bill limits any such civil penalty to not more than \$1,000 per violation and does not allow a civil penalty to be imposed if State law provides a criminal penalty for the violation.

The bill is effective on July 1, 2009.

### **A.B. 74 (Chapter 59)**

Assembly Bill 74 amends existing procedures regarding the filing of tentative maps and final maps of proposed subdivisions of land with the appropriate planning authority. A subdivider of land and the governing body or planning commission may by mutual agreement extend the time for acting and reporting on a tentative or final map. If the subdivider and local government enter into an agreement extending the time for action on a tentative map, the bill clarifies that new conditions may be imposed on the final map if they relate to changes in the law applicable to public health, safety, and welfare.

Assembly Bill 74 extends the time period a subdivider has to present a final map, or first of a series of final maps, to the planning authority from two years to four years after the approval of the tentative map. The time period for an extension of this deadline that the planning authority may grant to a subdivider is increased from one year to two years.

This bill is effective on May 7, 2009. Provisions of this bill that extend the time period for presenting a map expire by limitation on June 30, 2013.

**A.B. 105 (Chapter 39)**

Assembly Bill 105 eliminates the requirement for a court order to collect personal identifying information and a biological specimen from a defendant, and provides that if it is determined that a defendant's biological specimen has previously been submitted for conviction of a prior offense, an additional specimen is not required.

The measure authorizes a board of county commissioners to deposit grants and donations into the county's fund for genetic marker testing and expands the authority of a forensic lab to use funding to cover any expense related to genetic marker testing.

This bill is effective on July 1, 2009.

**A.B. 353 (Chapter 110)**

Assembly Bill 353 revises the abatement procedures and penalties for violations of certain State public nuisance laws. A court or magistrate must order a person convicted of a public nuisance to abate the nuisance within a specified time, and the court must impose a civil penalty. Civil penalties collected must be deposited in an account used only for abatement. The measure allows the enforcement agency to assume responsibility to abate the nuisance at the defendant's expense if the defendant fails to do so.

Assembly Bill 353 allows a board of county commissioners to adopt ordinances to allow for a summary abatement of a dangerous structure or condition to the extent necessary to remove the imminent danger that presents an immediate hazard. In addition to enforcing abatement of a public nuisance defined by State law, the county may also enforce abatement of any other public nuisances defined by the ordinance.

The bill removes the population threshold for a county solid waste management authority to establish and administer a program for the control of unlawful dumping. In an action brought by the district health department, or any other person authorized by State law, against a person for the unlawful disposal of waste, the court clerk must remit civil penalties collected from the defendant to the district health department.

**S.B. 194 (Chapter 416)**

Senate Bill 194 provides that the district attorney of Humboldt County serves, ex officio, as the public administrator of the County and authorizes the boards of county commissioners in any county with an elected public administrator to appoint the public administrator if the office becomes vacant. The measure clarifies that a public administrator may secure the property of a decedent if he finds that the decedent has no relatives to protect the property or if failure to do so could endanger the property. In addition, S.B. 194 requires and authorizes a public administrator to conduct certain investigations and increases the maximum value of an estate that may be set aside without administration. The measure sets forth parameters as to when a public administrator shall not administer an estate. Furthermore, the bill provides that the powers and duties of public administrators in Clark and Washoe Counties apply to public administrators in all counties.

Senate Bill 194 also amends provisions governing public guardians by requiring a public guardian to retain records relating to guardianships for at least seven years and revises the eligibility requirements for a person to have an appointed public guardian. The measure provides that a county is not liable on any written or oral contract entered into by a public guardian of the county for or on behalf of the ward. The bill also authorizes a court to terminate the appointment of a public guardian as a guardian of the person or estate if the public guardian is unable to identify a source to pay for the care of the ward and continuing the guardianship would confer no benefit on the ward.

Finally, the bill revises provisions so that information concerning the financial status, assets, and personal history can be demanded from or about a ward instead of a proposed ward.

Sections of the bill concerning the service of the district attorney in Humboldt County as public administrator and the filling of vacancies in the office of public administrator are effective on July 1, 2009. The remainder of the measure is effective on October 1, 2009.

### **S.B. 218 (Chapter 498)**

Senate Bill 218 authorizes a constable to issue a citation to an owner or driver, as appropriate, of a motor vehicle that is required to be registered in this State if the constable determines that the vehicle is not properly registered. Upon issuing a citation, the constable must collect a fee of \$100, which he may retain as compensation.

The measure also increases from \$50 to \$100 the fee that a constable may receive for services of removing or causing the removal of an abandoned vehicle from public property. Finally, the measure increases from \$500 to \$1,000 the maximum fine that may be imposed for failing to register a vehicle within 60 days after a person becomes a resident of Nevada or at the time the person obtains his driver's license, whichever occurs earlier. This fine may be reduced to not less than \$200 if the person presents evidence at the time of his hearing that he has registered the vehicle.

## **Bills Applying to Specific Local Entities**

### **A.B. 39 (Chapter 9)**

Assembly Bill 39 amends the City Charter of North Las Vegas to require a primary election before each general election without regard to the number of candidates for city office.

The bill is effective on July 1, 2009.

### **A.B. 54 (Chapter 325)**

Assembly Bill 54 authorizes the Washoe County Board of County Commissioners to establish programs to provide financial assistance to: (1) certain persons to connect to a public water or sewer system; and (2) certain public and private property owners in flood-prone areas to make the property resistant to flood damage. The programs may accept gifts, grants, and other sources of money to pay the costs of the programs and the County may, by ordinance, submit delinquent repayments of loans to the County Treasurer for collection on the tax roll.



Before providing any financial assistance for connection to a public water or sewer system, the County must establish a groundwater management plan in the affected water basin. The measure limits financial assistance to owners of property in flood-prone areas to buildings or structures that were in existence or on which construction had begun on or before July 1, 2009, and to property owners who have not received financial assistance from certain other public programs, such as redevelopment. Assembly Bill 54 also provides a definition of “flood management project” applicable in Washoe County and permits the County to delegate its authority to administer the financial assistance program in flood-prone areas to a flood management authority.

This bill is effective on May 29, 2009.

**A.B. 220 (Chapter 288)**

Assembly Bill 220 sets a schedule for the purchase of a school site that is set aside as part of the approval of a subdivision in Washoe County and a deadline for construction of the school. In Washoe County, the school district and subdivider may negotiate for a price that does not exceed the fair market value of the land at the time the tentative map was approved plus any costs paid by the subdivider between that time and the purchase date or the fair market value of the land on the date of purchase, whichever is less. The Washoe County School District must purchase the site, if at all, no later than five years from the date on which the final map that contains the school site is approved and construction of the school must begin no later than ten years from the date of approval of the final map. If construction of the school does not commence within ten years, the land purchased by the school district must be offered for sale to the subdivider or his successor in interest.

**A.B. 225 (Chapter 289)**

Assembly Bill 225 eliminates the option for county commissions to adopt an ordinance prohibiting the charging of fees by the county fire department for transporting persons to a hospital. The measure exempts a county that has granted an exclusive franchise to an ambulance company from the adoption of an ordinance setting fees for transport by the fire department.

In a county with a population of 400,000 or more (Clark County), transports by the County Fire Department are limited to 1,000 per year except for emergency transports when other ambulance services are not available. The bill requires the County Fire Department and all other ambulance services operating in the County to report monthly to the County Commission on:

- The number of transports;
- The fees charged for such transports;
- The name of the medical facilities to which patients are transported; and
- Whether or not the transported persons had health insurance at the time of transport.

A report containing this same information must be submitted by the County Commission on a quarterly basis to the Director of the Legislative Counsel Bureau and Legislative Committee on Health Care.

The bill is effective on July 1, 2009.

**A.B. 304 (Chapter 481)**

Assembly Bill 304 requires the Southern Nevada Regional Planning Coalition and the master plans of Clark County and the cities within Clark County to include an element relating to the preservation of historic neighborhoods. The plans must include a plan to inventory historic neighborhoods and a statement of goals and methods to encourage preservation of such neighborhoods. The plan may also include the creation of a commission to monitor and promote the preservation of historic neighborhoods. Historic neighborhoods are defined as a residential development with ten or more units, of which at least two-thirds are 40 years of age or older, and which has a distinctive character.

Assembly Bill 304 also changes the name of the Southern Nevada Enterprise Community Advisory Board to the Southern Nevada Enterprise Community Board and revises the Board's membership to specifically include a member of the Assembly and a member of the Senate who represent the Community. The Board must also include two residents of the "Stop the F Street Closure, LLC." The measure expands the duties of the Board to include identifying, seeking funding for, and carrying out additional projects in the Community. The Southern Nevada Enterprise Community Projects Fund is also created in the bill.

In addition, the measure requires the City of Las Vegas to contract, to a maximum of \$2.5 million, for the construction design of a project to reopen F Street using funds from the City of Las Vegas Redevelopment Agency. The bill requires the City of Las Vegas and Nevada's Department of Transportation to cooperate in funding, seeking additional funding, and bringing about the approval, design, and construction of the F Street project.

Provisions regarding the Southern Nevada Enterprise Community Board and construction of the F Street project are effective on June 1, 2009. The remainder of the bill is effective on October 1, 2009.

**NOTE: Assembly Bill 304 was vetoed by the Governor on May 29, 2009. The veto was overridden by the 2009 Legislature on June 1, 2009.**

**A.B. 352 (Chapter 198)**

Assembly Bill 352 limits new residential units within the Spring Mountains National Recreation Area to the number permitted by the zoning on the effective date of the bill, with certain exceptions. Local governments may not establish new nonresidential zoning districts or increase the size of any such existing districts. The creation or expansion of zoning for public facilities is allowed. The measure clarifies that local governments retain all other authority

regarding planning, zoning, and design review. The bill also prohibits the Nevada Gaming Commission from issuing a nonrestricted license within the area.

The bill is effective on July 1, 2009.

**A.B. 415 (Chapter 164)**

Assembly Bill 415 sets forth a procedure in smaller counties for the combination or separation of county offices that are within the authority of the Legislature to modify. If a county whose population is less than 40,000 desires to combine or separate county offices, the county commission must make certain findings and receive approval of the voters through an advisory ballot question. The measure specifies that offices shall not be modified until the end of a normal term of office or unless the person in the office to be eliminated resigns. "Smaller counties" includes 12 counties and excludes Carson City, and Clark, Douglas, Elko, and Washoe Counties.

The bill is effective on July 1, 2009.

**A.B. 494 (Chapter 473)**

Assembly Bill 494 requires local governments within the two largest counties (Clark and Washoe Counties) to study and prepare a report concerning past and potential actions regarding the consolidation or reorganization of certain services. The measure directs city and county governments in those counties to review the functions of public safety, public works, and general government concerning:

- Whether any of the three functions have already been consolidated;
- Which of the functions have been or are currently under consideration for consolidation, or might be considered in the future;
- Recommendations, if any, concerning those future consolidations;
- Cost estimates, including projected cost savings, for future consolidation; and
- Any recommendations about the need for permanent committees composed of the affected entities to consider future consolidation efforts.

The governing body of each of the local governments affected by this measure must make a report of their review to the 2011 Legislature.

This bill is effective on July 1, 2009.

**S.B. 59 (Chapter 176)**

Senate Bill 59 requires Washoe County to adopt a five-year master plan relating to the surcharge imposed on certain telephone services for the enhancement and improvement of a telephone system used for reporting emergencies. Currently, this master plan requirement applies to counties whose population is less than 100,000. The measure requires that such

master plans be reviewed annually by the board of county commissioners and updated if necessary. The measure increases, from \$500,000 to \$1 million, the amount of surcharge proceeds that may be saved in Washoe County's surcharge fund and adds Carson City and Elko and Douglas Counties to the counties eligible to save up to \$1 million in their respective funds. Finally, S.B. 59 expands the purposes for which these counties may use the proceeds of the surcharge to enhance emergency telephone systems.

This bill is effective on May 22, 2009.

**S.B. 173 (Chapter 413)**

Senate Bill 173 requires the Regional Transportation Commission (RTC) in Clark County to designate, on or before December 31, 2009, ten bus stops at which a bus turnout must be constructed by December 31, 2012. Such turnouts must be constructed on land owned by the State or a local government and must be funded by the RTC. The measure sets forth the criteria the RTC must consider when selecting the locations for the ten bus turnouts.

This bill is effective on July 1, 2009.

**S.B. 175 (Chapter 477)**

Senate Bill 175 authorizes the creation of a flood management authority in Washoe County for the construction, improvement, and maintenance of a flood management project. The measure permits the use of general obligation or revenue bonds or municipal securities for such purposes. The measure defines "flood management project" to include a project established for the control or management of any flood or storm waters in Washoe County or a city therein. Projects may also include ecosystem restoration, drainage and flood control activities, floodplain management, and certain flood and storm water conservation projects.

This bill is effective on June 8, 2009.

**S.B. 190 (Chapter 415)**

Senate Bill 190 removes the requirement that the fair and recreation board in Washoe County obtain the prior approval of the Washoe County Commission before the acquisition, purchase, or disposal of real property with two exceptions. Prior approval of the County Commission is still required for: (1) sales or leases of real property located in the city of Sparks; and (2) for any real property transaction which may affect existing or future debts or bonds for which the County may be responsible.

**Financial Administration**

**A.B. 548 (Chapter 349)**

Assembly Bill 548 revises the manner of calculating the maximum fee per transaction for the use of a credit card, debit card, or electronic transfer of money to make a payment to a State agency, local government, or court. The bill requires the government entity to base the maximum transaction fee that may be charged on the aggregate of those fees assessed by the card issuer or electronic transfer service provider over the period of a fiscal year. Finally,

the measure clarifies that the fees charged to cardholders or users of electronic transfer systems are considered “convenience fees.”

The bill is effective on July 1, 2009.

**S.B. 61 (Chapter 82)**

Senate Bill 61 allows a school district that receives revenue from the net proceeds of minerals tax to have greater access to its mitigation fund, which is created by each school district through setting aside a portion of the annual net proceeds revenue. The measure removes the condition that a school district may only access the fund if the amount of revenue received from the tax declines in each of the preceding two fiscal years. The bill expands the authorized uses of the fund to include mitigating the adverse effects caused by a natural disaster. In addition, school districts in counties whose populations are less than 5,000 (Esmeralda, Eureka, Lincoln, and Storey Counties) may use money in their respective mitigation funds to retire bonds or other outstanding obligations and support the continuation of instructional programs and related support services that would otherwise have been reduced or eliminated if access to the mitigation fund was not available.

This bill is effective on July 1, 2009.

**Improvement and Special Districts**

**A.B. 226 (Chapter 31)**

Assembly Bill 226 increases the maximum allowable debt for irrigation districts from \$350,000 to \$500,000, and allows irrigation districts to impose an assessment of up to \$5 per acre for deposit into a capital improvement fund. An irrigation district may also impose an assessment of up to \$1.50 per acre for ordinary expenses of the district provided that the total assessment does not exceed the \$5 per acre limit. The bill also removes the cap on the amount of money that may be spent in cases of necessity for construction or repair or for the purchase of machinery or materials.

The bill is effective on July 1, 2009.

**A.B. 360 (Chapter 305)**

Assembly Bill 360 authorizes the creation of a special district to manage money paid to the State or to a county by the federal government for use within the special district. The measure provides for the composition of the governing body of the district and the independence of the special district from the affected county. Money that is received from the federal government based on a percentage of national forest receipts in the State will be distributed directly to the special district.

Any special district created under the provisions of the bill must report to the 2011 Session of the Legislature on its receipt of federal money and the activities of the special district.

The bill is effective on July 1, 2009, and expires by limitation on June 30, 2013.

**A.B. 478 (Chapter 399)**

Assembly Bill 478 revises the Housing Authorities Law of 1947 by allowing certain counties to form regional housing authorities. Existing law allows each county, city, or town to form a housing authority, which is a municipal corporation. This measure allows Clark County to form a single regional housing authority. In forming the regional authority, the county shall adopt a resolution that sets forth the following:

- The intent to regionalize the powers of the existing authorities;
- A plan for transitioning to a regional authority;
- The geographic scope of the authority; and
- Other matters the affected local governing bodies deem necessary.

Assembly Bill 478 allows for nine commissioners of the regional authority and sets forth the criteria for their selection. The county and the three largest cities therein are allowed to appoint two commissioners each, and these local governments shall seek recommendations for appointments from a diverse background, including gender, ethnicity, and experience. One commissioner must be selected from eligible nominees receiving housing authority assistance to serve on behalf of tenants. None of the appointees may be elected officials of any governmental entity. The commissioners shall select, through an open, competitive recruitment, an executive director to manage the regional authority.

The provision of the bill regarding the selection of an executive director by competitive recruitment is effective on January 1, 2010. The remaining provisions of the bill are effective on June 1, 2009.

**S.B. 124 (Chapter 405)**

Senate Bill 124 expands the membership of the board of trustees for the Overton Power District from five members to seven members. The bill specifies that one additional member must be elected from the election area comprised of the City of Mesquite. The other additional member must be elected at-large from within the boundaries of the district service area. The measure sets forth the initial election and term of the two new members and provides that the existing five election areas remain as presently set by law.

The bill is effective on July 1, 2009.

**Purchasing and Public Works**

**A.B. 192 (Chapter 237)**

Assembly Bill 192 requires companies wishing to be considered “qualified service companies” eligible to bid on performance contracts to apply to local governments for preapproval. The measure sets forth the criteria local governments may use in determining which companies will be deemed a “qualified service company.” Performance contracts that guarantee operating

cost savings must identify specific dollar amounts and units or percentages of consumption. Ground source systems for heating and cooling are added to the list of recognized operating cost-saving measures. Procurement of low-cost energy supplies, outsourcing energy needs, and education programs to change behavior are removed from the list. Performance contracts may not be used in connection with new buildings or building additions.

The measure allows a local government to retain a third-party consultant to assist in the evaluation of proposals for performance contracts provided the consultant has a State business license and a license in the applicable field. A third-party consultant that is retained to review operating cost-saving measures must be a licensed Nevada engineer. The bill requires a qualified service company to post a bond for any performance contract over \$100,000. When reinvesting any savings resulting from a performance contract, the local government must comply with the procedures for entering into a performance contract.

Finally, a local government that enters into a performance contract must report annually to the Legislature, or to the Interim Finance Committee in even-numbered years, on the terms of the contract.

The bill is effective on July 1, 2009.

**A.B. 467 (Chapter 385)**

Assembly Bill 467 clarifies the applicability of prevailing wage statutes to certain lease-purchase and installment-purchase agreements by the State and local governments. The measure requires a person who enters into a lease or lease-purchase agreement with a board of county commissioners for the purposes of constructing or remodeling a facility to include in the agreement the contractual provisions requiring the payment of prevailing wages. The measure extends these same requirements to:

- Medium-term obligations and installment purchase agreements of local governments;
- Lease-purchase and installment purchase agreements of the State of Nevada; and
- The City of Las Vegas.

Finally, A.B. 467 amends Legislative declarations regarding lease-purchase and installment-purchase agreements by the State and by local governments to reflect these requirements.

The bill is effective on July 1, 2009.

**NOTE: Assembly Bill 467 was vetoed by the Governor on May 29, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**A.B. 483 (Chapter 400)**

Assembly Bill 483 provides that a public body may only require a design professional to defend, indemnify, and hold harmless a public body to the extent the liabilities, losses, or damages are caused by the negligence, errors, omissions, recklessness, or intentional misconduct of the design professional. The bill specifies that if a public works contract with a design professional contains provisions that conflict with statutory provisions concerning indemnification of the public body, then those conflicting contractual provisions shall be void.

The bill is effective on July 1, 2009.

**S.B. 248 (Chapter 418)**

Senate Bill 248 authorizes the extension of certain building permits and development agreements for a maximum of 15 years beyond the original expiration date if the land upon which the construction is to take place is leased for renewable energy projects and the permit holder or landowner cannot obtain financing for the project. The bill identifies what information must be submitted to demonstrate an inability to obtain financing. Extensions may not be granted after June 30, 2013.

If an extension is granted, no condition may be placed on the permit or agreement that was not imposed on the original permit or agreement except for new laws or regulations concerning environmental, life, or safety protections.

This bill is effective on July 1, 2009.



## MILITARY

### **S.B. 302 (Chapter 218)**

Senate Bill 302 authorizes a hospital in this State to enter into an agreement with the Armed Forces of the United States to allow certain medical officers to provide medical care in the hospital. The medical officer must hold a valid license in a state or territory of the U.S., and the medical care must be provided as part of a training or educational program for the medical officer.

This measure is effective on July 1, 2009.

### **S.B. 408 (Chapter 273)**

Senate Bill 408 authorizes the payment of \$100 from the Patriot Relief Account to certain members of the Nevada National Guard for attendance at a reintegration course if accompanied by his spouse, an adult member of his immediate family, or an adult with whom he cohabits. To be eligible for the payment, a member must have returned from active deployment in a combat zone within the past 90 days and have been on active service for at least 45 days in full-time National Guard duty.

The measure also allows unexpended appropriations in the Patriot Relief Account to remain in the Account, along with any accrued interest.

The bill is effective on July 1, 2009.

## **Veterans**

### **A.B. 3 (Chapter 366)**

Assembly Bill 3 directs that the area immediately above and surrounding the interred remains in each veterans' cemetery be landscaped with natural grass. The cemetery superintendents are required to install and maintain the landscaping.

This bill is effective on May 29, 2009.

### **A.B. 231 (Chapter 101)**

Assembly Bill 231 exempts from the payment of lobbyist registration fees and late filing fees any veteran who is not paid for his or her lobbying activities and provides proof that he or she was honorably discharged from the Armed Forces of the United States, a reserve component thereof, or the National Guard.

This measure is effective on May 18, 2009.

**A.B. 459 (Chapter 105)**

Assembly Bill 459 requires the Executive Director for Veterans' Services and the Deputy Executive Director for Veterans' Services to take possession of abandoned or unclaimed artifacts or other property that has military value for safekeeping. The bill allows the Executive Director or Deputy Executive Director to transfer the property to a veterans' or military museum.

The bill also requires the State Treasurer, in his capacity as Administrator of Unclaimed Property, to transfer property with military value to the Office of Veterans' Services upon its written request.

This bill is effective on May 18, 2009.

## NATURAL RESOURCES AND PUBLIC LANDS

### A.B. 73 (Chapter 97)

Assembly Bill 73 requires that an operator of a water vessel that is towing a person on water skis or another device be at least 16 years old, or at least 14 years old if there is a passenger who is at least 18 years old on the boat to supervise the operator. A person designated to observe someone being towed behind a water vessel must be at least 14 years old, or at least 12 years old if there is a passenger who is at least 18 years old on the boat to supervise the observer. The measure also repeals a redundant provision that requires certain motorboats to be equipped with an efficient bell or whistle.

This bill is effective on January 1, 2010.

### A.B. 75 (Chapter 144)

Assembly Bill 75 requires the State Forester Firewarden to submit an annual report concerning fire prevention and forest health in the Nevada portion of the Lake Tahoe Basin to the Governor, the Legislature, the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System, the Nevada Congressional Delegation, and the Tahoe Regional Planning Agency.

### A.B. 194 (Chapter 120)

Assembly Bill 194 revises the penalty for a person convicted of purposefully or knowingly acting as a master guide or as a subguide without a license issued by Nevada's Department of Wildlife to be punishable as a gross misdemeanor for a first offense and a category E felony for a second or subsequent offense. In addition, the Board of Wildlife Commissioners must revoke any hunting, fishing, or trapping license, permit, or privilege issued to the convicted person and must not issue a new license, permit, or privilege to that person for five years. The bill also provides that in addition to being convicted of a gross misdemeanor for guiding without a license, a felony conviction will also subject a person to forfeiture of certain equipment used for this unlawful activity.

The bill requires that a person may not knowingly compensate another person to provide guide service unless the person providing the guide service provides proof that he holds a master guide license or a subguide license issued by the Department. The bill excludes from the requirement to hold a subguide license a person who is employed to assist a master guide solely by transporting a person by motor vehicle to or from a public transportation facility, such as a public airport. Finally, acting as a guide or a subguide without a license is included within the group of laws not punishable by an assessment of demerit points.

### A.B. 362 (Chapter 127)

Assembly Bill 362 clarifies existing law regarding the role of the Board of Wildlife Commissioners by providing that certain programs developed or wildlife management activities

or research conducted by Nevada's Department of Wildlife must be developed or conducted under the guidance of the Board of Wildlife Commissioners.

This bill is effective on July 1, 2009.

**S.B. 108 (Chapter 221)**

Senate Bill 108 provides that hollow metal posts may be used to mark the boundaries of a lode mining claim if they are capped or crimped and have no open perforations. The bill further requires that durable plastic pipe, which has been used to mark the boundaries of a lode mining claim, be replaced by November 1, 2011. If replaced on or before that date, the durable plastic pipe must be taken from the lode mining claim and disposed of in a lawful manner. After that date, any durable plastic pipe that has not been removed may be removed and placed on the ground adjacent to the location to preserve evidence of its use as a monument for the lode mining claim.

Senate Bill 108 is effective on July 1, 2009.

**Agriculture and Ranching**

**A.B. 29 (Chapter 94)**

Assembly Bill 29 authorizes the Director of the State Department of Agriculture to provide grants to nonprofit organizations from the Account for License Plates for the Promotion of Agriculture Within This State.

This bill is effective on May 18, 2009.

**A.B. 242 (Chapter 125)**

Assembly Bill 242 adds trichomonosis in cattle to the diseases excluded from certain confidentiality requirements.

This bill is effective on May 19, 2009.

**S.B. 38 (Chapter 13)**

Senate Bill 38 changes the expiration date of certificates for restricted-use pesticides from the end of the fourth calendar year after the issuance to four years after the date of issuance.

This bill is effective on April 22, 2009, and the expiration date change only applies to certificates issued after the effective date of the bill.

**S.B. 39 (Chapter 6)**

Senate Bill 39 eliminates the requirement for the State Department of Agriculture to present annually to county commissioners proposed programs for the exclusion, detection, and control of invasive species and endemic pests and weeds.

This bill is effective on July 1, 2009.

**S.B. 109 (Chapter 352)**

Senate Bill 109 deletes provisions that place the State grazing boards within the State Department of Agriculture.

**Air Quality**

**A.B. 414 (Chapter 309)**

Assembly Bill 414 authorizes the State Environmental Commission, in cooperation with Nevada's Department of Motor Vehicles (DMV), to establish a voluntary program in a county whose population is 100,000 or more, whereby vehicle owners could submit emissions information to the DMV electronically from onboard diagnostic equipment that is available on certain vehicles, as an alternative to bringing the vehicle to an inspection station. The DMV shall charge an annual fee of \$6 for each vehicle that submits information electronically through this program, and fees collected are to be deposited in the Pollution Control Account.

Trimobiles that meet the federal definition of a motorcycle are exempt from certain standards for exhaust emissions. Trimobiles that do not meet the federal definition of a motorcycle and reconstructed vehicles must meet the emissions standards that were in effect in the year in which the engine of the trimobile or reconstructed vehicle was built.

The bill increases from 10,001 pounds to 14,001 pounds the minimum weight of heavy-duty motor vehicles that are subject to the emission inspections program established by the State Environmental Commission. In a county whose population is 100,000 or more, evidence of compliance with emissions standards must be provided by heavy-duty motor vehicles that are powered by diesel fuel only if the vehicle does not exceed 14,000 pounds, and by every heavy-duty motor vehicle that uses fuel other than diesel fuel.

This bill is effective on July 1, 2009.

**Domestic Animals**

**A.B. 15 (Chapter 378)**

Assembly Bill 15 provides that any sterilization requirements imposed by local ordinance for dogs and cats be posted in a conspicuous place by a licensed veterinarian in his office and in a conspicuous place in the park by a governmental entity with jurisdiction over a public park in which dogs or cats are allowed. This measure also requires a retailer or dealer who sells a dog or cat to disclose to the purchaser any sterilization requirements for the animal imposed by local ordinance. Failure to comply with the disclosure requirement may result in an administrative fine imposed by the Director of the State Department of Agriculture not to exceed \$250 for the first violation, \$500 for the second violation, and \$1,000 for each subsequent violation.

Finally, a retailer, dealer, or operator is prohibited from separating a cat or dog from its mother before it has reached eight weeks of age or is accustomed to taking food or nourishment other than by nursing, whichever is later.

**A.B. 199 (Chapter 239)**

Assembly Bill 199 prohibits a person from owning, possessing, keeping, training, promoting, or purchasing an animal with the intent to use it to fight another animal, or from selling an animal knowing that it is intended to be used to fight another animal. A person who violates either of these provisions is guilty of a gross misdemeanor for a first offense, a category E felony for a second offense, and a category D felony for a third or subsequent offense.

The measure also provides that a person who knowingly witnesses any fight between animals in an exhibition or for amusement or gain is guilty of a misdemeanor for a first offense, a gross misdemeanor for a second offense, and a category E felony for a third or subsequent offense.

**S.B. 132 (Chapter 199)**

Senate Bill 132 revises provisions governing the treatment of animals. Specifically, S.B. 132 prohibits a person from restraining a dog:

- Using a tether, chain, tie, trolley, or pulley system that is less than 12 feet in length or that fails to allow the dog to move at least 12 feet;
- Using a prong, pinch, or choke collar; or
- For more than 14 hours during a 24-hour period.

Additionally, S.B. 132 requires that any pen or other outdoor enclosure that is used to maintain a dog must be appropriate for the size and breed of the dog. Exemptions from these provisions include, but are not limited to, a dog being treated by a veterinarian, being used for hunting, participating in a dog show, being kept in a shelter or temporarily in a camping area, or being used as part of an agricultural operation.

Finally, S.B. 132 requires the State emergency management plan and each plan for emergency operations adopted by a State or local government to include provisions ensuring a person with a disability who uses a service animal is evacuated and sheltered with the service animal during a disaster or emergency.

**Environmental Matters**

**A.B. 426 (Chapter 344)**

Assembly Bill 426 directs, within the limits of available money, the Division of Environmental Protection, State Department of Conservation and Natural Resources, to conduct or cause to be conducted a study concerning programs for reusing and recycling computers and other

electronics and to submit a report of the results of the study and at least one recommendation for legislation implementing a program to the 76th Session of the Legislature.

This bill is effective on July 1, 2009.

**S.B. 137 (Chapter 222)**

Senate Bill 137 requires counties and municipalities to include in their recycling programs provisions related to placement of recycling containers on the premises of certain apartment complexes and condominiums where solid waste services are provided. It also prohibits a county or city from approving any plan or revised plan for the construction or major renovation of certain apartment complexes or condominiums unless the plan includes provisions for the placement of recycling containers.

Finally, S.B. 137 requires the Board of Regents of the University of Nevada to prescribe procedures for recycling certain waste materials, including the placement of recycling containers on the premises of any branches or facilities of the Nevada System of Higher Education.

**S.B. 186 (Chapter 260)**

Senate Bill 186 requires district boards of health, and authorizes the State Environmental Commission, to adopt regulations for the issuance of permits to operate facilities for the management of waste tires. This bill requires a person to obtain a permit to operate a facility for the management of waste tires, and it prohibits retail and wholesale sellers of new motor vehicle tires from disposing of waste tires in any municipal solid waste landfill in a health district or county in which a facility is operated.

Senate Bill 186 is effective on May 28, 2009, for the purpose of adopting regulations, and on October 1, 2009, for all other purposes.

**S.B. 219 (Chapter 209)**

Senate Bill 219 removes the requirement that a board of county commissioners levy an assessment on all real property in a weed control district, and instead makes the levy discretionary. The bill also requires the board of county commissioners to hold at least one public hearing to entertain applications for the exclusion of lands from the weed control district before levying an assessment on real property in the district if the district was originally created with the understanding that there would not be an assessment.

Senate Bill 219 is effective on July 1, 2009.

**Water**

**A.B. 236 (Chapter 155)**

Assembly Bill 236 allows a nonprofit water association or nonprofit water cooperative to be eligible for grants for capital improvements or water conservation measures through the

Board for Financing Water Projects. The bill requires nonprofit water companies that receive grants to comply with prevailing wage provisions applicable to public works projects.

The bill is effective on May 22, 2009.

**A.B. 377 (Chapter 129)**

Assembly Bill 377 declares that it is the policy of the State to encourage the State Engineer to use the best available science when making decisions about the availability of ground and surface water resources.

**A.B. 416 (Chapter 165)**

Assembly Bill 416 requires the State Engineer to conduct a basin inventory of the surface and groundwater resources in the exporting basin before approving an interbasin transfer of greater than 250 acre-feet per year. The bill clarifies the State Engineer need not initiate or conclude an adjudication in order to complete an inventory, and he may use information from other sources to compile the inventory. The requirement for a basin inventory applies to all pending applications for an interbasin transfer greater than 250 acre-feet annually except for those applications for which a notice of hearing has been issued.

The bill is effective on July 1, 2009.

**S.B. 37 (Chapter 174)**

Senate Bill 37 authorizes the Division of Environmental Protection, State Department of Conservation and Natural Resources, to award subgrants for set-aside programs authorized by the federal Safe Drinking Water Act. The measure also authorizes the Director of the Department to award subgrants for certain purposes relating to the control of water pollution.

Senate Bill 37 is effective on May 22, 2009.

**S.B. 66 (Chapter 177)**

Senate Bill 66 permits the State Engineer to grant any number of extensions of time for the completion of construction work and the placement of related water to a beneficial use. Extensions granted for construction related to municipal or quasi-municipal uses for a public water system must not exceed five years. All other extensions must not exceed one year. The bill clarifies that the existing fee for filing an application to extend the construction work and water application must be in the amount of \$100 for each year the extension is sought.

Senate Bill 66 also provides a declaration of beneficial use for water from the Muddy River and Virgin River as it relates to intentionally created surplus or developed shortage supply as set forth by the United States Department of the Interior. The bill specifies that any such use does not require the submission of an application to the State Engineer to change the place of diversion, manner of use, or place of use of the water. Finally, the measure sets forth the circumstances under which a court may issue a stay relating to an order or decision of the



State Engineer, including a list of factors the court may consider when deciding to grant or deny a motion for a stay.

This bill is effective on July 1, 2009.

**S.B. 105 (Chapter 182)**

Senate Bill 105 revises provisions concerning matching funds for grants made by the Board for Financing Water Projects in the State Department of Conservation and Natural Resources. Instead of calculating a grant award based on the matching funds as a percentage of the total amount of the grant, S.B. 105 requires that the grant be calculated based on the matching funds as a percentage of the total cost of the project for which the grant is awarded.

This bill is effective on July 1, 2009.

**S.B. 111 (Chapter 184)**

Senate Bill 111 revises the membership of the Western Regional Water Commission to allow the Mayor of the City of Sparks to be a member. The measure also revises the membership of the Northern Nevada Water Planning Commission to include a representative of the largest Indian reservation that is contiguous to the planning area of the Western Regional Water Commission. Finally, S.B. 111 revises the membership of the Northern Nevada Water Planning Commission to include a representative of the Washoe County Water Conservation District, rather than the Washoe Storey Conservation District.

Senate Bill 111 is effective on July 1, 2009.

**S.B. 170 (Chapter 190)**

Senate Bill 170 authorizes an entity that owns, operates, or maintains a ditch to perform any work necessary for the maintenance and operation of the ditch. If the work consists of a capital improvement that alters the fundamental character of the ditch, the entity must provide a minimum of 30 days advance notice of the work to those persons from whom expenses may be recovered before incurring any expenses for the work. An entity may recover reasonable expenses of that work, including labor and any accounting, legal, or other administrative service performed from each person who, in accordance with a contract or a decreed, certified or permitted right to appropriate water, receives water through the ditch. If a person who receives water through the ditch fails to pay his proportionate share of the expense of maintenance or operation of the ditch, a lien may be brought against his property. Finally, S.B. 170 provides that each person or entity constructing, operating, or maintaining a ditch or flume has a right to the full flow of water through the ditch or flume, regardless of whether the water is for use by the person or entity or for delivery to others.

Senate Bill 170 is effective on July 1, 2009.

## **Wildlife**

### **A.B. 246 (Chapter 382)**

Assembly Bill 246 provides for the issuance of an apprentice hunting license without charging a license application fee to a qualified applicant who is at least 12 years old and has not been issued a hunting license previously by Nevada's Department of Wildlife or any other state or an agency of any Canadian province. It is unlawful and punishable as a misdemeanor for an apprentice hunter to hunt in this State, unless he is accompanied and directly supervised by a mentor hunter who is at least 18 years old and licensed to hunt in this State. An applicant for an apprentice hunting license is exempt from the requirement to complete a hunter safety course.

Assembly Bill 246 also authorizes the Board of Wildlife Commissioners to adopt regulations to establish the Silver State Tag Drawing for the existing allotment of big game tags. The application fee for the big game tag issued in the Drawing must not be less than \$15 or more than \$50. Money received from the application fee for the Drawing, less certain costs, must be deposited into the Wildlife Heritage Trust Account.

Finally, A.B. 246 requires the Board of Wildlife Commissioners to establish a program for the issuance of additional big game tags each year to be known as "Dream Tags." A tax-exempt nonprofit organization established through the Community Foundation of Western Nevada that has as its principal purpose the preservation, protection, management, or restoration of wildlife and its habitat may purchase such Dream Tags from the Department as are authorized by the Commission at prices established by the Commission. The nonprofit organization must agree to award the tags by raffle through a private entity acting as its agent that is approved by the Department. All money received by the Department for Dream Tags must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. All money received by the nonprofit organization from the proceeds of the Dream Tag raffle, less certain costs, must be used for the preservation, protection, management, or restoration of wildlife and its habitat, as determined by the Advisory Board on Dream Tags. The Department must also report to the Interim Finance Committee concerning the Dream Tag program.

Portions of the bill that create a program for the issuance of additional big game tags known as "Dream Tags" are effective on May 31, 2009. Provisions in the bill related to the Silver State Tag Drawing are effective on July 1, 2009. The remaining sections of the bill pertaining to apprentice hunting licenses are effective on October 1, 2009.

**NOTE: Assembly Bill 246 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**A.B. 516 (Chapter 138)**

Assembly Bill 516 clarifies existing law regarding the role of the Board of Wildlife Commissioners concerning the use of certain fees, and provides that all matching money Nevada's Department of Wildlife receives from any source must be accounted for separately and only used for the management of wildlife.

This bill is effective on July 1, 2009.

**S.B. 280 (Chapter 86)**

Senate Bill 280 makes it unlawful to hunt in the Carson Lake Wildlife Management Area (WMA) without a permit from Nevada's Department of Wildlife. The fees for the permit are \$60 for a seasonal permit or \$15 for a daily permit. Money generated from the fees will be credited to the Wildlife Account in the State General Fund and must be used to operate and manage the Carson Lake WMA. Violating these provisions is a misdemeanor.

Senate Bill 280 is effective on July 1, 2010, or upon conveyance of the Carson Lake Pasture to the State of Nevada, whichever is later.

**S.B. 411 (Chapter 466)**

Senate Bill 411 changes the date on which demerit points must be assessed from the date of the violation of certain wildlife laws to the date of the conviction. The measure expands the suspension and revocation penalties for wildlife convictions to require that the license, permit, or privilege of a person to fish, hunt, or trap must be permanently revoked upon conviction of two or more felonies, arising from separate events. This bill clarifies that the term domicile refers to maintaining a principal and permanent residence in this State, not just owning a home in Nevada. Any person who is convicted of giving a false statement or furnishing false information to obtain a license, tag, permit, or big game tag forfeits any bonus point or other increased opportunity to be awarded a tag in a subsequent drawing. The requirement to have a power of attorney is restricted to only those persons attempting to acquire a license, tag, or permit on behalf of another for a fee or other compensation.

Senate Bill 411 makes any person at least 12 years old who has been issued a hunting license by an agency of any other foreign country ineligible to receive an apprentice hunting license. The bill makes it optional for the Board of Wildlife Commissioners to establish a program for the issuance of certain big game tags to be known as "Dream Tags". The revenue received by Nevada's Department of Wildlife for resource enhancement stamps sold in conjunction with participation in the Dream Tag raffle must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund.

The provisions regarding wildlife convictions and residency requirements are effective on January 1, 2010. The provisions regarding the apprentice hunting license and the Dream Tags are effective on June 4, 2009.



## **PUBLIC SAFETY**

### **A.B. 78 (Chapter 3)**

Assembly Bill 78 requires the State Forester Firewarden to establish and carry out a program for operating conservation camps in cooperation with Nevada's Department of Corrections. The program may use offenders within the Department's custody to perform work relating to firefighting, conservation programs, day labor projects, and emergency response projects. The program must include the necessary training for staff and offenders.

This bill is effective on March 12, 2009.

### **A.B. 81 (Chapter 367)**

Assembly Bill 81 defines the term "records of criminal history of the United States or another state" for the purposes of disseminating certain information. The bill also authorizes the Records and Technology Division of Nevada's Department of Public Safety (DPS) to request and receive from the Federal Bureau of Investigation information on the background and personal history of certain persons about whom a State agency or local government is authorized by law to have the information.

Assembly Bill 81 also replaces a program within the DPS required to compile and analyze data concerning the recidivism of certain sex offenders and to assess the effectiveness of certain treatment programs for juvenile offenders with a similar program established within Nevada's Department of Health and Human Services assessing such data relating only to juvenile offenders. Finally, the bill deletes statutory provisions requiring law enforcement agencies to transmit information concerning missing persons to the Central Repository.

### **A.B. 112 (Chapter 98)**

Assembly Bill 112 requires the Governor to determine if a public health emergency or other health event threatens the health and safety of the public to the extent that requires a coordinated response by an emergency team. If a coordinated response is required, the Governor must issue an executive order creating an emergency response team chaired by the State Health Officer and comprised of representatives from state agencies, licensing boards, and other entities involved in the event. The team must provide certain information to the public and the Legislature, investigate and evaluate the response of the entities involved in the event, and make recommendations to boards of health regarding regulations and policies concerning public health events.

This measure is effective on July 1, 2009.

### **S.B. 28 (Chapter 20)**

Senate Bill 28 requires a coroner, sheriff, chief of police, or other law enforcement agency to enter identifying information directly into the database of the National Crime Information Center in the event that a dental examination has been performed on an unidentified dead body or certain missing persons reports have been filed.

The measure also eliminates the requirement that the Investigation Division of Nevada's Department of Public Safety or the Central Repository for Nevada Records of Criminal History maintain records of unidentified dead bodies and provide these records to the State Disaster Identification Team.

This measure is effective on May 4, 2009.

**S.B. 147 (Chapter 140)**

Senate Bill 147 requires broadcasters, through their trade associations, to develop comprehensive, coordinated emergency or disaster plans in cooperation with the Division of Emergency Management of Nevada's Department of Public Safety.

The bill also authorizes certain broadcasters to establish training and certification programs for broadcast engineers and technical personnel as first response broadcasters. A program must be consistent with federal law and guidelines and include certain types of training.

The measure provides that, to the extent practicable and consistent with not endangering public safety or inhibiting recovery efforts:

- State and local governments shall allow a first response broadcaster access to an area affected by an emergency or disaster. Access shall be allowed for the purpose of restoring, repairing or resupplying facilities or equipment critical to acquiring and transmitting essential emergency or disaster-related information;
- First response broadcasters shall be given priority for food, fuel, water, and other equipment over all other persons except persons who provide essential emergency services, health care, and utility restoration services; and
- Emergency powers conferred on the Governor or local officials shall not be construed to allow confiscation of certain supplies if a first response broadcaster adequately documents the supplies will be used to enable broadcast of essential emergency or disaster-related public information.

This bill is effective on May 22, 2009.

**S.B. 251 (Chapter 263)**

Senate Bill 251 authorizes a tow car equipped with flashing amber warning lights to display the lights when at the scene of a traffic hazard. The driver of an approaching vehicle shall observe certain specified safety precautions when approaching a tow car making use of flashing lights as provided in the bill.

Senate Bill 251 also authorizes the Nevada Highway Patrol to issue a permit to a private patrolman or licensed security guard to display flashing amber warning lights and to operate on a public road with such lights under certain conditions.

The bill is effective on July 1, 2009.

## **Police and Fire Protection**

### **A.B. 229 (Chapter 435)**

Assembly Bill 229 requires all cigarettes offered for sale in Nevada, starting one year after passage of the bill, to meet fire-safe standards. The bill sets performance standards and testing protocols for fire-safe cigarettes. Manufacturers must submit written certifications of compliance to the State Fire Marshal. Enforcement authority and responsibilities are granted to Nevada's Department of Taxation, the State Fire Marshal, and the Attorney General. Civil penalties not to exceed \$100,000 in a month may be imposed on wholesale dealers for the sale of noncompliant cigarettes, and penalties not to exceed \$25,000 in a month may be imposed on retail dealers for violations of the law. The bill also allows the seizure of such cigarettes by the Department of Taxation and the State Fire Marshal. As long as the cigarettes are not offered for sale in Nevada, the measure does not prevent the manufacture of cigarettes that are not fire-safe or the stamping of cigarettes for sale in another state.

Assembly Bill 229 creates the Cigarette Fire Safety Standard and Firefighter Protection Fund in the State Treasury as a special revenue fund to be administered by the State Fire Marshal to support fire safety and fire prevention programs. Manufacturers must pay a fee of \$1,000 for each brand family of cigarettes listed in their certifications, and cigarettes must be recertified every three years. The fees shall be deposited in the Fund.

Local governments may not adopt any ordinances inconsistent with the provisions of this bill. If the federal government establishes national standards for fire-safe cigarettes, the measure expires by limitation except for the provisions creating the Fund.

The provisions relating to standards and testing are effective on June 3, 2009. The prohibition on the sale of cigarettes which are not fire-safe is effective one year from the date of passage and approval.

### **S.B. 82 (Chapter 404)**

Senate Bill 82 authorizes a law enforcement officer to determine the name, personal information, and amount of funds associated with prepaid or stored value cards where the officer has probable cause to believe the card was used in the commission of a crime. Further, S.B. 82 authorizes the Attorney General or a law enforcement agency to enter into a contract to carry out the provisions for the identification of funds.

This measure is effective on July 1, 2009.

### **S.B. 94 (Chapter 479)**

Senate Bill 94 expands the duties of the State Forester Firewarden to include cooperation with the State Fire Marshal in the enforcement of laws and the adoption of regulations relating to fire prevention through vegetation management within the Lake Tahoe and Lake Mead Basins. The State Fire Marshal must also cooperate with the State Forester Firewarden in the mitigation of vegetative fire hazards in the basins. The bill requires the State Forester

Firewarden to assess the codes and regulations adopted by other agencies impacting both basins to ensure consistency with fire-related codes, rules, and regulations. In addition, the measure deletes specific references in Chapter 472 of the *Nevada Revised Statutes* to the *Uniform Fire Code* of the International Conference of Building Officials.

The State Forester Firewarden must review and evaluate Nevada's laws to ensure that fire protection districts located in the Lake Tahoe and Lake Mead Basins have adequate authority to carry out fire-related regulations adopted for the basins and that proper mechanisms are in place to increase the funding of the fire prevention districts. The measure requires the State Forester Firewarden to submit a report to the Legislative Committee for the Oversight and Review of the Tahoe Regional Planning Agency and the Marlette Lake Water System and the Director of the Legislative Counsel Bureau by January 1, 2011.

Finally, the bill authorizes the State Land Registrar to transfer the Peavine Fire Station to the Sierra Fire Protection District. The deed must:

- Require that the property only be used for fire protection and related public safety services;
- Prohibit future transfers without the consent of the State; and
- Provide for the reversion of the property to the State if the restrictions are breached.

The provisions for transfer of the property are effective on June 8, 2009, and the remainder of the bill is effective on October 1, 2009.

### **S.B. 144 (Chapter 187)**

Senate Bill 144 sets forth the primary responsibilities and duties of a public safety bomb squad. Responsibilities include securing and removing explosives and investigating crimes where explosives are used. Each public safety bomb squad is responsible for all render-safe procedures for all actual or suspected improvised explosive devices to which the public safety bomb squad responds. Bomb squad commanders are required to establish policies and tactical plans consistent with the *National Guidelines for Bomb Technicians* and are to retain final authority concerning the render-safe procedures for incidents involving explosives to which the public safety bomb squad responds.

The measure also requires State law enforcement agencies to establish a plan to ensure the timely notification of the appropriate public safety bomb squad of any actual or suspected improvised explosive device.

The provisions of this bill apply to each county in this State that has a public safety bomb squad and in the absence of a memorandum of understanding setting forth the responsibilities of the public safety bomb squad. In a county without a public safety bomb squad, the sheriff or his designee is authorized to carry out the duties of a public safety bomb squad.



**S.B. 243 (Chapter 356)**

Senate Bill 243 authorizes certain category I peace officers in Clark and Washoe Counties, and certain inspectors in Nevada's Departments of Motor Vehicles and Public Safety (DPS), who have completed a vehicle weight enforcement training program conducted by the Nevada Highway Patrol (NHP), to enforce statutes relating to vehicle weight.

Additionally, the measure requires the chief administrative officer of any law enforcement agency in Clark or Washoe Counties or any other agency authorized to enforce vehicle weights to submit a report on or before December 31, 2010, to the Director of DPS, which contains:

- The number of officers trained by NHP in vehicle weight enforcement;
- The number of hours of training in vehicle weight enforcement received by each officer; and
- The number of traffic stops made by such officers to enforce the vehicle weight requirement, regardless of whether a citation is issued.

The Director of DPS must submit on or before January 15, 2011, a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

**Weapons and Firearms****A.B. 230 (Chapter 154)**

Assembly Bill 230 requires a law enforcement agency in this State to offer a retired law enforcement officer who retired from that agency the opportunity to obtain the firearms qualification necessary for certification as a qualified retired law enforcement officer, and thus certification to carry a concealed firearm, at least twice per year.



## RESOLUTIONS AND MEMORIALS

### **Assembly Joint Resolutions**

#### **A.J.R. 1 (File No. 98)**

Assembly Joint Resolution No. 1 proposes to amend the *Nevada Constitution* to remove provisions requiring that a statewide initiative petition be signed by at least 10 percent of the voters who voted at the last preceding general election in at least 75 percent of the counties in the State. Instead, the resolution declares that an initiative petition shall be proposed by a number of registered voters from each petition district in this State equal to 10 percent of the number of voters who voted at the last general election in the petition district. The measure also stipulates that petition districts must be created by the Legislature.

Finally, the resolution specifies that the number of signatures required on a petition for initiative or referendum will be determined when a copy of the petition is filed with the Secretary of State before circulating the petition for signatures.

If approved in identical form during the 2011 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2012 General Election.

#### **A.J.R. 5 (File No. 92)**

Assembly Joint Resolution No. 5 proposes to amend the *Nevada Constitution* to provide that the Legislature may call itself into a special session on extraordinary occasions by a petition signed by two-thirds of the members of both houses. Such occasions include:

- Impeachment or removal proceedings against the Governor, Supreme Court Justices, or certain other State and judicial officers who have committed misconduct in office;
- Expulsion procedures against legislators who have committed misconduct in office;
- Unexpected conditions and financial emergencies; or
- Reconsideration of vetoed measures after the adjournment of a legislative session.

The measure stipulates that the Legislature may only address those issues named in the petition calling for the special session and limits most such sessions to 20 days. An exception is provided to the 20-day limit if a special session is called for the purpose of impeachment, removal, and expulsion procedures in order to allow for sufficient time for due process considerations. Finally, the resolution clarifies that a special session convened by the Legislature must be adjourned prior to “midnight on the clock,” of the 20th day, linked to the actual measure of time being used and observed by the general population of Nevada during that special session.

If approved in identical form during the 2011 Legislative Session, the proposal will be submitted to the voters for final approval or disapproval at the 2012 General Election.

**A.J.R. 10 (File No. 74)**

Assembly Joint Resolution No. 10 urges Congress to enact legislation requiring the Secretary of the Interior to consider the recommendations of appropriate State agencies to identify and then convey ownership of portions of land managed or controlled by the Bureau of Land Management to the State of Nevada for the development of renewable energy projects.

This resolution is effective on May 15, 2009.

**Assembly Joint Resolution—74th Session**

**A.J.R. 3—74th Session (File No. 51)**

Assembly Joint Resolution No. 3 of the 74th Session of the Nevada Legislature 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 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 to use within 15 years.

Finally, A.J.R. 3 provides that the provisions of the People's Initiative to Stop the Taking of Our Land (PISTOL), which was approved at the 2008 General Election, will be repealed upon final approval of A.J.R. 3 by the voters at the 2010 General Election.

This measure was approved in identical form during the 2007 and 2009 Sessions of the Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2010 General Election.

**Assembly Concurrent Resolutions**

**A.C.R. 1 (File No. 4)**

Assembly Concurrent Resolution No. 1 adopts the Joint Rules of the Senate and Assembly for the 2009 Legislative Session.

**A.C.R. 2 (File No. 89)**

Assembly Concurrent Resolution No. 2 directs the Legislative Commission to conduct a study during the 2009-2010 Interim concerning the governance and oversight of the system of public elementary and secondary education. The committee, composed of three members of the

Senate and three members of the Assembly, shall recommend actions necessary for the efficient and effective operation of the statewide system.

The Legislative Commission shall submit a report of the results of the study and any recommendations for legislation to the 76th Session of the Nevada Legislature.

**A.C.R. 3 (File No. 8)**

Assembly Concurrent Resolution No. 3 designates February 11, 2009, as Tissue and Organ Donor Day in Nevada. The measure encourages residents of Nevada to obtain donor cards and to ensure that their wishes concerning tissue and organ donations are made known to their families.

**A.C.R. 4 (File No. 9)**

Assembly Concurrent Resolution No. 4 recognizes February 12, 2010, as the 100th anniversary of the organization of the Daughters of the American Revolution (DAR) in Nevada, and applauds the efforts of the women who work in support of the DAR tenets to promote patriotism, preserve American history, and secure America's future through better education for children. The resolution recognizes members of the Nevada State Society DAR for their volunteer work, their purchase of war bonds, and their continued support for our veterans and our troops overseas today.

**A.C.R. 6 (File No. 11)**

Assembly Concurrent Resolution No. 6 memorializes Gino Del Carlo, a lifelong Nevadan, who passed away on October 6, 2007, at the age of 61. Mr. Del Carlo served his country as a captain in the United States Army, earning two Bronze Stars and two Purple Hearts during the Vietnam War. He worked for the betterment of his community as a member of several organizations, including the Rotary Club of Reno. His impressive career in banking spanned 35 years, the last 13 of which were spent as the Chief Executive Officer of the Great Basin Federal Credit Union.

**A.C.R. 7 (File No. 12)**

Assembly Concurrent Resolution No. 7 designates the month of September 2009 as National Indoor Toxic Mold Awareness Month to emphasize the need for further education and consumer awareness about molds and mycotoxins. Increasing awareness about indoor toxic mold may prevent hazardous conditions that adversely affect the health of many people.

**A.C.R. 8 (File No. 13)**

Assembly Concurrent Resolution No. 8 designates February 19, 2009, 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.

**A.C.R. 9 (File No. 18)**

Assembly Concurrent Resolution No. 9 memorializes longtime Reno lawyer, civic leader, and philanthropist William O. “Bud” Bradley. He attended Stanford University until joining the United States Navy Air Corps as a pilot and flight instructor in World War II. After the war, Mr. Bradley returned to Nevada, and graduated from the University of Nevada, Reno. He obtained a law degree from George Washington University Law School in 1950. He returned to Reno and later opened a law firm, which is known today as Bradley, Drendel, and Jeanney. He was recognized by his colleagues as one of the top 100 lawyers in America and was inducted into The Inner Circle of Advocates in 1972.

**A.C.R. 10 (File No. 20)**

Assembly Concurrent Resolution No. 10 memorializes Las Vegas pioneer, businessman, husband, and father Eugene “Toby” Hoban. Mr. Hoban was born on May 10, 1929, in Chicago, Illinois, later moving to Las Vegas, where he lived for 48 years. In the late 1950s, Mr. Hoban became a part of the Jeep Posse in Clark County, where he participated in search and rescue missions in conjunction with the Clark County Sheriff’s Department. In 1975, he served as the General Chairman of the Helldorado Rodeo. He also served as a past Exalted Ruler and lifetime member of the Benevolent Protective Order of Elks 1468. He volunteered with the City of Las Vegas Police Department in the 1960s. Mr. Hoban passed away on January 22, 2008.

**A.C.R. 11 (File No. 21)**

Assembly Concurrent Resolution No. 11 recognizes March 2, 2009 as “Read Across America” Day in Nevada in commemoration of Dr. Seuss’s birthday. Theodore Seuss Geisel, later known as “Dr. Seuss,” published his first children’s book in 1937 after being rejected by 43 different publishers. Using only 220 words, Dr. Seuss published *The Cat in the Hat*, an instant and enduring success. In 1960, Dr. Seuss won a bet by using only 50 words in the publication of *Green Eggs and Ham*, another instant classic children’s book.

In honor of Dr. Seuss and the joy of reading, the National Education Association designates March 2, 2009, as a special day in their program “Read Across America” that promotes reading every day.

**A.C.R. 12 (File No. 23)**

Assembly Concurrent Resolution No. 12 honors the Nevada citizens who served this country in the Global War on Terrorism. The Global War on Terrorism was launched in response to attacks on the United States on September 11, 2001, and since that time 4,865 Americans have lost their lives.

This measure honors every American citizen, including the 47 Nevadans, who lost their lives in the service of this country in the name of freedom and justice. Through this resolution the Legislature extends its heartfelt condolences to the Nevada friends and family members of those who made the ultimate sacrifice through their service, dedication, and commitment to this country and their fellow man.

**A.C.R. 13 (File No. 24)**

Assembly Concurrent Resolution No. 13 extends the condolences of the members of 75th Session of the Nevada Legislature to the family and friends of Doris Adair McDonald, who passed away on October 14, 2008. Doris was a devoted homemaker, who enjoyed tending her rose garden, and caring for her animals. She touched the lives of many people in Las Vegas, from elected officials to those who grew up in her neighborhood who still call her “Mom” to this day.

**A.C.R. 14 (File No. 29)**

Assembly Concurrent Resolution No. 14 recognizes the Nevada Women’s Lobby, a statewide, nonpartisan coalition of organizations and individual citizens who advocate on behalf of women, children, and families, and commends the organization for its 20 years of service and dedication to the citizens of our state.

Founded in 1988, the Nevada Women’s Lobby focuses on lobbying public officials and lawmakers by working with other organizations for maximum effect. Their legislative priorities have included child support enforcement, domestic violence awareness and prevention, child care, education, child welfare, the treatment of incarcerated women, civil rights, and women’s health. Since 1989, the Nevada Women’s Lobby has been pivotal part of Grassroots Lobby Days to increase their effectiveness before the Nevada Legislature and better serve women, children, and families of Nevada. The Nevada Women’s Lobby also sponsors the Nevada Women’s Summit, a statewide conference that promotes awareness and participation of the public in the political process and the Nevada Women’s Agenda.

**A.C.R. 15 (File No. 30)**

Assembly Concurrent Resolution No. 15 proclaims March 2009, as Women’s History Month, in recognition of the contributions of American women of every culture, class, and ethnic background in the founding and building of this nation and the State of Nevada.

Despite their significant contributions, the role of women in the history of the nation and the State has often been overlooked and undervalued. In Nevada, various efforts and programs have been created to reverse this trend. These include undergraduate and graduate programs in Women’s Studies at the University of Nevada, Reno, and the University of Nevada, Las Vegas, the Women’s Research Institute of Nevada, and the National Education for Women’s Leadership Nevada. This measure celebrates the contributions of women as early leaders in the forefront of every major progressive social change movement, including the suffrage, equal rights, abolition, industrial labor, and civil rights movements.

**A.C.R. 19 (File No. 76)**

Assembly Concurrent Resolution No. 19 directs the Legislative Commission to conduct an interim study of the requirements for reapportionment and redistricting of the election districts of Nevada’s members of the United States House of Representatives, the State Legislature, the University Board of Regents, and the State Board of Education following the conduct of the 2010 decennial census.

The interim study must include an examination of any redistricting systems recommended or established by the 75th Session of the Nevada Legislature; a review of all pertinent case law; a review of redistricting programs and plans used in other states; and the continuation of Nevada's participation in programs of the Census Bureau of the U.S. including participation in the decennial census to ensure a complete and accurate count of all Nevadans.

The Legislative Commission must report the results of the study and any action to be taken in preparation for and recommendations concerning reapportionment and redistricting to the 76th Regular Session of the Legislature.

**A.C.R. 20 (File No. 38)**

Assembly Concurrent Resolution No. 20 commends Justice A. William Maupin for his extraordinary service to the State of Nevada. Despite a family legacy of medical professionals, Justice Maupin was inspired early on to pursue a career in law as student at Western High School in Las Vegas.

After earning a reputation as an excellent trial attorney in the Public Defender's Office and several Nevada law firms, Justice Maupin was appointed to the Eighth Judicial District Court in 1993. In 1996, he was elected to Nevada's Supreme Court and became Chief Justice in 2001. He served two terms in Nevada's Supreme Court and retired in 2008. During his tenure, Justice Maupin addressed overcrowded prisons and drug abuse in Nevada. He worked to assure adequate legal representation for the indigent, and to improve the judiciary. Through A.C.R. 20, the Legislature expresses its profound respect and gratitude to Justice Maupin for his efforts and contributions throughout his distinguished career.

**A.C.R. 21 (File No. 42)**

Assembly Concurrent Resolution No. 21 commends the extraordinary work of the Angel Kiss Foundation in helping families of children with cancer. In 1990, David and Barbara Rosin founded the Angel Kiss Foundation in Virginia, in memory of their grandson Jarryd who died of leukemia at the age of 5. The Rosins relocated to Reno in 1997 and established the Angel Kiss Foundation there.

In northern Nevada, families with children who have cancer must often travel out of state to access treatment. Since its inception, the Angel Kiss Foundation has provided more than \$587,000 in direct assistance to 205 families across northern and central Nevada, and the eastern Sierras of California. Through A.C.R. 21, the Legislature expresses its sincere gratitude to the Angel Kiss Foundation for its work to improve the lives of cancer-stricken children and their families.

**A.C.R. 22 (File No. 43)**

Assembly Concurrent Resolution No. 22 designates March 31, 2009, as a day to honor the Kerak Shrine Temple and the Zelzah Shrine Temple. In 1872, the Ancient Arabic Order of the Nobles of the Mystic Shrine for North America was founded in New York City as a fraternity based on fun, fellowship, and the Masonic principles of brotherly love, relief, and truth.



Today, the Shriners, as they are called, are now 400,000 strong throughout the United States and Canada. Though often seen in wild costumes and the distinctive red fez with a black tassel, the Shriners are known as the “World’s Greatest Fraternity,” responsible for funding and operating the “World’s Greatest Philanthropy,” the Shriners Hospitals for Children. Since 1922, Shriners Hospitals have helped approximately 865,000 children at no charge to their families, and have stayed true to their mission of providing expert treatment, cutting-edge research and outstanding teaching programs. The Legislature honors the Shriners of Nevada for their philanthropic work and dedication to the children of Nevada.

**A.C.R. 23 (File No. 44)**

Assembly Concurrent Resolution No. 23 declares the Legislature’s support for the 2010 Census required by the *Constitution of the United States of America*. The decennial Census presents a once-in-a-decade snapshot of the population and changing demographics of every state in the Union. Due to Nevada’s significant growth in the last several decades, our State will benefit tremendously from the Census process, for it will lead to more representation in Congress and the receipt of more per capita federal dollars. In the next 12 months, businesses, community groups, and local governments are joining to form “Complete Count Committees” and to educate Nevadans on the importance of participating in the Census. This measure proclaims April 1, 2009, to April 1, 2010, the “Year of the Census” to show support for the process.

**A.C.R. 24 (File No. 45)**

Assembly Concurrent Resolution No. 24 recognizes the significant contributions that immigrants have made to the vitality and growth of Nevada and the United States. In the nineteenth-century, immigrants came to America seeking to escape famine, war, religious oppression, and political turmoil in their native lands, as well as seeking economic opportunity and freedom. The U.S. has offered a home to many notable immigrants who in turn made great contributions as scientists, politicians, athletes, artists, and businessmen. Today, Hispanics represent the largest minority in the U.S., two-thirds of whom are immigrants or children of immigrants. This measure urges the residents of Nevada to celebrate the ethnic and cultural diversity of the people of our state and our nation and their traditions, which have added to the state’s wealth of music, art, education, science, and intellect.

**A.C.R. 25 (File No. 46)**

Assembly Concurrent Resolution No. 25 congratulates the first graduating class of the Andre Agassi College Preparatory Academy. In 1994, Andre Agassi, a professional tennis athlete, founded the Andre Agassi Foundation. The Foundation opened the Academy in 2001 as a charter school in a socioeconomically disadvantaged neighborhood in Las Vegas. Despite an enrollment of 600 students in grades K-12, there is a waiting list for admission to the Academy each year. On June 12, 2009, 34 students will participate in the commencement ceremony of the first graduating class of the Academy, and half of those students have already been accepted to four-year colleges and universities.

**A.C.R. 26 (File No. 47)**

Assembly Concurrent Resolution No. 26 memorializes David “Davey” H. Fulstone II, whose Lyon County family roots can be traced back to the 1800s. He married Diane Reynolds on September 10, 1977, and the couple had two sons Joshua and Jeffrey. He was actively involved in public service, serving on the Lyon County Board of Commissioners for eight years, on the National Commission on Agricultural Finance as an appointee of President Reagan, on the Board of Directors of the Walker River Irrigation District, and as President of the Nevada Farm Bureau for ten years, during which time he traveled to five European countries and to Japan on trade missions. His community service includes membership in and two terms as President of the Rotary Club of Yerington, service on the Board of the Mason Valley Fire Protection District, membership in the Walker Basin Project Stakeholders Group, and the establishment of a local radio talk show.

**A.C.R. 27 (File No. 48)**

Assembly Concurrent Resolution No. 27 honors the Nevada Parent Teacher Association (PTA), which was founded in 1940. The mission of the Nevada PTA is threefold:

- To support and speak on behalf of children in our schools, in the community, and before governmental bodies and organizations that make decisions affecting them;
- To assist parents in developing skills they need to raise and to protect their children; and
- To encourage parent and public involvement with the teachers of our schools.

The Nevada PTA has demonstrated a commitment to providing a quality education for all children in the state through a multitude of programs organized for the benefit of young people and through monetary contributions to foster education.

**A.C.R. 28 (File No. 58)**

Assembly Concurrent Resolution No. 28 designates April 28, 2009, as Homeless Youth Awareness Day in Nevada. Through this resolution, the Legislature recognizes the outstanding efforts of the State and local governmental agencies and nonprofit entities dedicated to fighting the problem of homeless children. The Legislature commits to creating greater public awareness of the existence of homeless children in Nevada and to work cooperatively to solve this problem.

**A.C.R. 29 (File No. 59)**

Assembly Concurrent Resolution No. 29 designates April 28, 2009, as Equal Pay Day in Nevada. The National Committee on Pay Equity created Equal Pay Day in 1996 to illustrate the gap between men’s and women’s wages. Observing Equal Pay Day in the last week in April symbolizes how far into the year a woman on average must work to earn as much as man during the previous year. Observing Equal Pay Day on a Tuesday symbolizes the day of the week on which a woman’s wages will catch up to a man’s wages from the previous week.

In 2007, it was estimated that women earned 78 cents for every dollar earned by a man. The Nevada Legislature recognizes of the contributions of women to the paid labor force and the ongoing work of both women and men to reach the goal of equal pay for equal work.

**A.C.R. 30 (File No. 96)**

Assembly Concurrent Resolution No. 30 directs the Legislative Commission to appoint a subcommittee to conduct an interim study concerning the development and promotion of Nevada as a logistics and distribution center. The study is to include, among other considerations, the identification of barriers to the development of logistics and distribution systems; the delineation of future foreign trade zones; the prioritization of infrastructure needs including energy, water, and mass transportation; the infrastructure for transportation systems; the formation of public-private partnerships to facilitate new business creation; funding options for the expansion of transportation systems, including mass transit systems and light rail corridors; and the identification of strategic public policy actions to expedite private investment in the development of logistics centers in the State. Finally, the measure authorizes the subcommittee to solicit input, as it deems appropriate, from various State and local agencies and organizations that are associated with the topic, as well as business entities and representatives of the Nevada System of Higher Education.

The Legislative Commission is directed to report its findings and any recommendations to the 76th Regular Session of the Legislature.

**A.C.R. 31 (File No. 66)**

Assembly Concurrent Resolution No. 31 urges the Government of Turkey to uphold and safeguard religious and human rights, and to grant the Ecumenical Patriarch appropriate international recognition, including ecclesiastic succession and the right to train clergy of all nationalities, and to respect the human rights and property rights of the Ecumenical Patriarchate, including cessation of discrimination.

**A.C.R. 32 (File No. 75)**

Assembly Concurrent Resolution No. 32 addresses the repairs needed as a result of a break in the Truckee Canal that occurred in January, 2008, which caused considerable damage to a downstream housing development. The Truckee Canal was funded and built as part of the Newlands Project, a federal reclamation project. The Truckee-Carson Irrigation District operates and manages the Newlands Project under contract with the federal government. The Truckee Canal must be repaired to prevent future flooding and to restore the full flow of water in order to maintain the welfare and livelihood of farmers, homeowners, Native American tribes, State and federal government entities, municipal and industrial interests, the military facility and wildlife within the boundaries of the Newlands Project. Because the Newlands Project is a federal reclamation project, the members of the Nevada Legislature urge Congress to provide financial assistance for the repair of the Truckee Canal.

**A.C.R. 33 (File No. 79)**

Assembly Concurrent Resolution No. 33 pays tribute to former Director of the Legislative Counsel Bureau, Arthur J. Palmer. Art Palmer was born in New Jersey on December 10, 1919. He first moved to Nevada to attend the University of Nevada, Reno, where he received a Bachelor of Science degree from the College of Agriculture. He received a Master of Arts degree in political geography from Columbia University in New York. In 1940, Art married Alison Mae Cady, and they were happily married for 68 years until her passing in 2008.

Art began his career at the Legislative Counsel Bureau in 1948 on a contract basis, and in 1960 he began full-time as a Research Assistant. He served as Research Director and eventually as Director of the Legislative Counsel Bureau from 1972 to 1984. Art Palmer modernized the Legislative Counsel Bureau into the five independent divisions that continue to this day: Administrative, Audit, Fiscal Analysis, Legal, and Research Divisions. Through the hiring of top-quality professionals and staff, the Legislative Counsel Bureau became known as the consummate professional and independent agency for the Legislative Branch of Nevada State Government. Art passed away on February 14, 2009. With this resolution, members of the Nevada Legislature recognize Arthur J. Palmer for his many years of contributions and service to this state and offer their deepest condolences to his family.

**A.C.R. 34 (File No. 97)**

Assembly Concurrent Resolution No. 34 directs the Interim Finance Committee to appoint the Subcommittee for Federal Stimulus Oversight to oversee the use of funds allocated from money that is received by the State of Nevada from the federal government pursuant to the American Recovery and Reinvestment Act of 2009. The Subcommittee is directed to:

- Consider proposals for the use of allocated funds to ensure that the use maximizes State goals;
- Examine federal government programs made available to the states to determine whether it is beneficial and feasible for the State to participate in such programs;
- Monitor the spending of allocated funds for transportation and public works projects to ensure that such projects provide a maximum of job opportunities;
- Review the plans of state agencies for spending allocated funds;
- Review federal grant proposals;
- Establish priorities for the use of money from such grants; and
- Ensure that grant monies are distributed equitably based on need.

The Subcommittee is directed to provide a manner of holding entities that receive such funds accountable for the appropriate and effective use of the money received, and to require the

entities to report to the Subcommittee concerning the manner in which the money is used, the number of jobs that were created, and any other improvements resulting from the use of the money. If the Subcommittee determines that the money allocated is not being used in the most effective manner, the Subcommittee may recommend to the entity the manner in which the remaining money should be redirected to a more effective use within the program.

## **Senate Joint Resolutions**

### **S.J.R. 1 (File No. 80)**

Senate Joint Resolution No. 1 proposes to amend the *Nevada Constitution* to replace the State Board of Pardons Commissioners with a Clemency Board. The measure provides that the Governor, Chief Justice of the Nevada Supreme Court, and Attorney General will each appoint three members to the Clemency Board. At least five of the nine members must have experience working in the criminal justice system.

Finally, S.J.R. 1 authorizes the Legislature to determine the duties, organization, and operation of the Clemency Board through statute.

If approved in identical form during the 2011 Session of the Legislature, the proposal will be submitted to the voters for final approval or disapproval at the 2012 General Election.

### **S.J.R. 2 (File No. 83)**

Senate Joint Resolution No. 2 urges the Nevada Congressional Delegation and Congress to comply fully with the Wilderness Act in determining whether to designate public lands as wilderness areas or wilderness study areas. The resolution also urges the establishment of a schedule for the timely release of wilderness study areas that do not meet the requirements for designation as wilderness areas.

Senate Joint Resolution No. 2 is effective on May 22, 2009.

### **S.J.R. 3 (File No. 84)**

Senate Joint Resolution No. 3 urges the Federal Aviation Administration and the Clark County Department of Aviation to convene a stakeholder's group to develop recommendations to improve flight safety standards at the North Las Vegas airport, particularly with respect to experimental homebuilt aircraft.

The resolution provides that the stakeholder's group convene not later than June 1, 2009, and specifies representatives from various stakeholder interests, without limitation, who shall be part of the group. This group shall issue its preliminary analysis of the current flight safety practices at the North Las Vegas Airport on or before August 1, 2009, and shall make recommendations to improve flight safety standards at the airport on or before November 1, 2009.

The resolution further urges the Nevada Congressional Delegation to use its best efforts to encourage the Federal Aviation Administration to participate in the endeavor.

This bill is effective on May 22, 2009.

**S.J.R. 4 (File No. 85)**

Senate Joint Resolution No. 4 urges the United States Congress to address financing issues associated with the projected increase in the number of participants in the federal Medicare program and the potential depletion of the Medicare trust fund. Further, Congress is asked to fully fund Medicare and to protect the future of the program.

This measure is effective on May 22, 2009.

**S.J.R. 5 (File No. 28)**

Senate Joint Resolution No. 5 urges the United States President and Congress to support all efforts made by the Republic of China on Taiwan to gain meaningful participation in the World Health Organization. The measure recognizes Taiwan's achievements in improving the health of its population and the contributions these experiences could offer to developing nations. However, concern is expressed for Taiwan's current inability to participate in the World Health Organization and its need to acquire the latest health updates and timely assistance in the event of an epidemic.

This measure is effective on March 13, 2009.

**S.J.R. 9 (File No. 86)**

Senate Joint Resolution No. 9 urges Congress to allow state government fleets to use more hybrid vehicles and still comply with the federal Energy Policy Act. Currently, hybrids are only allowed to satisfy state fleet under certain limited circumstances.

Hybrids help avoid pollution while saving gasoline. They are well received by the public and by fleet vehicle users.

The resolution is effective on May 22, 2009.

**Senate Joint Resolutions—74th Session**

**S.J.R. 2—74th Session (File No. 87)**

Senate Joint Resolution No. 2 of the 74th Session of the Nevada Legislature 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.

This measure was approved in identical form during the 2007 and 2009 Sessions 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—74th Session (File No. 57)**

Senate Joint Resolution No. 9 of the 74th Session of the Nevada Legislature 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.

This measure was approved in identical form during the 2007 and 2009 Sessions of the Legislature. The proposal will be submitted to the voters for final approval or disapproval at the 2010 General Election.

**Senate Concurrent Resolutions**

**S.C.R. 2 (File No. 61)**

Senate Concurrent Resolution No. 2 encourages entities that are engaged in monitoring the water quality of the Truckee River to coordinate certain activities. Specifically, the resolution notes that various entities involved in monitoring the watershed along the Truckee River have developed a central clearinghouse of technical and water-related information. The resolution directs the Division of Environmental Protection of the State Department of Conservation and Natural Resources to develop a memorandum of understanding (MOU) concerning these coordinated efforts and to submit a report concerning the MOU to the Legislative Committee to Oversee the Western Regional Water Commission.

**S.C.R. 3 (File No. 67)**

Senate Concurrent Resolution No. 3 expresses disapproval of civil actions filed against the livestock industry and the Bureau of Land Management (BLM) in Nevada over decisions for grazing allotments. The resolution notes that significant cooperative efforts have been made by the BLM and local ranchers in Nevada, and this resolution urges the Attorney General of the State of Nevada to take legal action to protect the interests of the rural communities and agricultural economy in the State of Nevada.

**S.C.R. 4 (File No. 60)**

Senate Concurrent Resolution No. 4 urges certain agencies that provide child welfare services to address issues relating to child and family services, including the development of a Statewide standardized practice model for providing child and family services.

**S.C.R. 5 (File No. 77)**

Senate Concurrent Resolution No. 5 commends the Wildfire Support Group in Humboldt County and encourages the expansion of the model to other areas of this State. The resolution notes that members of the Wildfire Support Group are often the first on the scene of a wildfire, and they provide invaluable assistance to the Bureau of Land Management in locating and subduing remote wildfires, thereby saving valuable time and resources.

**S.C.R. 6 (File No. 78)**

Senate Concurrent Resolution No. 6 urges the counties in the State of Nevada to map and document all county roads over which rights-of-way were acquired before the enactment of the Federal Land Policy and Management Act of 1976. The resolution asks Nevada's Department of Transportation to post information on its website to assist counties in performing this mapping and documentation.

**S.C.R. 7 (File No. 10)**

Senate Concurrent Resolution No. 7 acknowledges the importance of school programs and practices aimed at improving academic performance and maximizing learning opportunities of pupils. The measure urges Nevada's public schools and school districts, during these trying economic times, to evaluate and implement programs that do not significantly impact the budgets of the public schools and school districts in this State. These programs include integrative and holistic learning programs, physical fitness activities, peer mentoring programs, programs that separate pupils into small learning groups, and designating certain periods of the school day for studying and tutoring.

**S.C.R. 8 (File No. 14)**

Senate Concurrent Resolution No. 8 honors former Nevada State Archivist Guy Rocha upon his retirement. Mr. Rocha is recognized for his vision and hard work in guiding the State Archives through a period of expansion that now includes volumes of invaluable images and documents of Nevada's history. The resolution further credits Mr. Rocha for his enthusiasm and dedication in accurately chronicling and preserving Nevada's rich cultural and political history and for making that history interesting and available to modern Nevadans.

**S.C.R. 9 (File No. 15)**

Senate Concurrent Resolution No. 9 commemorates the 25th anniversary of the National Cowboy Poetry Gathering in Elko. The annual event is produced by the Western Folklife Center to celebrate the unique contributions of cowboys to Western culture.



**S.C.R. 10 (File No. 16)**

Senate Concurrent Resolution No. 10 memorializes Ensio Joseph Tosolini for his patriotism, distinguished military career, successful business endeavors, and service to his community. Mr. Tosolini enlisted in the United States Army in 1942 and progressed to honorably earn a Silver Star, a Purple Heart, two Bronze Stars, a French Croix de Guerre, and a Prisoner of War Medal in World War II. After retirement, Mr. Tosolini remained dedicated to veterans' causes, serving on former Congressman Jim Gibbons' Veterans Advisory Committee and Military Academy Nomination Advisory Board, and becoming an instrumental part of the success of the Veterans Guest House.

**S.C.R. 11 (File No. 19)**

Senate Concurrent Resolution No. 11 memorializes former Nevada State Senator Richard E. Blakemore, representing the Central Nevada Senatorial District from 1972 to 1984, for his tireless work in the areas of workers' and veterans' issues and alternative energy development. Senator Blakemore is further recognized for his service to his country as a member of the United States Navy during World War II, and his public service as a member of the Veterans of Foreign Wars, the Elks, the Masons, the Kerak Temple of the Shrine, and the Nye County Democratic Central Committee. He was an advocate of states' rights and was acknowledged as the father of the Sagebrush Rebellion.

**S.C.R. 12 (File No. 22)**

Senate Concurrent Resolution No. 12 urges Nevada schools districts to promote physical fitness in order to reduce obesity and encourage healthy lifestyle choices by expanding high quality physical education programs during each school day. The resolution further encourages Nevada's Department of Education, to the extent possible, to employ or consult with a physical education coordinator to provide guidance and professional development opportunities to local schools and physical education teachers.

**S.C.R. 13 (File No. 25)**

Senate Concurrent Resolution No. 13 urges the Nevada System of Higher Education, each institution within the System, and each private institution of secondary education in this State to develop and implement campus safety programs. The programs should address attitudes that contribute to violence, support healthy behaviors with clear expectations, establish policies and appropriate training programs to address violence, and provide for crisis management services.

**S.C.R. 14 (File No. 26)**

Senate Concurrent Resolution No. 14 honors Thalia Dondero for her lifetime of public service and support of education. She served on the Nevada State Park Commission, Clark County Commission, and Nevada Board of Regents. Among her many honors, Mrs. Dondero received the 2006 Education Hero Award and the 2008 James Cashman III Community Leader Award, was inducted into the Nevada Business Hall of Fame in 2009, and received an Honorary Doctorate in 2007 from the University of Nevada, Las Vegas.

**S.C.R. 15 (File No. 31)**

Senate Concurrent Resolution No. 15 acknowledges the significant physical and financial impacts of kidney disease on Nevadans, including those being kept alive by dialysis and transplantation, and others at high risk for developing the disease. The measure recognizes World Kidney Day as a means of increasing public awareness concerning kidney disease and the need for early detection and prevention.

**S.C.R. 16 (File No. 68)**

Senate Concurrent Resolution No. 16 encourages the Nevada Development Authority (NDA) to create a revolving fund to help support businesses specializing in medical, health care, biotechnological, bioindustrial, and bioagricultural activities. The resolution states that the fund should be established to receive money from the federal government as well as any gifts or donations with the NDA having the discretion to loan or grant the money as appropriate.

**S.C.R. 17 (File No. 36)**

Senate Concurrent Resolution No. 17 honors Charlotte Hill for her volunteerism and support of education. Through Charlotte's fundraising efforts, the College of Southern Nevada and the University of Nevada, Las Vegas, have been able to provide multiple scholarships. In the 1960s, when Charlotte was a member of the Board of Directors of the Economic Opportunity Board of Clark County, she proposed the idea for economically disadvantaged children to attend summer camp. The Las Vegas Sun Summer Camp Fund has been supported by individuals, organizations, and local businesses for more than 38 years.

She has also volunteered with the Girl Scouts, Boys and Girls Clubs, United Way of America, and Variety Early Learning Center. In 1971, Charlotte convened a group of community leaders who founded "Friends of Channel 10" to raise private support for KLVX, Nevada's first educational and public television station. She has received numerous community awards, and her name is immortalized through the Charlotte Hill Elementary School, the Charlotte Hill Society, and the Charlotte Hill Volunteer in Fund-Raising Award.

**S.C.R. 18 (File No. 37)**

Senate Concurrent Resolution No. 18 commemorates the 50th Anniversary of the Nevada Desert Research Institute (DRI), which was established by the Legislature on March 23, 1959, to contribute to the security of the nation and to promote the general welfare of the State of Nevada and its residents through the development of educational and scientific research. The DRI is a leading research institution with approximately 300 research projects at any given time on every continent in atmospheric, hydrologic, and earth and ecosystem sciences. The National Science Foundation ranks the DRI 19th in the nation in environmental research and developmental expenditures. The untenured research scientists of the DRI conduct research worldwide from their main campuses in Reno and Las Vegas. Desert Research Institute President Stephen G. Wells, Ph.D., has led the DRI through a decade of tremendous growth in research sciences pertaining to air, water, land, and life. John Hallet, Ph.D., an atmospheric physicist, has brought great honor to himself, the DRI, and the State of Nevada through his groundbreaking investigations of the properties of precipitation, particularly ice crystals, since joining DRI in 1966.

**S.C.R. 19 (File No. 99)**

Senate Concurrent Resolution No. 19 directs the Legislative Commission to appoint a committee to conduct an interim study concerning issues relating to energy in Nevada. The resolution notes the importance of energy production for the State economy and the potential benefits for energy projects within Nevada. The study will serve to update previous reviews and provide for continuing legislative experience and leadership in energy matters.

The resolution specifies that the study include a review of statutes and regulations concerning all aspects of energy, including production, transmission, and programs for energy efficiency. Electric vehicles, alternative fuels, and other related issues also are to be included in the study. Further, the review must include an analysis of the effectiveness and the implementation of existing energy or energy efficiency programs, and any new programs enacted by the 2009 Legislature. Finally, the study must investigate existing and emerging green technologies, including efforts to attract and expand green industries and jobs to Nevada.

The results of the study and any recommendations for legislation are to be submitted for consideration to the 2011 Legislative Session.

**S.C.R. 20 (File No. 40)**

Senate Concurrent Resolution No. 20 designates March 25, 2009, as Diabetes Awareness Day in Nevada. Diabetes is the sixth leading cause of death in the United States, with almost 18 million people having been diagnosed with the disease. An estimated six million people remain undiagnosed because of lack of education and information regarding diabetes. The increased risk because of factors such as age, obesity, and a sedentary lifestyle may be averted through known preventive measures. Diabetes is one of the most expensive health problems in the U.S., costing \$174 billion annually. The Nevada Diabetes Association for Children and Adults coordinated the production and dissemination of the Nevada Diabetes Resource Directory and the Recommendations for Management of Children with Diabetes in School to promote community awareness of the disease. This resolution specifically recognizes Chris Moore, Chairperson of the Nevada Diabetes Council, and Mylan Hawkins, Executive Director of the Nevada Diabetes Association for Children and Adults, for the efforts of their organizations to reduce the effects of diabetes on the residents of this state.

**S.C.R. 21 (File No. 41)**

Senate Concurrent Resolution No. 21 promotes awareness of building, fire, and life safety standards for certain facilities that board animals. Both domesticated and feral animals lack the ability of self-preservation when housed in buildings and other structures and are unable to escape or care for themselves in a fire. The National Fire Protection Association, through the efforts of its Technical Committee on Animal Housing Facilities, published *NFPA 150: Standard on Fire and Life Safety in Animal Housing Facilities*, which provides minimum requirements for the design, construction, fire protection, and classification of animal housing facilities and provides additional safeguards for animals. According to the *NFPA 101: Life Safety Code*, which is enforced in 40 states, storage occupancies are defined as those occupancies used for the storage or sheltering of various items, including animals, and

*NFPA 150* bridges the gap between the adopted fire and building codes with regard to facilities that care for or manage animals. The Legislature supports *NFPA 150* as a standard for the housing and protection of animals.

**S.C.R. 22 (File No. 49)**

Senate Concurrent Resolution No. 22 encourages Nevada's Department of Education, school districts, and the Nevada System of Higher Education to increase participation in high school programs and enrollment in college. In 2007, 67.4 percent of Nevada's 12th graders graduated and 4.8 percent of all pupils dropped out of school. The Department has several programs for adult education, including adult basic education, English as a second language, adult high school diploma programs, and general educational development. School districts in Nevada provide adult high school diploma programs and other educational services to adults. The United States Office of Management and Budget gave Nevada's adult education program the highest rating, making Nevada only one of two states with an adult education program that received the highest rating.

**S.C.R. 23 (File No. 50)**

Senate Concurrent Resolution No. 23 commemorates the 100th anniversary of the creation of Clark County. In 1909, due to rapid growth in the Las Vegas Valley, Lincoln County was divided into two counties, and the new county was named Clark, after William Clark, a railroad entrepreneur. Lincoln County Assemblyman George Bergman of Nelson, who later would become Clark County's first State Senator, introduced and successfully guided through the 1909 Nevada Legislature Assembly Bill No. 27 to create Clark County effective July 1, 1909.

Over the past 100 years, Clark County has become one of the fastest-growing areas in the country, home to 2 million residents and a vacation destination for 44 million people each year. Visitors are drawn to the world-class entertainment, hospitality, gaming, fine dining, and shopping and the world-famous Las Vegas Strip, known as the heart of the Entertainment Capital of the World. Clark County also includes attractions such as the Colorado River, Lake Mead National Recreation Area, Hoover Dam, Mount Charleston, Toiyabe National Forest, Red Rock Canyon, and The Valley of Fire, in addition to the destinations of Laughlin, Mesquite, and Primm.

**S.C.R. 24 (File No. 55)**

Senate Concurrent Resolution No. 24 declares April 23, 2009, Participatory Democracy Day in the Nevada Legislature. The Legislature recognizes the work of the Advisory Committee on Participatory Democracy in its development and implementation of innovative programs and strategies to increase the participation of the residents of this State in the democratic process. The goals set by the Legislature in 2003 to have 75 percent of all eligible voters registered and 70 percent of registered voters participating in the 2008 General Election were met and exceeded when 84.5 percent of all eligible voters were registered and 80 percent of registered voters participated in that election.

The Legislature affirms the commitment to achieve by the 2012 General Election the goals of having 90 percent of all eligible voters registered and 85 percent of registered voters participating in that election. The Advisory Committee must report to the 2011 Legislature on the achievement of these goals and progress in carrying out its statutory duties.

The resolution also honors the following Jean Ford Democracy Award recipients for their exemplary service in promoting participatory democracy in this State: Stephanie Hartman, Kenya Pierce, State Senator Valerie Wiener, and Daniel Wong.

**S.C.R. 25 (File No. 56)**

Senate Concurrent Resolution No. 25 designates April 22, 2009, as Equality Day in Nevada. This measure recognizes the work of “Stand OUT for Equality,” a community coalition working to achieve equality for lesbian, gay, bisexual, and transgender Nevadans, including the organization of its first-ever statewide lobbying trip, called “Equality Days,” to the Nevada Legislature. The resolution reflects the commitment of the Nevada Legislature to create greater public awareness of lesbian, gay, bisexual, and transgender issues in Nevada and to work cooperatively toward equality for all Nevadans.

**S.C.R. 26 (File No. 100)**

Senate Concurrent Resolution No. 26 directs the Legislative Commission to appoint a subcommittee to conduct an interim study concerning employee misclassifications. The resolution notes the problems that arise when workers are improperly classified as independent contractors when they should be legally classified as employees. Improper classification can affect numerous employment, labor, and tax laws at both the State and federal level. The subcommittee is charged with determining the scope of the problem, along with making a determination concerning the economic losses for employees and lost revenues for State and federal government. The subcommittee also must make proposals related to identifying misclassifications, potential penalties for violations, and legal recourse for affected employees. The five-member subcommittee shall consist of two legislators (one from each House), who serve as Chair and Vice Chair. Other members include a representative of management who works for an entity in the construction industry who has not signed an agreement with a labor union, a representative of union labor from the construction industry, and a member of the general public. The results of the study and any recommendations for legislation are to be submitted for consideration to the 2011 Legislative Session.

**S.C.R. 27 (File No. 63)**

Senate Concurrent Resolution No. 27 honors educational personnel for the services they provide to their students and the State of Nevada. Educators and support staff, from prekindergarten through postsecondary levels, work tirelessly in and out of the classroom, often with little recognition, to teach, mentor, motivate, and inspire the future leaders and workforce of Nevada. The resolution expresses the gratitude of the Nevada Legislature to the educational personnel of this state and encourages communities to appropriately recognize the significant contributions of, and continue to support, those who educate our children, peers, and neighbors.

**S.C.R. 28 (File No. 64)**

Senate Concurrent Resolution No. 28 recognizes that skin cancer is the most common type of cancer, and that its deadliest form, melanoma, is the fastest growing form of cancer in the United States. Simple precautions can prevent skin cancer, and even melanoma can be curable if detected and treated early enough. Melanoma is a serious health issue, and Nevadans should educate themselves on prevention, early detection and treatment. With this resolution, the Legislature formally recognizes May as National Melanoma and Skin Cancer Detection and Prevention Month and declares the second week of May as Melanoma and Skin Cancer Detection and Prevention Week in Nevada.

**S.C.R. 29 (File No. 65)**

Senate Concurrent Resolution No. 29 memorializes John James, former State Climatologist. John James became interested in climate, and especially severe weather, early in his career as a cartographer. He moved to Nevada in 1969 to help found Sierra Nevada College. He served for 28 years at the University of Nevada, Reno, as a geography and meteorology professor. The work of John James was on the cutting edge in the field of weather modification. He was respected authority on alpine environment and climate, especially in the Sierra Nevada range and the Lake Tahoe Basin. John James was appointed as State Climatologist, a position he maintained for 23 years, and he served as Chair of the Governor's Drought Review and Reporting Committee. His family has established an endowment in his honor to support students of the atmospheric sciences and geography.

**S.C.R. 30 (File No. 69)**

Senate Concurrent Resolution No. 30 commemorates the 90th anniversary of the Reno Rodeo. Known as the "Wildest, Richest Rodeo in the West," the Reno Rodeo is the third-largest regular season rodeo held nationally each year and the fourth-richest Professional Rodeo Cowboys Association tour rodeo. The Reno Rodeo draws an estimated 120,000 attendees, generating millions of dollars for lodging, gaming, dining, and retail establishments. Only two full-time staff and countless volunteers run the Reno Rodeo. The Reno Rodeo Foundation, a nonprofit organization that is considered the heart of the Reno Rodeo Association, has donated over \$5.1 million to charitable programs since 1986.

**S.C.R. 31 (File No. 70)**

Senate Concurrent Resolution No. 31 recognizes the month of May as Dandy-Walker Syndrome and Hydrocephalus Awareness Month. Dandy-Walker Syndrome is the most common congenital malformation of the cerebellum, and its causes are largely unknown. Between 10,000 and 40,000 people in the United States have Dandy-Walker Syndrome. Patients with the syndrome present with developmental delay, enlarged head circumference or signs and symptoms of hydrocephalus.

**S.C.R. 32 (File No. 71)**

Senate Concurrent Resolution No. 32 honors Frank W. Daykin, former Legislative Counsel and current Uniform Law Commissioner. He grew up in East Cleveland, Ohio, and received a degree in mathematics and physics from Adelbert College. After his service as 2nd Lieutenant

and later Captain in the Army during World War II, Frank returned to Ohio and earned his law degree at Western Reserve University. He practiced law and operated a farm in Ohio before moving to Nevada. Frank's career at the Legislative Counsel Bureau spanned from 1963 until 1986. His commitment to drafting consistent and grammatically correct statutes was often referred to as "Daykinism." Included in the many laws that Frank drafted for the Nevada Legislature was the "one man, one vote" legislation which led to Clark County taking over the majority of seats in the Legislature. He also led the effort to amend the *Nevada Constitution* to correct a bookkeeping oversight of 115 years that failed to include Clark County. During his career at the Legislature, and continuing today, Frank has ably represented Nevada on The National Conference of Commissioners on Uniform State Laws.

**S.C.R. 33 (File No. 72)**

Senate Concurrent Resolution No. 33 recognizes Nicholas Clayton Stevens as the 2008 Children's Miracle Network Miracle Child for Nevada and urges the residents of Nevada to show their support for Children's Miracle Network. Children's Miracle Network hospitals treat 17 million children annually for every disease and injury imaginable. The Champions Across America program of the Children's Miracle Network selects one child from every state in the United States and each province and territory in Canada to bring attention to the cause and to honor these remarkable children who have triumphed despite severe medical challenges. These children act as ambassadors, meeting local and national leaders, and participating in the national television production of the "Children's Miracle Network Celebration," an annual fundraising event.

Nicholas Clayton Stevens was born ten weeks premature with esophageal atresia and tracheoesophageal fistula, a condition that results from the esophagus ending without connecting to the stomach and being attached to the trachea, causing him to vomit any time he was lain down in a horizontal position. Nicholas spent his first nine weeks in intensive care at Renown Regional Medical Center, the only Children's Miracle Network hospital in northern Nevada. His condition continued until surgery at 11 months finally made it possible for him to sleep while lying down. At two years old, Nicholas was diagnosed with cyclical vomiting syndrome. Nicholas endured 20 surgeries and more than 30 hospital admissions during his first five years of life. He is now 11 years old but the size of a 7-year-old, and his favorite t-shirt with the slogan "Small but Mighty" sums him up well. Nicholas is skilled in playing the piano and acoustic guitar. He enjoys skiing, golfing, origami, and martial arts and has received his black belt. Renown Regional Medical Center selected Nicholas for this honor because of the exceptional strength, courage, and hope he has exhibited in his life.

**S.C.R. 34 (File No. 73)**

Senate Concurrent Resolution No. 34 memorializes veteran, visionary, and community builder Robert A. Swadell. Robert was born on June 19, 1931, in Fort Bragg, California. He graduated from the University of Nebraska at Omaha and the Armed Forces Staff College in Norfolk, Virginia. In 1972, he retired from military service as a lieutenant colonel after combat tours in Korea and Vietnam. In 1975, he made Henderson, Nevada his home, and he began nearly three decades of public service and community building by serving on committees

that oversaw the construction of the city's convention center, main administrative offices, emergency service headquarters, and an animal shelter. He was integral to the launch of the Lake Las Vegas project and the city's Veterans Memorial Wall.

Robert and his wife, Mary, relocated to Pahrump in 2004, where he tirelessly advocated for safety improvements on the highway between Pahrump and Las Vegas, for a boundary change with Clark County that ensured all of Pahrump's private land fell within Nye County, and for a community college campus. With this resolution, members of the 75th Session of the Nevada Legislature express their sorrow over Robert Swadell's March 15, 2009, passing and offer their sincere condolences to his family and friends.

**S.C.R. 35 (File No. 91)**

Senate Concurrent Resolution No. 35 urges Congress to enact legislation allowing states to collect sales taxes on remote sales, including sales on the Internet. With the 1967 decision of *Bellas Hess* and the 1992 decision of *Quill*, the United States Supreme Court denied the states the authority to require the collection of sales and use taxes by out-of-state sellers that have no physical presence in the taxing state. The inability to collect these taxes from traditional carriers and electronic commerce threatens the future viability of the sales tax as a stable revenue source for state and local governments. It is estimated that states could have collected much as \$30 billion in 2008 from remote sales taxes.

Since 1999, state and local governments and representatives from the private sector have worked to develop a streamlined sales and use tax collection system for the twenty-first century. In 2002, state delegates ratified the Streamlined Sales and Use Tax Agreement, which simplifies state and local sales and use tax collection systems, removes the burdens to interstate commerce that were of concern to the Supreme Court and protects state sovereignty. The implementation of state systems that comply with the Agreement will allow justification for Congress to overturn the *Bellas Hess* and *Quill* decisions. By March 1, 2009, 23 states including Nevada enacted legislation to bring their states' sales and use tax statutes into compliance with the Agreement.

The Main Street Fairness Act will be introduced in the 111th Congress to grant those states that comply with the Agreement the authority to require all sellers, regardless of nexus, to collect those states' sales and use taxes. According to Congressman Roy Blunt of Missouri, the passage of this federal legislation is "fiscal relief for the states that does not cost the federal government a single cent," ensuring the viability of the sales and use tax as a state revenue source. The members of the Nevada Legislature call upon the members of our Congressional Delegation to join as co-sponsors of the Main Street Fairness Act, to support its adoption by the Congress of the U.S., and to urge President Barack Obama to sign this Act into law upon its passage by Congress.



**S.C.R. 36 (File No. 95)**

Senate Concurrent Resolution No. 36 memorializes Commander Luther H. Hook III, Executive Officer at the Naval Air Station Fallon. A native of Havana, Florida, Commander Hook graduated from the United States Naval Academy in 1986 and earned his Wings of Gold in 1988. He earned a Master of Strategic Studies degree from the Air War College in 2003. In his impressive 23-year career in the United States Navy, he logged over 2,700 hours in the F/A-18 and received many awards and decorations such as the Air Medal with Combat V, the Meritorious Service Medal, the Navy Commendation, and Navy Achievement Medals. Commander Hook and his family moved to Nevada in 2005, when he was stationed at the Naval Air Station Fallon. The members of the Nevada Legislature were shocked and saddened by the tragic accident that took the life of Commander Hook and his daughters Kaitlyn, Rachel, and Mackenzie Hook. They hereby express their deepest condolences to the family and friends of Commander Hook and his daughters.

**S.C.R. 37 (File No. 102)**

Senate Concurrent Resolution No. 37 provides for the appointment of a Subcommittee by the Interim Finance Committee to conduct a review of Nevada's revenue structure and to provide long-term stabilization of revenue. Existing revenue sources are insufficient to fund essential State services, and the Fiscal Year 2009-2011 budget includes nonrecurring federal stimulus funds and tax revenues that will sunset on June 30, 2011. The Legislature believes that State must have stable, equitable, transparent, and competitive revenue system that reflects long-term needs, the diversity of the economy, and nationally recognized best practices.

The Interim Finance Committee shall retain the services of a qualified, independent consultant to review Nevada's public revenue structure and make recommendations to the Interim Finance Committee. In conjunction with the revenue stabilization study process, the consultant shall collect data on Nevada's national rankings in quality-of-life areas and coordinate with the Nevada Vision Stakeholder Group to develop strategies to advance Nevada's national standing in these areas. The consultant shall deliver a report of his findings concerning revenue stabilization and a report of his findings concerning quality-of-life areas to the Interim Finance Committee on or before July 1, 2010.

The Subcommittee shall create a Technical Working Group to undertake any work necessary to ensure that the State is prepared to implement on or before July 1, 2011, revenue stabilization recommendations accepted and forwarded by the Subcommittee. On or before October 1, 2010, the Interim Finance Committee shall submit a report of the results of its review and any recommendations for legislation to the Governor and the Director of the Legislative Counsel Bureau.

**S.C.R. 39 (File No. 101)**

Senate Concurrent Resolution No. 39 requires the Legislative Committee on Health Care to conduct a study during the 2009-2010 Interim. The Committee shall consider methods for establishing a fair and equitable system for the payment of medical services and care

RESOLUTIONS AND MEMORIALS (continued)

for persons who are covered by a policy of insurance or other contractual agreement with a third party that provides coverage for the provision of health care, but whose insurance does not cover expenses by the hospital or physician that provided the care.

## STATE GOVERNMENT

### A.B. 97 (Chapter 117)

Assembly Bill 97 requires advance notice of the transfer of a function between a State agency and a local government and between local governments. In order to transfer a function between a State agency and a local government, notice must be given no later than 30 days prior to September 1 of an even-numbered year. The bill also provides that any such transfer shall not be effective before July 1 of the following year. For the transfer of a function between local governments, notice must be given at least 180 days in advance. These notice provisions may be waived by mutual agreement of the parties. The Committee on Local Government Finance must adopt regulations consistent with these notice provisions and setting forth other procedures relevant to such transfers.

The bill is effective on May 19, 2009.

### A.B. 180 (Chapter 43)

Assembly Bill 180 designates Engine No. 40 of the Nevada Northern Railway as an official State locomotive.

The bill is effective on July 1, 2009.

### A.B. 289 (Chapter 102)

Assembly Bill 289 expands the duties of the Division of State Parks, State Department of Conservation and Natural Resources, to include administering, protecting, and developing paleontological sites and gives public entities authority to enter into cooperative agreements to protect sites of paleontological significance. The bill revises the definition of “project of regional significance” to require consideration of the potential effects on paleontological sites. Paleontological sites must be included in the historical properties preservation plan of a master plan, which must be prepared by a planning commission for the physical development of a city, county, or region.

### A.B. 301 (Chapter 106)

Assembly Bill 301 directs the Governor to annually proclaim March 31 as “Cesar Chavez Day” in honor of the anniversary of Cesar Chavez’s birth. The proclamation may call upon the media, educators, business and labor leaders, and governmental officers to inform and educate Nevadans of the importance of Mr. Chavez’s contributions to the State of Nevada and the United States.

This bill is effective on May 18, 2009.

### A.B. 305 (Chapter 103)

Assembly Bill 305 requires the Administrator of the Division of Museums and History of Nevada’s Department of Cultural Affairs to designate an employee to serve as ex officio State Paleontologist and sets forth the duties of the State Paleontologist. To the extent that time and funds are available, the duties of the State Paleontologist include compiling an

inventory of paleontological resources and a database of fossils, in addition to coordinating and promoting paleontological research activities in the State.

The bill is effective on July 1, 2009.

**A.B. 306 (Chapter 104)**

Assembly Bill 306 designates April as “Paleontological Awareness Month” in Nevada each year. The Governor is directed to issue an annual proclamation recognizing Nevada’s paleontological resources, including Tule Springs and Berlin-Ichthyosaur State Park, and the importance of preserving these resources.

**A.B. 480 (Chapter 250)**

Assembly Bill 480 increases fees for certain applications and permits in the Office of the State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources, and creates fees for several new categories related to project applications.

The bill is effective on July 1, 2009.

**NOTE: Assembly Bill 480 was vetoed by the Governor on May 21, 2009. The veto was overridden by the 2009 Legislature on May 22, 2009.**

**A.B. 556 (Chapter 318)**

Assembly Bill 556 eliminates the position of Weed Control Analyst within the State Department of Agriculture.

**S.B. 53 (Chapter 253)**

Senate Bill 53 authorizes the Office of the Secretary of State to create and maintain the “Nevada Lockbox.” The Nevada Lockbox is a secure online registry which, if established, will allow a person to post an electronic copy of a will or other legal document and retrieve that document when needed. The measure sets forth procedures for the registration of documents in the Nevada Lockbox and authorizes the Office of the Secretary of State to charge and collect a fee for such registration. The measure provides parameters for access to registered documents and declares that the Secretary of State is not responsible for the validity or accuracy of any document registered. In addition, S.B. 53 allows the Secretary of State to adopt the necessary regulations to carry out the Nevada Lockbox program.

Senate Bill 53 also eliminates the Account for Special Services within the Office of the Secretary of State, which typically receives fees charged for expedited services within the Commercial Recordings Division of the Office. Therefore, all such fees will be deposited into the State General Fund. Finally, the measure clarifies that the Administrator of the Securities Division of the Office of the Secretary of State is in the unclassified service of the State as set forth in budget provisions adopted during the 2007 Session of the Nevada Legislature.

This bill is effective on May 28, 2009, for the purpose of adopting regulations and performing certain other preparatory administrative tasks, and on July 1, 2009, for all other purposes.

**S.B. 67 (Chapter 22)**

Senate Bill 67 requires that the Real Estate Division, Nevada's Department of Business and Industry, after soliciting recommendations from each county recorder, create a standardized form for the Declaration of Homestead. It also provides that the form be made available to the public, free of charge, by the Division and each county recorder, including making the form available on each entity's website.

**S.B. 92 (Chapter 499)**

Senate Bill 92 enacts the Electronic Notary Public Authorization Act, which allows the Secretary of State to appoint notaries public authorized to notarize electronic documents. To become an electronic notary, a person must already be a notary public and have completed a course of study on electronic notarization, entered into a bond, paid the appropriate filing fee, and taken an oath as a public officer. The initial term of an electronic notary public is two years and any subsequent term must be four years.

The measure prohibits certain documents from being notarized electronically and sets forth the parameters for use of an electronic notary. Senate Bill 92 sets forth gross misdemeanor penalties for certain violations relating to electronic notarization and declares that existing provisions concerning notaries apply to electronic notaries unless specifically set forth in the measure.

Persons who have been convicted of a crime of moral turpitude may be appointed as a notary provided more than ten years have elapsed since their conviction, any required restitution has been made, and they have their civil rights. Persons who have been convicted of crimes related to identity theft or financial crimes, such as theft or fraud, may not be notaries. The bill requires an out-of-state notary to submit copies of his employer's State business license and any local business license as part of his initial application and annually thereafter.

This bill is effective on July 1, 2009.

**S.B. 166 (Chapter 24)**

Senate Bill 166 designates the Vivid Dancer Damselfly (*Argia vivida*) as the official State insect of Nevada.

**S.B. 174 (Chapter 191)**

Senate Bill 174 allows volunteer firefighters who are retired public employees to continue to receive retirement benefits from the Public Employees' Retirement System while they are volunteering for the fire department.

The bill is effective on July 1, 2009.

**S.B. 239 (Chapter 417)**

Senate Bill 239 requires the Governor to appoint members to the Governor's Workforce Investment Board who represent various industry sectors, communities and areas of economic development, and workforce diversity. The measure sets forth the duties of the Board,

including the establishment of industry sector councils comprised of employer and organized labor representatives from a particular industry, representatives from universities and colleges, and other relevant groups deemed appropriate by the Board. Each industry sector council shall identify job training and educational programs designed to meet regional goals for economic development.

This bill is effective on June 3, 2009.

**S.B. 300 (Chapter 108)**

Senate Bill 300 requires the Division of State Lands of the State Department of Conservation and Natural Resources to accept a donation of paving and other improvements to property owned by the State of Nevada at the 6200 block of West Oakey Boulevard in Las Vegas, Nevada. The property will be used as a free public parking lot until the property is sold, leased, or used for other purposes.

Senate Bill 300 is effective on May 19, 2009.

**Administrative Rules and Procedures**

**A.B. 28 (Chapter 34)**

Assembly Bill 28 authorizes Nevada's Department of Motor Vehicles (DMV), with regard to any hearing conducted by the Department, to take the testimony of any party or witness by telephone, videoconference, or other electronic means. In addition, the hearing may be conducted at any location so long as the hearing officer allows each party and witness to testify by telephone, videoconference, or other electronic means.

This bill is effective on May 6, 2009.

**A.B. 463 (Chapter 384)**

Assembly Bill 463 requires the approval of the Interim Finance Committee (IFC) before a State agency may hire a consultant who is: (1) a current State employee; or (2) a former employee who left State employment within the past year. Limited exceptions apply for emergency situations and for transportation projects that are federally funded. To approve a contract with a former State employee within the one year "cooling off" period, the IFC must determine that there is a critical labor shortage, a short-term need, or an unusual economic circumstance that justifies the consultant contract. Prior approval of the IFC is also required for a consultant contract for a term of more than two years. A State agency must use an open competitive bidding process to select a temporary employment service. The bill also requires a State agency to report to the IFC when hiring a former State employee after the one year "cooling off" period and on the use of a consultant or a temporary employment service.

Assembly Bill 463 further requires certain governmental entities and commissions, including the Nevada System of Higher Education, to report to the IFC every six months on their consultant contracts, including the number of consultants, the length of the contracts, and the amount of any remuneration received by the consultants. Finally, the bill requires

the Legislative Auditor to conduct an audit of the use of consultants by State agencies and to report the results of the audit by February 7, 2011.

The bill is effective on May 31, 2009.

**NOTE: Assembly Bill 463 was vetoed by the Governor on May 29, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**A.B. 488 (Chapter 346)**

Assembly Bill 488 provides that a designating authority must determine in a public meeting those positions for which there are critical labor shortages. A designating authority must base its findings on criteria set forth in the measure. A position may not be so designated for longer than two years, at which time the designating authority must make new findings in an open public meeting.

The measure revises existing law concerning the designation of critical labor shortage positions by Nevada's Department of Education to provide that positions in elementary and secondary education must be designated within each school district by the board of trustees and for each charter school by its governing body.

Finally, this measure requires the Public Employees' Retirement Board to conduct a study of the impact on the Public Employees' Retirement System of the employment of retired public employees by public employers. A report of the study must be submitted to the Legislature's Interim Retirement and Benefits Committee by December 31, 2014.

This measure is effective on May 29, 2009. The provisions of the measure expire on June 30, 2015.

**A.B. 517 (Chapter 56)**

Assembly Bill 517 provides that if a word or term is defined in a title or chapter of the *Nevada Revised Statutes*, that word or term has the same meaning in the corresponding title or chapter of the *Nevada Administrative Code*.

This bill is effective on May 6, 2009.

**S.B. 31 (Chapter 402)**

Senate Bill 31 shifts, from Chapter 284 of *Nevada Revised Statutes* (NRS) to Chapter 333 of NRS, the existing authorization of elective officers and heads of State Executive Branch agencies, boards, and commissions to use independent contractors for a variety of services. Finally, S.B. 31 requires that independent contractors, whose services are secured under Chapter 333 of NRS, be appropriately licensed under Nevada law.

This bill is effective on July 1, 2009.

**S.B. 41 (Chapter 350)**

Senate Bill 41 makes several technical changes to the Public Employees' Retirement System (PERS). The bill makes the appointment of liaison officers to certify records and coordinate matters mandatory rather than permissive. With respect to the calculation of penalties for failure to file reports or remit contributions, the measure clarifies that the penalty must be calculated based on the most recent payroll report from the delinquent public employer.

The bill also sets a deadline and other parameters on the election by a justice of the peace or municipal judge to withdraw from PERS and participate in the Judicial Retirement Plan.

The bill is effective on July 1, 2009.

**S.B. 76 (Chapter 179)**

Senate Bill 76 provides that an agency's order for the summary suspension of a license may be issued by the agency or the chairman of the governing body of the agency. The bill further provides that, if the chairman issues such an order, he must not participate in any further proceedings relating to that order. Finally, S.B. 76 requires the agency to complete its proceedings against the licensee within 45 days after the date of the order of summary suspension unless the licensee and the agency agree to a longer period.

This bill is effective on May 22, 2009.

**S.B. 103 (Chapter 351)**

Senate Bill 103 makes a number of changes to the Public Employees' Benefits Program. The bill clarifies that local governments may bring employees into the Program only if all the employees and their dependents are brought in, with the exception of particular employees excluded based upon their coverage under certain other plans. In addition, local government retirees enrolled in the Program before November 30, 2008, are grandfathered even if the local government elects to leave the Program after that date. The authority of the Board of the Program to adopt regulations is clarified, and the Board is required to adopt regulations relating to payments, including penalties and interest, by local governments for their retirees in the Program. The bill also ratifies regulations that were adopted after October 2003.

The bill further clarifies that the State Retirees' Health and Welfare Benefits Fund is to be used for funds received to offset costs of current and future retirees. Coverage payments for active employees and dependents are split, with the State agency paying a fixed amount while the employee pays the remainder through a payroll deduction, and the Board authorized to allocate those funds. The measure expands the prohibition against proration of any year of service to include proration of years of service with a local government employer.

Senate Bill 103 also authorizes the Program to bring an action in court to recover payments, including penalties and interest, from local governments that are delinquent more than 90 days. The statute of limitations for such actions is six years from the time the amount was



90 days delinquent. Further, this authority is applied retroactively to recover payments that were delinquent for at least 90 days on or after October 1, 2003.

The bill establishes two processes for retired public employees to be reinstated under the last employer's health plan—one for local government retirees and one for retired State employees. The measure also makes it optional to offer the flexible benefits plan for Medicare eligible retirees covered under the Program and requires the Board to adopt regulations concerning notification and termination of such coverage.

Finally, the bill eliminates the specific titles of the individuals the Executive Officer of the Program may appoint and instead authorizes such appointments as may be necessary for administering the Program.

The section that modifies the requirement regarding the offer of a flexible benefits plan to Medicare eligible retirees is effective on November 1, 2009. The provisions concerning adoption of the termination of coverage procedures for the flexible benefit program expire by limitation on October 31, 2009. The remaining sections of the bill are effective on July 1, 2009.

#### **S.B. 267 (Chapter 419)**

Senate Bill 267 provides that a State agency's 30-day notice of intent to act upon a proposed administrative regulation must only be made after the agency receives the approved or revised text of the proposed regulation from the Legislative Counsel Bureau. The bill also stipulates that each agency workshop or hearing on a proposed regulation is subject to Nevada's Open Meeting Law. The bill provides that the Legislative Commission or the Subcommittee to Review Regulations must either affirmatively approve or object to an administrative regulation rather than allowing a regulation to become effective by virtue of its not being formally rejected. Finally, S.B. 267 clarifies the definition of "university foundation" to provide that such a foundation is organized primarily for funding, rather than exclusively for supporting, a university, State college, or community college.

The bill is effective on July 1, 2009.

### **Cultural Affairs**

#### **A.B. 528 (Chapter 169)**

Assembly Bill 528 suspends for two years the requirement in existing law that the State Library and Archives be open for the use of the public for at least five days in each week and for at least eight hours in each day with the exception of legal holidays.

This bill is effective on July 1, 2009, and expires by limitation on June 30, 2011.

**S.B. 215 (Chapter 193)**

Senate Bill 215 extends the date for the commitment and reversion of money transferred by the Commission on Tourism to provide historical interpretive signs for the California Trail Wayside Sites in several northern Nevada counties. The measure changes the date after which such funds must not be committed for expenditure from June 30, 2009, to December 31, 2009, and extends the reversion date for any unused funds from September 18, 2009, to September 17, 2010.

This bill is effective on May 22, 2009.

**S.B. 256 (Chapter 196)**

Senate Bill 256 designates the area of a former cemetery on the grounds of the Northern Nevada Adult Mental Health Services facility as a historic cemetery and adds land currently leased by the City of Sparks to the cemetery. The bill requires the reinterment of human remains from gravesites found in an area outside the designated boundaries of the cemetery to the area inside the historic cemetery. The Northern Nevada Adult Mental Health Services will be responsible for maintaining and improving the cemetery, and the Administrator of the Office of Historic Preservation of Nevada's Department of Cultural Affairs, in cooperation with other interested persons, will oversee its maintenance and improvement.

**Financial Administration**

**A.B. 60 (Chapter 470)**

Assembly Bill 60 provides that money under the control of the State Treasurer may be deposited in out-of-state financial institutions if the State Board of Finance gives its approval. The measure also provides for the payment of interest on tax credit bonds by the issuer under certain circumstances and authorizes State and local governments to apply for and accept tax credit bonds on or before June 30, 2011, so that they may take advantage of certain programs of the federal American Recovery and Reinvestment Act of 2009.

This bill is effective on June 8, 2009.

**A.B. 87 (Chapter 279)**

Assembly Bill 87 requires State agencies, except in limited circumstances, to assign debts more than 60 days past due to the State Controller for collection. A State agency's statutes governing the collection of debts apply to that agency until the debt is turned over to the State Controller for collection. The measure clarifies the procedures for assignment of a debt and requires the Controller to waive assignment if an agency demonstrates it has the resources to collect the debt or for good cause. If the Controller waives assignment, the State agency may exercise certain rights and remedies available to the Controller to collect the debt.

The bill sets forth additional options for the collection of State debts by the Controller, including refusal to do business with a person owing a debt to the State; appointment of a

private debt collector; and compromise of a debt with the approval of the affected agency. In addition, A.B. 87 changes, from \$200 to \$300, the amount of debt that triggers a debt collection fee and sets a debt collection fee of 2 percent of the amount to be collected by the State Controller to offset the costs associated with the collection. The bill clarifies where the net amount of money collected that is owed to a State agency must be transferred and creates the “Debt Recovery Account” for purposes of supporting the debt collection activities of the State Controller. Before turning over money collected from a debtor to an agency to which the debt was owed, the Controller may retain the amount of its costs of collecting that debt.

The measure also creates a presumption that a debt owed to the Division of Industrial Relations, Nevada’s Department of Business and Industry, by an employer who failed to maintain industrial insurance is justified and reasonable, and allows the Controller to bring suit to collect such a debt if it is assigned to him. Assembly Bill 87 also clarifies that debts that are collected by the State on behalf of another person may be assigned to the Controller for collection.

The bill is effective on May 28, 2009, for the adoption of regulations, and on July 1, 2009, for all other purposes.

**A.B. 165 (Chapter 322)**

The Fund to Stabilize the Operation of the State Government, also known as the Rainy Day Fund, is a special revenue fund into which surplus State revenues are deposited to use in the case of fiscal emergencies. Under current law, 40 percent of the unrestricted State General Fund balance that remains after subtracting 10 percent of all appropriations made from the State General Fund during that fiscal year must be deposited to the Rainy Day Fund. Assembly Bill 165 reduces from 10 percent to 7 percent the amount of State General Fund appropriations to be subtracted in calculating the transfer to the Rainy Day Fund.

Beginning in Fiscal Year 2011-2012, this measure requires the State Controller to transfer from the State General Fund to the Rainy Day Fund at the beginning of each fiscal year 1 percent of the total anticipated revenue projected for that fiscal year by the Economic Forum at its meeting in May of odd-numbered years. In addition, the measure requires the Governor to reserve 1 percent of the total anticipated revenue projected for each fiscal year of the biennium by the Economic Forum at its meeting in December of even-numbered years in the Governor’s recommended budget that is submitted to the Legislature. The reserved funds in the Governor’s recommended budget will be adjusted for the May Economic Forum projection and will be transferred to the Rainy Day Fund.

Assembly 165 increases the maximum balance allowed in the Rainy Day Fund from 15 percent to 20 percent of the total of all State General Fund appropriations for the operation of State government for the fiscal year in which that revenue would be transferred.

Finally, the measure provides that the Chief of the Budget Division of Nevada's Department of Administration may submit a request to the State Board of Examiners to transfer money from the Rainy Day Fund to the State General Fund to offset a budget shortfall or fiscal emergency under certain circumstances. The provisions require that any transfer from the Rainy Day Fund to the State General Fund must be approved by the Interim Finance Committee.

This measure is effective on July 1, 2009.

**A.B. 338 (Chapter 51)**

Assembly Bill 338 authorizes the administrator of the Employment Security Division, Nevada's Department of Employment, Training and Rehabilitation, to award grants to nonprofit entities for the purpose of making loans to veterans and senior citizens to start small businesses. The source of money for the grant program is the Unemployment Compensation Administration Fund.

This measure is effective on July 1, 2009.

**A.B. 493 (Chapter 482)**

Assembly Bill 493 requires the Board of the Public Employees' Retirement System (PERS) to create a list of scrutinized companies in Iran and to submit an annual report to the Governor and the Legislature on PERS' direct investments in scrutinized companies in Iran. Scrutinized companies are those entities with an annual investment of \$20 million or more that significantly contribute to the development of petroleum resources in Iran and are, therefore, subject to the Iran Sanctions Act of 1996. The bill does not apply to investments in companies that supply goods or services to relieve human suffering or that promote health, education, religious, welfare, or journalistic activities.

**NOTE: Assembly Bill 493 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on June 1, 2009.**

**A.B. 530 (Chapter 241)**

Assembly Bill 530 provides that any money remaining in the Account for Programs for Innovation and the Prevention of Remediation at the end of Fiscal Year 2008-2009 shall revert to the State General Fund. Under existing law, any money remaining in the Account at the end of a fiscal year does not revert to the State General Fund, and the balance in the Account is carried forward to the next fiscal year.

This measure is effective on May 26, 2009.

**A.B. 531 (Chapter 243)**

Assembly Bill 531 revises the distribution of administrative assessments paid by certain defendants. The bill authorizes the Office of the Court Administrator to allocate its portion of the funds among the uses currently identified in statute, rather than specifying the amount that must be allocated to each use.

Additionally, A.B. 531 expands the list of recipients for the legislatively authorized portion of the assessments by adding programs within the Office of the Attorney General related to victims of domestic violence.

This measure is effective on July 1, 2009.

**A.B. 548 (Chapter 349)**

Assembly Bill 548 revises the manner of calculating the maximum fee per transaction for the use of a credit card, debit card, or electronic transfer of money to make a payment to a State agency, local government, or court. The bill requires the government entity to base the maximum transaction fee that may be charged on the aggregate of those fees assessed by the card issuer or electronic transfer service provider over the period of a fiscal year. Finally, the measure clarifies that the fees charged to cardholders or users of electronic transfer systems are considered “convenience fees.”

The bill is effective on July 1, 2009.

**A.B. 549 (Chapter 317)**

Assembly Bill 549 temporarily suspends the requirement to transfer the first \$7.6 million of the balance in the Abandoned Property Trust Account in the State General Fund, after the required transfer of money to the Educational Trust Fund, to the Millennium Scholarship Trust Fund. The transfer is suspended for the fiscal year ending on June 30, 2009.

This bill is effective on May 28, 2009.

**A.B. 555 (Chapter 401)**

Assembly Bill 555 requires the reversion to the State General Fund of any funds remaining in the Senior Citizens’ Property Tax Assistance Account at the end of the fiscal year.

Funds remaining in the Senior Citizens’ Property Tax Assistance Account at the end of each fiscal year were carried forward for use in the following fiscal year prior to this change, which was made to accommodate the use of these appropriations in making certain budget reductions.

This bill is effective on June 1, 2009.

**S.B. 63 (Chapter 254)**

Senate Bill 63 makes various changes concerning public financial administration. The bill clarifies that the Nevada College Savings Trust Fund is administered by the Office of the State Treasurer and limits the money deposited in the Trust Fund to that which is deposited in accordance with savings trust agreements and earnings made on that money. The measure provides that the Administrative Account and the Endowment Account in the Trust Fund are part of the State General Fund.

Senate Bill 63 also removes the Office of the State Controller as a recipient of various financial reports and statements prepared by local governments. Finally, the measure shifts deposits

from two accounts relating to special license plates from the Motor Vehicle Fund to the State Highway Fund and changes the origin of the Revolving Account for the Issuance of Salvage Titles from the Motor Vehicle Fund to the State Highway Fund.

This bill is effective on July 1, 2009.

**S.B. 236 (Chapter 461)**

Senate Bill 236 creates the Fund for Reentry Programs to be administered by the Director of Nevada's Department of Public Safety. The money in the Fund must be used to pay necessary administrative costs and to fund programs for the reentry of offenders and parolees into the community upon their release from incarceration.

This measure is effective on July 1, 2009.

**S.B. 418 (Chapter 468)**

Senate Bill 418 reduces the period of time from the current ten years to seven years in which the Administrator of Unclaimed Property in the Office of the State Treasurer can bring an action against a holder of unclaimed property who was otherwise required by statute to report, deliver, pay, or transfer the held property to the Office of the State Treasurer.

This bill is effective on June 4, 2009.

**S.B. 428 (Chapter 277)**

Senate Bill 428 authorizes the State Treasurer to receive Millennium Scholarship administrative costs from the Endowment Account within the Nevada College Savings Trust Fund instead of from the State's tobacco settlement revenues. This change will allow the tobacco settlement revenues that would have funded administrative costs for the Millennium Scholarship program to be used for scholarships.

Senate Bill 428 also eliminates the Revolving Account for Investigation, Enforcement, and Education into which money received from the enforcement of provisions related to securities previously had been deposited. Instead, the measure provides for the money to be deposited directly into the Secretary of State's Operating General Fund Budget Account. In so doing, the measure also provides for the transfer of \$942,006 remaining in the Revolving Account to the Secretary of State's Operating General Fund Budget Account to cover a shortfall in revenue during Fiscal Year 2008-2009; the remaining \$763,994 is transferred to the State General Fund for unrestricted use.

The sections of the bill relating to the transfer of money remaining in the Revolving Account are effective on May 28, 2009. The remaining sections of the bill are effective on July 1, 2009.

**S.B. 430 (Chapter 427)**

Senate Bill 430 transfers approximately \$41 million from the Trust Fund for Public Health and approximately \$19 million from the Fund for a Healthy Nevada to the State General Fund. Of the amount transferred from the Fund for a Healthy Nevada, \$13.9 million is transferred from

the funds allocated for the Senior Rx program, \$1.9 million is transferred from the funds allocated for the Independent Living grants program, and \$3.1 million is transferred from the funds allocated for the Healthy Nevada Fund grants program administered by the Grants Management Unit of Nevada's Department of Health and Human Services.

This bill is effective on June 3, 2009.

**NOTE: See also Assembly Bill 1 (Chapter 1) of the 24th Special Session.**

**NOTE: See also Assembly Bill 3 (Chapter 2) of the 24th Special Session.**

**NOTE: See also Assembly Bill 5 (Chapter 3) of the 24th Special Session.**

**NOTE: See also Senate Bill 1 (Chapter 4) of the 24th Special Session.**

**NOTE: See also Senate Bill 2 (Chapter 5) of the 24th Special Session.**

**NOTE: See also Senate Bill 5 (Chapter 7) of the 24th Special Session.**

**NOTE: See also Assembly Concurrent Resolution 2 (File No. 2) of the 24th Special Session.**

**NOTE: See also Assembly Bill 1 (Chapter 2) of the 25th Special Session.**

**NOTE: See also Assembly Bill 2 (Chapter 1) of the 25th Special Session.**

**NOTE: See also Senate Bill 1 (Chapter 3) of the 25th Special Session.**

**NOTE: See also Senate Bill 2 (Chapter 4) of the 25th Special Session.**

## **Organization**

### **A.B. 254 (Chapter 335)**

Assembly Bill 254 relocates the Office of Ombudsman of Consumer Affairs for Minorities from the Consumer Affairs Division in Nevada's Department of Business and Industry to the Office of the Director of the Department. The bill also makes the Ombudsman a permanent position.

The bill is effective on July 1, 2009.

### **A.B. 337 (Chapter 340)**

Assembly Bill 337 creates within the Office of the Attorney General an Office of Statewide Coordinator for Children Who Are Endangered by Drug Exposure. This measure also defines a "child who is endangered by drug exposure" as:

- A child who is born affected by prenatal illegal substance abuse or who has withdrawal symptoms resulting from such abuse, or has experienced other complications at birth as a result of such abuse as determined by a physician;
- A child who illegally has a controlled substance in his body as a direct and foreseeable result of the act or omission of the parent, guardian, or other person who exercises control or supervision of the child; or
- A child who is allowed, in violation of *Nevada Revised Statutes* (NRS) 453.3325, to be present in any conveyance or upon any premises wherein a controlled substance is unlawfully possessed, used, sold, exchanged, bartered, supplied, prescribed, dispensed, given away, administered, manufactured, or compounded in violation of any of the provisions of NRS 453.011 to 453.552, inclusive.

This measure is effective on July 1, 2009.

**A.B. 561 (Chapter 475)**

Assembly Bill 561 eliminates the Consumer Affairs Division of Nevada's Department of Business and Industry and the position of Commissioner of Consumer Affairs during the 2009-2011 Biennium. The bill transfers a number of statutory responsibilities from the Consumer Affairs Division to the Office of the Attorney General and suspends other statutory requirements of the Division through June 30, 2011. In addition, A.B. 561 transfers the remaining money in the Consumer Affairs Recovery Fund to the State General Fund and shifts the authority for the regulation and enforcement of auto repair and body shops from the Consumer Affairs Division to Nevada's Department of Motor Vehicles. The registration of credit service organizations is also transferred to the Division of Mortgage Lending.

Assembly Bill 561 also establishes a revolving account in the amount of \$7,500 within the Bureau of Consumer Protection to be used for expenses in conducting undercover investigations involving deceptive trade practices. Finally, A.B. 561 suspends provisions pertaining to the registration and security deposit or bond requirements for discount buying organizations, dance studios, and health clubs until July 1, 2011.

This measure is effective on July 1, 2009. Provisions eliminating the Consumer Affairs Division and the Commissioner of Consumer Affairs and provisions transferring duties from the Division to the Division of Mortgage Lending and the Office of the Attorney General expire by limitation on June 30, 2011.

**S.B. 23 (Chapter 78)**

Senate Bill 23 transfers the authority to appoint the Administrator of the Division of Mental Health and Developmental Services (MHDS), Nevada's Department of Health and Human Services (DHHS), from the Governor to the Director of DHHS. The measure eliminates the requirement that the Administrator be appointed from a list of persons nominated by the Commission on Mental Health and Developmental Services and removes a



provision authorizing Nevada's Department of Personnel to prescribe qualifications for the job of Administrator. This bill also provides for the Administrator to serve at the pleasure of the Director instead of the Governor.

The measure further provides greater flexibility in the appointment of administrative personnel to the Administrators of the Division of MHDS and the Division of Child and Family Services, DHHS. Finally, the bill repeals certain provisions authorizing the appointment of deputy administrative officers within certain divisions of DHHS.

**S.B. 412 (Chapter 467)**

Senate Bill 412 removes the Agency for Nuclear Projects from the list of entities for which the Governor may hire staff within the Office of the Governor.

This bill is effective on July 1, 2009.

**S.B. 414 (Chapter 275)**

Senate Bill 414 eliminates the Planning and Research Unit within the Planning and Programming Division of Nevada's Department of Information Technology, and changes the name of the Planning and Programming Division to the Programming Division. This bill also requires the Director of the Department to assume the duties of the eliminated Unit for information systems development and planning.

This bill is effective on July 1, 2009.

**S.B. 434 (Chapter 428)**

Senate Bill 434 shifts the programs of the Office of Disability Services within Nevada's Department of Health and Human Services to the Aging Services Division. The measure also renames the Division as the Aging and Disability Services Division.

This bill is effective on July 1, 2009. Provisions concerning the adoption of regulations by the Commission on Professional Standards in Education that affect educational personnel who work with certain individuals who are disabled expire by limitation on June 30, 2011. Provisions relating to the creation, membership, and duties of the Interagency Advisory Board on Transition Services expire by limitation on June 30, 2013.

**Purchasing and Public Works**

**A.B. 48 (Chapter 114)**

Assembly Bill 48 revises the requirement that public works contracts include a provision for binding arbitration to instead allow the public body and the contractor to resolve a dispute relating to the contract by way of methods of alternate dispute resolution.

The bill is effective on May 19, 2009.

**A.B. 174 (Chapter 118)**

Assembly Bill 174 removes the requirement that the State Public Works Board comply with the provisions in Chapter 338 of the *Nevada Revised Statutes* relating to construction managers at risk for a period of approximately two years. According to testimony, the temporary removal of the requirement will enable the State Public Works Board to more quickly have “shovel ready” projects in place, and thus be eligible for federal stimulus money pursuant to the American Reinvestment and Recovery Act of 2009.

The bill is effective on May 19, 2009, and sunsets on June 30, 2011.

**A.B. 223 (Chapter 472)**

Assembly Bill 223 grants a 5 percent preference to local businesses owned by service-disabled veterans when bidding on State purchasing contracts over \$25,000 and on State public works projects under \$100,000. If such a business makes a material misrepresentation or commits fraud in an application for a preference, the business is permanently prohibited from receiving the preference or bidding on future State contracts.

The Purchasing Division, Nevada’s Department of Administration, and the State Public Works Board are required to report to the Legislature on the number and dollar amount of contracts awarded to local businesses owned by service-disabled veterans. The Office of Veterans’ Services must consult annually with affected State agencies, veterans groups, and local businesses about the continuation or modification of the preference granted to service-disabled veterans and make recommendations to the Legislature as appropriate.

Assembly Bill 223 repeals the inverse purchasing preference currently imposed on certain bidders from outside Nevada.

**A.B. 467 (Chapter 385)**

Assembly Bill 467 clarifies the applicability of prevailing wage statutes to certain lease-purchase and installment-purchase agreements by the State and local governments. The measure requires a person who enters into a lease or lease-purchase agreement with a board of county commissioners for the purposes of constructing or remodeling a facility to include in the agreement the contractual provisions requiring the payment of prevailing wages. The measure extends these same requirements to:

- Medium-term obligations and installment purchase agreements of local governments;
- Lease-purchase and installment purchase agreements of the State of Nevada; and
- The City of Las Vegas.

Finally, A.B. 467 amends Legislative declarations regarding lease-purchase and installment-purchase agreements by the State and by local governments to reflect these requirements.

The bill is effective on July 1, 2009.

**NOTE: Assembly Bill 467 was vetoed by the Governor on May 29, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**A.B. 483 (Chapter 400)**

Assembly Bill 483 provides that a public body may only require a design professional to defend, indemnify, and hold harmless a public body to the extent the liabilities, losses, or damages are caused by the negligence, errors, omissions, recklessness, or intentional misconduct of the design professional. The bill specifies that if a public works contract with a design professional contains provisions that conflict with statutory provisions concerning indemnification of the public body, then those conflicting contractual provisions shall be void.

The bill is effective on July 1, 2009.

**S.B. 43 (Chapter 454)**

Senate Bill 43 provides an additional criterion that the State Public Works Board is required to adopt when determining the qualification of bidders on contracts for public works. The criterion is whether the applicant for a public work has been disciplined or fined by the State Contractors' Board or another State or federal agency for conduct that relates to the applicant's ability to perform the public work.

This bill is effective on June 4, 2009.

**S.B. 377 (Chapter 228)**

Senate Bill 377 provides that a project of Nevada's Department of Transportation with an estimated cost of \$50,000 or less must be solicited from at least one licensed contractor. If the estimated cost of the project is more than \$50,000 and less than \$250,000, bids must be solicited from at least three licensed contractors. The bill sets forth the circumstances by which the Department may reject such bids and requires the preparation of a quarterly report by the Department providing information regarding the larger contracts that were awarded.

This bill is effective on July 1, 2009.

**S.B. 392 (Chapter 26)**

Senate Bill 392 repeals a statute requiring payment on the cost of the purchasing warehouse building and adjacent land in Las Vegas. The statute is obsolete because the final payment has been made.

The bill is effective on May 4, 2009.

## **State Employees**

### **S.B. 44 (Chapter 175)**

Senate Bill 44 designates the Inspector General and criminal investigators of Nevada's Department of Corrections as Category II peace officers.

This measure is effective on July 1, 2009.

### **S.B. 415 (Chapter 394)**

Senate Bill 415 establishes the State contribution amount for group health insurance for public employees and the base subsidy amount for group health insurance for retired public employees, for the 2009-2011 Biennium.

For State employees, the health insurance contribution is \$626.52 per month for Fiscal Year (FY) 2010 and \$680.84 per month for FY 2011.

The subsidy amount for retirees represents the base rate, which may be modified depending on the number of years of State service for the particular retiree. The base subsidy is \$317.30 per month for FY 2010 and \$344.30 per month for FY 2011.

The bill is effective on July 1, 2009.

**NOTE: Senate Bill 415 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

### **S.B. 421 (Chapter 276)**

Senate Bill 421 temporarily suspends four semiannual longevity payments and all merit pay salary increases to State employees who would otherwise be entitled to the payments and salary increases during the two-year period beginning July 1, 2009, and ending June 30, 2011.

This measure is effective on July 1, 2009.

### **S.B. 427 (Chapter 426)**

Senate Bill 427 makes changes to the Public Employees' Benefits Program (PEBP), the Public Employees' Retirement System (PERS), and collective bargaining statutes.

**PEBP**—The bill provides that when State employees who are initially hired on or after January 1, 2010, retire, they will be eligible for a State subsidy if they have continuously participated in PEBP since retirement and have: (1) at least 15 years of service; or (2) at least 5 years of service and receive disability payments from PERS or the Nevada System of Higher Education (NSHE) retirement program for professional employees. A local government employer must pay its retiree the same subsidy as the State pays a State retiree if the local government retiree meets the same requirements as a State retiree. For purposes of determining years of service, a local government may include years of State service and the State may include years of local government service.

**PERS**—Senate Bill 427 limits call-back pay that may be considered compensation to a situation in which a member whose effective date of membership is on or after January 1, 2010 (“new member”), returns to duty within 12 hours after regular working hours for an emergency involving clear and imminent danger as declared by the public employer. Post-retirement increases for a retired new member are capped at 4 percent after the 12th anniversary of retirement and each year thereafter.

The PERS Board must post on its website any document relating to the public employer’s contribution mechanism required to be submitted to PERS on or after January 1, 2010. The measure sets the terms of the members on the Police and Firefighters’ Retirement Fund Advisory Committee at four years and authorizes removal of the members only for cause. To reduce the unfunded liability of PERS, the bill allows PERS to retain a portion of the contribution rate when the rate exceeds the actuarially determined rate by less than 2 percent. A public employer who reports ineligible wages is made responsible to the employee for any impact to the employee’s benefit.

Senate Bill 427 raises the age at which a new member may retire after ten years of service from age 60 to age 62. For new police and firefighter members, the eligible age for retirement after ten years of service is raised from age 55 to age 60 and the option to retire at any age after 25 years of service is eliminated.

The bill increases the amount by which a retirement benefit must be reduced for new members who retire before the appropriate retirement age from 4 percent to 6 percent of the unmodified benefit for each full year, and from 0.33 percent to 0.5 percent for each additional month. Further, the bill provides that the monthly retirement allowance for a new member will be determined by multiplying the member’s average compensation by 2.5 percent for each year of service.

When calculating “average compensation,” the bill limits increases in compensation for new members to 10 percent in the 24 months prior to the 36 consecutive months of highest compensation and during the 36 consecutive months of highest compensation. A new member whose retirement allowance is limited by the 10 percent cap is entitled to a refund for a portion of his PERS contributions. Promotion and assignment-related compensation are excluded when calculating the 10 percent limit.

**Collective Bargaining**—The bill requires a new, extended, or modified collective bargaining agreement of a local government to be approved by the governing body at a public hearing and requires the chief financial officer of the local government to provide a report on the fiscal impact of the agreement. Before a collective bargaining dispute can be submitted to a fact finder or a panel of neutral arbitrators, the parties to the dispute must have failed to reach an agreement after at least six meetings and the option for submitting a dispute involving a bargaining unit of less than 30 persons without going to mediation is eliminated.

In determining the financial ability of the local government to grant monetary benefits, the fact finder must consider the ability to pay over the current year being negotiated, or, for multi-year contracts, the local government's ability to pay over the life of contract. Once financial ability to pay has been determined, the fact finder must, to the extent appropriate, consider the compensation of other government employees in Nevada and in other states.

Within 45 days after the receipt of the report from the fact finder, the local government must hold an open meeting to discuss the report and the overall fiscal impact of the decision and to receive a report from the chief fiscal officer on the fiscal impact of the agreement. The fact finder must not be asked to discuss the decision during the meeting. These same requirements also apply to disputes between police and firefighters and their employers, and between school district employees and their employers.

The section of this bill concerning erroneous reporting of wages by a public employer is effective on June 3, 2009. The remaining provisions of this bill are effective on January 1, 2010.

## TAXATION

### A.B. 23 (Chapter 33)

Assembly Bill 23 authorizes Nevada's Department of Taxation to credit overpayments by a taxpayer or other person of a tax or fee administered by the Department against any other tax or fee then due from the taxpayer or other person before any portion of the overpayment may be refunded.

This measure is effective on July 1, 2009.

### A.B. 37 (Chapter 35)

Assembly Bill 37 authorizes Nevada's Department of Taxation to waive the penalty for the late payment of the annual business license fee under certain circumstances.

This bill is effective on May 6, 2009.

### A.B. 193 (Chapter 238)

Assembly Bill 193 requires certain governmental entities to file quarterly reports with the Interim Finance Committee (IFC) concerning the collection of taxes and fees. Reports must be filed by Nevada's Departments of Business and Industry; Employment, Training and Rehabilitation; Motor Vehicles; Taxation; and the Offices of the Secretary of State; State Controller; and the State Gaming Control Board. The Department of Taxation is also required to report on the number of special districts that are granted an exemption from compliance with the Local Government Budget and Finance Act.

The measure also requires Nevada's Commission on Economic Development to file quarterly reports with the IFC concerning abatements and exemptions granted by the Commission.

Reports must be filed starting July 1, 2009, and ending April 15, 2011. The reports must be on a form provided by the Director of the Legislative Counsel Bureau.

The bill is effective on May 26, 2009.

### A.B. 317 (Chapter 448)

Assembly Bill 317 requires Nevada's Department of Taxation to disburse to certain regional organizations for economic development, which directly assist in the location of a business in this State, 50 percent of the modified business tax paid by that employer for not more than ten fiscal years as a result of the location of the business in Nevada. Businesses licensed by the Nevada Gaming Commission are excluded from eligibility. Through an affidavit, an officer of the employer and an officer of the eligible regional development authority must attest to the Department of Taxation the assistance provided by the regional development authority in order to qualify for receiving the disbursement.

The regional development authority must use the funds received through the disbursement to promote the advantages of locating or expanding businesses in Nevada, for recruiting businesses to locate in Nevada, and for research and analysis in support of economic development. The funds may not be used for any administrative expenses.

Assembly Bill 317 includes quarterly reporting requirements and specifies the information that must be reported to the Interim Finance Committee (IFC) by the Department of Taxation. The information that must be reported includes identifying each eligible regional development authority that receives a disbursement of modified business tax monies and how much each organization receives. Each eligible organization that receives any such disbursement must submit a report to the IFC within 30 days after receiving the tax monies. The report must identify each of the employers receiving a disbursement of the tax monies, the type of business or industry conducted by the employer, the number of persons employed by the employer in this State during the calendar quarter the disbursement is received, and the average weekly wages paid to those employees during that calendar quarter. The report must also include a summary of how the eligible organization has expended or intends to expend the disbursement.

This bill is effective on July 1, 2009, and expires by limitation on June 30, 2011.

**A.B. 432 (Chapter 132)**

Assembly Bill 432 revises existing law concerning mandatory alcoholic beverage awareness programs that must be completed by certain employees of certain establishments that sell alcohol. In addition to the administrative fine already in statute, the bill authorizes a peace officer to issue a notice of a civil infraction to the owner of an establishment who violates these provisions. The measure describes notification requirements and provides a mechanism by which the offender may deny liability.

The bill requires that 50 percent of the fines be remitted to the State Treasurer for credit to the Account for Aid for Victims of Domestic Violence, and that 50 percent be used for the support of community juvenile justice programs for the purpose of enforcing laws prohibiting the purchase, consumption, or possession of alcoholic beverages by persons under 21 years of age.

The measure also requires certain law enforcement agencies and Nevada's Department of Taxation to submit a report to the next legislative session regarding the revenues that have been collected, the number of violations discovered in each jurisdiction, and any issues with the implementation or administration of these provisions.

Finally, A.B. 432 requires the Legislative Auditor to conduct an audit of any administrative fines that have been imposed since July 1, 2007.



**A.B. 492 (Chapter 451)**

Assembly Bill 492 sets forth certain findings that the Legislature must make before enacting exemptions to property or sales taxes. The findings are required by Section 6 of Article 10 of the *Nevada Constitution*. Before enacting such an exemption, the Legislature must find that the exemption: (1) will achieve a bona fide social or economic purpose and the benefits are expected to exceed any adverse effects on public services; and (2) will not impair the ability of the State or a local government to pay outstanding bond obligations when due. The Legislature must also set a specific date on which any new exemption will expire and must ensure that similar classes of taxpayers are treated equally.

The bill also prohibits any new tax abatements for economic development from:

- Abating payments of the Local School Support Tax;
- Extending beyond ten years; and
- Being given to a business that receives funding or property from a governmental entity.

Recipients of abatements are required to report to Nevada's Department of Taxation on the status of their operations in the State. Based on those reports, the Department must submit a report to the Legislature with a cost-benefit analysis of the abatement. Assembly Bill 492 requires the Nevada Commission on Economic Development to provide a minimum of 30 days' notice to a local government, including a school district, of its intent to act on an abatement application.

The bill is effective on July 1, 2009.

**A.B. 543 (Chapter 386)**

Assembly Bill 543 modifies various tax provisions applicable to State and local governments. For Fiscal Years 2009-2010 and 2010-2011, the portion of the 5 cents per \$100 of assessed valuation levied by the counties for capital projects which is not allocated to the State Highway Fund is redirected to the State General Fund. Also redirected to the State General Fund for the next two fiscal years is the 4 cents per \$100 of assessed valuation which is levied by Clark and Washoe Counties for operating purposes.

Assembly Bill 543 authorizes Washoe County to impose a supplemental governmental services tax of 1 cent per \$1 dollar of vehicle value without voter approval. The measure also expands the permitted uses of the proceeds of supplemental governmental services taxes in Clark and Washoe Counties to include operating and other costs of governmental functions.

In Clark County, the bill requires the County Treasurer to determine the amount of room taxes, impact fees from new development, and supplemental governmental services taxes, which are not needed for debt service or otherwise pledged to repay bonds or other

obligations. The Clark County Commission may determine what amount is appropriate for transfer to the County General Fund and used for operating and governmental function costs.

The bill is effective on July 1, 2009.

**NOTE: Assembly Bill 543 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**A.B. 552 (Chapter 387)**

Assembly Bill 552 increases the compensation that the State may retain for its costs of collection of local sales and use taxes, other than the Local School Support Tax (LSST), from 0.75 percent to 1.75 percent. The LSST collection allowance remains at 0.75 percent.

By eliminating the sunset date in Senate Bill 2 from the 25th Special Session for the provisions that temporarily lowered the retailers' collection allowance from 0.5 percent to 0.25 percent, the measure permanently lowers the percentage of sales and use taxes and taxes on liquor, cigarettes, and certain tobacco products that a retailer may retain as a collection allowance.

With respect to the room taxes required by Initiative Petition No. 1, the measure provides that the cities and counties shall remit those taxes within one month after the month in which the room taxes were collected so that 12 months of room tax shall be accrued in Fiscal Year (FY) 2009-2010 and the next 12 months in FY 2010-2011.

The provisions relating to the collection and accrual of room taxes and the retailers' collection allowances are effective on May 31, 2009. The remainder of the bill is effective on July 1, 2009, with the exception of various parallel provisions.

**NOTE: Assembly Bill 552 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**I.P. 1 (Chapter 4)**

Initiative Petition No. 1 requires the board of county commissioners in any county whose population is 300,000 or more to enact an ordinance imposing up to an additional 3 percent rate on the gross receipts from the rental of transient lodging in that county, but not to exceed a total rate of 13 percent. If the total rate imposed in a county is less than 10 percent as of July 31, 2008, the entire 3 percent rate must be imposed. If the total rate imposed in a county as of July 31, 2008, exceeds 10 percent, the rate that must be imposed is the difference between 13 percent and the rate in effect as of that date.

The proceeds of this tax, including applicable penalties and interest, must be paid by the county treasurer to the State Treasurer for credit to the State General Fund between July 1, 2009, and June 30, 2011.

Initiative Petition No. 1 creates the State Supplemental School Support Fund, a special revenue fund developed for the operation of school districts and charter schools in the State. Beginning July 1, 2011, the proceeds from the tax must be transferred by the county treasurer to the State Treasurer for credit to the Fund. The proceeds of the Fund are to be distributed proportionally among all school districts and charter schools in Nevada to improve the achievement of students and retain qualified teachers and non-administrative employees. The proceeds are not intended to supplant or replace any other money appropriated, approved, or authorized to fund the operation of public schools in this State.

The sections of the measure relating to adopting the ordinance imposing the tax in each county are effective on March 18, 2009. The sections of the measure relating to crediting the proceeds of the tax to the State General Fund are effective July 1, 2009, and expire by limitation on June 30, 2011. The sections of the measure relating to crediting the proceeds of the tax to the State Supplemental School Support Fund are effective July 1, 2011.

**S.B. 48 (Chapter 60)**

Senate Bill 48 repeals obsolete State laws governing the penalties, enforcement, and miscellaneous provisions related to cigarette licenses and sales.

This bill is effective on May 11, 2009.

**S.B. 234 (Chapter 390)**

Senate Bill 234 increases the governmental services fee charged on short term rental of cars from 6 percent to 10 percent and requires the entire fee to be remitted to the State. The existing recovery surcharge fee of 4 percent is eliminated but rental car companies may impose an additional fee on each lease to allow recovery of all vehicle licensing costs, the costs of doing business, and other fees paid on behalf of the lessee. The rental car companies must make good faith estimates at least annually of their vehicle licensing costs and the charges needed to recover such costs. The rental car companies are required to separately state these additional charges in any advertisements, statements of estimated charges, and the rental agreement.

The measure also amends the definition of “uninsured motor vehicle” to include a rental car with liability coverage up to the statutory minimum amount but which is operated by a lessee who does not have the minimum amount of liability coverage required by statute.

**NOTE: Senate Bill 234 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**S.B. 429 (Chapter 395)**

Senate Bill 429 makes changes to various taxes and fees. The State business license fee is increased from \$100 to \$200 for a period of two years. The modified business tax for nonfinancial institutions is lowered to 0.5 percent for employers paying quarterly wages not exceeding \$62,500. For employers paying more than \$62,500 in quarterly wages, the tax is \$312.50 plus 1.17 percent for quarterly wages over \$62,500.

The depreciation schedules used to determine the amount of governmental services tax owed on used vehicles are increased by 10 percent; thereby increasing registration fees by slowing the rate of depreciation. The measure also increases the minimum tax on vehicles other than trailers less than 1,000 pounds from \$6 to \$16. The revenues from these increases are allocated to the State General Fund for the first four years and beginning July 1, 2013, will be deposited in the State Highway Fund.

The measure also adds an additional rate of 0.35 percent to the Local School Support Tax (LSST) for two years which temporarily increases the LSST from 2.25 percent to 2.6 percent.

The business license increase is effective on September 1, 2009, and expires on June 30, 2011. The governmental services tax provisions are effective on September 1, 2009, except for the redirection of the tax revenues to the State Highway Fund which is effective on July 1, 2013. The increase in the LSST is effective on July 1, 2009, and expires on June 30, 2011.

**NOTE: Senate Bill 429 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 29, 2009.**

**NOTE: See also Senate Bill 435 (Chapter 429).**

**S.B. 435 (Chapter 429)**

Senate Bill 435 reduces the State business license fees for businesses without a physical location that register with the Secretary of State, from \$200 to \$100 starting July 1, 2011.

The measure also clarifies that the exemption from payment of the Local School Support Tax (LSST) for contracts entered into before July 1, 2009, is limited to the additional LSST rate of 0.35 percent imposed by S.B. 429.

The exemption for pre-July 1, 2009, contracts in S.B. 429 incorrectly referenced all taxes in Chapter 374 (“Local School Support Tax”) of the *Nevada Revised Statutes* but by adding the modifier “additional,” the exemption was limited to the temporary increase in the LSST.

The bill is effective on June 3, 2009.

**NOTE: This bill is known as a “revisor’s bill” and corrects oversights affecting Assembly Bill 146 relating to the State business license. Although the State business license fee of \$200 in S.B. 429 was lowered back to \$100 after two years, due to an oversight the \$200 fee for businesses without a physical location was not similarly lowered in A.B. 146.**

**NOTE: See also Senate Bill 2 (Chapter 4) of the 25th Special Session.**

## Property Tax

### A.B. 205 (Chapter 287)

Assembly Bill 205 makes a number of changes to the statutes governing property taxes. The bill revises the formula for the partial abatement of taxes of residential units to lower the cap in cases where the taxable value of the property is reduced due to the partial or complete destruction or removal of an improvement or due to the correction of factual error in assessment. The date for filing a petition for review of the county assessor's determination on the applicability of a partial abatement is changed from January 15 to the last day of the fiscal year to which the determination applied. The bill allows a county assessor to determine the cost of replacement based on final plans or other drawings prepared by the architect or builder.

The measure transfers responsibility for making projections of assessed valuation for property whose taxable value is determined by the county assessor from Nevada's Department of Taxation to the county assessors and revises the dates for filing statistical and segregation reports on assessed valuation with the Department. Assembly Bill 205 clarifies and revises provisions regarding:

- Notice of secured and unsecured tax rolls;
- Appeals of assessments of property on the unsecured tax roll;
- Deferred property taxes due upon conversion of agricultural or open-space land to a higher use;
- Criteria for determining when a golf course is no longer considered open-space; and
- Designation of taxes as uncollectible.

The bill provides that a person is guilty of a gross misdemeanor if prior to payment of delinquent taxes, that person removes, defaces, or conceals a seizure notice, or moves or sells a seized property. If a property owner has leased surface water rights from agricultural land to a political subdivision of the State, the land shall be assessed as open-space. Assembly Bill 205 extends the collection period for the 2 percent commission deposited into the assessors' technology funding for two more years.

Provisions relating to using final plans to determine replacement cost, notice of the tax rolls, and the extension of the 2 percent commission are effective on May 28, 2009, and the remaining provisions are effective on July 1, 2009.

**A.B. 369 (Chapter 159)**

Assembly Bill 369 expands the criteria for the property tax exemption that may be granted to the Archaeological Conservancy, Nature Conservancy, American Land Conservancy, and Nevada Land Conservancy to include property held for eventual acquisition by the federal government and property held indefinitely and vested in one of the named conservation organizations for the purposes of conservation, education, or environmental protection.

This bill is effective on July 1, 2009.

**S.B. 276 (Chapter 266)**

Senate Bill 276 requires payment of the Real Property Transfer Tax on transfers of property evidenced by land sale installment contracts and prohibits a county recorder from accepting for recordation any deed, conveyance, or land sale installment contract if certain taxes have not been paid. Local government may not approve certain documents relating to the division of a parcel until the subdivider has provided an affidavit stating that the subdivider will make provision for the payment of the Real Property Transfer Tax and compliance with the disclosure and recording requirements for land sale installment contracts. Failure by the seller, in a land sale installment contract, to make certain disclosures, to record the land sale installment contract, or to pay the tax on such a contract constitutes a deceptive trade practice.

The bill is effective on July 1, 2009.

**Sales and Use Tax**

**A.B. 329 (Chapter 158)**

Assembly Bill 329 expands the allowable use of the proceeds of a tax to support the operation and maintenance of a county swimming pool to include a recreational facility. The provisions of the measure pertain only to those counties with populations less than 15,000 (Esmeralda, Eureka, Lander, Lincoln, Mineral, Pershing, Storey, and White Pine Counties).

This measure is effective on July 1, 2009.

**A.B. 403 (Chapter 163)**

Assembly Bill 403 makes technical changes to provisions governing sales and use taxes to ensure continued compliance with the Streamlined Sales and Use Tax Agreement. The proposed changes reflect amendments made to the Agreement since the end of the 2007 Legislative Session.

In addition, this measure provides for the submission of a ballot question at the November 2, 2010, General Election to authorize the Legislature to make changes to the Sales and Use Tax Act of 1955 without voter approval, only if such a legislative amendment:

- Is necessary to resolve a conflict with any federal statute, regulation, or interstate agreement for the administration, collection or enforcement of sales and use taxes;

- Does not increase the rate of any tax imposed pursuant to the Act; and
- Does not narrow the scope of any tax exemption provided pursuant to the provisions of the Act, as amended by the direct vote of the people.

This measure is effective on May 22, 2009.

**A.B. 518 (Chapter 57)**

Assembly Bill 518 clarifies that the measure of the proceeds from the total sales and use tax of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used, or otherwise consumed in the county to be used to establish and maintain a public transit system, for the construction, maintenance and repair of public roads, for the improvement of air quality, or for any combination of those purposes must be based upon the additional sales and use tax that was authorized pursuant to Senate Bill 237 (Chapter 187, *Statutes of Nevada*) of the 2003 Legislative Session.

This bill is effective on May 6, 2009.





## TRANSPORTATION

### **A.B. 172 (Chapter 10)**

Assembly Bill 172 requires a charitable organization receiving revenue from a special license plate to file with the Commission on Special License Plates and Nevada's Department of Motor Vehicles (DMV), on or before September 1 of each fiscal year, a current list of its officers, mailing address, and telephone number. If an organization fails to comply with these requirements, the DMV may, after notice and opportunity for a hearing, suspend the collection of the revenue on behalf of the organization and the production of the organization's special license plate.

This bill is effective on July 1, 2009.

### **A.B. 209 (Chapter 100)**

Assembly Bill 209 requires an offender convicted of driving under the influence to attend, in person, a live meeting of a panel of victims.

### **A.B. 412 (Chapter 29)**

Assembly Bill 412 allows an operator of a tow car to tow a vehicle occupied by a person with restricted mobility or who is in a hazardous situation to the nearest safe location, if the person is properly restrained and wearing a seat belt if required by law.

This measure is effective on May 6, 2009.

### **A.B. 441 (Chapter 109)**

Assembly Bill 441 defines an electric bicycle as separate from a moped, and excludes electric bicycles from vehicle licensing and registration requirements and from provisions requiring vehicle drivers' licenses. The bill requires that electric bicycles be allowed on any trail or pedestrian walkway that is intended for use by bicycles and is constructed using federal funding. Nevada's Department of Public Safety is required to include electric bicycles in educational programs concerning bicycle safety. Additionally, the Motor Vehicle Recovery and Transportation Planner of Nevada's Department of Transportation must include electric bicycles in the development and administration of plans relating to the establishment, construction, and maintenance of bicycle lanes and routes in Nevada.

### **A.B. 482 (Chapter 450)**

Assembly Bill 482 transfers the authority to regulate garages, garagemen, and body shops for their registration or licensure from the Commissioner of Consumer Affairs to Nevada's Department of Motor Vehicles (DMV). Additionally, the DMV may fine a person who engages in certain deceptive trade practices relating to the sale or lease of a vehicle regardless of whether the person has been fined for similar deceptive trade practices. This bill creates a revolving account for the Bureau of Consumer Protection, overseen by the Consumer's Advocate, to be used for the undercover investigation of alleged violations or deceptive trade practices.

This bill is effective on July 1, 2009.

**S.B. 100 (Chapter 255)**

Senate Bill 100 provides that the period for which a driver's license is revoked following a conviction for driving under the influence is based on the total number of previous violations within a period of seven years, irrespective of how those violations were treated during sentencing.

This measure is effective on May 28, 2009.

**S.B. 245 (Chapter 223)**

Senate Bill 245 reorganizes provisions relating to regional transportation commissions (RTCs) currently in Chapter 373 of *Nevada Revised Statutes* (NRS) and other portions of Nevada law into Chapter 277 of NRS. These reorganized provisions are referred to as the "Regional Transportation Commission Act" and bring the various statutes concerning RTCs primarily into a single NRS chapter.

The bill also authorizes the RTC of Southern Nevada to construct, install, and maintain vending stands in a building, terminal, or parking facility owned, operated, or leased by the commission. Such vending stands may provide any approved articles, food, or beverages to passengers of public mass transportation within the county. The measure further authorizes any RTC, under certain circumstances and subject to interlocal or cooperative agreements, to place street banners along public highways and within rights-of-way and public easements. Fees collected for placing street banners, less an agreed upon administrative fee to an RTC, must be given to the governmental entities that own or control the public easements or rights-of-way where the street banners are placed. Such fees must be used to fund road improvements and maintenance.

Senate Bill 245 authorizes an RTC that budgets \$1 million or more in a fiscal year for the purchase of fuel to enter into a fuel hedge contract under certain circumstances and extends the existing fuel hedge authorization from one year to just over five years. The bill clarifies that an RTC shall determine the use of facilities and property owned, operated, or leased by the RTC and specifies that the monorail system in Las Vegas is not under the jurisdiction of the RTC of Southern Nevada. In addition, S.B. 245 authorizes an RTC to construct, install, and maintain certain electrical and communication systems only for use by the RTC and provides that an RTC is not a public utility. Finally, the bill requires the governing body of each city that participates in an RTC to approve the dissolution of the commission, in addition to the governing body of the county.

This bill is effective on July 1, 2009.

**S.B. 360 (Chapter 363)**

Senate Bill 360 authorizes Nevada's Department of Motor Vehicles (DMV) to issue an identifying card authorizing a person other than a licensed automobile wrecker, dealer of new or used motor vehicles, or a rebuilder to bid to purchase a vehicle other than a nonrepairable vehicle from an operator of a salvage pool. Each person who has been issued an identifying card shall register with each operator of a salvage pool with whom he bids to purchase vehicles

by filing certain identifying documentation with the operator. These documents must be available to the DMV and to law enforcement agencies in this State. A person who has been issued a card shall not:

- Purchase more than three vehicles in any calendar year from a salvage pool operator;
- Purchase such vehicles for resale;
- Bid on a nonrepairable vehicle; or
- Assist, solicit, or conspire with another person to engage in any of those acts.

This bill also increases from 60 to 180 days the period within which an insurance company or its authorized agent is required to submit to the DMV an application for a salvage title or nonrepairable vehicle certificate for a salvage vehicle.

This bill is effective on May 29, 2009, for the purpose of adopting regulations and performing other administrative tasks. The provision concerning the period within which an insurance company is required to submit certain forms to the DMV is also effective on May 29, 2009. The measure is effective on January 1, 2010, for all other purposes.

**S.B. 377 (Chapter 228)**

Senate Bill 377 provides that a project of Nevada's Department of Transportation with an estimated cost of \$50,000 or less must be solicited from at least one licensed contractor. If the estimated cost of the project is more than \$50,000 and less than \$250,000, bids must be solicited from at least three licensed contractors. The bill sets forth the circumstances by which the Department may reject such bids and requires the preparation of a quarterly report by the Department providing information regarding the larger contracts that were awarded.

This bill is effective on July 1, 2009.

**S.B. 409 (Chapter 274)**

Senate Bill 409 authorizes bids on contracts for the construction, improvement, and maintenance of highways to be submitted on-line pursuant to a process established by the Director of Nevada's Department of Transportation.

This bill is effective on July 1, 2009.

**Drivers' Licenses and Vehicle Registration**

**A.B. 25 (Chapter 379)**

Assembly Bill 25 lowers the age threshold from 25 to 21 years of age for a person applying for a driver's license who may have the driving skills test waived by Nevada's Department of Motor Vehicles (DMV) if he possesses a valid driver's license of the same type of class issued by another jurisdiction. The bill provides certain exceptions whereby a person under 21 years

of age may have the driving skills test waived. The measure also requires the DMV to charge a fee of \$25 for the administration of the examination for a noncommercial driver's license and a fee of \$10 to readminister that examination to the same person.

This bill is effective on July 1, 2009.

**NOTE: Assembly Bill 25 was vetoed by the Governor on May 29, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**A.B. 109 (Chapter 236)**

Assembly Bill 109 provides that Nevada's Department of Motor Vehicles (DMV) may issue a special license plate that generates financial support for a charitable organization for use on a motorcycle. The bill also provides that the fee for a special license plate issued for use on a vehicle other than a passenger car or a light commercial vehicle, including on a motorcycle, must be the same as if the special license plate was issued for use on a passenger car or light commercial vehicle.

The measure also requires the DMV to provide exempt license plates without distinguishing marks as exempt vehicles for use on two vehicles used by an Office of a County Coroner.

Assembly Bill 109 removes the two-year time period within which at least 1,000 applications must have been received before the DMV could issue a special license plate for the support of parks, recreation facilities, and programs in the City of Reno.

This bill is effective on July 1, 2010, for issuing special license plates for use on a motorcycle, and on July 1, 2009, for issuing exempt, unmarked plates for use by a County Coroner. Provisions relating to special license plates for support of parks, recreation facilities, and programs in the City of Reno are effective on May 26, 2009.

**A.B. 407 (Chapter 32)**

Assembly Bill 407 increases from \$40 to \$75 the fee to reinstate a driver's license after it has been suspended or revoked for certain traffic violations, and increases from \$65 to \$120 the fee to reinstate a driver's license after it has been suspended or revoked for certain more serious traffic violations such as driving under the influence of an intoxicating liquor or driving under the influence of a controlled substance.

Additionally, the measure increases from \$54 to \$110 the fee to reinstate a commercial driver's license after it has been suspended or revoked for certain traffic violations, and increases from \$84 to \$145 the fee to reinstate a commercial driver's license after it has been suspended or revoked for certain more serious traffic violations.

This bill is effective on July 1, 2009.

**A.B. 547 (Chapter 316)**

Assembly Bill 547 requires that a notification for the renewal of registration which is mailed by Nevada's Department of Motor Vehicles (DMV) to the holder of a certificate of registration must include a statement that the applicant must maintain insurance on the motor vehicle provided by an insurance company licensed by the Division of Insurance of Nevada's Department of Business and Industry and approved to do business in the State during the period in which the motor vehicle is registered. The bill repeals the requirement that the DMV enclose a copy of a leaflet concerning insurance requirements in Nevada with applications for registration renewal mailed to owners of registered vehicles.

This bill is effective on July 1, 2009.

**S.B. 139 (Chapter 139)**

Senate Bill 139 provides that Nevada's Department of Motor Vehicles shall issue special license plates for family members of persons killed in the line of duty while on active duty in the Armed Forces of the United States. The Department may designate any appropriate colors for the special plates, but must ensure that the design of the plates includes a gold star to indicate that the recipient is a family member of a person killed in the line of duty.

The Department shall issue the plates to an applicant who provides satisfactory evidence indicating that the applicant is a qualifying family member. Each person who qualifies may apply for not more than two sets of plates.

No fee may be charged for the plates other than the applicable registration and license fees and the governmental services tax.

**S.B. 217 (Chapter 194)**

Senate Bill 217 provides that certain applicants for drivers' licenses, instruction permits, identification cards, and commercial drivers' licenses may authorize Nevada's Department of Motor Vehicles (DMV) to forward to the Selective Service System personal information necessary for registration with the System.

This bill also requires the DMV to include on the application for any such license or permit a notice that registration with the Selective Service System maintains the eligibility of the applicant for federal student loans, grants, benefits relating to job training, most federal jobs, and, if applicable, citizenship in the United States.

This bill is effective on May 22, 2009, for the purpose of ensuring that the application forms comply with the requirements of this bill, and on July 1, 2010, for all other purposes.

**S.B. 218 (Chapter 498)**

Senate Bill 218 authorizes a constable to issue a citation to an owner or driver, as appropriate, of a motor vehicle that is required to be registered in this State if the constable determines that the vehicle is not properly registered. Upon issuing a citation, the constable must collect a fee of \$100, which he may retain as compensation.

The measure also increases from \$50 to \$100 the fee that a constable may receive for services of removing or causing the removal of an abandoned vehicle from public property. Finally, the measure increases from \$500 to \$1,000 the maximum fine that may be imposed for failing to register a vehicle within 60 days after a person becomes a resident of Nevada or at the time the person obtains his driver's license, whichever occurs earlier. This fine may be reduced to not less than \$200 if the person presents evidence at the time of his hearing that he has registered the vehicle.

**S.B. 234 (Chapter 390)**

Senate Bill 234 increases the governmental services fee charged on short term rental of cars from 6 percent to 10 percent and requires the entire fee to be remitted to the State. The existing recovery surcharge fee of 4 percent is eliminated but rental car companies may impose an additional fee on each lease to allow recovery of all vehicle licensing costs, the costs of doing business, and other fees paid on behalf of the lessee. The rental car companies must make good faith estimates at least annually of their vehicle licensing costs and the charges needed to recover such costs. The rental car companies are required to separately state these additional charges in any advertisements, statements of estimated charges, and the rental agreement.

The measure also amends the definition of "uninsured motor vehicle" to include a rental car with liability coverage up to the statutory minimum amount but which is operated by a lessee who does not have the minimum amount of liability coverage required by statute.

**NOTE: Senate Bill 234 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**S.B. 247 (Chapter 213)**

Senate Bill 247 provides that the special legislative license plate assigned to Senator William J. Raggio with the designation "State Senator 1" is granted as a lifetime endowment to Senator Raggio. Senator Raggio shall continue to be furnished that plate, regardless of whether he continues to serve in the Nevada State Senate.

The bill is effective on May 26, 2009.

**S.B. 312 (Chapter 396)**

Senate Bill 312 requires Nevada's Department of Motor Vehicles (DMV) to send a form for verification of liability insurance to each registered owner if the DMV determines a motor vehicle is not covered by insurance. An owner must return the completed form within 15 days.

If an owner does not return the completed form within the 15-day period, the DMV must send the owner a notice of suspension of registration. The notice must inform the owner that unless the owner submits a completed form to the DMV within ten days after the notice of suspension was sent, the registration will be suspended.

The bill also requires the DMV to work in cooperation with insurers to develop an insurance verification system, which will include all motortrucks, truck tractors, buses, and vehicles registered as a part of fleets. The system must be conducted through the secure transmission and receipt of the information necessary to verify that the owners of motor vehicles maintain the required liability insurance. The bill authorizes the DMV to contract with any person to provide services related to the system. In addition, the measure deletes the specific form and content requirement of the records of motor vehicle liability policies that insurers must provide to the DMV and requires instead that insurers maintain a record of each policy in a format approved by the DMV. Further, the DMV's insurance program must verify that owners of registered vehicles maintain the required motor vehicle insurance.

This bill additionally requires that a registered owner of a motor vehicle must provide evidence at the time of registration that the owner maintains liability insurance by an insurance company licensed by the Division of Insurance of Nevada's Department of Business and Industry.

This bill is effective on June 1, 2009, for the purpose of adopting regulations and performing any other preparatory administrative acts, and on February 1, 2010, for all other purposes.

**S.B. 394 (Chapter 504)**

Senate Bill 394 requires certain persons who acquire ownership of an off-highway vehicle to apply to Nevada's Department of Motor Vehicles for the titling and annual registration of the vehicle. The bill creates the Revolving Account for the Assistance of the Department to account for start-up costs for the program of titling and registering off-highway vehicles, and the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration, which must be used to pay the ongoing expenses of administering the program.

Additionally, the bill creates the Commission on Off-Highway Vehicles. Duties of the Commission include selecting nonvoting advisers and adopting regulations for awarding grants from a newly-created Fund for Off-Highway Vehicles. A portion of the fees received from the titling and registration of off-highway vehicles must be deposited into the Fund. All money deposited into the Fund must be used only for projects relating to off-highway vehicles. The grants awarded by the Commission are to be used for projects relating to studies or planning for trails and facilities for use by owners and operators of off-highway vehicles, law enforcement, and safety training and education relating to off-highway vehicles.

Senate Bill 394 also provides for the licensing of manufacturers, dealers, and lessors of off-highway vehicles and for the consignment of off-highway vehicles.

This bill is effective on May 31, 2009, for the purposes of the appointment of the members of the Commission on Off-Highway Vehicles, the creation of the Revolving Account for the Assistance of the Department, and the adoption of regulations. For all other purposes, the bill is effective on July 1, 2011, or one year after the date the Interim Finance Committee issues a

notice to the Department that there is at least \$500,000 available in the Revolving Account to begin administering the titling and registration program.

**NOTE: Senate Bill 394 was vetoed by the Governor on May 26, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

## **Motor Vehicles and Motor Carriers**

### **A.B. 169 (Chapter 12)**

Assembly Bill 169 adds vehicles that provide towing services or the transportation of household goods to the list of vehicles that must be impounded if operated without a certificate of public convenience and necessity issued by the Nevada Transportation Authority.

### **A.B. 177 (Chapter 152)**

Assembly Bill 177 authorizes a short-term lessor to exclude from a “waiver of damages” any damages or loss resulting from the theft of a leased car if the theft is committed by an authorized driver or by a person aided or abetted by an authorized driver. The measure provides that a theft is presumed to have been committed by a person other than an authorized driver or a person aided or abetted by an authorized driver if the authorized driver has possession of the ignition key or establishes that the ignition key furnished by the lessor was not in the car at the time of the theft, and files a report with an appropriate law enforcement agency within 24 hours after learning of the theft and cooperates with the lessor and the law enforcement agency.

The measure also increases from \$500 to \$2,500 the amount for which the lessee may be responsible for physical damage or loss of use of a passenger car that occurs as a result of vandalism not related to the theft of the car and not caused by the lessee.

This measure is effective on July 1, 2009.

### **A.B. 296 (Chapter 299)**

Assembly Bill 296 clarifies that in a county whose population is less than 400,000, a nonprofit carrier of elderly persons or persons with disabilities is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of passengers, but the carrier is not exempt from a safety inspection by the Nevada Transportation Authority (NTA).

The measure specifies that in a county whose population is 400,000 or more, a nonprofit carrier of elderly persons or persons with disabilities is not required to obtain a certificate of public convenience and necessity to operate as a common motor carrier of passengers if the nonprofit carrier does not charge for transportation services, provides transportation services under contract with Nevada’s Department of Health and Human Services, or enters into an agreement for its services by an incorporated city, county, or regional transportation commission. Further, such a carrier is not exempt from a safety inspection by the NTA.

This bill is effective on January 1, 2010.



**A.B. 333 (Chapter 302)**

Assembly Bill 333 requires the Nevada Transportation Authority to reduce any charge for preparing or satisfying a lien that is filed by a tow car operator if the Authority determines that all or part of the charge is attributable to the operator's failure to prepare or satisfy the lien in a timely manner. The bill also requires a tow car operator to provide notice to the registered and legal owner of the vehicle concerning the actions the owner may take to reduce his liability for any potentially applicable assessments, fees, penalties, or other charges, and an owner has the right to rebut the presumption that he is the owner of the vehicle under certain circumstances. Finally, the measure provides that a person who transfers title to or an interest in a vehicle to another person may electronically submit to Nevada's Department of Motor Vehicles (DMV) a notice of transfer and release of liability within five days after making such transfer.

Provisions of this bill relating to electronically submitting information to the DMV are effective on October 1, 2010. The remaining provisions are effective on July 1, 2009.

**A.B. 372 (Chapter 128)**

Assembly Bill 372 requires that a person who has been convicted or who pleads guilty to operating a motortruck, truck-tractor, or bus on the State's highways in excess of the declared gross weight of the vehicle to reregister the vehicle based on its actual gross vehicle weight rating or combined gross vehicle weight rating, as applicable. In addition, Nevada's Department of Motor Vehicles (DMV) may impose administrative fines for violations of Nevada statutes governing the regulation and licensing of motor carriers.

Assembly Bill 372 also provides that any common motor carrier, contract motor carrier, or private motor carrier of property who is habitually delinquent in payments due to the DMV must provide a bond of not less than \$2,500 to the DMV. Finally, the bill requires a commercial motor carrier with a gross vehicle weight rating or combined gross vehicle weight rating in excess of 10,000 pounds that is not licensed in Nevada to purchase a temporary travel permit from the DMV prior to entering the State.

This bill is effective on July 1, 2009.

**A.B. 455 (Chapter 107)**

Assembly Bill 455 authorizes Nevada's Department of Motor Vehicles (DMV) to enter into agreements with common, contract, or private motor carriers and with businesses or organizations to register vehicles and renew and transfer registrations on behalf of the DMV without applying to the DMV. Any such carrier, business, or organization is required to file a surety bond with the DMV before registering any vehicles.

This bill also requires the owners of certain motortrucks, truck tractors, and buses to maintain books, papers, or records as required by the DMV, and authorizes the DMV to revoke or refuse to grant the authority to register vehicles, to renew or transfer registrations, to revoke licenses, and to deny certain apportioning privileges for carriers, businesses, and organizations that fail in those duties.

Assembly Bill 455 is effective on January 1, 2010.

**S.B. 9 (Chapter 202)**

Senate Bill 9 authorizes a certificate holder to use a hybrid electric vehicle as a taxicab for 24 months longer than a certificate holder can use a non-hybrid vehicle.

**S.B. 27 (Chapter 172)**

Senate Bill 27 makes it unlawful for an owner or operator of a charter bus that is not a fully regulated carrier to operate as a carrier of intrastate commerce without having obtained a certificate of public convenience and necessity. The bill specifies that the Nevada Transportation Authority shall issue the certificate if it finds the owner or operator has complied with certain conditions.

Senate Bill 27 also requires the Authority to fix a time and place for a hearing on an application for a permit to operate as a contract motor carrier if it determines that a hearing is necessary, and the bill specifies when a permit may be issued without holding a hearing.

Finally, the bill allows a registered owner to recover an impounded vehicle by posting a bond in lieu of attending an administrative hearing.

This bill is effective on May 22, 2009.

**S.B. 199 (Chapter 62)**

Senate Bill 199 allows a farmer or rancher to weigh a farm vehicle on a scale certified by the State Sealer of Weights and Measures. A printout from that scale may then be used as proof of gross weight instead of requiring the vehicle to be weighed by a public weighmaster.

The bill is effective on July 1, 2009.

**S.B. 332 (Chapter 464)**

Senate Bill 332 adopts a Legislative finding that the State's environment, particularly the quality of its air, may be improved, especially in metropolitan areas, through the use of alternative fuels and clean vehicles. The Legislative finding also notes that fleets operated by State agencies and local governments can reduce air contaminants through the use of cleaner-burning alternative fuels and the acquisition of clean vehicles.

The bill revises provisions governing the use of alternative fuels by certain fleet vehicles. A fleet is defined as 50 or more motor vehicles that are registered in the same county and are under the common ownership and control of a State agency or local government.

The bill requires the State Environmental Commission to adopt regulations concerning standards and requirements for clean vehicles and motor vehicles that use alternative fuels, and the acquisition of such vehicles that are operated in certain counties, including recordkeeping and reporting requirements concerning those vehicles.

The bill revises the program that provides incentives to encourage certain persons to use clean-burning fuels in motor vehicles to include instead incentives to acquire clean vehicles and motor vehicles that use alternative fuels.

Senate Bill 332 includes ethanol and methanol within the definition of motor vehicle fuel, which requires ethanol to be taxed in the same manner and at the same rate as gasoline. Dealers, suppliers, exporters, and transporters of ethanol and methanol are subject to the same requirements and penalties applicable to dealers, suppliers, exporters, and transporters or gasoline, including the requirement concerning licensing, bonding, recordkeeping, and the collection of taxes. The bill also provides for the taxation of biodiesel, biodiesel blends, and a petroleum-based product as special fuels.

In addition, Nevada's Department of Motor Vehicles (DMV) is authorized to take administrative action against a person licensed to sell certain motor vehicle fuels or special fuel or a person who acts as a motor vehicle fuel or special fuel supplier without a license. The measure exempts a special fuel manufacturer from regulation as a special fuel supplier. A person must obtain a license from the DMV to operate as a special fuel manufacturer. A special fuel manufacturer is required to file tax returns with the DMV in the same manner as a special fuel dealer and if he is habitually delinquent in the payment of special fuels taxes, he must execute a bond payable to the State in an amount not less than \$2,500. The bill requires a motor carrier with a declared gross vehicle weight in excess of 26,000 pounds to obtain a temporary permit for special fuel before entering the State.

Provisions of this bill that govern the use of alternative fuels in fleet vehicles and provisions that encourage the voluntary use of clean vehicles and motor vehicles that use alternative fuels are effective on July 1, 2009. The remaining provisions are effective on June 4, 2009, for the purpose of adopting regulations, and on January 1, 2010, for all other purposes.

## **Traffic Laws**

### **A.B. 163 (Chapter 41)**

Assembly Bill 163 provides that Nevada's Department of Transportation (NDOT) may adopt regulations to allow certified low emission and energy-efficient vehicles to be operated in a lane on a highway under its jurisdiction designated for the preferential use or exclusive use of high occupancy vehicles. Additionally, a county or city may adopt regulations to allow low emission and energy-efficient vehicles, including golf carts, to travel within a designated lane on streets within a planned community.

Provisions relating to a county or city adopting regulations are effective on May 6, 2009. Provisions concerning NDOT are effective on July 1, 2010.

### **A.B. 247 (Chapter 45)**

Assembly Bill 247 requires a person operating a bicycle to signal his intention to turn at least one time, unless the bicycle is in a designated turn lane or when safe operation of the bicycle requires the operator to keep both hands on the bicycle. In addition, an operator of a

bicycle may signal for a right turn by extending his right hand and arm horizontally and to the right side of the bicycle.

**A.B. 417 (Chapter 53)**

Assembly Bill 417 provides a driver of a vehicle may overtake and pass upon the right of another vehicle on a highway with unobstructed pavement that is not marked as a traffic lane and which is not occupied by parked vehicles, if the vehicle that is passing does not travel more than 200 feet in the section of pavement not marked as a traffic lane or does not travel through an intersection or past any private driveway that is used to enter or exit the highway. In addition, the bill provides that a driver of a vehicle is prohibited from driving the vehicle upon any portion of a controlled-access highway that lies outside the marked traffic lanes or marked entrance or exit lanes or across any solid white line that separates an entrance or exit lane from a marked traffic lane, unless required to do so because of an emergency.

This bill is effective on July 1, 2009.

**A.B. 475 (Chapter 134)**

Assembly Bill 475 requires the Legislative Counsel to reorganize the traffic laws contained in Chapter 484 of the *Nevada Revised Statutes* (NRS) and similar provisions of the *Nevada Administrative Code* (NAC) to make them easier to use and understand. The bill further clarifies that if the Legislative Counsel renumbers any section of NRS, citation to the previous section number has the same legal meaning and effect as if the citation were to the new number, unless another intent is otherwise specified.

The measure requires the Legislative Counsel to revise the NRS and NAC to make the provisions gender neutral.

This bill is effective on May 19, 2009.

**S.B. 134 (Chapter 186)**

Senate Bill 134 authorizes imposition of a double penalty for certain acts committed by a motor vehicle driver if the offense occurs in an area designated as a temporary traffic control zone in which workers are performing work other than highway maintenance or construction.

Under certain circumstances, the bill exempts a governmental entity, or a person with whom the entity contracts to provide specified services, from the requirement to erect signs advising of the double penalty provision applicable to a temporary traffic control zone and marking the beginning and ending of such a zone.

A person who would otherwise be subject to a double penalty if the violation occurred in a temporary traffic control zone is exempt from the enhanced penalty if the offense occurs where signs are not erected, unless the violation results in injury to a worker or property damage equal to \$1,000 or more.

**S.B. 240 (Chapter 77)**

Senate Bill 240 establishes the State Route 159 Safety Speed Zone, which includes portions of State Route 159 that are within or adjacent to the Red Rock Canyon National Conservation Area and certain other portions of State Route 159 that have been designated as a Scenic Byway or State Scenic Byway. The bill requires the Director of Nevada's Department of Transportation (NDOT) to set the speed limit in the Zone at a level that takes into consideration the safety and protection of the residents and visitors of the Red Rock Canyon National Conservation Area. The Director also must ensure that adequate signage or other forms of notice are evaluated and installed to support and enhance the speed limit that is set.

Finally, the bill requires the Director, on or before February 1, 2011, to submit a report on the effectiveness of the State Route 159 Safety Speed Zone and any recommendations for legislation to the Director of the Legislative Counsel Bureau for transmission to the 76th Session of the Nevada Legislature.

This measure is effective on July 1, 2009.

**S.B. 243 (Chapter 356)**

Senate Bill 243 authorizes certain category I peace officers in Clark and Washoe Counties, and certain inspectors in Nevada's Departments of Motor Vehicles and Public Safety (DPS), who have completed a vehicle weight enforcement training program conducted by the Nevada Highway Patrol (NHP), to enforce statutes relating to vehicle weight.

Additionally, the measure requires the chief administrative officer of any law enforcement agency in Clark or Washoe Counties or any other agency authorized to enforce vehicle weights to submit a report on or before December 31, 2010, to the Director of DPS, which contains:

- The number of officers trained by NHP in vehicle weight enforcement;
- The number of hours of training in vehicle weight enforcement received by each officer; and
- The number of traffic stops made by such officers to enforce the vehicle weight requirement, regardless of whether a citation is issued.

The Director of DPS must submit on or before January 15, 2011, a report to the Director of the Legislative Counsel Bureau for transmittal to the Legislature.

**S.B. 251 (Chapter 263)**

Senate Bill 251 authorizes a tow car equipped with flashing amber warning lights to display the lights when at the scene of a traffic hazard. The driver of an approaching vehicle shall observe certain specified safety precautions when approaching a tow car making use of flashing lights as provided in the bill.

Senate Bill 251 also authorizes the Nevada Highway Patrol to issue a permit to a private patrolman or licensed security guard to display flashing amber warning lights and to operate on a public road with such lights under certain conditions.

The bill is effective on July 1, 2009.

## **Transportation Fees and Taxes**

### **A.B. 518 (Chapter 57)**

Assembly Bill 518 clarifies that the measure of the proceeds from the total sales and use tax of the gross receipts of any retailer from the sale of all tangible personal property sold at retail, or stored, used, or otherwise consumed in the county to be used to establish and maintain a public transit system, for the construction, maintenance and repair of public roads, for the improvement of air quality, or for any combination of those purposes must be based upon the additional sales and use tax that was authorized pursuant to Senate Bill 237 (Chapter 187, *Statutes of Nevada*) of the 2003 Legislative Session.

This bill is effective on May 6, 2009.

### **S.B. 201 (Chapter 501)**

Senate Bill 201 authorizes the Washoe County Board of Commissioners to impose additional county taxes on motor vehicle fuel and various special fuels used in motor vehicles. The taxes will cause annual increases in the current amount of taxes imposed on such fuels based upon increases in the Producer Price Index for Highway and Street Construction, which is published by the United States Department of Labor and measures inflation in the costs of such construction. The bill requires the administration, allocation, disbursement, and use of these tax increases in the same manner as certain existing fuel taxes, except that these tax increases are excluded from part of the provisions of certain interstate agreements. The measure requires the expenditure of part of these tax increases in accordance with priorities established in coordination and cooperation with Nevada's Department of Transportation. The measure also exempts the sale of revenue bonds that are secured by county fuel taxes from various requirements concerning the sale of bonds by competitive bid or negotiated sale.

This bill is effective on June 1, 2009.

**NOTE: Senate Bill 201 was vetoed by the Governor on May 21, 2009. The veto was overridden by the 2009 Legislature on June 1, 2009.**

**24TH SPECIAL SESSION**  
**June 27, 2008**

**A.B. 1—24th Special Session (Chapter 1)**

Assembly Bill 1 repeals an appropriation of \$36 million in the 2007 Session from the State General Fund to the Interim Finance Committee for contingencies.

This measure is effective on June 30, 2008.

**A.B. 3—24th Special Session (Chapter 2)**

Assembly Bill 3 directs the State Controller to transfer these funds to the State General Fund:

- \$4 million from the reserve funds of the Central Repository for Nevada Records of Criminal History;
- \$4 million from the Disaster Relief Account administered by the Interim Finance Committee;
- \$3.5 million from the Homeowner Disaster Assistance Program created by A.B. 572 (Chapter 432, *Statutes of Nevada 2005*) and administered by the Division of Emergency Management, Department of Public Safety;
- \$3.5 million from the Fund for Mortgage Lending administered by the Commissioner of Mortgage Lending in the Division of Mortgage Lending of Nevada's Department of Business and Industry;
- \$4 million from the Fund for the Care of Sites for the Disposal of Radioactive Waste administered by Nevada's Department of Health and Human Services for low-level sites; and
- \$800,000 from the Industrial Development Revenue Bond Program administered by Nevada's Department of Business and Industry.

This bill is effective on July 1, 2008.

**A.B. 5—24th Special Session (Chapter 3)**

Assembly Bill 5 relates to transportation funding. The bill allows the balance of proceeds of general obligation bonds authorized in the 2007 Session for capital improvement projects to be allocated to Nevada's Department of Transportation for the construction, reconstruction, improvement, and maintenance of highways. Any balance resulting from revisions or deferrals of the scope of capital improvement projects, or from the reduction of money allocated for such projects, may be allocated with the approval of the Interim Finance Committee in an amount not to exceed \$20 million.

The bill is effective on June 30, 2008.

**S.B. 1—24th Special Session (Chapter 4)**

Senate Bill 1 makes appropriations to the State General Fund from the Fund to Stabilize the Operation of the State Government. The measure appropriates \$195 million for Fiscal Year (FY) 2007-2008, and \$72 million for FY 2008-2009.

The appropriation for FY 2007-2008 is effective on June 30, 2007, and the FY 2008-2009 appropriation is effective on July 1, 2008.

**S.B. 2—24th Special Session (Chapter 5)**

Senate Bill 2 provides Nevada's Department of Health and Human Services (DHHS) increased flexibility regarding the sums appropriated to the Department by Section 20 of Assembly Bill 628 (Chapter 350, *Statutes of Nevada 2007*). The bill allows the allocated sums to be transferred among the various budget accounts of the Department in the same manner and within the same limits allowed for revisions of work programs in *Nevada Revised Statutes 353.220*. This authority is provided for Fiscal Year 2008-2009 only.

This bill is effective on July 1, 2008.

**S.B. 4—24th Special Session (Chapter 6)**

Senate Bill 4 pertains to offenders and the State Board of Parole Commissioners. The bill suspends the grant of new procedural requirements for parole hearings. Those procedural requirements include giving a prisoner notice of the meeting and an opportunity to be present and allowing a prisoner or his representative to speak on the prisoner's behalf. The measure also suspends the requirement that final decisions of the State Board of Parole Commissioners concerning parole must be given within ten working days after the hearing. Furthermore, the legislation suspends the requirement that if parole is denied, the Board provide specific recommendations to improve the possibility of being granted parole, if any. The new procedural requirements will be reinstated on July 1, 2009.

The bill is effective on June 30, 2008, and suspension of the new procedural requirements expires on June 30, 2009.

**S.B. 5—24th Special Session (Chapter 7)**

Senate Bill 5 relates to expenditures for education. The bill lowers the Fiscal Year (FY) 2008-2009 minimum expenditure requirement for textbooks, instructional supplies, and instructional hardware from \$96 million to \$48 million and reduces the FY 2008-2009 State General Fund appropriation for the Distributive School Account (DSA) by \$48 million. This reduction decreases the basic support guarantee contained in the DSA by \$110 per pupil.

Based on revenue projections made by the Economic Forum on December 1, 2008, and all other relevant information, the Interim Finance Committee (IFC) will project the unappropriated balance of the State General Fund for June 30, 2009. If the IFC determines that the projected unappropriated balance for June 30, 2009, exceeds 5 percent of the State General Fund operating appropriations, the legislation contingently appropriates the



excess, up to a maximum of \$48 million, to Nevada's Department of Education for distribution to the school districts, charter schools and university schools for profoundly gifted pupils, for the purchase of textbooks, instructional supplies and instructional hardware. If the excess unappropriated fund balance is \$1 million or less, no contingent appropriation shall be made.

In the event that an appropriation is made, the minimum expenditure requirement for textbooks, instructional supplies, and instructional hardware will be increased by the amount of the contingent appropriation. If a school district, charter school, or university school for profoundly gifted pupils does not meet the increased minimum expenditure requirement during FY 2008-2009, the legislation requires that the unspent funding must be carried forward to FY 2009-2010 and expended for the purchase of textbooks, instructional supplies, and instructional hardware in that year.

The bill is effective on July 1, 2008.

**A.C.R. 1—24th Special Session (File No. 1)**

Assembly Concurrent Resolution No. 1 adopts the Joint Rules of the Senate and Assembly for the 24th Special Session of the Nevada Legislature.

**A.C.R. 2—24th Special Session (File No. 2)**

Assembly Concurrent Resolution No. 2 relates to State financial administration. The measure sets forth the rationale and the amounts of reductions in expenditures for Fiscal Year (FY) 2007-2008 and FY 2008-2009 deemed necessary to replenish the State General Fund. The reductions total \$275,426,471 and include:

- \$106 million in additional reductions of State agency budgets;
- \$50 million in reversion of appropriations for transportation projects;
- \$47,995,714 in contingent reductions from appropriations for textbooks and instructional supplies and hardware;
- \$27.3 million from the Trust Fund for Public Health (Trust Fund);
- \$7.6 million from the Abandoned Property Trust Account in FY 2008-2009;
- \$4.4 million in estimated receipts from the Trust Fund in FY 2008-2009;
- \$4.2 million in redirection of funds in FY 2008-2009 from the Fund for a Healthy Nevada (but not those allocated to Senior and Disability Rx Programs);
- \$4 million in estimated revenues from the 2008 tax amnesty program;
- \$4 million from the Disaster Relief Account;

- \$4 million from the Fund for the Care of Sites for the Disposal of Radioactive Waste;
- \$4 million from the Central Repository for Nevada Records of Criminal History;
- \$3.5 million in reversion of funds in the Homeowner Disaster Assistance Program;
- \$3.5 million from the Fund for Mortgage Lending;
- \$3 million in transfer of reserves from the Senior Rx Program;
- \$800,000 from the Industrial Development Revenue Bond Program;
- \$600,000 from reversion of allocations to Project ChalleNGe;
- \$330,757 from reversion of an appropriation to the Interim Finance Committee (IFC) for Nevada's Department of Health and Human Services for programs for paroled youth; and
- \$200,000 from the Legislative Committee on Health Care.

The measure also directs Nevada's Department of Corrections, in consultation with the Budget Division, Department of Administration and the Fiscal Analysis Division of the Legislative Counsel Bureau, to develop and analyze alternatives to the closure of a correctional facility, including the Nevada State Prison. The analysis shall include a plan with the capacity and projected occupancy of each correctional facility, and the alternatives shall be presented to the IFC.

Some reductions referenced in A.C.R. 2 were accomplished in the 24th Special Session through Assembly Bill 3 (Disaster Relief Account, Homeowner Disaster Assistance Program, Fund for the Care of Sites for the Disposal of Radioactive Waste, Central Repository for Nevada Records of Criminal History, Fund for Mortgage Lending, and Industrial Development Revenue Bond Program) and Senate Bill 5 (reductions in appropriations for textbooks and instructional hardware).

The reductions in appropriations for textbooks and instructional supplies and hardware came from an amendment to A.B. 627 (Chapter 343, *Statutes of Nevada 2007*). The tax amnesty program was implemented by Nevada's Department of Taxation through an Emergency Regulation adopted June 2, 2008. The appropriation for the programs for paroled youth was in Section 39 of A.B. 628 (Chapter 350, *Statutes of Nevada 2007*). The Homeowner Disaster Assistance Program was created in A.B. 572 (Chapter 432, *Statutes of Nevada 2005*). The \$50 million in reversions from the transportation appropriations in A.B. 544 (Chapter 372, *Statutes of Nevada 2007*) may be offset by allocation of the \$20 million in general obligation bonds as provided in A.B. 5 of the 24th Special Session. Project ChalleNGe is an alternative education program for at-risk youth operated by the Nevada National Guard within the

Office of the Military. The reversion represents savings due to placement of students in programs in other states.

According to testimony at the Senate Committee of the Whole, the proposed changes to the Abandoned Property Trust Account and its impact to the Millennium Scholarship Program, and to the tobacco settlement funds directed to the Trust Fund for Public Health and the Fund for a Healthy Nevada, will be considered for legislative action in the 2009 Session.



**25TH SPECIAL SESSION**  
**December 8, 2008**

**A.B. 1—25th Special Session (Chapter 2)**

Assembly Bill 1 requires the State Controller to transfer various sums of money from certain funds and accounts to the State General Fund Budget Reserve to offset the difference between projected revenues and collections. The money transferred may only be used as necessary to meet existing and future obligations of the State. The transfers will generate up to \$65,810,355 and include:

- \$1,016,355 from the Nevada Economic Development Fund;
- \$2,835,000 from the Fund for the Promotion of Tourism;
- \$3.5 million from the Account for Low-Income Housing;
- \$250,000 from the Homeowner Disaster Relief Account;
- \$4 million from the money deposited in the Estate Tax Account in the Endowment Fund of the Nevada System of Higher Education;
- \$300,000 from the Fund for the Support of the Division of Museums and History of Nevada's Department of Cultural Affairs;
- \$5 million from the Millennium Scholarship Trust Fund;
- \$500,000 from the Emergency Assistance Subaccount within the Disaster Relief Account;
- \$800,000 from the Account for Services for Persons with Impaired Speech or Hearing;
- \$25 million from the Indigent Accident Account;
- An amount not to exceed \$1 million from the Pollution Control Account;
- An amount not to exceed \$2.5 million from the Special Capital Construction Fund for Higher Education;
- An amount not to exceed \$14 million from the Account for Verification of Insurance;
- \$550,000 from the Account for Education and Recovery Relating to Manufactured Housing;

- \$259,000 from the Consumer Affairs Recovery Fund;
- \$3.5 million from the Account for Pensions for Silicosis, Diseases Related to Asbestos, and Other Disabilities; and
- \$800,000 from the Public Utilities Commission Regulatory Fund.

Assembly Bill 1 is effective on December 9, 2008.

**A.B. 2—25th Special Session (Chapter 1)**

Assembly Bill 2 relates to State financial administration. The bill Assembly Bill 2 authorizes the State Treasurer to establish a line of credit on behalf of the State with the Local Government Pooled Investment Fund for an amount that does not exceed \$160 million. To establish the line of credit, the State Treasurer may, on or before August 31, 2009, sell notes to the Fund. The proceeds from the sale of the notes, less the costs of issuance must be deposited into the State General Fund and used for the operation of the State.

The notes will earn monthly interest at a rate equal to 25 basis points above the monthly rate of earnings of all the investments of money in the Fund, other than the investments in those notes, during the immediately preceding calendar month. The money borrowed from the Fund must be repaid in periodic installments, and the entire principal amount borrowed must be repaid not later than August 31, 2013. The notes may be resold by the Fund as needed to provide money to any local governments that have invested in the Fund.

In addition, A.B. 2 reduces the current amount of money budgeted for Fiscal Year 2008-2009 for certain programs and services of various State agencies. These revisions are made only upon approval of the Chief of the Budget Division of Nevada's Department of Administration, the Senate Fiscal Analyst and the Assembly Fiscal Analyst. No further legislative approval is required. The revisions total approximately \$67 million and include the following transfers from State agencies:

- \$1,355,414 from the Commission on Economic Development;
- \$1,016,235 from Nevada's Department of Education;
- \$4,099,004 from the Nevada System of Higher Education;
- \$28,600,501 from various divisions within Nevada's Department of Health and Human Services;
- \$375,000 from the Office of the Military;
- \$188,416 from Nevada's Department of Corrections;

- \$260,404 from Nevada’s Department of Public Safety;
- \$30 million from Nevada’s Department of Transportation;
- \$90,000 from the Plant Industry Division of the State Department of Agriculture;
- \$135,150 from the Division of Insurance of Nevada’s Department of Business and Industry;
- \$100,000 from the Nevada Athletic Commission;
- \$76,612 from the Division of State Lands of the State Department of Conservation and Natural Resources; and
- \$643,302 from bureaus within Nevada’s Department of Employment, Training and Rehabilitation.

Finally, A.B. 2 provides that the norm-referenced examinations required to be administered to pupils enrolled in grades 4, 7, and 10 must not be administered in Nevada’s public schools during the 2008-2009 School Year.

Assembly Bill 2 is effective on December 9, 2008. The section revising the requirements of the Governor’s proposed *Executive Budget* to include debt service on the note or notes to the Local Government Pooled Investment Fund expires by limitation on June 30, 2011. The sections authorizing the State Treasurer to establish the line of credit on behalf of the State with the Local Government Pooled Investment Fund expire by limitation on August 31, 2013.

### **S.B. 1—25th Special Session (Chapter 3)**

Senate Bill 1 relates to State financial administration and revises provisions governing the disposition of revenue received by the State from the lease of federal lands. Specifically, the bill:

- Abolishes the Account for Revenue from the Lease of Federal Lands;
- Requires that all money received by the State pursuant to 30 U.S.C. § 191 (Section 35 of the Mineral Leasing Act of 1920, as amended) be deposited in the State Distributive School Account (DSA);
- Provides for the transfer from the Account for Revenue from the Lease of Federal Lands to the State DSA any money that is in the Account for Revenue from the Lease of Federal Lands on the date on which this bill is enacted; and

- Requires that the money received by the State pursuant to 30 U.S.C. § 191 (Section 35 of the Mineral Leasing Act of 1920, as amended) be used in a manner consistent with the applicable provisions of federal law.

This measure is effective on December 9, 2008, and applies retroactively from and after July 1, 2008. The provisions of S.B. 1 expire by limitation on June 30, 2009.

**S.B. 2—25th Special Session (Chapter 4)**

Senate Bill 2 relates to State financial administration and makes several changes to the procedures for collecting certain taxes and fees. Specifically, S.B. 2:

- Accelerates the collection of the tax upon the net proceeds of minerals and requires advance payment of the tax based upon the estimated net proceeds and royalties for the current calendar year;
- Reduces the collection allowances retained by various businesses applicable to taxes on intoxicating liquor, cigarettes and other products made from tobacco, and sales and use taxes, from 0.5 percent to 0.25 percent of the taxes otherwise due; and
- Requires the distribution to the State of an additional 25 percent of the recovery surcharge fee collected from short-term lessees of passenger cars.

Finally, S.B. 2 provides that if the estimated amount a person who extracts any mineral in this State pays is less than 90 percent of the amount certified by Nevada's Department of Taxation to be owed, a penalty of 10 percent of the amount by which the tax was underpaid will be assessed on that person.

Provisions of this measure relating to the advance payment of the mineral tax based upon estimated proceeds are effective on December 9, 2008. The sections of the bill concerning the reduction of allowances retained by various businesses applicable to taxes on intoxicating liquor, cigarettes and other products made from tobacco, and sales and use taxes are effective on January 1, 2009, and expire by limitation on June 30, 2009. Finally, the provisions of S.B. 2 that establish the penalty for underpaying the estimated taxes on extracting minerals are effective on July 1, 2009. The portions of the bill relating to advance payment of taxes on minerals and the possible associated fines expire by limitation on June 30, 2011.

**A.C.R. 1—25th Special Session (File No. 4)**

Assembly Concurrent Resolution No. 1 adopts the Joint Rules of the Senate and Assembly for the 25th Special Session of the Nevada Legislature.



## VETOED BILLS

### **Overridden (Not Sustained)**

#### **A.B. 25 (Chapter 379)**

Assembly Bill 25 lowers the age threshold from 25 to 21 years of age for a person applying for a driver's license who may have the driving skills test waived by Nevada's Department of Motor Vehicles (DMV) if he possesses a valid driver's license of the same type of class issued by another jurisdiction. The bill provides certain exceptions whereby a person under 21 years of age may have the driving skills test waived. The measure also requires the DMV to charge a fee of \$25 for the administration of the examination for a noncommercial driver's license and a fee of \$10 to readminister that examination to the same person.

This bill is effective on July 1, 2009.

**NOTE: Assembly Bill 25 was vetoed by the Governor on May 29, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

#### **A.B. 121 (Chapter 380)**

Assembly Bill 121 requires certain hospitals in Washoe and Clark Counties to create staffing committees responsible for drafting documented staffing plans that address the number, skill mix, and classification of licensed nurses required for each unit in the facility. Certain other health care facilities in the same counties must also make available to the Health Division, Nevada's Department of Health and Human Services, documented staffing plans.

**NOTE: Assembly Bill 121 was vetoed by the Governor on May 23, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

#### **A.B. 146 (Chapter 381)**

Assembly Bill 146 requires the Secretary of State to establish a State business portal that would allow businesses to conduct certain transactions with governmental agencies using the portal. The Secretary of State must establish, through cooperative efforts, the standards and requirements necessary to design, build, and implement the business portal, along with the standards and requirements for participation by State agencies and local governments and any necessary regulations and other actions needed to implement the business portal.

The bill authorizes the Secretary of State to accept gifts, grants, and donations and, with the approval of the State Board of Examiners, to enter into contracts with public or private entities to assist in the implementation of the business portal. Assembly Bill 146 appropriates \$6,520,349 from the State General Fund to the Interim Finance Committee for allocation to the Secretary of State to establish the business portal.

Responsibility for collection of the annual State business license fees is transferred from Nevada's Department of Taxation to the Secretary of State and the State business license fee is increased from \$100 to \$200. (Senate Bill 435 [Chapter 429, *Statutes of Nevada 2009*])

provides that the State business license fee will revert to \$100 on July 1, 2011.) The measure also requires any entity organized under Title 7 of the *Nevada Revised Statutes* to obtain a State business license, including businesses without a physical presence in Nevada, with the exception of nonprofit corporations, small home businesses, a person whose only business is the rental of four or fewer dwelling units, motion picture production companies, and corporations sole.

For purposes of adopting regulations, performing preparatory acts, and appropriations, the bill is effective on May 31, 2009. All other provisions are effective on October 1, 2009.

**NOTE: Assembly Bill 146 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**A.B. 246 (Chapter 382)**

Assembly Bill 246 provides for the issuance of an apprentice hunting license without charging a license application fee to a qualified applicant who is at least 12 years old and has not been issued a hunting license previously by Nevada's Department of Wildlife or any other state or an agency of any Canadian province. It is unlawful and punishable as a misdemeanor for an apprentice hunter to hunt in this State, unless he is accompanied and directly supervised by a mentor hunter who is at least 18 years old and licensed to hunt in this State. An applicant for an apprentice hunting license is exempt from the requirement to complete a hunter safety course.

Assembly Bill 246 also authorizes the Board of Wildlife Commissioners to adopt regulations to establish the Silver State Tag Drawing for the existing allotment of big game tags. The application fee for the big game tag issued in the Drawing must not be less than \$15 or more than \$50. Money received from the application fee for the Drawing, less certain costs, must be deposited into the Wildlife Heritage Trust Account.

Finally, A.B. 246 requires the Board of Wildlife Commissioners to establish a program for the issuance of additional big game tags each year to be known as "Dream Tags." A tax-exempt nonprofit organization established through the Community Foundation of Western Nevada that has as its principal purpose the preservation, protection, management, or restoration of wildlife and its habitat may purchase such Dream Tags from the Department as are authorized by the Commission at prices established by the Commission. The nonprofit organization must agree to award the tags by raffle through a private entity acting as its agent that is approved by the Department. All money received by the Department for Dream Tags must be deposited with the State Treasurer for credit to the Wildlife Account in the State General Fund. All money received by the nonprofit organization from the proceeds of the Dream Tag raffle, less certain costs, must be used for the preservation, protection, management, or restoration of wildlife and its habitat, as determined by the Advisory Board on Dream Tags. The Department must also report to the Interim Finance Committee concerning the Dream Tag program.

Portions of the bill that create a program for the issuance of additional big game tags known as “Dream Tags” are effective on May 31, 2009. Provisions in the bill related to the Silver State Tag Drawing are effective on July 1, 2009. The remaining sections of the bill pertaining to apprentice hunting licenses are effective on October 1, 2009.

**NOTE: Assembly Bill 246 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**A.B. 304 (Chapter 481)**

Assembly Bill 304 requires the Southern Nevada Regional Planning Coalition and the master plans of Clark County and the cities within Clark County to include an element relating to the preservation of historic neighborhoods. The plans must include a plan to inventory historic neighborhoods and a statement of goals and methods to encourage preservation of such neighborhoods. The plan may also include the creation of a commission to monitor and promote the preservation of historic neighborhoods. Historic neighborhoods are defined as a residential development with ten or more units, of which at least two-thirds are 40 years of age or older, and which has a distinctive character.

Assembly Bill 304 also changes the name of the Southern Nevada Enterprise Community Advisory Board to the Southern Nevada Enterprise Community Board and revises the Board’s membership to specifically include a member of the Assembly and a member of the Senate who represent the Community. The Board must also include two residents of the “Stop the F Street Closure, LLC.” The measure expands the duties of the Board to include identifying, seeking funding for, and carrying out additional projects in the Community. The Southern Nevada Enterprise Community Projects Fund is also created in the bill.

In addition, the measure requires the City of Las Vegas to contract, to a maximum of \$2.5 million, for the construction design of a project to reopen F Street using funds from the City of Las Vegas Redevelopment Agency. The bill requires the City of Las Vegas and Nevada’s Department of Transportation to cooperate in funding, seeking additional funding, and bringing about the approval, design, and construction of the F Street project.

Provisions regarding the Southern Nevada Enterprise Community Board and construction of the F Street project are effective on June 1, 2009. The remainder of the bill is effective on October 1, 2009.

**NOTE: Assembly Bill 304 was vetoed by the Governor on May 29, 2009. The veto was overridden by the 2009 Legislature on June 1, 2009.**

**A.B. 410 (Chapter 383)**

Assembly Bill 410 directs the State of Nevada to recognize as valid certain collective bargaining agreements between employers or groups of employers and employee groups, notwithstanding any provision of the Nevada Industrial Insurance Act to the contrary, if the agreements:

VETOED BILLS (continued)

- Establish procedures for alternative dispute resolution in workers' compensation matters;
- Contain lists of specified medical evaluators and providers;
- Create joint safety committees; or
- Establish programs for returning injured employees to work.

The collective bargaining agreement may not reduce the entitlement of an employee to workers' compensation benefits.

This measure is effective on July 1, 2009.

**NOTE: Assembly Bill 410 was vetoed by the Governor on May 23, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**A.B. 463 (Chapter 384)**

Assembly Bill 463 requires the approval of the Interim Finance Committee (IFC) before a State agency may hire a consultant who is: (1) a current State employee; or (2) a former employee who left State employment within the past year. Limited exceptions apply for emergency situations and for transportation projects that are federally funded. To approve a contract with a former State employee within the one year "cooling off" period, the IFC must determine that there is a critical labor shortage, a short-term need, or an unusual economic circumstance that justifies the consultant contract. Prior approval of the IFC is also required for a consultant contract for a term of more than two years. A State agency must use an open competitive bidding process to select a temporary employment service. The bill also requires a State agency to report to the IFC when hiring a former State employee after the one year "cooling off" period and on the use of a consultant or a temporary employment service.

Assembly Bill 463 further requires certain governmental entities and commissions, including the Nevada System of Higher Education, to report to the IFC every six months on their consultant contracts, including the number of consultants, the length of the contracts, and the amount of any remuneration received by the consultants. Finally, the bill requires the Legislative Auditor to conduct an audit of the use of consultants by State agencies and to report the results of the audit by February 7, 2011.

The bill is effective on May 31, 2009.

**NOTE: Assembly Bill 463 was vetoed by the Governor on May 29, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**A.B. 467 (Chapter 385)**

Assembly Bill 467 clarifies the applicability of prevailing wage statutes to certain lease-purchase and installment-purchase agreements by the State and local governments. The measure requires a person who enters into a lease or lease-purchase agreement with a board of county commissioners for the purposes of constructing or remodeling a facility to include in the agreement the contractual provisions requiring the payment of prevailing wages. The measure extends these same requirements to:

- Medium-term obligations and installment purchase agreements of local governments;
- Lease-purchase and installment purchase agreements of the State of Nevada; and
- The City of Las Vegas.

Finally, A.B. 467 amends Legislative declarations regarding lease-purchase and installment-purchase agreements by the State and by local governments to reflect these requirements.

The bill is effective on July 1, 2009.

**NOTE: Assembly Bill 467 was vetoed by the Governor on May 29, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**A.B. 480 (Chapter 250)**

Assembly Bill 480 increases fees for certain applications and permits in the Office of the State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources, and creates fees for several new categories related to project applications.

The bill is effective on July 1, 2009.

**NOTE: Assembly Bill 480 was vetoed by the Governor on May 21, 2009. The veto was overridden by the 2009 Legislature on May 22, 2009.**

**A.B. 493 (Chapter 482)**

Assembly Bill 493 requires the Board of the Public Employees' Retirement System (PERS) to create a list of scrutinized companies in Iran and to submit an annual report to the Governor and the Legislature on PERS' direct investments in scrutinized companies in Iran. Scrutinized companies are those entities with an annual investment of \$20 million or more that significantly contribute to the development of petroleum resources in Iran and are, therefore, subject to the Iran Sanctions Act of 1996. The bill does not apply to investments in companies that supply goods or services to relieve human suffering or that promote health, education, religious, welfare, or journalistic activities.

**NOTE: Assembly Bill 493 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on June 1, 2009.**

**A.B. 543 (Chapter 386)**

Assembly Bill 543 modifies various tax provisions applicable to State and local governments. For Fiscal Years 2009-2010 and 2010-2011, the portion of the 5 cents per \$100 of assessed valuation levied by the counties for capital projects which is not allocated to the State Highway Fund is redirected to the State General Fund. Also redirected to the State General Fund for the next two fiscal years is the 4 cents per \$100 of assessed valuation which is levied by Clark and Washoe Counties for operating purposes.

Assembly Bill 543 authorizes Washoe County to impose a supplemental governmental services tax of 1 cent per \$1 dollar of vehicle value without voter approval. The measure also expands the permitted uses of the proceeds of supplemental governmental services taxes in Clark and Washoe Counties to include operating and other costs of governmental functions.

In Clark County, the bill requires the County Treasurer to determine the amount of room taxes, impact fees from new development, and supplemental governmental services taxes, which are not needed for debt service or otherwise pledged to repay bonds or other obligations. The Clark County Commission may determine what amount is appropriate for transfer to the County General Fund and used for operating and governmental function costs.

The bill is effective on July 1, 2009.

**NOTE: Assembly Bill 543 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**A.B. 552 (Chapter 387)**

Assembly Bill 552 increases the compensation that the State may retain for its costs of collection of local sales and use taxes, other than the Local School Support Tax (LSST), from 0.75 percent to 1.75 percent. The LSST collection allowance remains at 0.75 percent.

By eliminating the sunset date in Senate Bill 2 from the 25th Special Session for the provisions that temporarily lowered the retailers' collection allowance from 0.5 percent to 0.25 percent, the measure permanently lowers the percentage of sales and use taxes and taxes on liquor, cigarettes, and certain tobacco products that a retailer may retain as a collection allowance.

With respect to the room taxes required by Initiative Petition No. 1, the measure provides that the cities and counties shall remit those taxes within one month after the month in which the room taxes were collected so that 12 months of room tax shall be accrued in Fiscal Year (FY) 2009-2010 and the next 12 months in FY 2010-2011.

The provisions relating to the collection and accrual of room taxes and the retailers' collection allowances are effective on May 31, 2009. The remainder of the bill is effective on July 1, 2009, with the exception of various parallel provisions.

**NOTE: Assembly Bill 552 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**A.B. 562 (Chapter 388)**

Assembly Bill 562 is the General Appropriations Act to support Nevada State Government during the 2009-2011 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 from the State General Fund over \$3.88 billion during the biennium, including approximately \$1.909 billion for Fiscal Year (FY) 2010 and \$1.973 billion for FY 2011. The State Highway Fund appropriations total nearly \$232.1 billion, including \$117.1 million in FY 2010 and \$115 million in FY 2011. 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 deliberations by the Assembly Committee on Ways and Means and the Senate Committee on Finance. The amount appropriated by the 2009 Legislature for the State General Fund for the 2009-2011 Biennium represents a reduction of approximately \$425 million when compared with State General Fund appropriations approved by the 2007 Legislature for the 2007-2009 Biennium.

The General Appropriations Act and other appropriations bills considered throughout the 2009 Session delineate the amount of the State General Fund support approved by the Legislature for the operation of Nevada State Government for the 2009-2011 Biennium. A summary of the major program decisions linked to these appropriations follows:

**Attorney General**—The Legislature approved \$32.2 million in State General Fund support for the Office of the Attorney General for the biennium. Of this amount, \$3.2 million supports legal activities in opposing the location of a federal nuclear waste repository at Yucca Mountain.

**Governor's Office**—In addition to other appropriations for the Governor's office, the Legislature approved State General Funds totaling \$766,000 that, in combination with other funds, will restore the Office of Consumer Health Assistance, which had been recommended for elimination by the Governor. Although smaller, the Office will provide services to consumers in navigating the health care system and addressing billing and other consumer-related concerns.

**Judicial Branch**—The Legislature approved State General Fund support for the Judicial Branch totaling \$55.5 million for the biennium. This amount includes more than \$237,000 for technology improvements, including funding to complete a project begun in the current biennium to replace the appellate court case management system and for computer network enhancements.

**Department of Taxation**—The Legislature approved \$52.7 million in State General Fund support for the Department of Taxation for the biennium. The funding includes \$2.8 million over the biennium to restore 23 positions and to establish a new taxpayer assistance telephone

call center staffed by 10 of those restored positions. The other positions restored by the Legislature will improve the Department's ability to conduct audits, collect revenues, and assist taxpayers.

**K-12 Education**—The majority of funding for public schools is considered in a separate education funding bill (A.B. 563), which contains funding for basic support, class-size reduction, teacher and administrator training, early childhood education, teacher incentives, educational technology, and other programs. This measure, A.B. 562, contains State General Fund support for the Department of Education in the amount of \$25.8 million for the biennium, including \$11.7 million for continuation of the statewide testing program.

**Nevada System of Higher Education**—The Legislature approved State General Fund support for the Nevada System of Higher Education (NSHE) totaling \$1 billion, or \$158 million more than the \$824 million recommended by the Governor for the biennium. The Legislature also approved a total of \$184.8 million in federal ARRA education stabilization funding in the General Authorization Act (S.B. 431), to offset reduced State appropriations. The combination of these two funding sources reduced the funding cuts proposed by the Governor from 36 percent to 12.5 percent. According to testimony, the Board of Regents also will most likely approve additional fee increases or surcharges for the biennium in response to the reduced level of funding available from the State.

Funding for NSHE utilizes a formula that relies on projections of enrollment by the various campuses. The formula funding level, which the Governor's budget cut from the 85.5 percent approved by the 2007 Legislature to approximately 60 percent in each year of the 2009-2011 Biennium, was restored by the Legislature to approximately 74.1 percent in each FY. In addition, the Legislature accepted a recommendation by the Board of Regents to suspend using the traditional, three-year weighted average enrollment projection methodology for the 2009-2011 Biennium. Instead, enrollments for the biennium are based upon the actual enrollment of 65,858 full-time students during FY 2009. As a result of this change, the Legislature also approved the NSHE's recommendation that State appropriations be reallocated among budgets in order to provide University of Nevada, Las Vegas (UNLV), University of Nevada, Reno (UNR), College of Southern Nevada (CSN), and Nevada State College (NSC) with a combined \$10.3 million in stop-loss and equity funding in FY 2010 and stop-loss and equity funding of \$8.6 million in FY 2011 for UNLV, CSN and NSC.

**Department of Cultural Affairs**—The Legislature approved a total of \$21.5 million in State General Funds over the biennium to support the Department's library and museum operations statewide. Although this represents a decrease of about 27 percent from the amount approved for the 2007-2009 Biennium, it is an increase of \$2.3 million from the amount recommended by the Governor for the 2009-2011 Biennium. The additional funding approved restores 21 positions recommended by the Governor for elimination. Funding was approved to reopen the public galleries at the Nevada Historical Society, the East Ely Railroad Depot Museum, and the Comstock History Center, which were recommended for closure in the Governor's budget. The Legislature also approved the partial restoration of the



hours at State Archives and the State Records Center, the restoration of the Nevada Literacy Office, and it increased grant authority for the Nevada Arts Council.

**Department of Business and Industry**—The Legislature approved the Governor’s recommendation to eliminate the Division of Consumer Affairs. However, funding was approved to continue the Consumer Affairs Ombudsman for Minorities, which was scheduled to sunset at the end of the 2007-2009 Biennium.

**Department of Health and Human Services, Director’s Office**—In approving the budgets administered by the Health and Human Services Director’s Office, the Legislature transferred the Office of Disability Services and the Senior Rx and Disability Rx programs from the Director’s Office to the Division for Aging Services to create a new Division for Aging and Disability Services. The Legislature also approved State General Funds for the operation of the Nevada 211 System, which is a single point of access to existing community health and human services information.

The Legislature approved State General Funds totaling approximately \$3.1 million over the biennium for caseload and inflationary increases for the Personal Assistance Services, Traumatic Brain Injury, and Independent Living programs. The Legislature approved additional State General Funds totaling \$3.2 million over the biennium to provide assistance to parents in paying the costs for the treatment of children with autism. The funding is sufficient to continue providing services throughout the biennium for the 109 children currently being served by the program.

**Division for Aging and Disability Services**—The Legislature approved the Governor’s recommendation to create a new Division for Aging and Disability Services. The reorganization and transfer includes the transfer of the Senior Rx and Disability Rx programs. The Legislature determined the transfer of these programs would create efficiencies and bring together common services that seniors and persons with disabilities most often need, which will result in better coordination of services. The Legislature approved \$130.3 million to support the Division, which includes State General Fund appropriations of \$45.4 million over the biennium. Portions of this funding will support senior citizen property tax rebates, increased caseloads for the Medicaid waiver programs, staffing for the Elder Ombudsman program, and personal care assistance to allow seniors to remain in their homes—the Community Options for the Elderly (COPE) program.

**Division of Health Care Financing and Policy**—The Legislature approved a total of \$935.2 million in State General Fund support in addition to the \$2.5 billion in authorized revenue contained in the General Authorization Bill for the Division of Health Care Financing and Policy over the biennium. The State General Fund support for the Medicaid program was reduced, and the Title XIX authorizations for the program were increased significantly, based on the federal matching assistance percentage (FMAP) funding provided for in the federal ARRA. The funding provides for projected caseload growth in the Medicaid program at approximately 214,000 recipients for FY 2010 and 226,000 average monthly recipients for

FY 2011. The Legislature also approved the continuation of a 5 percent reduction in inpatient hospital reimbursement rates that was implemented during the current biennium; however, the Legislature did not approve the Governor's recommendation to decrease those rates by an additional 5 percent during the 2009-2011 Biennium. The Legislature continued the limitations on personal care services implemented during the current biennium.

The Legislature did not approve the Governor's recommendation to cap enrollment in the Nevada Check Up program. Instead, the Legislature approved an uncapped average monthly enrollment of 24,753 in FY 2010 and 31,035 in FY 2011. The Legislature also restored dental, vision, and orthodontia benefit reductions for the Nevada Check Up program that were implemented during the current biennium. Additionally, the Legislature approved funding to restore and continue the federal Health Insurance Flexibility and Accountability waiver program throughout the 2009-2011 Biennium at the Division's latest projected enrollment for the program.

**Health Division**—The Legislature approved total funding of \$340.1 million over the biennium for the Health Division, which includes \$54.7 million in State General Fund support. The State General Fund appropriations include \$6.5 million and \$3.9 million in federal stimulus funding over the biennium to support caseload enhancements in the Early Intervention Services program. The caseload enhancements are designed to eliminate the existing waiting list of 669 children and to provide for modest caseload growth over the upcoming biennium. The Legislature also appropriated \$231,989 over the biennium to continue the expansion of the Immunization Registry, as well as \$1.9 million in each fiscal year for the AIDS Drug Assistance program.

**Division of Welfare and Supportive Services**—The Legislature approved State General Fund support in the amount of \$147.1 million over the biennium for the Division of Welfare and Supportive Services. State General Funds totaling \$49.1 million over the biennium were approved for the Temporary Assistance for Needy Families (TANF) budget, primarily to support TANF caseloads projected at 25,873 cases in FY 2010 and 29,376 in FY 2011. The Legislature approved the addition of federal ARRA Emergency Contingency TANF funds in lieu of State General Funds in the amount of \$4.4 million in FY 2010 and \$7.5 million in FY 2011 to provide for cash assistance payments to TANF recipients.

The Legislature approved 258 new positions to expand staffing in field offices to address projected increases in public assistance cases over the biennium. The Legislature also approved funding to restore Hawthorne, Owens, Winnemucca, and Yerington offices and the professional development center where staff training is presently conducted. Each of these facilities was recommended for closure in the Governor's budget. To address child-care waiting lists and reduced subsidy payments, the Legislature approved using additional federal ARRA funds and funds currently held in reserve and redirected funds for quality assurance for child-care services that will fully fund subsidy payments for the New Employees of Nevada family stabilization program and for at-risk cases. The funding made available will also serve up to 2,500 discretionary cases.

**Division of Mental Health and Developmental Services**—A total of \$465.7 million in State General Fund support was approved for the Division of Mental Health and Developmental Services over the biennium, a decrease of 6.5 percent when compared to State General Fund appropriations approved for the 2007-2009 Biennium. Although the Governor recommended eliminating over 225 positions in the Division, the Legislature restored 31 positions to maintain essential services statewide. The Legislature's actions are projected to provide over 15,000 individuals with mental health services and over 5,600 individuals with developmental services statewide by the end of the 2009-2011 Biennium.

At Southern Nevada Adult Mental Health Services, the Legislature restored 18 of the 103 positions recommended for elimination in the agency's inpatient hospital facilities in order to further strengthen staffing ratios for client care and safety, and restored 7 of 18 positions recommended for elimination due to the continued closure of the North Las Vegas clinic. These restored positions will be reallocated to the agency's four other outpatient clinics in Las Vegas.

At Northern Nevada Adult Mental Health Services, 36 positions are eliminated, including 13 positions from the Dini-Townsend Hospital, based upon modified staffing ratios. The Mobile Outreach program is funded to begin operations effective July 1, 2009. The program, similar to the Mobile Crisis program in southern Nevada, will assist local law enforcement in service calls, suicidal persons, and citizen welfare checks. The Legislature did not approve the Governor's recommendation to close 11 of the 21 rural clinics located throughout the State, but instead approved funding to restore 9 of those clinics. However, the Dayton clinic will remain closed, and funding for the Wendover clinic will cease on July 1, 2009.

The Legislature approved the majority of the Governor's recommendations to reduce funding for various developmental services programs. However, the Legislature restored State General Fund appropriations of \$361,200 to continue support to 14 families participating in the self-directed autism program, as well as appropriations of \$482,300 to maintain funding levels for families participating in the respite program.

**Division of Child and Family Services**—The Legislature approved \$250.6 million in State General Fund appropriations and an additional \$209.7 million in authorized revenues for the Division of Child and Family Services over the biennium. Of that amount, approximately \$246.4 million will fund statewide child welfare services. Funding was approved to support projected caseload increases in foster care, higher levels of care, and adoption subsidies. The Legislature approved \$3.2 million to implement an enhanced foster care rate for children in sibling groups. The Legislature approved the transfer of federal funding and State General Funds for mental health residential treatment placements from the Division's Rural Child Welfare budget to the Clark and Washoe County Integration budgets to allow the counties to oversee and manage all levels of foster care within their jurisdictions. Also approved were State General Fund reductions of approximately \$4 million as a result of increased Social Security Administration revenue and an additional eight new Family Support Worker positions, also funded with increased Social Security Administration revenue.

A total of 88 beds were approved for closure at the three juvenile correctional facilities in the State, along with the elimination of 44 group supervisor positions. Additional State General Funds of \$933,808 were approved, however, for the Community Corrections Block Grant to help prevent commitments to the State facilities, and funding was added for four additional youth parole counselor positions. State General Fund savings in the Division's budgets related to increased FMAP percentages included in the federal ARRA total \$11.2 million over the biennium. The Legislature also approved additional State General Funds and federal funding totaling \$20.8 million for residential treatment placement expenses that are no longer eligible for Medicaid reimbursement.

**Department of Corrections**—The Legislature approved State General Fund support for the Department of Corrections totaling \$446.5 million for the biennium, with additional funding of \$72.2 million from stimulus stabilization funds available from the federal ARRA. The approved funding will provide for housing an average of 12,889 inmates in FY 2010 and 13,009 inmates in FY 2011. Due to projections for a lower level of inmate population growth, funding was approved to implement an alternative inmate housing plan utilizing existing facilities within the Department before constructing or opening new or expanded facilities. The Legislature approved funding of \$36.6 million for continued operations of the Nevada State Prison and \$2.2 million for continued operations of the Tonopah Conservation Camp. Funding of \$3.3 million was also approved for the opening of 100 medium-custody beds in an expansion of the Florence McClure Women's Correctional Center.

**Department of Public Safety**—The Legislature approved approximately \$110.3 million in State General Funds and \$137.2 million in State Highway Funds for the Department of Public Safety over the biennium. Of the total appropriation from the State Highway Fund, the Legislature approved \$133.6 million for the operations of the Nevada Highway Patrol. State General Fund support of \$82.8 million was approved for the Division of Parole and Probation, which will help maintain the projected offender-to-officer supervision caseloads at Legislature-approved ratios. In addition, the Legislature approved a total of \$5.1 million in State General Funds over the biennium for Narcotics Control and \$10.2 million in State General Funds over the biennium for the Investigation Division.

**Department of Motor Vehicles**—The Legislature approved State General Fund appropriations in the amount of \$36,400 and State Highway Fund appropriations in the amount of \$89.6 million to support the operations of Nevada's Department of Motor Vehicles (DMV). This funding level reflects approximately \$17.5 million in State Highway Fund expenditure reductions over the biennium attributed to the decline in State Highway Fund and authorized revenues resulting from the current economic downturn. Approximately \$3.2 million was approved over the biennium to continue the use of kiosks in DMV field offices.

**State Department of Conservation and Natural Resources**—For the State Department of Conservation and Natural Resources, including the Tahoe Regional Planning Agency, the Legislature approved State General Fund appropriations totaling \$55.5 million over the biennium, a decrease of 16.9 percent over the 2007-2009 Biennium. The Legislature restored three positions recommended for elimination by the Governor in the Division of

State Parks, and seven such positions in the Division of Water Resources. In the Division of Forestry, the Legislature restored the Southern Regional Forester position and agreed to keep the Tonopah Conservation Camp open, including the restoration of seven associated positions. The funding approved by the Legislature restores to full operation most of the park closures recommended by the Governor. However, the Legislature agreed to temporarily close two State park facilities at Elgin Schoolhouse and Walker Lake and partially close one park facility at Washoe Lake for four months in each year.

Sections of the bill effective on June 1, 2009, include: authorizing certain fund transfers from FY 2010 to FY 2009; coordination of transfers necessary under the federal American Recovery and Reinvestment Act (ARRA) between higher education and K-12; exempting a transfer to the Distributive School Account to cover a shortfall from certain budget limits; and extensions of authority for the State Treasurer to establish a line of credit with the Local Government Pooled Investment Fund and related expirations dates for the debt service. The remaining provisions of the bill are effective on July 1, 2009.

**NOTE: Assembly Bill 562 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**A.B. 563 (Chapter 389)**

Assembly Bill 563 apportions the Distributive School Account (DSA) in the State General Fund and authorizes certain expenditures for support of public education in the State of Nevada for the 2009-2011 Biennium.

This measure appropriates from the State General Fund to the DSA \$2.468 billion (\$1.201 billion in Fiscal Year (FY) 2010 and \$1.267 billion in FY 2011). In addition, \$322.3 million of other revenues are authorized to be received and expended for State support of public education over the biennium (\$158.7 million in FY 2010 and \$163.6 million in FY 2011). These other revenues include an annual tax on slot machines, sales tax collected on out-of-state sales, interest earned on the Permanent School Fund, revenue from mineral leases on federal land, and a portion of real property taxes.

With these funds, the statewide average basic support per pupil is increased from the current FY 2009 weighted average rate of \$5,213 to an estimated \$5,251 in FY 2010 and an estimated \$5,395 in FY 2011. Enrollment in kindergarten through grade 12 (K-12) is projected to grow 0.78 percent in FY 2010 and 0.95 percent in FY 2011.

State funding for special education continues to be allocated on the basis of special education units. For each fiscal year of the 2009-2011 Biennium, 3,049 units are funded at a cost of \$39,768 per unit, totaling \$121.3 million in each fiscal year. Each year, 40 discretionary units are reserved for allocation by the State Board of Education to address school district shortfalls and requests from charter schools for the units. In addition, the measure authorizes the State Board of Education to spend up to \$162,571 in FY 2010 and \$167,459 in FY 2011 for gifted and talented pupils to participate in programs incorporating educational technology.

The State's Class-Size Reduction (CSR) Program receives \$144.3 million in FY 2010 and \$145.9 million in 2011 to pay for the salaries and benefits of at least 2,142 teachers hired to reduce pupil-to-teacher ratios in the first year and 2,163 in the second year of the biennium. 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 third grade, the same ratios as in the current biennium.

The measure continues the flexibility for school districts to carry out alternative programs for reducing the pupil-to-teacher ratios 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 pupil-to-teacher ratio in the aggregate of kindergarten through grade 3 does not exceed the combined ratio in those grades in School Year 2004-2005.

The measure's school funding provisions also allocate:

- \$43.8 million over the biennium (\$21.2 million in FY 2010 and \$22.7 million in FY 2011) for adult education programs, including those in prison facilities.
- \$51 million over the biennium in State General Fund (\$25.5 million in each year of the biennium) and authorizations of other revenues in the amount of \$951,327 in FY 2010 and \$1.3 million in FY 2011 to continue the full-day kindergarten program for at-risk schools.
- \$15.6 million over the biennium (\$7.8 million in each year of the biennium) for regional training 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 reorganizes the regional training programs into three regions from the current four regions.
- \$200,000 (\$100,000 in each year of the biennium) for the Statewide Council for the Coordination of Regional Training Programs to provide additional training opportunities for educational administrators in Nevada.
- \$6.7 million over the biennium (\$3.3 million in each year of the biennium) for competitive grants to school districts and community-based organizations for early childhood education programs. The measure continues the requirement for an evaluation of the effectiveness of the early childhood education programs.
- \$24.8 million in FY 2011 to fund the cost of retirement credits and teacher incentives earned in FY 2010. The cost of the requirement credits and teacher incentives earned in FY 2011, estimated to be \$25.7 million, will be considered by the 2011 Legislature for funding in FY 2012.

- \$19.6 million over the biennium (\$10.3 million in FY 2010 and \$9.4 million in FY 2011) for the Other State Education Programs Account for various projects and programs, including: educational technology, peer mediation, Career and Technical Education programs, library books, public broadcasting, National Board Certification programs for teachers and counselors, school support team substitutes, and other miscellaneous programs.

The measure requires Nevada school districts to coordinate federal, State, and local funds with State education reform efforts. Additionally, the measure authorizes school districts to utilize local funds for public schools for purposes other than capital projects for school districts for only the 2009-2011 Biennium. Finally, the measure temporarily expands the purposes for which a school district may issue its general obligations to raise money to include certain equipment used for the transportation of pupils.

The provisions of the measure relating to the reversion of money from the State DSA to the State General Fund for FY 2009 are effective on May 31, 2009. The provisions of the measure relating to the CSR Program and the Grant Fund for Incentives for Licensed Educational Personnel in FY 2011 are effective on July 1, 2010. All other provisions are effective on July 1, 2009. The provisions relating to general obligation authority and the purchase of certain equipment used for the transportation of pupils expire by limitation on June 30, 2011.

**NOTE: Assembly Bill 563 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

### **S.B. 195 (Chapter 500)**

Senate Bill 195 requires the Division of Industrial Relations, Nevada's Department of Business and Industry, to adopt regulations providing that the American Medical Association's *Guides to the Evaluation of Permanent Impairment*, Fifth Edition, must be applied to all examinations for a permanent partial disability. The bill also provides that:

- The discharge of an employee, for reasons other than gross misconduct, does not limit his entitlement to temporary total disability benefits;
- The hearing officer or the appeals officer in a workers' compensation case may consider the opinion of an examining physician or chiropractor when determining what compensation is payable;
- A mental injury caused by extreme stress in time of danger may be considered in calculating permanent partial disability compensation;
- A death benefit includes burial expenses of up to \$10,000, plus the cost of transporting the remains of the deceased worker; and

- An employer, insurer, health care provider, or third-party administrator is liable for administrative fines for engaging in a pattern of untimely payments to injured employees.

Senate Bill 195 increases the maximum administrative fines and benefit penalties for violating workers' compensation laws and regulations, and authorizes the State to make a claim against the insurer's surety bond for payment of any fine or benefit penalty imposed.

Finally, S.B. 195 authorizes a person licensed as a producer of health insurance to sell workers' compensation insurance if he is properly licensed and the policies are sold jointly and cover the same individual.

This measure is effective on May 31, 2009, as it relates to the Fifth Edition of the *AMA Guides*; on July 1, 2009, as it relates to the joint issuance of health insurance and workers' compensation insurance; and on October 1, 2009, for all other purposes.

**NOTE: Senate Bill 195 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

#### **S.B. 201 (Chapter 501)**

Senate Bill 201 authorizes the Washoe County Board of Commissioners to impose additional county taxes on motor vehicle fuel and various special fuels used in motor vehicles. The taxes will cause annual increases in the current amount of taxes imposed on such fuels based upon increases in the Producer Price Index for Highway and Street Construction, which is published by the United States Department of Labor and measures inflation in the costs of such construction. The bill requires the administration, allocation, disbursement, and use of these tax increases in the same manner as certain existing fuel taxes, except that these tax increases are excluded from part of the provisions of certain interstate agreements. The measure requires the expenditure of part of these tax increases in accordance with priorities established in coordination and cooperation with Nevada's Department of Transportation. The measure also exempts the sale of revenue bonds that are secured by county fuel taxes from various requirements concerning the sale of bonds by competitive bid or negotiated sale.

This bill is effective on June 1, 2009.

**NOTE: Senate Bill 201 was vetoed by the Governor on May 21, 2009. The veto was overridden by the 2009 Legislature on June 1, 2009.**

#### **S.B. 234 (Chapter 390)**

Senate Bill 234 increases the governmental services fee charged on short term rental of cars from 6 percent to 10 percent and requires the entire fee to be remitted to the State. The existing recovery surcharge fee of 4 percent is eliminated but rental car companies may impose an additional fee on each lease to allow recovery of all vehicle licensing costs, the costs of doing business, and other fees paid on behalf of the lessee. The rental car companies must make good faith estimates at least annually of their vehicle licensing costs and the charges



needed to recover such costs. The rental car companies are required to separately state these additional charges in any advertisements, statements of estimated charges, and the rental agreement.

The measure also amends the definition of “uninsured motor vehicle” to include a rental car with liability coverage up to the statutory minimum amount but which is operated by a lessee who does not have the minimum amount of liability coverage required by statute.

**NOTE: Senate Bill 234 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**S.B. 283 (Chapter 393)**

Senate Bill 283 provides for the registration and dissolution of domestic partnerships. The bill states that a domestic partnership is not a marriage for purposes of the *Nevada Constitution*. It also provides that public and private employers are not required to provide health care benefits to a domestic partner of an officer or employee, but those employers are not precluded from offering such benefits.

**NOTE: Senate Bill 283 was vetoed by the Governor on May 25, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**S.B. 319 (Chapter 502)**

Senate Bill 319 revises provisions relating to sentinel events, including those regarding medical facility investigations; reporting requirements; and the responsibilities of the Health Division, Nevada’s Department of Health and Human Services, the Board of Medical Examiners, the State Board of Nursing, and the State Board of Osteopathic Medicine in identifying and reporting sentinel events.

The measure also requires the Health Division to study the feasibility of tracking and reporting near-miss events as part of the reports of sentinel events, to define the term “near-miss event,” and to report the findings of the study to the Legislative Committee on Health Care.

The provisions related to studying the feasibility of tracking “near-miss” events are effective on July 1, 2009. All other provisions are effective on October 1, 2009.

**NOTE: Senate Bill 319 was vetoed by the Governor on May 26, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**S.B. 363 (Chapter 503)**

Senate Bill 363 eliminates the requirement that death benefits paid to a surviving spouse of an employee whose death was a result of an industrial accident cease upon the surviving spouse’s remarriage.

**NOTE: Senate Bill 363 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**S.B. 394 (Chapter 504)**

Senate Bill 394 requires certain persons who acquire ownership of an off-highway vehicle to apply to Nevada's Department of Motor Vehicles for the titling and annual registration of the vehicle. The bill creates the Revolving Account for the Assistance of the Department to account for start-up costs for the program of titling and registering off-highway vehicles, and the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration, which must be used to pay the ongoing expenses of administering the program.

Additionally, the bill creates the Commission on Off-Highway Vehicles. Duties of the Commission include selecting nonvoting advisers and adopting regulations for awarding grants from a newly-created Fund for Off-Highway Vehicles. A portion of the fees received from the titling and registration of off-highway vehicles must be deposited into the Fund. All money deposited into the Fund must be used only for projects relating to off-highway vehicles. The grants awarded by the Commission are to be used for projects relating to studies or planning for trails and facilities for use by owners and operators of off-highway vehicles, law enforcement, and safety training and education relating to off-highway vehicles.

Senate Bill 394 also provides for the licensing of manufacturers, dealers, and lessors of off-highway vehicles and for the consignment of off-highway vehicles.

This bill is effective on May 31, 2009, for the purposes of the appointment of the members of the Commission on Off-Highway Vehicles, the creation of the Revolving Account for the Assistance of the Department, and the adoption of regulations. For all other purposes, the bill is effective on July 1, 2011, or one year after the date the Interim Finance Committee issues a notice to the Department that there is at least \$500,000 available in the Revolving Account to begin administering the titling and registration program.

**NOTE: Senate Bill 394 was vetoed by the Governor on May 26, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**S.B. 415 (Chapter 394)**

Senate Bill 415 establishes the State contribution amount for group health insurance for public employees and the base subsidy amount for group health insurance for retired public employees, for the 2009-2011 Biennium.

For State employees, the health insurance contribution is \$626.52 per month for Fiscal Year (FY) 2010 and \$680.84 per month for FY 2011.

The subsidy amount for retirees represents the base rate, which may be modified depending on the number of years of State service for the particular retiree. The base subsidy is \$317.30 per month for FY 2010 and \$344.30 per month for FY 2011.

The bill is effective on July 1, 2009.

**NOTE: Senate Bill 415 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 31, 2009.**

**S.B. 429 (Chapter 395)**

Senate Bill 429 makes changes to various taxes and fees. The State business license fee is increased from \$100 to \$200 for a period of two years. The modified business tax for nonfinancial institutions is lowered to 0.5 percent for employers paying quarterly wages not exceeding \$62,500. For employers paying more than \$62,500 in quarterly wages, the tax is \$312.50 plus 1.17 percent for quarterly wages over \$62,500.

The depreciation schedules used to determine the amount of governmental services tax owed on used vehicles are increased by 10 percent; thereby increasing registration fees by slowing the rate of depreciation. The measure also increases the minimum tax on vehicles other than trailers less than 1,000 pounds from \$6 to \$16. The revenues from these increases are allocated to the State General Fund for the first four years and beginning July 1, 2013, will be deposited in the State Highway Fund.

The measure also adds an additional rate of 0.35 percent to the Local School Support Tax (LSST) for two years which temporarily increases the LSST from 2.25 percent to 2.6 percent.

The business license increase is effective on September 1, 2009, and expires on June 30, 2011. The governmental services tax provisions are effective on September 1, 2009, except for the redirection of the tax revenues to the State Highway Fund which is effective on July 1, 2013. The increase in the LSST is effective on July 1, 2009, and expires on June 30, 2011.

**NOTE: Senate Bill 429 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 29, 2009.**

**NOTE: See also Senate Bill 435 (Chapter 429).**

**S.B. 431 (Chapter 392)**

Senate Bill 431, known as the General Authorized Expenditures Act, represents authority for agencies to collect and expend monies other than state General Funds and includes federal funds (including the American Recovery and Reinvestment Act), gifts, grants, interagency transfers, service fees and other funds. The total authorized funding recommended for approval by the Legislature for ongoing operations is approximately \$12.03 billion for the 2009-2011 Biennium, which includes approximately \$608 million in Highway Fund appropriations. 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 (CIP) bill are the final result of the deliberations by the Assembly Committee on Ways and Means and the Senate Committee on Finance. The General Authorized Expenditures 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:

**State Public Works Board**—Approximately \$15.7 million in authorized revenues for the State Public Works Board was approved for the 2009-2011 Biennium, which is a decrease of approximately 12 percent from amount authorized for the 2007-2009 Biennium. The majority of the decrease results from the elimination of eleven project management and inspection positions, due to the amount of work estimated to be included in the 2009 CIP.

**Department of Education**—Support for public schools was considered separately in the school funding bill, which contains basic support, class-size reduction, full-day kindergarten, teacher and administrator training, teacher incentives, early childhood education, educational technology, career and technical education, and other state education programs. The Legislature approved for the Department of Education budgets a total of \$675.6 million in federal revenue authority over the upcoming biennium. Of this amount, \$263.7 million is for continued implementation of the federal No Child Left Behind Act. The federal funds will be utilized to continue the Title I basic program and the Even Start program, to enhance teacher quality and the proficiency testing program, and to enhance the System for Accountability Information in Nevada. Also included in this amount are federal funds of \$74.6 million authorized pursuant to the ARRA to the Department of Education for distribution to school districts over the 2009-2011 Biennium to provide increased support for the Title I basic program, programs for students with disabilities, assistance to increase educational technology in the classroom, and programs that serve homeless students.

**Nevada System of Higher Education**—In closing the budgets of the Nevada System of Higher Education, revenue from all sources was approved totaling \$1.61 billion for the 2009-2011 Biennium. Non-General Fund revenue sources include student registration fees, non-resident tuition, student application fees and federal revenues. The revenue total includes \$184.8 million in ARRA education stabilization funding available as a result of Nevada's receiving a waiver to the maintenance of effort requirement by the U.S. Department of Education. In expectation that the Regents would approve additional fee increases or surcharges for the 2009-2011 Biennium, the Legislature approved suspending the existing fee allocation letter of intent, but approved reinstating the fee allocation provisions for the 2011-2013 Biennium. Additionally, the Regents were provided the flexibility to determine how any additional revenues generated through a fee increase or surcharge would be expended at the campuses, as long as the increased fee revenues were recorded in the State-supported operating budgets.

**Department of Business and Industry**—For the Department of Business and Industry, the total authorized funding was \$270.5 million in the 2009-2011 Biennium, a decrease of 4.6 percent when compared to the 2007-2009 Biennium. The Governor's recommendation to merge the Mortgage Lending Division with the Financial Institutions Division was not approved by the Legislature. The Governor also recommended merging the Manufactured Housing Division with the Nevada Housing Division, which was not supported by the Legislature; instead, funding for the Manufactured Housing Division totaling \$4.95 million for the biennium was authorized. For the Division of Insurance, a new administration fee was approved for the Insurance Regulation account for the 2009-2011 Biennium. The Legislature

also approved changing the Employee Management Relations Board's funding source from General Fund to fee-based by assessing fees to local governmental employers, with the provision that the State will fund the annual fee to be assessed to school districts and charter schools from the Distributive School Account.

**Commission on Tourism**—The Legislature did not approve the Governor's recommendation to merge the Commission with the Commission on Economic Development. The Legislature also did not approve the Governor's recommendation to transfer all of the room tax revenues that currently fund the commission's operating budget to the state General Fund. The Legislature did, however, approve a transfer of room tax revenues to the General Fund, totaling approximately \$5.6 million over the biennium, to offset the revenue shortfall in the upcoming biennium.

**Director's Office, Department of Health and Human Services**—The Legislature approved sufficient tobacco settlement revenues in the Healthy Nevada Fund budget to serve a projected Senior Rx enrollment of 4,922 clients in Fiscal Year (FY) 2010 and 5,031 in FY 2011 and a projected Disability Rx enrollment of 518 clients in FY 2010 and 523 in FY 2011.

**Division for Aging and Disability Services**—Approximately \$84.5 million in non-General Fund revenue to support the budgets of the newly-created Division for Aging and Disability Services was authorized. Non-General Fund revenues that support this Division include federal grant funds, tobacco settlement proceeds, and transfers from Medicaid. The increase in total funding support for this Division in the 2009-2011 Biennium is due to the transfer of the Office of Disability Services, as well as the Senior Rx and Disability Rx programs from the Health and Human Services Director's Office. The approved funding will support increased caseloads for the Medicaid waivers, including the Community Home-Based Initiatives Program, the Waiver for Elderly in Adult Residential Care, and the Assisted Living Waiver.

**Division of Health Care Financing and Policy**—The Legislature approved a total of \$2.5 billion in authorized revenue for the Division over the 2009-2011 Biennium. The General Fund support for the Medicaid program was reduced, and the Title XIX authorizations for the program were increased significantly, based on the federal matching assistance percentage funding provided in the ARRA. The funding approved provides for caseload growth in the Medicaid program projected at approximately 214,000 recipients for FY 2010 and 226,000 average monthly recipients for FY 2011.

**Health Division**—Of the total funding approved for the Health Division, \$140.7 million in non-General Fund revenues was authorized for FY 2010 and \$144.6 million for FY 2011. These revenues include federal grants, licensure, screening and other types of fees, transfers from Medicaid and Nevada Check-Up, and cost allocation revenue. The Legislature approved the use of fees to fund eleven new Health Facility Surveyor positions in order to decrease the time between inspections of licensed health facilities, as well as a new Biostatistician position. The Legislature also approved the reorganization of the various bureaus within the

Health Division, as well as the consolidation of fiscal and accounting services within the Office of Health Administration. In addition, the transfer of the Medical Marijuana Registry from the State Department of Agriculture to the Health Division was approved.

**Division of Welfare and Supportive Services**—Overall, the Legislature approved authorized revenues of \$422.6 million over the 2009-2011 Biennium for the Division of Welfare and Supportive Services. The addition of ARRA Emergency Contingency TANF (Temporary Assistance for Needy Families) funds of \$11.9 million over the 2009-2011 Biennium was approved to replace General Funds to support cash assistance payments to TANF recipients. The federal ARRA child-care funds of \$14.3 million over the biennium were approved to provide for subsidy payments to New Employees of Nevada and at-risk child-care cases.

**Division of Mental Health and Developmental Services**—The bill authorizes \$240 million for the Division of Mental Health and Developmental Services over the 2009-2011 Biennium, which represents a decrease of 2.2 percent when compared to the total from the previous biennium.

**Division of Child and Family Services**—The Legislature approved \$209.7 million in authorized revenues for the Division over the 2009-2011 Biennium. Of that amount, approximately \$112.6 million was approved to fund statewide child welfare services. Funding was approved to support projected caseload increases in foster care, higher levels of care, and adoption subsidies. New positions were approved to support foster care caseload increases in Clark County and to support finalized adoptions in Washoe County. The approval included the transfer of federal funding and General Funds for mental health residential treatment placements from the Division's Rural Child Welfare budget to the Clark and Washoe County Integration budgets, to allow the counties to oversee and manage all levels of foster care within their jurisdictions. Additional General Funds and federal funding totaling \$20.8 million were approved for residential treatment placement expenses that are no longer eligible for Medicaid reimbursement.

**Department of Motor Vehicles**—Highway Fund authorizations of \$325,639 and federal fund authorizations of approximately \$1.2 million over the biennium were approved to complete the implementation of the REAL ID Act in Nevada, including a public information campaign; regulation workshops and hearings; field office modifications; a centralized REAL ID call center with temporary staff; and identity verification expenses.

**State Department of Conservation and Natural Resources**—Funding of \$206.2 million over the 2009-2011 Biennium was approved for the State Department of Conservation and Natural Resources, including the Tahoe Regional Planning Agency, a decrease of 9.3 percent when compared to the previous biennium. Although funding was approved for the Division of Forestry to keep the Tonopah Conservation Camp open, state park facilities at Elgin Schoolhouse and Walker Lake will be temporarily closed, and one park facility at Washoe Lake will close for four months in each year of the biennium.

**Nevada's Department of Transportation**—Included with the authorization is an additional \$201.4 million in ARRA funding to address Highway Fund construction and maintenance projects throughout the State.

**Public Employees' Benefits Program**—The Legislature authorized a total budget of \$915.1 million over the biennium for the Public Employees' Benefits Program (PEBP). These amounts reflect the portion of the budget reductions requested by the Governor and reviewed by the PEBP Board to maintain the State's contribution toward active employee and retiree group health insurance at the same level as FY 2009. The significant changes to effect budget reductions include: reducing by 5 percent the amount of the premium covered by the subsidy in each coverage tier; eliminating the subsidy for retired employees who retire after June 30, 2010, with fewer than 15 years of service credit; removing the Health Assessment Questionnaire and the participant incentives for completing it; instituting a single deductible instead of the low- and high-deductible options; and indexing both annual deductible and annual out-of-pocket maximum to medical inflation. The total savings from all of these budget reduction actions is \$53 million over the 2009-2011 Biennium.

The Governor's additional recommendations for budget reductions through shifting more costs to active employees and retirees were rejected. Those proposed reductions included: eliminating the subsidy for all Medicare retirees (current and prospective) effective July 1, 2009; eliminating the subsidy for any employee retiring after July 1, 2009; reducing the subsidy for existing non-Medicare retirees by 25 percent on July 1, 2009, and 25 percent more on July 1, 2010; and establishing the base subsidy to cover 75 percent of the premium for active employees as well as active dependents.

**Office of the Military**—The Legislature approved using reserves totaling \$30,000 per year to pay a \$100 entitlement to any member of the Nevada National Guard who attends a course on reintegration training upon return from active duty. The Office estimates a total of 300 members of the Guard would be eligible for this payment each year. Senate Bill 408 (Chapter 273, *Statutes of Nevada 2009*) includes the revisions to NRS 412.1435 that are necessary to enable this program to proceed.

Sections of the measure dealing with transfers of unexpended money in certain funds, along with provisions concerning transfers of funds in accordance with the American Recovery and Reinvestment Act (ARRA) are effective on May 29, 2009. The remaining portions of the bill are effective on July 1, 2009.

**NOTE: Senate Bill 431 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 29, 2009.**

**S.B. 433 (Chapter 391)**

Senate Bill 433 is known as the State Employee Salary Act. The measure establishes the maximum salaries for State employees in the unclassified service and certain State employees in the classified service. Employees subject to furloughs are held harmless in the accumulation of retirement service credit for time taken as furlough leave. The Board of Regents for the

Nevada System of Higher Education is required to implement a method for professional employees to participate in the furlough requirement or reduce overall costs for professional employees by an equivalent amount. The measure also provides an exception to the requirement of furlough leave for employees in identified areas of critical need that include the protection of public health, safety, and welfare and makes an appropriation for salaries for these positions. Appropriations from the General Fund and Highway Fund are provided to make up the difference in funding approved for departments, commissions, and agencies and the actual salaries net of requirements for unpaid furlough leave. In addition, Nevada's Department of Health and Human Services may adopt a plan to authorize additional callback pay for unclassified medical positions and pharmacists to perform on-call responsibilities to ensure 24-hour coverage in psychiatric facilities.

During the biennium, the Interim Finance Committee will project the balance in the General Fund and the Distributive School Account. If the projected balance of the General Fund is at least \$390 million, the bill provides for General Fund and Highway Fund appropriations to reduce unpaid furlough leave from 12 days to 9 days, along with funding sufficient to increase the salaries for personnel employed by school districts by 1 percent. If the projected balance of the General Fund is \$425 million, the bill provides for General Fund and Highway Fund appropriations to reduce unpaid furlough days from 12 days to 7 days with funding sufficient to increase the salaries for personnel employed by the school districts by 2 percent. Appropriations included in this bill to reduce furlough days and increase salaries do not apply if the State Treasurer borrows money on or after July 1, 2009, from the Local Government Pooled Investment Fund.

Finally, 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, 2009.

**NOTE: Senate Bill 433 was vetoed by the Governor on May 28, 2009. The veto was overridden by the 2009 Legislature on May 29, 2009.**

## **Sustained**

### **A.B. 22 (Vetoed May 29, 2009)**

Assembly Bill 22 allows an aggrieved person to seek statutory damages of up to \$5,000 from a person who engages in a deceptive trade practice. A person may not be held liable for statutory damages if he proves that the violation was unintentional, technical in nature, or the result of a bona fide error.



The bill also provides that it is a deceptive trade practice to knowingly use, for one's own advantage, another person's inability to reasonably protect his rights or interests in a consumer transaction, due to a mental or physical infirmity.

Assembly Bill 22 adopts updates to the Model State Trademark Bill and the federal Trademark Act. The measure makes changes concerning who may register marks and the types of marks that may be registered; it also makes changes to the registration process. It provides for the protection of marks and prohibits certain practices regarding misuse of marks. The bill requires the Secretary of State to establish by regulation certain fees related to the administration of trademark laws.

**NOTE: The veto was sustained by the 2009 Legislature on June 1, 2009.**

**A.B. 119 (Vetoed May 25, 2009)**

Assembly Bill 119 incorporates into statute the language of Washoe County Question No. 3 relating to balancing land use plans with the identified sustainable water resources within the County. Question No. 3 was passed by the voters of Washoe County at the 2008 General Election and requires the amendment of the regional plan adopted by the Truckee Meadows Regional Planning Agency. The bill also clarifies that the authority or duties of the State Engineer are not affected.

**NOTE: The veto was sustained by the 2009 Legislature on June 2, 2009.**

**A.B. 122 (Vetoed May 21, 2009)**

Assembly Bill 122 expands the authority of the Director of the Office for Consumer Health Assistance to adopt regulations and authorizes the Director to designate a hearing officer, in certain circumstances. The measure also makes clear that the office may serve consumers in need of information or assistance regarding health care services or disputes in medical billing.

**NOTE: The veto was sustained by the 2009 Legislature on May 22, 2009.**

**A.B. 135 (Vetoed May 29, 2009)**

Assembly Bill 135 requires the Office of the State Treasurer to review and the State Board of Finance to approve or reject certain State financial obligations prior to a State agency, officer, or employee incurring debt obligations, which would require State payments of \$5 million or more in future budget biennia. The measure requires the State Treasurer to complete this review and report to the State Board of Finance not later than 30 days after an agency requests that a review be conducted. For obligations relating to the American Recovery and Reinvestment Act of 2009 (ARRA), reviews must be completed within 15 days. The ability of the State Treasurer to waive the review and the Board of Finance's approval is also set forth in the bill.

Assembly Bill 135 also clarifies that for projects approved by the State Board of Finance, the cost of the State Treasurer's reviews are to be paid as part of the project's cost and by the project's proposer in instances when the project is not approved by the State Board of

Finance. Finally, A.B. 135 exempts several categories of State financial obligations from these review and approval requirements, including:

- Projects to retrofit State buildings for energy efficiency approved through the State Board of Examiners;
- Certain lease-purchase and installment-purchase contracts of the Nevada System of Higher Education; and
- State financial obligations required by federal law.

**NOTE: The veto was sustained by the 2009 Legislature on June 1, 2009.**

**A.B. 141 (Vetoed May 29, 2009)**

Assembly Bill 141 establishes the Mortgage Education, Research and Recovery Fund. A person who has obtained a final judgment for fraud, misrepresentation, or deceit by a licensed mortgage agent, banker, or broker may file a petition for payment from the fund, up to \$25,000 per judgment. The person must show that he has attempted to recover damages from the licensee and that he could find no assets or insufficient assets.

A fee levied on mortgage agents, bankers, and broker licensees must be deposited in the Fund, which must maintain a balance of \$300,000 for satisfying claims. Any balance over \$300,000 at the end of a fiscal year must be used for education and research related to mortgages.

If payment is made from the Fund to settle a claim against a licensee, his license must be automatically suspended and may not be reinstated until he has repaid the amount, plus interest.

**NOTE: The veto was sustained by the 2009 Legislature on June 1, 2009.**

**A.B. 147 (Vetoed May 29, 2009)**

Assembly Bill 147 grants a 5 percent preference to local businesses and businesses owned by women, minorities, or service-disabled veterans when bidding on local government purchasing contracts over \$50,000. A local business is defined as one that has employed at least one person in Nevada for two years. For businesses owned by women, minorities, or service-disabled veterans to be eligible for the preference, the business must have employed at least one person in Nevada for one year. The bill also grants a 5 percent preference to qualified local bidders of biodiesel fuel that is produced in the State of Nevada.

When awarding certain local government purchasing contracts that are not adapted to competitive bidding, the local government must give consideration to the number of local employees and other relevant local contacts of the person or business seeking the contract. If the local government uses a point system or similar scoring rubric to make decisions on awarding such contracts, it must ensure that the factors demonstrating a person's status as a local bidder must account for not less than 5 percent of the points.

The bill requires annual reporting by the local governments to the Legislature regarding any contracts for which the estimated annual cost exceeds \$25,000. The form and content of the report must be prescribed by the Committee on Local Government Finance and must include various details of the contracts and whether or not they were awarded pursuant to the preferences set forth in the measure.

**NOTE: The veto was sustained by the 2009 Legislature on June 1, 2009.**

**A.B. 257 (Vetoed May 21, 2009)**

Assembly Bill 257 prohibits a person from taking more than ten copies of a free periodical, which includes a newspaper or magazine, with the intent to:

- Recycle the periodical for a profit;
- Sell the periodical;
- Deprive others of the opportunity to read the periodical; or
- Harm a business competitor.

A person convicted this offense is guilty of a misdemeanor; however, a conviction under this measure is not a theft or petit larceny.

**NOTE: The veto was sustained by the 2009 Legislature on May 22, 2009.**

**A.B. 267 (Vetoed May 28, 2009)**

Assembly Bill 267 requires that a golf course assessed as open-space real property for property tax purposes must also be designated under any applicable zoning ordinance as open-space real property unless it is in a common-interest community or planned unit development, or is operated in conjunction with or adjacent to a resort hotel.

**NOTE: The veto was sustained by the 2009 Legislature on June 1, 2009.**

**A.B. 307 (Vetoed May 28, 2009)**

Assembly Bill 307 requires a board of county commissioners to publish the annual list of all taxpayers on the secured roll and the property values only on a website or other Internet site that is operated or administered by or on behalf of the county or county assessor, thereby eliminating the requirement for this information to be published in a newspaper of general circulation in the county or to be mailed to each taxpayer. The notices of completion of the secured property tax roll must include a statement noting that the secured roll is available on an Internet site.

Delinquent tax notices for counties must also be published at least once on the website or other Internet site that is operated or administered by or on behalf of the county or county assessor.

**NOTE: The veto was sustained by the 2009 Legislature on June 2, 2009.**

**A.B. 319 (Vetoed May 29, 2009)**

Assembly Bill 319 provides specified rights for a school employee in a meeting between a school employee and a representative of a school district that may result in disciplinary action against the employee, or that involves a complaint made by the school employee concerning his working conditions or the manner in which he is treated. The measure requires the board of trustees of a school district to adopt a policy prohibiting administrators or agents of the school district from attempting to convince employees to waive rights; penalties must be included in the policy.

The measure provides that an unlicensed employee may be suspended with loss of pay at any time after a due process hearing has been held and requires an unlicensed employee who is dismissed from employment to be reinstated with full compensation, plus interest, for all missed days of work if sufficient grounds for dismissal do not exist. For licensed employees, the measure specifies that if sufficient grounds for dismissal do not exist, the employee is entitled to full compensation for all missed days of work and is not required to mitigate damages.

**NOTE: The veto was sustained by the 2009 Legislature on June 1, 2009.**

**A.B. 381 (Vetoed May 29, 2009)**

Assembly Bill 381 provides that a person drafting a standardized agreement with a consumer requiring binding arbitration must clearly and conspicuously disclose the filing fee, the average daily cost, other charges the arbitrator will assess, and the proportion of those costs each party bears if the consumer prevails and does not prevail.

Assembly Bill 381 also requires an arbitration company handling 50 or more consumer cases per year to collect information on those cases and make it accessible to the public. They must also waive fees and costs for low-income consumers and may not preside over matters in which they have a financial interest.

**NOTE: The veto was sustained by the 2009 Legislature on June 1, 2009.**

**A.B. 446 (Vetoed May 28, 2009)**

Assembly Bill 446 requires that Part 1 of the proposed *Executive Budget* of State government include a general summary of long-term performance goals established by the Governor for core government functions and services. The summary of long-term performance goals must include an explanation as to how core government functions and services will be funded for the next two fiscal years in such a way that allows for progress in achieving these goals.

Part 2 of the proposed *Executive Budget* must identify each long-term performance goal for core government functions and mid-range objectives to be achieved in the next two fiscal years. An explanation of how these goals and objectives will be funded such that the mid-range objectives will be met and progress made toward achieving any long-term performance goals must also be included. The bill requires the mission statement accompanying Part 2 of the *Executive Budget* to incorporate the mid-range and long-term

performance goals and objectives for each department, institution, or agency of the Executive Branch. The mission statement and the performance goals set forth in Part 2 of the *Executive Budget* must be posted on the Internet websites maintained by the Governor, Nevada's Department of Administration, and the Budget Division of Nevada's Department of Administration.

Finally, A.B. 446 clarifies the information that State agencies are required to submit to the Budget Division to assist the Division in preparing the proposed budget.

**NOTE: The veto was sustained by the 2009 Legislature on June 1, 2009.**

**A.B. 458 (Vetoed May 28, 2009)**

Assembly Bill 458 creates the K-12 Public Education Stabilization Account within the Fund to Stabilize the Operation of the State Government, which is also known as the Rainy Day Fund. The bill requires the State Controller to deposit 50 percent of any money reverted from the State Distributive School Account (DSA) at the close of each odd-numbered fiscal year into the K-12 Public Education Stabilization Account and deposit the remaining 50 percent of any money reverted into the Account for Programs for Innovation and the Prevention of Remediation.

The measure authorizes the Superintendent of Public Instruction to request from the Legislature, or the Interim Finance Committee if the Legislature is not in session, an allocation from the K-12 Public Education Stabilization Account if a shortfall exists in the DSA. The provisions indicate that if a shortfall exists in the DSA, no allocation to cover the shortfall may be made from the Rainy Day Fund until all money available in the K-12 Public Education Stabilization Account for allocation to cover the shortfall has been so allocated.

Assembly Bill 458 limits the amount that may be set aside as proposed reserves for the DSA and certain other funds and accounts for education to the average that is reserved for all other departments, institutions and agencies to meet emergencies arising during a fiscal year. Additionally, the bill requires the Chief of the Budget Division to submit a request to the Legislature, or the Interim Finance Committee if the Legislature is not in session, to determine whether an allocation from the K-12 Public Education Stabilization Account should be made in lieu of setting aside a reserve from those funds and accounts for education.

Assembly Bill 458 excludes local school support taxes from the partial abatements of local sales and use taxes that can be granted by the Commission on Economic Development and limits the duration and amount of partial abatements of property taxes that can be granted by the Commission. The measure also excludes the local school support tax from the credit against or refund of sales and use taxes currently provided for businesses located within a zone for economic development.

Existing law authorizes the reallocation to a redevelopment agency of certain property taxes levied in a redevelopment area. Assembly Bill 458 requires the deposit of a portion of the amount of those taxes that would otherwise be reallocated to a redevelopment area to the DSA

in each fiscal year of the 2009-2011 Biennium and to the K-12 Public Education Stabilization Account in future years.

Finally, this measure revises the provisions requiring redevelopment agencies in cities whose population is 300,000 or more (City of Las Vegas) to set aside tax revenue for low-income housing by reducing the percentage of redevelopment revenues that must be set aside for that purpose from 18 percent to 15 percent. For those cities that attain a population of 300,000 or more in the future, the redevelopment agency must set aside tax revenue for low-income housing of 3 percent in the first fiscal year and increase that percent each fiscal year until it reaches a minimum of 15 percent.

**NOTE: The veto was sustained by the 2009 Legislature on June 1, 2009.**

**A.B. 473 (Vetoed May 25, 2009)**

Assembly Bill 473 requires the Director of Nevada's Department of Corrections to establish regulations governing staff training in medical emergency response and reporting. The bill also requires the Director to establish standards for maintaining an inventory of essential medical and dental equipment.

**NOTE: The veto was sustained by the 2009 Legislature on June 2, 2009.**

**A.B. 491 (Vetoed May 28, 2009)**

Assembly Bill 491 revises procedures governing writs of execution, attachment, and garnishment as follows:

- A constable is authorized to perform the same duties, and has the same authority, otherwise granted to a sheriff with respect to a writ of execution, garnishment, or attachment;
- Up to \$1,000 in the bank account of a judgment debtor is exempt from execution;
- Funds reasonably identified as exempt from execution that have been deposited electronically into the judgment debtor's account within 45 days of the service of a writ are exempt up to a maximum of \$2,000;
- A financial institution that makes reasonable effort to determine whether money in an account is subject to execution of a writ is immune from civil liability for any act or omission with respect to that determination;
- If a judgment debtor has accounts in more than one financial institution, the writ may attach to all money in those accounts and the judgment debtor is allowed to claim any applicable exemptions;
- A creditor must obtain separate writs of execution against property held in any safe-deposit box and in an account maintained at the same financial institution;

- In addition to funds held in deferred payment plans and accounts, proceeds paid from them are also exempt. Unemployment compensation is exempt regardless of whether it is mixed with other funds;
- The notice that is provided to the judgment debtor when a writ is levied is revised to reflect the changes made by the bill;
- In asserting claims for exemptions and objections to claims, the parties are allowed additional time to file the claim or objection, and the fees for filing the exemption are waived;
- The interrogatories used with a writ of execution, attachment, or garnishment are revised to clarify which earnings are subject to execution, and to garner additional information from financial institutions regarding the changes set forth in the bill;
- The judgment creditor must prepare an accounting and report to the judgment debtor, sheriff, and garnishee every 120 days regarding the amount owed by the judgment debtor; and
- Fees for taking property subject to the execution, attachment, or court order are not payable in advance.

**NOTE: The veto was sustained by the 2009 Legislature on June 2, 2009.**

**S.B. 378 (Vetoed May 28, 2009)**

Senate Bill 378 requires Nevada's Department of Education to adopt a plan for early childhood education designed to promote the development and school readiness of children in prekindergarten education. School readiness is defined as the ability of a child to enter kindergarten with an appropriate level of skills, knowledge, and maturity to participate successfully.

This measure permits the Department to apply for federal funds from the American Recovery and Reinvestment Act of 2009 for support of prekindergarten programs in Nevada that comply with the State's plan for early childhood education.

The Superintendent of Public Instruction shall prepare an annual report, including an analysis of the school readiness of children who complete the prekindergarten education program. This measure does not require a school district, charter school, or the Department to provide a program of prekindergarten education. In addition, it does not require a parent or legal guardian to enroll a child in a program of prekindergarten education.

**NOTE: The veto was sustained by the 2009 Legislature on May 31, 2009.**

## **Return to 2011 Session**

### **A.B. 130 (Vetoed June 9, 2009)**

Assembly Bill 130 provides that the term of a member appointed to the fiscal affairs committee for a metropolitan police department shall be not less than two years and that the member may be removed for cause by a majority vote of the governing body that appointed the member. The measure increases, from \$40 per day to \$80 per day, the compensation of the general public member of the fiscal affairs committee. In addition, A.B. 130 provides that only the sheriff or one or more persons designated by the sheriff shall represent the metropolitan police department in certain employee negotiations with its employees. The fiscal affairs committee shall designate one representative from each governing body represented on the committee to monitor the negotiations. Finally, the bill states that the sheriff shall submit any tentative agreement reached in the negotiations to the fiscal affairs committee for approval.

**NOTE: Will be returned to the 2011 Legislature for the veto to be sustained or overridden.**

### **A.B. 395 (Vetoed June 4, 2009)**

Assembly Bill 395 provides definitions and procedures relating to workplace relations for certain classified State employees in the Executive Branch. The bill provides for negotiation and enforcement of agreements between workplace relations units, their selected exclusive representatives, and the Executive Branch over the terms and conditions of employment. Terms and conditions of employment include hours and working conditions, grievances, and discipline and discharge, but not salaries or benefits. Provisions are made for mediation, arbitration, judicial review and fair share agreements, in addition to procedures for the determination of workplace units and selection of exclusive representatives. Any workplace relations agreement must be posted on the State's Internet website.

The Personnel Commission is charged with the oversight of workplace relations and resolution of any disputes. The bill terminates the current appointments to the Commission and changes the appointing authorities so that the Governor appoints three members, the Speaker of the Assembly appoints one member, and the Senate Majority Leader appoints one member.

Assembly Bill 395 does not affect managerial, confidential or temporary employees; elected officials; officers and members of the Nevada National Guard; State justices and judges; prison inmates; unclassified employees of the Nevada System of Higher Education; and employees of the Legislature. Finally, the measure authorizes the State of Nevada to suspend the applicability of a workplace relations agreement in situations of emergency, such as a riot, military action, natural disaster, or civil disorder.

**NOTE: Will be returned to the 2011 Legislature for the veto to be sustained or overridden.**



**A.B. 451 (Vetoed June 9, 2009)**

Assembly Bill 451 establishes a Linked Deposit Program to increase the availability of reduced-rate loans to qualified small businesses owned and operated in the State. Special consideration will be provided to businesses that are at least 51 percent owned and operated by a minority, a woman, or a United States military veteran, or to businesses engaged in the production and sale of fuel or power from an energy source other than a fossil fuel. Under this Program, the State Treasurer may invest an aggregate amount not to exceed \$20 million in certificates of deposit with commercial banks, insured credit unions, or insured savings and loan associations at a reduced rate of interest on the condition that the lending institution link the value of each certificate of deposit to a reduced-rate loan to qualified small businesses. The measure also provides that the rate of interest paid to the State on the deposit may not be more than 2 percentage points below the market rate for such a loan. Additionally, a lending institution is required to sign an agreement with the State Treasurer concerning the terms of such a deposit and its linked loan. The lending institution that participates in the Program must apply usual lending standards to determine the creditworthiness of an eligible small business. The measure limits such loans to not more than \$500,000 and to a term of not longer than 10 years. Finally, the State Treasurer may not accept a linked deposit loan package or invest in a reduced-rate certificate of deposit after June 30, 2011.

**NOTE: Will be returned to the 2011 Legislature for the veto to be sustained or overridden.**

**A.B. 503 (Vetoed June 9, 2009)**

Assembly Bill 503 creates an eight-member Advisory Committee to develop recommendations for increasing the funding for the construction and maintenance of highways in Nevada. The Committee is also authorized to ask the voters, at the 2010 General Election, for their advice on the recommendations.

Three members of the Committee must be appointed by the Majority Leader of the Senate and three must be appointed by the Speaker of the Assembly. Of these appointees, not more than one may be a member of the Senate, and not more than one may be a member of the Assembly.

Additionally, one member must be appointed by the Minority Leader of the Senate and one must be appointed by the Minority Leader of the Assembly. To the extent practicable, appointments to the Committee must reflect the geographical diversity of the State.

**NOTE: Will be returned to the 2011 Legislature for the veto to be sustained or overridden.**

**S.B. 143 (Vetoed June 9, 2009)**

Senate Bill 143 appropriates \$500,000 from the State General Fund to the Interim Finance Committee (IFC) for allocation to pay costs relating to the implementation of legislation concerning State revenue enacted during the 75th Session of the Legislature. After June 30, 2011, any remaining balance of the appropriated money must not be committed for expenditure

by IFC or any entity to which money from the appropriation is granted or otherwise transferred. Any portion of the appropriated money remaining must not be spent for any purpose after September 16, 2011, and will revert to the State General Fund on or before September 16, 2011.

**NOTE: Will be returned to the 2011 Legislature for the veto to be sustained or overridden.**

**S.B. 376 (Vetoed June 4, 2009)**

Senate Bill 376 clarifies that the prevailing wage rate surveys conducted by the Labor Commissioner encompass private and public nonresidential construction work. The bill specifies the classes of workmen for which the Labor Commissioner is required to survey and, if the prevailing rate is a wage that has been collectively bargained, requires the Labor Commissioner to recognize the rate and adjust it for the classes and subclasses of workmen established in the collective bargaining agreement on file with the Labor Commissioner on or before September 1 of the year in which the determination of the prevailing wage is made. The measure also clarifies the circumstances in which the Labor Commissioner is required to hold a hearing in a locality regarding a determined prevailing wage rate. Finally, S.B. 376 exempts the Labor Commissioner from compliance with the Nevada Administrative Procedure Act as it relates to determining and issuing the prevailing rate of wages and subclasses of workmen in each county.

**NOTE: Will be returned to the 2011 Legislature for the veto to be sustained or overridden.**

**S.B. 396 (Vetoed June 9, 2009)**

Senate Bill 396 authorizes a peace officer who is subject to an investigation by a law enforcement agency, after the conclusion of the investigation, to review and copy any administrative or investigative file if the charges against him are sustained and punitive action is imposed or considered against him. The peace officer must also be notified that he is entitled to attend any hearing conducted before the imposition or proposed imposition of punitive action.

The bill requires a law enforcement agency to provide written notice to any other peace officer believed to have relevant knowledge of the case not later than 48 hours before any interrogation or hearing is held.

If a peace officer gives a statement or answers a question relating to alleged misconduct of the peace officer who is the subject of the investigation, that statement or answer must not be used in any criminal investigation of the responding peace officer.

**NOTE: Will be returned to the 2011 Legislature for the veto to be sustained or overridden.**

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## **ASSEMBLY STANDING COMMITTEES**

Seventy-Fifth Session—2009

(The Chair is named first, the Vice Chair is named second, and the members are listed alphabetically on each committee.)

### **COMMERCE AND LABOR**

Conklin, Atkinson, Anderson, Arberry, Buckley, Christensen, Gansert, Goedhart, Horne, Kirkpatrick, Manendo, McClain, Ocegüera, Settelmeyer

### **CORRECTIONS, PAROLE, AND PROBATION**

Horne, Segerblom, Anderson, Carpenter, Cobb, Dondero Loop, Gustavson, Hambrick, Kihuen, Manendo, McArthur, Mortenson, Ohrenschall, Parnell

### **EDUCATION**

Parnell, Denis, Bobzien, Dondero Loop, J. Hardy, Kihuen, Mastroluca, McArthur, Munford, Stewart, Woodbury

### **ELECTIONS, PROCEDURES, ETHICS (EPE), AND CONSTITUTIONAL AMENDMENTS (CA)**

EPE-Koivisto, Mortenson; CA-Mortenson, Koivisto; Cobb, Conklin, Gansert, Hambrick, Horne, Kihuen, Munford, Ohrenschall, Segerblom, Settelmeyer, Smith

### **GOVERNMENT AFFAIRS**

Kirkpatrick, Bobzien, Aizley, Atkinson, Christensen, Claborn, Goedhart, Mastroluca, Munford, Pierce, Settelmeyer, Spiegel, Stewart, Woodbury

### **HEALTH AND HUMAN SERVICES**

Smith, Pierce, Cobb, Denis, Hambrick, J. Hardy, Leslie, Mastroluca, Parnell, Spiegel, Stewart

### **JUDICIARY**

Anderson, Segerblom, Carpenter, Cobb, Dondero Loop, Gustavson, Hambrick, Horne, Kihuen, Manendo, McArthur, Mortenson, Ohrenschall, Parnell

### **NATURAL RESOURCES, AGRICULTURE, AND MINING**

Claborn, Hogan, Aizley, Bobzien, Carpenter, Goicoechea, Grady, Gustavson, Munford, Ohrenschall, Segerblom

### **TAXATION**

McClain, Kirkpatrick, Aizley, Anderson, Arberry, Goedhart, Grady, Gustavson, Koivisto, Leslie, McArthur, Mortenson, Pierce

### **TRANSPORTATION**

Atkinson, Manendo, Carpenter, Christensen, Claborn, Dondero Loop, Goicoechea, Hogan, Kihuen, Spiegel, Woodbury

### **WAYS AND MEANS**

Arberry, Leslie, Buckley, Conklin, Denis, Gansert, Goicoechea, Grady, J. Hardy, Hogan, Koivisto, McClain, Ocegüera, Smith

**SPEAKER**

Barbara E. Buckley

**SPEAKER PRO TEMPORE**

Bernard (Bernie) Anderson

**MAJORITY FLOOR LEADER**

John Ocegüera

**ASSISTANT MAJORITY FLOOR LEADER**

Marcus L. Conklin

**MAJORITY WHIP**

Sheila Leslie

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William C. Horne

Debbie Smith

**MINORITY FLOOR LEADER**

Heidi S. Gansert

**ASSISTANT MINORITY FLOOR LEADER**

Lynn D. Stewart

**MINORITY WHIPS**

Chad Christensen

Peter (Pete) J. Goicoechea

## **SENATE STANDING COMMITTEES**

Seventy-Fifth Session—2009

(The Chair is named first, the Vice Chair is named second, and the members are listed alphabetically on each committee.)

### **COMMERCE AND LABOR**

Carlton, Schneider, Amodei, Copenig, W. Hardy, Parks, Rhoads

### **ENERGY, INFRASTRUCTURE, AND TRANSPORTATION**

Schneider, Carlton, Breeden, Cegavske, Lee, Nolan, Townsend

### **FINANCE**

(Co-Chair) Mathews, (Co-Chair) Horsford, Coffin, W. Hardy, Raggio, Rhoads, Woodhouse

### **GOVERNMENT AFFAIRS**

Lee, Care, Breeden, Horsford, McGinness, Raggio, Townsend

### **HEALTH AND EDUCATION**

Wiener, Woodhouse, Breeden, Cegavske, Horsford, Nolan, Washington

### **JUDICIARY**

Care, Wiener, Amodei, Copenig, McGinness, Parks, Washington

### **LEGISLATIVE OPERATIONS AND ELECTIONS**

Woodhouse, Mathews, Cegavske, W. Hardy, Lee, Raggio, Wiener

### **NATURAL RESOURCES**

Parks, Copenig, Amodei, Coffin, Mathews, Nolan, Rhoads

### **TAXATION**

Coffin, Care, Carlton, McGinness, Schneider, Townsend, Washington

### **PRESIDENT PRO TEMPORE**

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Barbara K. Cegavske

### **MAJORITY WHIP**

Valerie Wiener

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John Jay Lee

