

LEGISLATIVE REPORT

A publication of the Nevada Taxpayers Association serving the citizens of Nevada since 1922

ISSUE 11-13

AMENDMENTS TO BILLS THROUGH APRIL 19, 2013

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Notes:

- Page numbers continue from previous issue.
- The default effective date for bills, unless otherwise requested, is October 1, 2013. An effective date for the bills reported will be shown only when it differs from the default date.
- For the purpose of this report, the “fiscal effect” shown is taken from the bill and not determined by NTA.
- The full text of all bills is available at www.leg.state.nv.us; select “Session Information - 2013.”

This issue covers amendments to Tax and Fee bills previously reported. Amendments reported are as of April 19, 2013. Page 91 contains a list of bills which were added to the exempt list, failed to meet the April 23 deadline first house passage or were lost in a floor vote that have been reported in Legislative Report.

TAXES

Business Taxes

AB 496 1st Reprint - Clark County: More Cops (Issue 10, page 70)

The requirement of a two-thirds approval by each of the City Councils in Clark County is removed. The Clark County Commission is authorized to enact an ordinance imposing an additional sales and use tax rate of up to 15 hundredths of 1 percent (0.15) upon a two-thirds vote, on or after October 1, 2013, but before July 1, 2016. Passage and approval (changed from July 1, 2015). Still expires by limitation of October 2025.

Miscellaneous

SB 454 1st Reprint – Insurance Tax Premiums Deductions (Issue 10, page 71)

Authorizes the Silver State Health Care Exchange to offer dental or vision benefit options. Clarifies the language regarding deduction of Exchange fees from premium tax payments.

SB 465 1st Reprint – Livestock Tax (Issue 10, page 71) – Maintains the 2/3s majority vote.

Amends the time period in which a skipped tax assessment can be retroactively levied to 5 years after the date the tax would have been due.

Property

AB 26 1st Reprint – Statutory Depreciation Rate (Issue1, page 3) - Maintains the 2/3smajority vote.

Adds a study to be conducted by a consultant on the effect of reducing the statutory depreciation rate used to determine valuation of improvements on real property and appropriates \$150,000 for the study.

Comment: Since the rate of depreciation is reduced in this bill, why then is \$150,000 being appropriated to study the effect of reducing the rate?

AB 418 1st Reprint – Clark County: Property Tax Distribution (Issue 10, page 71)

Raises the county population cap to 700,000, so the measure will only apply to Clark County. Allows the county to retain 30 percent of the total amount and 10 percent is to be divided proportionately, according to assessed values, among the county, cities and towns. The remaining 60 percent continues to be directed to the State Highway Fund.

SB 66 1st Reprint – County Powers Over Property (Issue 1, page 3) - Maintains the 2/3smajority vote.

Limits the provisions to counties under 15,000 and includes the property of any local government within those counties provided an interlocal agreement for cost reimbursement is in place between the entities. Allows county boards to, by ordinance, provide for the imposition of civil penalties connected with nuisance abatements.

SB 68 1st Reprint – Underground Utility Districts (Issue1, page 3)

Extends the authority to create underground utility districts to all counties and includes video and broadband services in the definition of covered utilities. If such a district is created, it must include the entire county, including incorporated cities and unincorporated areas. All new utilities constructed in a redevelopment area are required to be located underground effective July 1, 2018.

SB 301 1st Reprint – Assignment of Property Tax Liens (Issue 9, page 53)

This amendment is a substantial rewrite of the original bill. Major changes provide the owner of real property may authorize the county treasurer to assign to an assignee the tax lien of the property. The authorization between the property owner and assignee must be in writing and recorded in the office of the county recorder. Additional conforming changes are made.

Tax Abatements**AB 33 1st Reprint – Abatement: Energy Efficient Buildings (Issue 1, page 4)**

Increases the amount of points needed to reach each compliance level under the “Optimize Energy Performance” credit rating system. Provides that a partial abatement for a building or other structure that qualifies for the abatement under the Leadership in Energy and Environmental Design (LEED) “Existing Buildings: Operations and Maintenance” rating system, or an equivalent rating system, are capped at five years and \$100,000 per year.

AB 38 1st Reprint – Abatement: New or Expanded Businesses (Issue 1, page 4)

Reduces the minimum capital investment that must be made in both larger and smaller counties and cities for new industrial and manufacturing businesses, and for new non-industrial and non-manufacturing businesses. Also reduces the maximum abatement of personal property for businesses locating in a foreign trade zone. The definition of “eligible property” for the sales and use tax is clarified not to include buildings or equipment used by a public utility, equipment used for medical treatment, and machinery or equipment used in mining or gaming. The Office of Economic Development is to hold a public meeting rather than a hearing before taking action on applications for abatements. Clarifies the effective date of the abatement.

AB 61 1st Reprint – Abatement: Economic Development (Issue 1, page 5)

Provisions which would have amended the definition of “regional development authority” are deleted. Specifies the Governor’s designee is to serve as the chair of the Board. Allows only counties and cities to apply for grants or loans from the Catalyst Fund.

AB 138 1st Reprint – Business Investment in NSHE Research (Issue 5, page 21)

Changes the description of the eligible NSHE education entities for \$500,000 capital investments to read “an institution” rather than “a community college.” Stipulates the board of county commissioners in an affected area must approve or deny the abatement. Clarifies what is considered a capital investment.

SB 172 1st Reprint – MBT: New Hire Deduction (Issue 5, page 21)

An employer is not prohibited from claiming the deduction if the vacancy being filled occurs through a voluntary separation of employment or through the employee being fired for cause. Changes the effective date from July 1, 2013, to October 1, 2013. The expiration date is still July 31, 2020.

SB 305 1st Reprint – Modified Business Tax Credit (Issue 9, page 52)

The Modified Business Tax credit for employers who offer internships to students is removed.

Tax Administration**SB 7 1st Reprint – Department of Tax Technical Bulletins (Issue 1, page 5)**

Expands the subject areas of technical bulletins to be prepared by the Director to include published and unpublished Attorney General Opinions.

Vehicles and Fuel**AB 166 1st Reprint – Vehicle Registration: Non Residents (Issue 6, page 28) - Maintains the 2/3majority vote.**

Reduces the annual fee for nonresident daily commuter decal for a vehicle to \$33 from \$150. Reduces the fine for a first offense to \$100 from \$300. Narrows the focus of the bill to “nonresident daily commuters,” defined as a nonresident of this State who enters and leaves on a regular basis for employment in Nevada, not more than 30 road miles from the boundary of Arizona, California, Idaho, Oregon or Utah.

AB 167 1st Reprint – Vehicle Registration: Non-Resident Company (Issue 6, page 28) - Maintains the 2/3majority vote.

Clarifies that the annual fee to register the first vehicle is \$200 and the fee to register each additional vehicle is \$150. Registration is not transferable. Vehicles leased or rented on a short-term basis are exempt.

AB 189 1st Reprint – Special License Plate: Neurological Diseases (Issue 6, page 28) - Maintains the 2/3majority vote.

Removes the entity-specific provisions and instead creates a new, second tier of special license plates that requires a 3,000 plate application threshold and a surety bond of \$20,000. A maximum of 5 special license plates may be issued in this second tier. The existing tier conditions remain the same. Design approval remains with the Commission on Special License Plates.

AB 293 1st Reprint – Off Highway Vehicle Registration (Issue 8, page 42)

Deletes the original bill language and now requires registration decals for off-highway vehicles to be at least 3” high and 3½ inches long.

AB 336 1st Reprint - Trailer Registration Extended (Issue 9, page 54)

The optional extended registration period of certain trailers is changed to 3 years from the proposed 5 years. Provisions are added for a semipermanent registration term (until ownership changes or registration cancelled) for a semitrailer or full trailer for a onetime flat nontransferable and nonrefundable registration fee of \$110. The fee includes \$24 to be distributed to the State Highway Fund for registration and \$86 to be distributed to the county in which the vehicle is domiciled to cover the basic governmental services tax. The effective date of the bill is changed from July 1, 2013, to January 1, 2015.

AB 405 2nd Reprint - Seasonal Resident Registration (Issue 9, page 54) - Maintains the 2/3smajority vote.

Classifies out-of-state students as seasonal residents for purposes of obtaining seasonal resident permit decals and identification cards. Makes the decal renewal period annual. Changes the effective date to January 1, 2015 from January 1, 2014.

AB 413 1st Reprint – Fuel Tax Indexing: Clark County (Issue 9, page 54)

Allows the County Commissioners to index fuel taxes for the period of January 1, 2014 to December 31, 2016 unless approved for continuation by the voters in the November 2016 election. Also removes the exemption for the sale of bonds sold by an RTC from the requirements regarding competitive bid and negotiated sale.

SB 343 1st Reprint – Off-Highway Vehicle Registration (Issue 9, page 54)

The sticker or decal for registered large all-terrain vehicles is to be distinguishable from the sticker or decal of a regular off-highway vehicle (OHV). Under the new designation, the owner of a large all-terrain vehicle must provide proof of insurance that meets the requirements of insurance on an automobile. The vehicle can either be registered as a standard OHV (currently required) or under the new designation. The fee would be the same for either registration.

Mining**SB 400 1st Reprint – Mining Tax (Issue 9, page 55) - Maintains the 2/3s majority vote.**

A mine or mining claim is exempted from property taxation as a possessory/beneficial interest. The requirement that the taxable value of property include any mineral deposit in its natural state attached to the property is deleted.

Position: Amend. This bill still has a number of administrative problems relative to revenue distribution and time frames that need to be addressed.

FEES**AB 54 1st Reprint – Justice Court Fees (Issue 1, page 6) - Maintains the 2/3smajority vote.**

Adds authorization for county commissions to impose by ordinance a justice court filing fee of not more than \$8 to be used to support and operate a law library in the county. Adds a provision that the total share of other justice court fees received by the court may not exceed the amount collected in the fiscal year July 1, 2012 to June 30, 2013.

AB 60 1st Reprint – Nonprofit Fundraising (Issue 1, page 6) - Removes the 2/3 smajority vote.

Deletes the proposed language authorizing the Secretary of State (SOS) to investigate whether or not nonprofits are carrying out their missions appropriately and deletes the provision that a court could require responsible officers to pay a judgment against the nonprofit corporation. Changes the procedure to address alleged violations of charitable solicitations to begin with a letter to the party from the SOS and then referring the matter to the Attorney General for action and a possible civil penalty of not more than \$1,000. Exempts solicitations directed at fewer than 15 people or to relations of the entity's officials.

AB 74 1st Reprint – Document Preparation Services Licensing (Issue3, page 15) - Maintains the 2/3s majority vote.

Narrow slightly the list of services covered and expands the list of exempted persons to include wedding chapels, a provider of blank legal forms, immigration representatives and others.

AB 145 1st Reprint – Complete Streets Fee (Issue 5, page 22) - Maintains the 2/3s majority vote.

Revises the language so any county, with or without a regional transportation commission, can adopt this program. Voluntary fees collected by the DMV are to be distributed to the appropriate body in each county according to registration address.

AB 256 1st Reprint - Motorcycle Safety Program (Issue8, page 42) - Maintains the 2/3s majority vote.

Reduces the maximum fee for the Motorcycle Safety Program to \$150 (proposed increase was \$200.) Excludes a motorcycle with a sidecar from the definition of trimobile. The maximum handlebar height is set at 6 inches above the seated rider's shoulders.

AB 348 1st Reprint - Foster Care Licensing (Issue 9, page 55) - Maintains the 2/3smajority vote.

Changes the reporting requirement to "maintaining" an annual report on each service provided rather than submitting the report to the licensing authority each year. Makes extensive clarifying language changes throughout the bill.

AB 349 1st Reprint - License Reciprocity – Military & Veterans (Issue 9, page 56) - Maintains the 2/3smajority vote.

Adds "spouse of an active member" of the U.S. Armed Forces to those eligible for licensing by endorsement and the requirement that, if applicable to the profession, the applicant for licensure be certified in a specialty recognized by the American Board of Medical Specialties.

AB 379 1st Reprint - Abandoned Recreational Vehicle (Issue 9, page 56) - Maintains the 2/3s majority vote.

Deleted sections related to “special purpose commercial coaches” that were not considered pertinent to recreational vehicles.

AB 382 1st Reprint - Endangered Species Fee – CC (Issue 9, page 56)

Expands the coverage of provisions to other threatened or endangered species besides the desert tortoise. Allows a city to create an enterprise fund to retain the fees collected, instead of transferring them to the county, for management of a city program similar to that authorized for the county.

AB 403 1st Reprint - Parcel Tax for School District (Issue 9, page 56) - Removes the 2/3s majority vote.

A comprehensive allows a school district’s board of trustees to adopt an ordinance no later than January 1, 2014, imposing a fee of up to \$2 per month, per acre, or any portion thereof, to fund the design, planning, construction, and not more than two years of operational costs of a vocational program in the county. The fee would begin in July 2014, could be collected for no longer than 10 years, and the number of acres subject to the fee would be limited, based upon the land use. A sunset date of January 1, 2025 was imposed on the provisions.

Position: Amend. This bill was originally to be for the Washoe County School District due to the lack of vocational schools. This bill should be amended to apply only to Washoe County.

AB 486 1st Reprint – Phone & Internet Services (Issue 10, page 73) – Removes the 2/3s majority vote.

Provides detailed language changes regarding the conditions and procedure for a provider of last resort to apply to the PUC to be relieved of that duty, including public notices and consumer sessions. Removes the provision that VOIP providers are subject to existing assessments that support the Public Utilities Commission. Deletes language making VOIP providers subject to certain other assessments and surcharges. Changes the effective date to upon passage and approval.

AB 494 1st Reprint – State Funeral Board – (Issue 10, page 83) - Now Requires 2/3s majority vote.

This is a major rewrite of the original bill. It establishes a regulatory fee of \$10 to be imposed on each funeral conducted in the State. Renames the entity the Nevada Funeral and Cemetery Services Board and prescribes the makeup of its 7 members. Requires submission of a semi-annual report on its activities, quarterly board meetings and facility inspections to the Sunset Subcommittee until the 78th (2016) Legislative Session convenes. The current Board members and staff are to be terminated by October 1, 2013 and new board members and staff, including an Executive Director, an inspector and others, are to be in place by December 31, 2013.

SB 210 1st Reprint - Reg. Carrier Driver Permits (Issue 7, page 35) - Maintains the 2/3s majority vote.

Removes exemptions for charter bus drivers, medical personnel, and owner/operators not subject to the regulation of the NTA. Requires, rather than authorizes, the Transportation Authority (NTA) to forward fingerprints to the Central Repository for Nevada Records of Criminal History and to set a fingerprint processing fee. Gives the NTA the ability to conduct an additional background investigation if deemed necessary and to deny a permit based on the results of a background check, including if the applicant is found to be morally unfit. Changes the full effective date to January 1, 2014.

SB 224 1st Reprint - DUI Fee (Issue 7, page 35) - Maintains the 2/3s majority vote.

Authorizes a Judge to impose a fee less than \$500, or none at all, if the fee is not within the defendant’s ability to pay. Community service commensurate with the amount of fee reduction must be imposed.

SB 243 1st Reprint - DNA Specimen Fee (Issue 8, page 42) - Maintains the 2/3s majority vote.

Increases the administrative assessment to \$3 from \$2 to defray costs associated with obtaining and analyzing DNA specimens from those convicted of a misdemeanor, gross misdemeanor or felony. Establishes the Subcommittee to Review Arrestee DNA of the Advisory Commission on the Administration of Justice to study related issues and report recommendations to the Commission.

SB 261 1st Reprint - Door-to-Door Permits (Issue 8, page 43) - Maintains the 2/3s majority vote.

Reduces the permit application fee to \$200 from \$300. Specifies allowable solicitation hours as 9 a.m. to 7 p.m. Removes noncommercial solicitation from the hours during which such solicitation may be conducted, including newspaper and magazine solicitors and proselytizers. .

SB 303 1st Reprint - Driving Privilege Cards (Issue 9, page 56) - Maintains the 2/3s majority vote.

Renames the card the Driver Authorization Card and resets the renewal period to annually on the date of issuance rather than the holder’s birthdate. Amends the documentation required and accepted for issuance of the card and prohibits the DMV from releasing any information from the files and records for reasons relating to immigration, nationality or citizenship. Amends the legend to be carried on the face of the card to read: “Not for Federal or State ID purposes. Only Authorizes the Holder to Drive.”

SB 319 1st Reprint - Therapist Reciprocity (Issue 9, page 56) - Maintains the 2/3s majority vote.

An additional \$200 application fee is imposed in lieu of the exam fee for those applying for a license by endorsement to practice as a Marriage and Family Therapist, Clinical Professional Counselor, Alcohol, Drug and Gambling Counselor or Detoxification Technician. Military spouses are allowed a 50% reduction in the fee for initial issuance of a license by endorsement. Requires an osteopathic physician to complete at least 2 hours of continuing education credits in pain management or addiction care biennially.

SB 321 1st Reprint - Homeowner Bill of Rights (Issue 9, page 57) - Maintains the 2/3s majority vote.

Removes the requirement that mortgage loan servicers be licensed. Exempts credit unions that have foreclosed on 100 or fewer owner-occupied homes in the previous annual reporting period.

SB 324 1st Reprint - Reciprocal Licensing (Issue 9, page 57) - Maintains the 2/3s majority vote.

Adds spouses of active military or veterans to those eligible to apply for a license by endorsement and adds submission of fingerprints to the requirements for applications. Changes "hospital" to a "medical facility." Makes technical changes to the process for authorizing the Board of Medical Examiners to issue a license by endorsement to an applicant.

SB 374 1st Reprint - Med. Marijuana Dispensary Licensing (Issue 9, page 58) - Maintains the 2/3s majority vote.

This amendment contains extensive changes. It defines three types of medical marijuana "establishments" as 1) cultivation facilities, 2) facilities for the production of edible and medical marijuana products, and 3) medical marijuana dispensaries. Increases and expands the maximum allowable fee schedule for initial and renewal certificates of the three types of establishments to \$750 to \$20,000 and creates an application fee of \$5,000 plus actual background check costs. Any revenue from fees not used by the Department for administration of provisions is directed to the State Distributive School Account. Imposes a \$10 fee on each sale by a dispensary for deposit in the General Fund. Deletes the requirement that dispensaries be non-profit entities and changes the category of offense for falsification of a registry card to a category E felony from a misdemeanor. Requires a real-time electronic verification system be in place and accessible by the Health Division and other operational procedures, such as a detailed inventory control system and storage features. Makes stipulations about the location, signage, and appearance of dispensaries and the number of dispensary registration certificates that may be issued by a county according to its population. Requires the Health Division to establish an independent testing laboratory for marijuana and marijuana products to be sold in Nevada. Costs of establishing this laboratory are to be paid from application and registration fees. The Health Division is to establish a system to identify health providers who prescribe medical marijuana and, to the extent possible, monitor the rate of these prescriptions. Employers are required to attempt to make reasonable accommodations for employees who hold a valid registry card for medical use of marijuana.

SB 383 1st Reprint - Time Shares (Issue 9, page 58) - Removes the 2/3s majority vote.

Allows a developer 30 days to correct a deficient sample public offering statement before the Division may reject it, causing a new filing and filing fee to be initiated. Technical corrections, such as substituting "Sales and Marketing" entity for "Managing" entity and "sample" for "draft" public offering statement, and purchaser advisory information are made throughout the bill. Proposed warning language about the future value and other financial aspects of time shares was deleted from required statements to be included in every public offering statement. Also establishes information required for time-share plans located out-of-state.

SB 390 1st Reprint - Hydraulic Fracturing (Issue 9, page 58) - Removes the 2/3s majority vote.

Completely revises the scope of the bill to require the Division of Minerals and the Division of Environmental Protection, to jointly develop a program concerning hydraulic fracturing to: (1) assess the effects of hydraulic fracturing on Nevada's waters; (2) require a person who engages in hydraulic fracturing to disclose each chemical used; and (3) provide for notice to members of the general public concerning activities relating to hydraulic fracturing in this state. The program is to be developed by July 1, 2014, and the regulations to implement the program are to be adopted by January 1, 2015.

SB 441 1st Reprint- SOS: Business Entity Changes (Issue 10, page 73) - Maintains the 2/3s majority vote.

Removes language exempting members of a limited liability company from fiduciary duties. Provides that certain duties of a person to a limited liability company may be controlled by the operating agreement.

SB 456 1st Reprint - Clark: Storage Lot Fees (Issue 10, page 73) - Removes the 2/3s majority vote.

Removes the fee to be paid by the storage lot to the law enforcement agency requesting the tow. Provides that a tow car operator is entitled to payment by the operator of the vehicle storage lot at the time the vehicle is towed to the storage lot. A "Salvage pool" licensed under the authority of the Department of Motor Vehicles is included in the definition of a "storage lot".

SB 502 1st Reprint - Website Background Checks (Issue 10, page 74) - Maintains the 2/3s majority vote.

Gives specific authority to enter required information and manage information and the account of the person to an authorized user of the website and clarifies definitions of the entities that are to have access to the site.

To read the full amendment or the Reprint of any bill, go to www.leg.state.nv.us, select Session Information: 2013 and then "Bill Information."

Following is an update to the Index printed last week in the Special Issue of Legislative Report.
Bills previously reported which failed to meet the April 23, 2013 Deadline for passage out of house of origin.
AB 134 Age of Non-Profit Directors (Issue 5, page 23)

Bills that failed to pass on floor vote.
SB 183...Electronics Recycling (Issue 6, page 29)

**All Bills listed below, in addition to Appropriation, Budget and Study bills,
have been declared Exempt since the Index was sent to you.**

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Nevada Taxpayers Association

Legislative Report is published weekly during a legislative session. Occasional reports are issued prior to the Legislative Session which summarize prefiled bills.

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