

LEGISLATIVE REPORT

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

ISSUE 14-11

AMENDMENTS TO BILLS THROUGH APRIL 26, 2011

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NOTES:

- Page sequence continues from last issue.
- Unless otherwise identified, the effective default date is October 1, 2011
- To access bills go to www.leg.state.nv.us - "session information."

This issue of Legislative Report includes amendments to bills NTA has taken a position on to date and updates those positions according to the amended provisions of the bills.

TAXES

AB 46 1st Reprint - Property Tax Abatement: Water (Issue 1, page 2)

Amended to remove the retroactive language.

NTA Position: Opposition removed.

SB 13 1st Reprint - Fuel Tax - Collection Changes (Issue 1, page 3)

Deletes repeal of the provisions of NRS 360A.050 - Extension of time for payment; Interest on amount due.

NTA Position: Opposition removed.

SB 33 1st Reprint - Taxpayer Confidentiality (Issue 1, page 3)

Amended to add a provision for disclosure by Department of Taxation, in confidence, of taxpayer records to federal agencies conducting a criminal investigation or federal prosecution.

FEES

AB 68 1st Reprint - Property Appraisal: City and County Properties (Issue 2, page 16)

As originally written the bill applied only to city properties. As amended, the provisions of the bill are extended to counties. Additionally, the term real property is clarified as follows: "city (county)-owned building or portion thereof or any other real property." Provides the conditions under which property does not require an appraisal.

NTA Position: Continued support.

AB 202 1st Reprint - Economic Development: New Manufacturers (Issue 5, page 34)

Rewrites the bill to remove the increased universal energy charge, which was to offset the electric costs of a manufacturing business and instead provides for the partial abatement of property taxes for new manufacturing businesses in this State. Provides that eligibility for the partial abatement of property taxes is limited to new manufacturing businesses that renovate an existing building or other structure. Revises the provisions governing eligibility for a partial abatement of taxes for a building or other structure that is determined to meet the equivalent of the silver level or higher pursuant to the Green Building Rating System. Removes the sunset of June 30, 2015.

NTA Comment: The 2/3s majority vote is removed.

NTA Position: Opposition removed. However, the **bill should be amended** to retain the sunset provision.

AB 471 1st Reprint - Enterprise Funds - *NOT PREVIOUSLY REPORTED*

As amended the bill provides that after July 1, 2011 the use of enterprise funds for purposes not germane to the fund are restricted. Provides the conditions under which funds may be temporarily transferred to other funds and identifies the payback provisions. Provides that the Committee on Local Government Finance (CLGF) may extend the time to payback funds transferred upon the request of the affected local government. Does not allow a fee for the enterprise fund to be increased unless approved by the CLGF.

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AB 471 1st Reprint - Enterprise Funds, *Continued*

NTA Position: Support with Amendment. A local government should not have to receive the approval of CLGF to increase fees. Fee increases should be done at a public meeting of the local government, where those persons impacted by the fee increase have the ability to provide their input.

SB 83 1st Reprint - Public/Private Transportation Projects (Issue 1, page 9)

Amends to provide that user fees may not be charged on any public/private road project that is in existence on the effective date of this bill unless new, additional lanes are added or unless a comparable alternative, open access highway is available. Allows for an automated collection service for user fees.

NTA Position: Continue to support.

SB 214, 1st Reprint - Boulder City Toll Road (Issue 6, page 44)

Amended to remove statutory limitations on dollar amount and annual number of design-build highway projects if other existing criteria are met and to remove the requirement that final proposals submitted by design-build teams include certain information on subcontractors. Amends Boulder City project provisions to stipulate that all revenue collected in connection with the project is to be retained by NDOT and used to pay costs of the project and replaces all references to “tolls” with “user fees”. Now requires quarterly reports on the project to the Legislative Commission and Interim Finance Committee in addition to the annual report due to LCB or the Legislature by February 1 each year.

SB 218 1st Reprint - Regulation of Gaming- Requires 2/3 Majority – *NEWLY REPORTED*

On behalf of State Gaming Control Board, introduced by Senate Committee on Judiciary and referred to same. (BDR 41-991)
Fiscal Effect: Yes, on State.

Makes provisions to allow the Gaming Commission and Gaming Board to respond in a timely manner to technological changes and advances, including authorizing the Gaming Commission, with assistance of the Gaming Board, to issue regulations relating to hosting centers. Upon determination by the Commission that service centers are secure, reliable and pose no threat to the integrity of gaming, regulations concerning the licensing and operation of service centers, their owners and operators may be adopted. For interactive gaming, regulations to be issued must address standards of suitability and investigative and licensing fees for service providers. Provides that only limited partners with more than a 5 percent interest must be individually licensed and limited partners with a 5 percent or less ownership interest must register as such with the Board. Further defines devices that unlawful in gaming establishments and abolishes the Account for Investigating Cash Transactions of Gaming Licensees.

NTA Comment: Due to the addition of licensing fees for interactive service providers the bill now requires a 2/3s majority.

SB 377, 1st Reprint - Public Private Partnerships (Issue 9, page 75)

Amends the bill so that it now applies only to a project related to a museum, including its maintenance.

NTA Comment: The 2/3rds majority vote is removed.

NTA Position: Opposition removed.

The following bills previously reported in NTA Legislative Report as requiring a 2/3rds Majority, do not, after amendments, require the 2/3rds majority votes.

AB 78 - Secretary of State Business Document Fees (Issue 1, Page 7)

AB 181 - Involuntary Commitment (Issue 5, page 33)

AB 192 - County Recorder Fees (Issue 5, page 34)

AB 202 - Energy Charge, Economic Development (Issue 5, page 34)

SB 36 - Podiatry License Fees (Issue 1, page 7)

SB 99 - Grant Writer Registration Fee (Issue2, page 10)

SB 101 - Marriage Fees (Issue 2, page 10)

SB 102 - Wildlife: Shed Antlers Fee (Issue 2, page 10)

SB 168 - Public Health (Issue 5, page 35)

SB 234 - Vehicle Broker License (Issue 7, page 50)

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Bills no longer requiring a 2/3rds Majority, Continued**SB 254** - Common Interest Communities (Issue 8, page 58)**SB 293** - Non-Profit Organizations (Issue 9, page 73)**SB 314** - Asset Management Companies (Issue 9, page 74)**SB 362** - Groundwater Basins (Issue 9, page 74)**SB 412** - Complementary Medicine Board (Issue 12, page 97)**PUBLIC EMPLOYEE COMPENSATION****SB 135 1st Reprint - Heart-Lung Coverage (Issue 4, page 28)**

As amended the bill now applies only to employees hired after July 1, 2011. It provides that heart-lung benefits are only available until the person is eligible for Medicare unless the person began receiving benefits while employed or the person ceased employment before reaching an age at which the person is eligible for an unreduced retirement benefit. Additionally, sections 2 and 3 of this bill limit the ability of a person to file for benefits for certain diseases of the lungs and heart. A person must file a claim for benefits within 5 years of ceasing employment if the person ceases employment before reaching an age at which the person is eligible for an unreduced retirement benefit.

NTA Position: Still requires an amendment. As amended, governments are still unable to actuarially determine the liability for current retirees who might avail themselves of this extended workers comp provision. The bill requires further amendment so that there is a time-certain period during which the claim of a current employee can be opened.

EDUCATION**AB 129 1st Reprint - Repeal of Class-size Reduction (Issue 3, page 24)**

Amends to requires the board of trustees of a school district that develops a plan establishing pupil-teacher ratios to submit to the Department of Education a report on the status of the plan. The Department is required to compile the reports and submit the compilation to the Director of the Legislative Counsel Bureau for transmission to the next regular session of the Legislature and to the Legislative Committee on Education.

NTA Position: Continue Support of the concept.

AB 229 1st Reprint - Accountability: Education Personnel and Districts (Issue 6, page 46)

Amends the bill to include that an employee which receives an unsatisfactory evaluation may request reasonable assistance in correcting the deficiencies identified in the evaluation; and authorizes a postprobationary employee who receives notice that he or she will be dismissed before completion of the current school year to request an expedited hearing,

NTA Position: Still requires an amendment. According to the language of the bill in Section 8. 1, "The board of trustees of each school district shall: (a) Establish a program of performance pay and enhanced compensation for the recruitment and retention of licensed teachers and administrators which must be negotiated pursuant to chapter 288 of NRS;" Why would there not be a state-wide standard for performance pay and enhanced compensation? Why should "performance pay" be subject to the local government employee bargaining act, which could result in 17 District variations depending on how negotiations are handled.

LOCAL GOVERNMENT**SB 110 1st Reprint - Central Business Licensing (Issue 3, page 24)**

Amended to limit the application of provisions to contractors in Clark County and its three incorporated cities over 150,000 (Las Vegas, North Las Vegas and Henderson) and amends the provisions to require the county and cities to enter an agreement to establish a business license which applies to doing business in the county and those cities, if the contractor is located in an unincorporated area of the county or does not maintain any place of business within the county.

NTA Position: Now neutral.

SB 261 1st Reprint - Fire Protection District Reorganization (Issue 8, page 62)

Amended to apply to a district that has been in existence for at least two years and adds “combination and reorganization” of fire districts to the provisions of the bill. Amends the proposed requirements for extended publication of notice, a hearing, and possible vote of the people outlined in the original bill to now be applicable only to Clark County (over 700,000). For counties less than 700,000, the reorganization may be done by adopted ordinance of the board of county commissioners after a hearing. The requirements for extended publication of notice are deleted for these counties.

NTA Position: Still requires an amendment. For purposes of maximum voter participation, the question should be submitted to the voters at a general election, not a primary election.

STATE GOVERNMENT

AB 152 1st Reprint -Highway Funding Advisory Committee (Issue 5, page 39)

Removes the provision to pay per-diem and travel to the advisory committee members.

NTA Position: Still requires an amendment to provide a maximum number of questions that the committee is allowed to recommend for the ballot. Additionally, the committee should be responsible for writing the explanation and pro and con arguments as they would be in the best position to know how they should read.

AB 212 1st Reprint - NDOT: Design-Build Contracts (Issue 5, page 40)

Increases the threshold of \$1 million dollars for Design Build Projects as proposed in the bill as introduced, to \$10 million dollars and allows 2 projects per year between \$5 million and \$20 million.

NTA Position: Continue to support.

AB 240 1st Reprint - Contracts with Outside Consultants (Issue 7, page 52)

Amended to require approval of the State Board of Examiners rather than the Interim Finance Committee for contracts subject to the restrictions. Section 1 also prohibits a state agency from entering into a contract with a person for services without ensuring that the person is in active and good standing with the Secretary of State.

NTA Position: Continue to support.

SB 233, 1st Reprint - Office of Grants Procurement (Issue 7, page 53)

Amends to create the Office of Grant Procurement, Coordination and Management in the Department of Administration rather than Office of the Governor. The Chief of the Grants Office is now to be named by the Director of the Department. The amendment further clarifies the duties of the office and removes the emphasis of effort on economic development and research grants opportunities.

NTA Position: Continue to support.

SB 250 1st Reprint - State Expenditure Cap (Issue 8, page 63)

Amends the proposed base for each biennium to be the immediately preceding 60-month rolling average of expenditures, less any expenditures that have been removed from the General Fund. Amends the limit on total proposed expenditures for each biennium to the following: Base amount multiplied by the population change (population difference between July 1 of year 2 of the current biennium and July 1 of year 1 of the current biennium), as certified by the Governor, added or subtracted from the base amount. And, the base multiplied by the percentage of inflation or deflation (difference between CPI on July 1 of year 1 and July 1 of year 2 of the current biennium). Provides that if the Economic Forum’s estimate exceeds the proposed budget, 60 percent of the excess goes to the Rainy Day Fund and 40 percent may be spent on capital expenditures, reducing unfunded liabilities, providing one-time matching grant funds, employee training and education, and acquisition or improvement of technology. If actual revenue during a biennium exceeds Legislatively-approved appropriations for the biennium, 60 percent of the surplus revenue is to go to the Rainy Day Fund and 40 percent may only be used in a future biennium for capital expenditures, reducing unfunded liabilities, providing one-time matching grant funds, employee training and education, and acquisition or improvement of technology and supplementary appropriations.

NTA Position: Support.

SB 251 1st Reprint - Nevada Sunset Commission (Issue 8, page 63)

Amends the description of Commission members to specify that all seven are to be members of the general public, each of whom is to be versed in government operations or management and to have demonstrated the necessary skills. The appointment privileges are unchanged.

NTA Position: Continue to support.

STATE APPROPRIATIONS
AB 490 - Legislative Counsel Bureau – NEWLY REPORTED

On behalf of the Department of Administration, introduced by Assembly Committee on Ways and Means and referred to same. (BDR S-1240)

Appropriates \$734,000 for major computer projects to the Legislative Counsel Bureau.

Effective: Upon passage and approval

AB 527 - Principal Leadership Training Program – NEWLY REPORTED

On behalf of the Division of Budget and Planning, introduced by Assembly Committee on Ways and Means and referred to same. (BDR S-1154)

Appropriates \$500,000 to the Department of Administration to contract with the Clark County Public Education Foundation for implementation and operation of a training program for teachers and administrators. To develop this program, the Foundation will work with 17 school districts and other educational foundations. A report on expenditures to date (through December 1, 2012) is due to the Legislative Counsel Bureau for the Interim Finance Committee by December 15, 2012 and a final report on expenditures through June 30, 2013 is due by September 20, 2013.

Effective: Upon passage and approval.

STUDIES
AB 61 - Substance Abuse Study - (Issue 2, page 20)

Amended to sunset the study committee on June 30, 2015.

NTA Position: Now neutral.

CORRECTIONS

Please note the following corrections to the Index for NTA Legislative Report you received on April 21, 2011. We apologize for any inconvenience this may have caused you.

Under “Fees” Heading:

- ◆ AB 314 should be SB 314
- ◆ AB 387- Off Highway Vehicle Reg should be “SB 387. The current Status is “A/TR”
- ◆ SB 490 should be “SB 492 and the current Status is S/R.”

Under “Local Government” Heading:

- ◆ “SB 422 should be “SB 443. The current Status is S/F.”

Under “State Government” Heading:

- ◆ The Status for AB 10 should read: “Effective 7/1/2011”.

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