

LEGISLATIVE REPORT

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

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NOTES:

- Page sequence continues from last issue.
- Unless otherwise identified, the effective default date is October 1, 2011
- For the purpose of this report, the “fiscal effect: shown is taken from the “Fiscal Note” which can be found on the Legislative website.
- To access bills go to www.leg.state.nv.us - “session information.”

TAXES

AB 488 - Room Tax: Redistribution

On behalf of the Division of Budget and Planning, introduced by Assembly Committee on Ways and Means and referred to same. (BDR S-1180)

Fiscal Effect: May have impact on local government.

Extends the sunset of the room tax allocation from Clark and Washoe Counties to the State General Fund to July 1, 2013, after which the room tax revenue will go to the State Supplemental School Support Fund.

Effective: Upon passage and approval.

AB 500 - Slot Tax: Redistribution

On behalf of Division of Budget and Planning, introduced by Assembly Committee on Ways and Means and referred to same. (BDR 41-1165)

For Fiscal Years 2012 and 2013, redistributes the portion of quarterly slot machine licensing fees (\$2 per slot machine) normally directed to the Revolving Account to Support Programs for the Prevention and Treatment of Problem Gambling as follows: \$1 continues to be credited to the Revolving Account and \$1 is redirected to the State General Fund.

Effective: July 1, 2011

AB 504 - Delinquent Taxes Report

Introduced by Assembly Committee on Taxation and referred to same. (BDR 32-922)

Fiscal Effect: Yes, on State.

By January 15 each year, the Department of Taxation is required to furnish the Nevada Tax Commission with a report showing debts to the State incurred by taxpayers in the immediately preceding year and the amounts of any delinquent taxes the Department determines are impossible or impractical to collect. The Tax Commission is to request the State Board of Examiners designate such delinquent taxes as bad debt.

Effective: July 1, 2011

AB 505 - Tax Expenditure Report

Introduced by Assembly Committee on Taxation and referred to same. (BDR 32-1147)

Fiscal Effect: Yes, on State.

Requires the Director of the Department of Administration, in November of even numbered years, to submit to the Governor and the Legislature a report of tax expenditures, defined as any law that exempts in whole or in part, certain persons, income, goods, services or property from the impact of established taxes. The report must detail each expenditure, the year of enactment, the purpose of the tax expenditure and estimates of 1) the fiscal impact on State and local governments; 2) the number of taxpayers benefitting from it; and 3) the revenue that would result from repeal of the tax expenditure. The initial report is to be submitted on or before November 10, 2012.

Effective: Upon passage and approval.

NTA Position: Amend. Some “tax expenditures” cannot be quantified. Therefore language should be added to the bill that says, “to the extent the information is available.”

AB 506 - Filmmaker Tax Exemptions

Introduced by Assembly Committee on Taxation and referred to same. (BDR 32-682)

Fiscal Effect: Yes, on State. May have impact on local government.

Requires the Commission on Economic Development to approve a transferable tax credit for a film producer that produces a film production in this state if, in addition to certain other requirements, the film production is in the economic interest of this State, at least 60 percent of the production is filmed, shot, taped or recorded in this State and the production costs exceed a certain amount. Upon approval of a transferable tax credit by the Commission on Economic Development, including the amount, the Nevada Tax Commission is required to issue the credit. After allowing for certain deductions, the amount of the tax credit issued must equal 25 percent of the cumulative qualified expenditures. The producer must agree to compliance audits conducted by the Department of Taxation. Regulations on these provisions are to be adopted by the Commission on Economic Development and the Nevada Tax Commission.
Effective: Upon passage and approval and January 1, 2012.

NTA Comment: Also see AB 418 on page 68 in NTA Legislative Report 9-11 under "Taxes" heading.

AB 507 - Fuel Taxes - Requires 2/3 Majority

Introduced by Assembly Committee on Taxation and referred to same. (BDR 32-337)

Increases the excise tax on all motor fuels, except aviation fuel, by 2 cents per gallon, to 19.65 cents per gallon, on January 1, 2012 and thereafter imposes an additional 2 cents per gallon each January 1 until 2016. Increases by 2 cents per gallon each on January 1, 2012 and each January 1 thereafter until 2016, the tax on other fuels which are currently taxed as follows: 27 cents per gallon for special fuel; 19 cents per gallon for hydrocarbon fuel; 22 cents per gallon for liquefied petroleum gas; and 21 cents per gallon for compressed natural gas. Removes exemption of the sale of revenue bonds which are secured by county fuel taxes from various requirements concerning sale of those bonds by competitive bid or negotiated sale.

Effective: Upon passage and approval and January 1, 2012.

NTA Comment: The last time there was a State-wide rate increase in fuel tax was 1991.

AB 561 - Redirection of Revenue to State General Fund - Requires 2/3 Majority

On behalf of the Division of Budget and Planning, introduced by Assembly Committee on Ways and Means and referred to same. (BDR 31-1166)

Defers until July 1, 2013, from July 1, 2011, the additional 1 percent deposit to the State's rainy day fund. Reduces the amount of reserve required to be kept for the retirement of School District "roll-over" bonds to 10 percent in Clark and Washoe Counties and requires the 90 percent remaining of the reserve to be used for calculating the amount due from the Distributive School Account. For all other counties the reserve is reduced to 75 percent, if there are outstanding bonds. Redirects the percentage of the car rental tax which is deposited to the State Highway Fund to the State General Fund. Changes the modified business tax (MBT) to: allow the sunset the temporary increase of 1.17 percent rate to 0.63 percent on payrolls over \$62,500 per quarter; continues the lower rate of .50 percent on payroll that does not exceed \$62,500 per quarter, and adds a new provision governing the calculation of the MBT for employee leasing companies. Continues the pre-payment of the net proceeds of minerals tax until June 30, 2013. Provides for the securitization of the insurance premium tax for a period of 10 years ending in 2021.

Effective: Dates vary from upon passage and approval to July 1, 2011.

NTA Comment: See SB 491 this heading. While these bills are not identical, they both contain provisions to extend various sunsets.

SB 423 - Elimination of Senior Rebate Program

On behalf of Division of Budget and Planning, introduced by Senate Committee on Finance; referred to Senate Committee on Health and Human Services. (BDR 38-1167)

Repeals the provisions of NRS 427A relating to certain citizens over 62 years old receiving refunds of a portion of their real estate property taxes or rental payments, known as the Senior Citizens Property Tax Assistance Program. Also addresses other issues concerning intermediary service organizations and revising provisions concerning financial assistance for certain persons with physical disabilities.

Effective: July 1, 2011.

SB 490 - Clark County - Fuel Tax Indexing

Committee on Revenue, referred to same. (BDR 32-798)

Fiscal Effect: Yes, on the State.

Allows the Clark Commission to index to all motor vehicle fuels including special fuel using the highway construction inflation index, which is based on the Producer Price Index (PPI) for Street and Highway Construction. Caps the increase to the lesser of 7.8 percent or the adjusted average street and highway construction inflation index. With the exception of the County Regional Transportation portion of the various fuel tax components, only the revenue increment generated by the new index accrues to the RTC. Exempts the sale of revenue bonds financed with county fuel taxes from the statutory provisions governing competitive bidding or the negotiated sales of bonds. The increase under these provisions is effective the later of the first day of the calendar quarter, beginning not less than 90 days after the adoption of the ordinance or January 1, 2012, whichever is later.

Effective: Upon passage and approval.

NTA Comment: This legislation is similar to SB 201 of the 2009 session, which gave Washoe the authority to change its indexing from CPI to PPI, a change which was approved by the voters 2008.

NTA Position: Amend. There is no reason to remove the requirement that an explanation be provided by the governing body if a negotiated sale for the bonds is used instead of a competitive bid sale.

SB 491 - Redirection of Revenue to the State General Fund - Requires 2/3rds Majority

Introduced by Senate Committee on Revenue and referred to same. (BDR 31-1150)

Fiscal Effect: Yes, on State. May have impact on local government.

Repeals expirations of the following measures: Advance payment of the tax on net proceeds of minerals; the Modified Business Tax which applies to businesses, other than financial institutions; increased rate of Local School Support Taxes; the additional fee on filing mining claim affidavits for some entities; the increased fee of \$200 for state business licences; and the transfer of \$100,000 of lobbyist registration fees to the State General Fund. Also, requires Clark and Washoe Counties to direct any revenue from an ad valorem tax for capital projects as follows: For the Fiscal Year beginning July 1, 2011, 52 percent to the State General Fund and 48 percent to the State Highway Fund. For the Fiscal Year beginning July 1, 2012, 46 percent to the State General Fund and 60 percent to the State Highway Fund. Each fiscal year thereafter, 40 percent of the funds will stay with the county, towns and cities and 60 percent is to be directed to the State Highway Fund. For Fiscal Years 2012 and 2013 (expires June 30, 2013), a portion of the amounts collected from administrative assessments imposed by the courts is to be transferred to the uncommitted balance of the State General Fund. Declares the Legislature may authorize any use for money in the Fund for Hospital Care to Indigent Persons and directs the State Controller to transfer from that Fund to the State General Fund for unrestricted use, \$19,617,508 in Fiscal Year 2011-2012 and \$19,779,105 in Fiscal Year 2012-2013. Requires, for the next two fiscal years, deposit into the State General Fund of the portion of the property tax levied for operating purposes by Clark and Washoe Counties, 4 cents per \$100 of assessed valuation.

Effective: Upon passage and approval and July 1, 2011.

NTA Comment: See AB 561 this heading. While these bills are not identical, they both contain provisions to extend various sunsets.

SB 493 - Mining Oversight and Accountability Commission

Introduced by Committee on Revenue and referred to same. (BDR 32-1152)

Fiscal Effect: Yes, on the State.

Creates the Mining Oversight and Accountability Commission to exercise "plenary oversight" of the activities of the Nevada Tax Commission, The Division of Industrial Relations, The Commission on Minerals Resources and the Division of Minerals, the Bureau of Mines and Geology in the Public Service Division of the Nevada System of Higher Education, and The Division of Environmental Protection. Provides for a 7-member Commission and proscribes their duties, time frames for meetings and reports to be delivered by the various departments and agencies to the Commission. Provides the Commission subpoena power and allows the Commission to submit a request, with an explanation of the circumstances, to the Legislative Commission for an audit by the Legislative Auditor or a special audit by a qualified accounting firm. Provides that regulations adopted by the Tax Commission, the Administration of the Department of Industrial Relations for mine health and safety, the Commission on Mineral Resources and The State Environmental Commission are not effective unless approved by the Mining Oversight and Accountability Commission.

Effective: Upon passage and approval.

Continued on next page

SB 493 - Mining Oversight and Accountability Commission, continued

NTA Comment: At a time when efforts are being made to streamline government, this bill just increases the bureaucracy and cost to the State. It adds another layer of regulatory oversight, which is surprising because when it comes to permanent regulations it is the legal division of the Legislative Counsel Bureau that oversees the writing of regulations and the Legislative Commission's subcommittee to Review Regulations that gives the final okay. This Commission will only delay that process for implementing regulations and further, they may be second guessing the intent of a regulation that has been overseen by the legal division and will be opined on by the Legislative Commission's subcommittee. Another concern is that the persons appointed to make up this new Commission may not have the technical expertise to address some of the issues within the department and agencies they are supposed to provide oversight to.

SB 495 - Competing Measure to Initiative Petition No. 1

Introduced by Senate Committee on Revenue and referred to same. (BDR 32-1275)

Initiative Petition No. 1, presented to the Legislature on February 7, 2011, proposed imposing additional sales and use tax on a certain area of Clark County to support construction and operation of an arena. This requires, instead, that a uniform and equal rate of sales and use tax must apply in a county and prohibits creation of a "special district" within a county where a higher rate of sales and use tax would apply. If Initiative Petition No. 1 is invalidated, withdrawn or otherwise not submitted to the voters in the November 6, 2012 election, this act is not to be submitted to voters.

NTA Comment: See IP 1, page 27, NTA Legislative Report Issue 4-11.

SJR 15 - Net Proceeds of Mines Tax

Introduced by Senate Committee on Revenue and referred to same. (BDR C-1151)

Deletes language from Section 1 of Article 10 of the Nevada Constitution to remove the exemption of mines and mining claims from the tax imposed on all other property, as follows:

Section 1. 1. The Legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal and possessory. ~~], except mines and mining claims, which shall be assessed and taxed only as provided in Section 5 of this Article.]~~

Repeals Section 5 of Article 10 of the Nevada Constitution establishing a separate tax on the net proceeds of mines, as follows:

~~Sec. 5. Tax on proceeds of minerals; appropriation to counties; apportionment; assessment and taxation of mines.~~

- ~~1. The legislature shall provide by law for a tax upon the net proceeds of all minerals, including oil, gas and other hydrocarbons, extracted in this state, at a rate not to exceed 5 percent of the net proceeds. No other tax may be imposed upon a mineral or its proceeds until the identity of the proceeds as such is lost.~~
- ~~2. The legislature shall appropriate to each county that sum which would be produced by levying a tax upon the entire amount of the net proceeds taxed in each taxing district in the county at the rate levied in that district upon the assessed valuation of real property. The total amount so appropriated to each county must be apportioned among the respective governmental units and districts within it, including the county itself and the school district, in the same proportion as they share in the total taxes collected on property according to value.~~
- ~~3. Each patented mine or mining claim must be assessed and taxed as other real property is assessed and taxed, except that no value may be attributed to any mineral known or believed to underlie it, and no value may be attributed to the surface of a mine or claim if one hundred dollars' worth of labor has been actually performed on the mine or claim during the year preceding the assessment.~~

NTA Comment: As an amendment to the Constitution, this Resolution if approved by the Legislature, will have to be again approved by the 2013 Legislature and then approved by the voters.

FEES
AB 457 - Universal Energy Charge - Requires 2/3 Majority

Introduced by Assembly Committee on Commerce and Labor and referred to same. (BDR 58-1106)

Increases the Universal Energy Charge from 3.30 mills to 6.60 mills per therm of natural gas and from 0.39 mills to 0.78 mills per kilowatt-hour of electricity. Raises the maximum charge in a calendar quarter from \$25,000 to \$50,000 for natural gas and electricity combined for a single retail customer or multiple retail customers under common ownership and control.

Effective: July 1, 2011

AB 463 - Forfeiture of Vehicles - Requires 2/3 Majority

Introduced by Assembly Committee on Judiciary and referred to same. (BDR 43-1128)

Requires a court to schedule a hearing for the forfeiture of a seized vehicle within 7 business days after an action for forfeiture is filed. The court may order the owner, if the owner can be found through due diligence, to pay the costs of towing and storing the vehicle, or, if the owner cannot be found, the court may declare the vehicle forfeited.

Effective: July 1, 2011

AB 465 - Consumer Legal Funding Act - Requires 2/3 Majority

Introduced by Assembly Committee on Judiciary and referred to same. (BDR 56-815)

Fiscal Effect: Yes, on State.

Creates the Nevada Consumer Legal Funding Act, which authorizes the Commissioner of Financial Institutions to license and supervise those businesses which purchase from a consumer an assignment of part of the consumer's contingent right to a portion of the potential proceeds from a settlement, judgment, award or verdict obtained in a legal claim of the consumer. Establishes general provisions relating to consumer legal funding, the application process, requirements for licensure as a consumer legal funding company and related provisions. Applicants must pay an application and investigation fee of not more than \$1,000 (plus any additional investigation costs the Commissioner deems necessary), and an annual license fee of not more than \$1,000 plus \$200 for the second and each additional location. Regulations are to be adopted by the Commissioner. Money received by the Commissioner is to be deposited in the Investigative Account for Financial Institutions. Such companies are required to obtain a surety bond, irrevocable letter of credit or deposit certain assets with an approved entity in an amount not less than \$50,000 for the primary office and \$5,000 for each additional location. Sets requirements for contract terms, including, but not limited to, the amount of funding that may be provided, interest rates, terms and disclosures that must be clearly understood by the consumer, and the order of priority for disbursement of funds.

AB 503 - Wildlife Conservation Fee - Requires 2/3 Majority

Introduced by Assembly Committee on Natural Resources, Agriculture and Mining and referred to same. (BDR 45-1091)

Replaces the existing \$3 habitat conservation fee attached to hunting, trapping and fishing licenses, with the "conservation fee" of \$5 for residents and \$10 for non-residents. In addition, imposes an annual conservation fee of \$5 for residents and \$10 for non-residents on persons who wish to enter a wildlife management area but do not have a fishing/hunting/trapping license. Proceeds from fees are deposited in the Wildlife Obligated Reserve Fund and no more than 25 percent of the money in that fund may be spent in any one year on habitat rehabilitation and restoration.

Effective: July 1, 2011.

AB 508 - Registration of Mopeds - Requires 2/3 Majority

Introduced by Assembly Committee on Transportation and referred to same. (BDR 43-845)

Fiscal Effect: Yes, on State

Requires the registration of mopeds and payment of a \$33 registration fee. Special license plates may be created by the Department of Motor Vehicles at the same additional charge of \$35 as for other motor vehicles. Proof of insurance is required for registration. Failure of drivers and passengers of mopeds to wear protective headgear is a misdemeanor.

AB 511 - Energy-Efficient and Autonomous Vehicles - Requires 2/3 Majority

Introduced by Assembly Committee on Transportation and referred to same. (BDR 43-1109)

Fiscal Effect: Yes, on State

Defines "qualified plug-in electric drive vehicle" and requires the Department of Motor Vehicles to develop a distinctive decal or label to distinguish these vehicles for privileges of free parking in public parking lots and metered spaces and use of high occupancy highway lanes regardless of vehicle occupancy, if the Department of Transportation has adopted the necessary regulations. Requires the Department of Motor Vehicles to adopt regulations authorizing operation of "autonomous vehicles" – a motor vehicle that uses artificial intelligence, sensors and global positioning system coordinates to drive itself without the active intervention of a human operator – on Nevada highways. The Department is also to create an alternative class of driver's license for these vehicles by regulation.

Effective: January 1, 2012.

NTA Comment: "Autonomous vehicles" have been tested in Europe and are being tested here.

AB 515 - Promotion of Livestock - Requires 2/3 Majority

On behalf of the Division of Budget and Planning, introduced by Assembly Committee on Ways and Means and referred to same. (BDR 50-1028)

Creates the Fund for the Nevada Junior Livestock Show Board to fund the promotion of livestock. Revenue to the fund will be raised by Board-established entry fees for participation in the Nevada Junior Livestock Show and the Nevada Youth Livestock and Dairy Show. Repeals the provision that members of the Nevada Junior Livestock Show Board shall receive compensation, per diem allowances and travel expenses and replaces the Board position assigned to staff of the State Board for Career and Technical Education with a member who is a secondary agriculture educator nominated by the agriculture education program specialist at the Department of Education.

Effective: July 1, 2011.

AB 524 - Appraiser Registration Fees - Requires 2/3 Majority

On behalf of the Division of Budget and Planning, introduced by Assembly Committee on Ways and Means and referred to same. (BDR 54-1199)

Increases the biennial fees charged for the issuance or renewal of a license or certification for appraisers by \$30 to cover the annual \$15 increase in registry fees by the Federal Financial Institutions Examination Council. Revised biennial license fees for a residential appraiser increase from \$290 to \$320 and from \$390 to \$420 for a general appraiser.

Effective: January 1, 2012.

AB 542 - Licensing of Distilleries - Requires 2/3 Majority

Introduced by Assembly Committee on Commerce and Labor and referred to same. (BDR 52-649)

Authorizes the operation of distilleries in Nevada, sets forth the permissible scope of operations for them, requires that they be licensed, and imposes a licensing fee of \$75.

Effective: Upon passage and approval.

AB 543 - Mobile Billboards - Requires 2/3 Majority

Introduced by Assembly Committee on Commerce and Labor and referred to same. (BDR 35-824)

Fiscal Effect: Yes, on State.

Prohibits the operation of a mobile billboard within a county of 400,000 or more (Clark County) without a license issued by the Department of Transportation and appropriate decals denoting the license. The fee for licensure and/or renewal is \$1,000 for each vehicle operated as a mobile billboard. Operators must maintain liability insurance in the amount of \$500,000 for bodily injury or death of one or more persons in any one accident, and the same amount of coverage for injury or destruction of property of others in any one accident. Vehicles must be inspected annually for safety compliance.

Effective: Upon passage and approval and January 1, 2012.

NTA Comment: Why is the Department of Transportation issuing a license? If the State is to be given control over these mobile billboards, the responsibility for licensing and collection of fees should be given to the Department of Motor Vehicles, who would be better equipped to handle those functions.

AB 552 - Administrative Assessment on Court Fines - Requires 2/3 Majority

Introduced by Assembly Committee on Ways and Means and referred to Assembly Committee on Judiciary. (BDR 14-539)

Fiscal Effect: Yes, on State.

Imposes an additional administrative fee of \$1 for every \$10 in fines or fees imposed on a person convicted of a misdemeanor, gross misdemeanor or felony. Money collected from this fee must be used to defray costs of obtaining biological specimen and genetic marker analysis. Requires that a biological specimen be obtained if a person is arrested for a felony or a sexual offense and provides that it be kept if the person is convicted but, if not, the specimen and all records must be destroyed and expunged. Increases the penalty for disclosing genetic marker information on another person to a gross misdemeanor and maximum fine of \$2,500.

Effective: July 1, 2012.

SB 389 - Bottle Deposit Fees - Requires 2/3 Majority

Introduced by Senate Committee on Natural Resources and referred to same. (BDR 40-1114)

Fiscal Effect: Yes, on State.

Establishes a program for requiring deposits of 5 cents to be paid and then refunded on certain recyclable beverage containers. Containers are to be clearly labeled with the refund value and as being recyclable. Certain exceptions are made for beverage containers sold or given away by gaming establishments, saloons, restaurants or resorts that will be consumed on the premises and for which a recycling program is in place, or those sold by a distributor for use by interstate passenger carriers. Beverage dealers will establish Deposit Transaction Accounts to hold deposit money and from which to pay refunds on returned containers. Dealers shall receive a handling fee of 1 cent per beverage container returned and distributors will also retain 1 cent per container for handling returned containers for the bottlers. By formula, at the end of every month, a portion of the money in Deposit Transaction Accounts will be transferred to the Division of Environmental Protection of the State Department of Conservation and Natural Resources to be used solely for recycling education, programs and program promotion.

Effective: Upon passage and approval and January 1, 2012.

NTA Comment: Also see the identical bill, AB 427, NTA Legislative Report, Issue 9-1, page 72 under the heading "Fees." One of the prior concerns with container deposits has been that a business that does not have a closed storage area runs the risk of insect or rodent problems, because people do not tend to wash their containers prior to returning them.

SB 411 - Registration of Medication Aides - Requires 2/3 Majority

Introduced by the Senate Committee on Commerce, Labor and Energy and referred to same. (BDR 54-1104)

Fiscal Effect: Yes, on State.

Authorizes the State Board of Nursing to adopt regulations and certain fees and charges for certification of nursing assistants as Certified Medication Aides. The application fee is to be between \$15 and \$50 and the Board may determine other fees as needed. The authority, composition and name of the Advisory Committee on Nursing Assistants is extended to include Certified Medication Assistants.

Effective: Upon passage and approval and October 1, 2011.

SB 412 - Board of Complementary Integrative Medicine - Requires 2/3 Majority

Introduced by Senate Committee on Commerce, Labor and Energy and referred to same. (BDR 54-1105)

Fiscal Effect: Yes, on State.

Revises the existing law to provide for the regulation of the practice of complementary integrative medicine, which includes homeopathy. Replaces the Board of Homeopathic Medical Examiners with the Board of Complementary Integrative Medicine. Provides for the licensing or certification, regulation and discipline of complementary integrative physicians, practitioners, technicians and assistants by the Board and sets fees for each type of license, ranging from \$150 for a technician to \$500 for a physician, plus other costs for background checks and testing.

Effective: Upon passage and approval and October 1, 2011.

SB 416 - Licensing of Liquor Marketing Companies - Requires 2/3 Majority

Introduced by Senate Committee on Commerce, Labor and Energy and referred to Senate Committee on Revenue. (BDR 32-923)

Fiscal Effect: Yes, on State.

Requires that any marketing or promotion program of the liquor of a supplier within or on the premises of a retailer of alcoholic beverages must be conducted by a licensed "liquor marketing company" and based on a written agreement between the liquor marketing company and the supplier. No supplier, distributor or retailer, or their affiliates or subsidiary, may hold an ownership interest in a liquor marketing company. Liquor marketing companies are required to obtain a license and pay an annual \$75 license fee. Application, on a form provided by the Department of Taxation, must be made to the board of county commissioners in which the company or person maintains his or her principal place of business. Repeals NRS 597.225 setting requirements to serve samples of alcoholic beverages in a grocery store by the retailer.

SB 441 - DMV Self-Service Kiosk Fees

On behalf of the Division of Budget and Planning, introduced by Senate Committee on Finance; referred to Senate Committee on Transportation. (BDR 43-1184)

Fiscal Effect: Yes, on State.

Authorizes the Director of the Department of Motor Vehicles (DMV) to contract with a supplier of self-service terminals or kiosks to process designated transactions and to charge a non-refundable processing fee for each transaction. Regulations to implement this program are to be adopted by the Director.

Effective: July 1, 2011.

NTA Comment: Also see, SB 483 on page 98 of this issue under the heading "Fees" which would allow DMV to accept advertising from the kiosk contractor.

SB 449 - NSHE Fees and Tuition

Introduced by the Senate Committee on Education and referred to same. (BDR 34-933)

Fiscal Effect: Yes, on State

Authorizes the Board of Regents of the University of Nevada to adjust the amount of tuition and registration and other fees based on the demand for or the costs of carrying the respective academic program or major. The adjustment may be based on factors such as the cost of professional instruction, the cost of laboratory resources and ancillary costs. If the Board of Regents makes such adjustments, it shall establish a program to authorize scholarships, reduced fees and tuition and forgiveness of student loans for students who are economically disadvantaged and who are enrolled in the programs or majors for which the adjustments were made. The adjustments of charges and fees by the Board shall be reported each February 1 to the Legislative Counsel Bureau for review by the Legislature or Legislative Commission, as appropriate. The report shall identify demand and costs for each academic program or major, and a schedule of all tuition charges, registration and other fees for those programs.

Effective: July 1, 2011.

SB 483 - DMV Advertising Agreements - Requires 2/3 Majority

On behalf of the Division of Budget and Planning, introduced by Senate Committee on Finance and referred to Senate Committee on Transportation.

Authorizes the Director of the Department of Motor Vehicles (DMV) to enter into certain agreements for the placement of advertising in certain mailings and brochures of the DMV and in public areas of buildings and properties owned or occupied by the DMV. Any revenue collected by the Department from such advertising is to be deposited in the Motor Vehicle Fund and used to promote alternative methods to conduct business with the DMV.

Effective: Upon passage and approval.

NTA Comment: Also see SB 441, on page 98 of this issue under "Fees" heading. This bill would allow DMV to accept advertising from the outside contractor for DMV kiosk/self-service terminals.

SB 445 - Rental of Office of the Military Property - Requires 2/3 Majority

On behalf of the Division of Budget and Planning, introduced by the Senate Committee on Finance, referred to Senate Committee on Government Affairs. (BDR 36-1205)

Fiscal Effect: May have impact on local government.

Allows the Office of the Military to rent out the armory or any other facility of the Office and provides that any rent received is to be deposited in the State General Fund to the credit of the Office. Written agreements for these rentals, which must include provisions designed to prevent unfair competition with privately owned properties, are to include charges for janitorial, heating, lighting and other services and a reasonable rental fee.

Effective: July 1, 2011.

SB 490 - Mining Filing Fees - Requires 2/3 Majority

Introduced by Senate Committee on Revenue and referred to same. (BDR 46-734)

Fiscal Effect: Yes, on State

Revises the fee structure and payment deadline for affidavit filings, and makes the new structure retroactive from March 12, 2010 and set to expire on June 30, 2013. The amended fee structure is based upon the exploration or mining activity conducted upon the claims, instead of the number of claims held by a person, and is as follows: 1) for small exploration projects or small mining operations, the fee imposed is \$2.50 per claim; 2) for exploration projects which require a permit to conduct the exploration project, the fee imposed is \$5.50 per claim; and 3) for mining operations which require a permit to conduct the mining operation, the fee imposed is \$195 per claim. Fees are now due at the time of filing, which is on or before November 1. Adjustments are prescribed for the transition from the old to new deadline and fee structure. The Division of Environmental Protection is authorized to revoke a permit if the holder fails to pay the required fees. The reporting requirements for operators is expanded to include identifying each mining claim within the operation or exploration project for which a filing was made in the preceding calendar year.

Effective: June 30, 2011 (and retroactively to March 12, 2010, as noted).

NEVADA TAXPAYERS ASSOCIATION

ABOUT THIS PUBLICATION

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

ABOUT THE ASSOCIATION

The Nevada Taxpayers Association is one of the oldest government research and advocacy associations not only in Nevada, but also in the United States. The Association was established in 1922 as a statewide, non-profit 501(c)(4) non-partisan, membership association

THE MISSION

The mission of the Association since it was formed has been to monitor, analyze and research information regarding fiscal matters; to take positions as appropriate in the areas of taxes and expenditures; and to disseminate these positions and information while there is still time for responsible action.

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