

LEGISLATIVE REPORT

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

ISSUE 2-11

PREFILED BILLS - DECEMBER 13, 2010 to JANUARY 27, 2011

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This issue summarizes bills that have an impact on State or local government budgets and bills that we believe are of interest to our members and were prefiled between December 13, 2010 and January 27, 2011. Also included are tax and fee bills that were prefiled since January 7, 2011, and were not reported in issue 1.

Notes:

Unless otherwise requested, the default effective date for bills is October 1, 2011. 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 "Fiscal Note," which appears on the the bill and is not independently determined by NTA.

The full text of all bills is available by logging onto www.leg.state.nv.us and going to "Session Information."

TAXES

AB 101 – Underground Utilities District: Voter Approved Property Tax

Introduced by Assemblyman Segerblom and referred to Assembly Government Affairs. (BDR 20-544)

Fiscal effect: May have impact on Local Government.

Requires the board of county commissioners in counties over 400,000 (only Clark) to create an underground utilities district. In all other counties, the establishment of the district is permissive. Allows the imposition of a property tax rate to fund the district if approved by the voters in the district. Provides for the organization, operation, and budget of the district and allows general obligation bonds to be issued, if a property tax rate is approved by the voters at a primary or general election.

Effective: Upon passage and approval for any administrative tasks required and on July 1, 2011 for all other purposes.

NTA Position: Oppose as written. Nevada Law was changed in 1993 so that tax questions would appear only on a general election ballot to have maximum voter input.

FEES

SB 99 – Consumer Protection - 2/3 Majority Required

Introduced by Senator Hardy and referred to Committee on Commerce, Labor and Energy. (BDR 52-127)

Fiscal Effect: Yes, on the State.

Requires the Consumer Affairs Division of the Department of Business and Industry to regulate the activities of grant writing services that do business in this State. A grant writing service is required to register, pay a \$25 administrative fee and deposit security with the Division before doing business in this State. Includes other requirements relating to grant writing services. " 'Grant writing service' means a person who, with respect to obtaining any grant or other payment, loan or money, advertises, sells, provides or performs, or represents that he or she can or will sell, provide or perform, any of the following services in return for the payment of money or other valuable consideration: (1) Writing an application for a grant for a buyer. (2) Obtaining a grant for a buyer. (3) Providing advice or assistance to a buyer in obtaining a grant."

Effective: July 1, 2011.

SB 101 – Issuance of Marriage Licenses - 2/3 Majority Required

Introduced by Senator Manendo and referred to Senate Judiciary. (BDR 11-635)

Increases the fee the commissioner or deputy commissioner of civil marriages is entitled to charge and receive for solemnizing a marriage to \$70 from \$45. Revises other provisions relating to the issuance of marriage licenses and the solemnization of marriage.

Effective: July 1, 2011.

SB 102 – Wildlife Fee for Shed Antlers - 2/3 Majority Required

Introduced by Committee on Natural Resources and referred to same. (BDR 45-764)

Fiscal effect: Yes, on the State.

Requires the Board of Wildlife Commissioners to adopt regulations for the taking of antlers naturally shed by big game mammals and requiring a fee to be set, not to exceed \$10. If the antlers are to be taken for commercial purposes the fee is not to exceed \$1,500.

Effective: Upon passage and approval for adopting regulations and July 1, 2011 for all other purposes.

BUSINESS ISSUES

AB 89 – Health Insurance/Plan Mandate: Acupuncture

Introduced by Assemblyman Segerblom, referred to Assembly Commerce and Labor. (BDR 57-278)

Fiscal effect: May have Impact on local government. Yes, on the State.

Requires health insurance and health care policies to provide coverage for acupuncture treatments, including policies for state and local government employees. Excludes the State plan for Medicaid from the mandate.

Effective: The provisions of this bill apply prospectively to any policy or plan issued or renewed on or after October 1, 2011.

NTA Comment: This bill indicates that the provisions of NRS 354.599, which deal with unfunded mandates to local governments, does not apply.

AB 90 – Prohibited Employment Practices

Introduced by Assemblyman Segerblom, referred to Assembly Commerce and Labor. (BDR 53-277)

Prohibits an employer from subjecting an employee to abusive conduct in a work environment and from discriminating against an employee with a physical characteristic. Requires a court to award damages, back pay and attorney's fees consistent with the provisions set forth in Title VII of the Civil Rights Act of 1964. Revises provisions relating to the time in which an employee may seek relief in district court for a claim of unlawful employment.

SB 4– Renewable Energy

Introduced by Senator Schneider, referred to Committee on Commerce, Labor and Energy, (BDR 58-331)

Fiscal effect: Yes, on the State.

Revises provisions governing the administration of the Fund for Renewable Energy, Energy Efficiency and Energy Conservation Loans. Expands the scope of the loans that may be made by the Director of the Office of Energy and expands the authority of County Commissioners regarding the loans and financing they are authorized to make for energy efficient projects.

Effective: July 1, 2011.

SB 81– Professions and Occupations Licensing

On behalf of the State Controller, introduced by Senate Government Affairs, referred to same. (BDR 31-396)

Fiscal effect: Yes, on the State.

Requires professional and occupational licensing agencies to deny licenses for issuance or renewal if a person has a debt outstanding with the State, until that debt is paid or an agreement for payment is entered into. Requires the State Controller to prepare a list of those persons and notify all professional and occupational licensing agencies. Financial institutions are required to provide information of persons who are identified on the State Controller's list and maintain accounts at the financial institution to the State Controller. Financial institutions are required to encumber the assets. Changes the statute of limitation to collect debts owed to the State to six years.

Effective: Upon passage and approval.

SB 58 – Industrial Insurance: Misrepresentation by Employer

On behalf of the Attorney General, introduced by Committee on Commerce, Labor and Energy and referred to same. (BDR 53-87)

Provides for the punishment of an employer who knowingly misrepresents or conceals a material fact relating to a person's eligibility for industrial insurance benefits. Grants immunity to persons who disclose information, without malice, relating to such an employer. Authorizes the Attorney General to prosecute criminal and civil actions relating to such an employer. Provides certain books, records and payrolls, health care records must be open to inspection under certain circumstances. Makes other changes relating to industrial insurance.

SB 59 - Electric Utilities: Net Metering Systems

On behalf of the Governor, introduced by Senate Commerce, Labor and Energy and referred to same. (BDR 58-408)

Increases the cumulative capacity of net metering systems operating within the service area of an electric utility from 1 percent to 5 percent of the peak capacity of the utility to customer-generators.

Effective: July 1, 2011.

BUSINESS ISSUES CONTINUED

SB 60 – Renewable Energy Loans

On behalf of the Governor, introduced by Senate Commerce, Labor and Energy and referred to same. (BDR 58-410)

Fiscal effect: Yes, on the State.

Expands potential loan recipients from the Fund for Renewable Energy, Energy Efficiency and Energy Conservation Loans by changing the definition “renewable energy system” to “qualified applicant.” “Qualified applicant means a person or governmental entity engaged in: 1. The construction or operation of an energy conservation project; 2. The construction or operation of an energy efficiency project; or 3. The construction, expansion or operation of a renewable energy system.”

Effective: July 1, 2011.

SB 63 – Industrial Insurance - Uninsured Employer Claims Account

On behalf of the Division of Industrial Relations, introduced by Senate Commerce, Labor and Energy and referred to same. (BDR 53-476)

Establish a process whereby the Division of Industrial Relations (DIR) may apply for the entry of summary judgment against an employer who fails to pay to the Division an amount owed for payments from the Uninsured Employers’ Claim Account which were paid on behalf of that employer. Provides that a judgement constitutes a lien against property of the employer and is for an initial 6-year period. Provides additional conditions for failure to pay an amount owed.

Effective: July 1, 2011.

SB 64 – State Loans for Certain Private and Certain Public Projects

On behalf of the State Treasurer, introduced by the Senate Select Committee on Economic Growth and Employment and referred to same. (BDR 31-522)

Fiscal effect: Yes, on the State.

Establishes a program for the investment of State money in an amount not to exceed \$20 million in certificates of deposit at a reduced rate of interest. Provides lending institutions with money for loans at a reduced rate of interest, first, to business entities that have at least 51% minority ownership, the owner is a woman or an honorably discharged veteran, and second to a business engaged in production or sale of renewable energy, and includes governmental units, including higher education institutions. Specifies the qualifications that are to be considered in determining if a business, governmental entity or higher education institution is eligible to apply for a loan and the purposes for which the loans may be used. Loans may not be issued for more than \$500,000 or longer than five years.

Effective: Upon passage and approval to adopt regulations and October 1, 2011 for all other purposes.

SB 75 – Economic Development - Private Equity Funding

On behalf of the State Treasurer, introduced by the Senate Select Committee on Economic Growth and Employment and referred to same. (BDR 31-523)

Requires the State Treasurer to form an independent corporation for public benefit for the purpose of acting as a limited partner or shareholder to specified businesses or industries located or looking to locate in Nevada.. Authorizes the Treasurer to transfer up to \$50 million from the State Permanent School Fund for deposit in the independent corporation, if a judicial determination is obtained that such investment does not violate Nevada’s Constitution. Establishes specific conditions for lending money..

NTA Comment: Those businesses/industries identified in the bill are: health care and life sciences; cyber security ; homeland security and defense; alternative energy; advanced materials and manufacturing; information technology; and any other industry that the board of directors of the corporation determines to be critical to economic development.

SJR 2 – Minimum Wage Repeal

Introduced by Senator Hardy and referred to Senate Commerce, Labor and Energy. (BDR C-578)

Amends Section 16 of Article 15 of the Nevada Constitution to repeal the constitutional provision requiring the employers to pay a minimum wage.

NTA Comment: If passed this legislative session, it must be passed again by the next legislature and then approved by voters at the 2014 general election.

PUBLIC EMPLOYEE COMPENSATION**AB 67 – Public Employees’ Retirement System**

On behalf of the City of Reno, introduced by Assembly Government Affairs, referred to same. (BDR 23-317)

Eliminates the liability of a public employer to its employees for erroneously reporting wages to the Public Employees’ Retirement System.

Effective: Upon passage and approval.

AB 80– Public Employees’ Benefits Program

On Behalf of the Public Employees’ Benefits Program, introduced by Assembly Government Affairs and referred to same. (BDR 23-496)

Fiscal effect: Yes, on the State. May have fiscal impact on local government.

Makes numerous substantive changes relating to the Employee Benefits Program (health insurance), which range from excluding coverage for certain preexisting conditions during the first 12 months if medical insurance is reinstated, to eliminating the exclusion for certain preexisting conditions as called for in the Patient Protection and Affordable Care Act. Also, provides that employees hired after January 1, 2010, are not entitled to the subsidy for coverage under the Program if they retire with less than 15 years of service with an exception for disabled retirees.

Effective: Varies between July 1, 2011 and October 1, 2011.

SB 8 – State Employees: Sick Leave

On Behalf of the Department of Personnel, introduced by Senate Legislative Operations and Elections and referred to same. (BDR 23-425)

Fiscal effect: Yes, on the State.

Revises the provisions governing payment for unused sick leave upon the retirement, no fault termination, or death of Executive Department employees to remove the optional forms that an employee may currently choose to receive payment. Requires that payment will be made in a lump-sum.

Effective: Upon passage and approval.

EDUCATION**SB 2 - Funding Education to the National Average: Appropriation not included in Executive Budget**

Senator Schneider, referred to the Committee on Finance (BDR S-4).

Appropriates \$1.65 billion to ensure that K-12 funding meets or exceeds the most current “per pupil national average”.

Effective: Upon passage and approval.

NTA Comment: This is the sixth consecutive session that this bill has been introduced. In 2001 (SB417) the appropriation request was to be included in the budget submitted by each school district, based on the most recent national average. In 2003 (SB2) and 2005 (SB2), the appropriation requested was \$1.13 and \$1.34 billion respectively. In 2007 and 2009, the appropriation was \$1.52 billion and \$1.68 billion, respectively.

NTA Position: Oppose. As in the prior bills, there is no indication as to what this additional funding will provide, or that spending this additional amount will result in improving student education.

SB 11– K-12 - Revises the Nevada Plan

On behalf of the Clark County School District, introduced by Senate Finance and referred to same. (BDR 34-304)

Fiscal effect: Yes, on the State. May have fiscal impact on local government.

Revises the Nevada Plan for School Finance for funding school districts, charter schools and university schools for profoundly gifted pupils to include the establishment of weighted values for certain categories of pupils. Requires the establishment of weighted values for certain smaller school districts and schools and revises the manner by which apportionments are calculated to add the applicable weighted values to the basic support guarantee per pupil. Requires the establishment of a separate basic support guarantee for certain schools that offer a program of distance education, and removes the establishment of special education program units. Requires the Department of Education to establish an advisory group to develop formulas for establishing the weighted values for implementation beginning with the 2013-2014 school year.

Effective: July 1, 2011 for purposes of forming the advisory committee and January 1, 2013 for all other purposes.

EDUCATION CONTINUED

SB 14 - K-12 Education: Curriculum

On behalf of Nevada Youth Legislature, introduced by Senate Education and referred to same. (BDR 34-609)

Fiscal effect: Yes, on the State.

Directs the State Board of Education to develop a model curriculum for K-12, based on the “Common Core Standards” developed by National Governor’s Association Center for Best Practices and the Council of Chief State School Officers. This would authorize use of the model curriculum by teachers and administrators as well as in training teachers and administrators.

Effective: July 1, 2011

NTA Comment: Does this replace the content and performance established by the “Council to Establish Academic Standards for Public Schools” cited in NRS 389.019 ?

SB39 - Education: Probationary Teachers

On behalf of the Washoe County School District, introduced by Senate Education and referred to same. (BDR 34-257)

Removes probationary teachers and probationary administrators from the applicability of provisions governing disciplinary measures by school districts. Revises provisions governing demotion, suspension, dismissal and expands the grounds for immediate dismissal and refusal to reemploy. Revises probationary periods of teachers and administrators from two 1-year periods to three 1-year periods and provides that probationary teachers and probationary administrators are at-will employees.

Effective: July 1, 2011

SB 70 – K-12 Education: Governance

On behalf of the Governor, introduced by Senate Education and referred to same. (BDR 34-424)

Fiscal effect: Yes, on the State. May have fiscal impact on local government.

Removes the provisions for an elected State Board of Education and provides for the appointment of a five member advisory State Board of Education. The terms of the incumbents would expire June 30, 2011. Transfers the powers and duties of the elected State Board of Education to the Department of Education and the Superintendent of Public Instruction. Provides that the Governor appoints the Superintendent of Public Instruction. Revises the powers and duties of the Superintendent and the how certain money in the State Distributive School Account is disbursed to school districts. Changes provisions governing regional training programs for the professional development of teachers and administrators. Removes provisions creating the Board for Career and Technical Education, the Subcommittee on Charter Schools, the Advisory Council on Parental Involvement, the Commission on Educational Excellence, the Account for Programs for Innovation and the Prevention of Remediation, the Commission on Educational Technology, the Council to Establish Academic Standards for Public Schools, the Legislative Bureau of Educational Accountability and Program Evaluation and the P-16 Advisory Council. Repeals the class-size reduction program. Makes other substantive changes to the governance of education and spending of funds.

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

SB 90– School Districts: Fiscal Affairs Advisory Committee

Introduced by Senator Hardy, referred to Committee on Finance (BDR 34-128)

Fiscal effect: May have fiscal impact on Local Government. **Contains unfunded mandate,** not requested by affected local government.

Creates a advisory fiscal affairs committee in each school district to review the financial affairs of the school district. In counties over 400,000 population (Clark County) the committee is comprised of seven members, in all other counties the committee is comprised of three members. Provides for the powers and duties of the advisory committee and the qualifications of the members. Provides for the appointment of those members, which includes appointments by the Majority Leader of the Senate, the Speaker of the Assembly and the Governor.

Effective: July 1, 2011

SB 92 – Redevelopment Agencies: Support of Schools

Introduced by Senator Hardy and referred to Senate Government Affairs. (BDR 22-579)

Authorizes redevelopment agencies to award grants to improve schools within their area. Such grants may not be used for operating. Requires the redevelopment agency to submit a report to the Director of the Legislative Counsel Bureau to be transmitted to the Legislature on or before January 1, 2012. The report is to be submitted on a form created by Committee on Local Government Finance.

Effective: Upon passage and approval.

EDUCATION CONTINUED

SB 96 – Guinn Millennium Scholarship

Introduced by Senator Hardy and referred to Senate Education. (BDR 34-586)

Requires a student to perform at least 20 hours of community service while in high school as a condition to receipt of the Governor Guinn Millennium Scholarship and requires the Board of Regents of the University of Nevada to establish an appeal process for students who are unable to complete the required community service. This requirement applies to students eligible for the scholarship on or after June 1, 2014.

Effective: July 1, 2011.

LOCAL GOVERNMENT

AB 22 – Local Government: Hours of Operation

On Behalf of the Nevada Association of Counties, introduced by Assembly Government Affairs, referred to same. (S-280)

Removes the prospective expiration of provisions allowing a county office to deviate from its required hours of operation if the board of county commissioners approves the plan for the deviation submitted by the office.

Effective: Upon passage and approval.

NTA Comment: For the period between March 11, 3 2010, and June 30, 2011, county offices were authorized to deviate from the statutorily required hours of operation, per legislation passed during the February 2010 special session.

AB42 - Government Property: Appraisals

On behalf of Mineral County, introduced by Assembly Government Affairs, referred to same. (BDR 20-187)

Creates an exception to the requirement for a county obtaining an appraisal if: (1) the real property was acquired by the county from the Federal Government; and (2) the terms and conditions under which the real property was acquired restrict the use or sale of the real property.

Effective: Upon passage and approval

AB 54 – Clark County: Allows a Medical District

On behalf of Clark County, introduced by Assembly Health and Human Services, referred to same. (BDR 40-345)

Fiscal Effect: May have impact on local government:.

Authorizes the establishment of a medical district in a county with a population over 400,000 (Clark County) and provides the commissioners may include all or any portion of the county in the district. Further prescribes the powers and duties of such a district; and providing other provisions from governance, to types of care, to facilities. Requires a separate budget and sufficient tax to be levied to pay for the District. Additionally, there is also a provision that would allow the trustees of the hospital district to contract for the management of the hospital under certain conditions.

Effective: July 1, 2011

NTA Comment: If Clark County Commissioners create a hospital district, all residents in the district would pay for the support of the hospital (UMC), not just the residents in the unincorporated county.

AB 59 – Open Meeting Law

On behalf of the Attorney General, introduced by Assembly Government Affairs, referred to same. (BDR 19-288)

Requires a public body to take certain actions if the Attorney General (AG) finds the body has violated the Open Meeting Law. Authorizes the AG to issue subpoenas during investigations of such violations. Revises the definition of “public body” for the purposes of the Open Meeting Law and requires a public body to include certain notifications on an agenda for a public meeting. Makes members of a public body subject to a civil penalty for violations and provides a penalty.

Effective: July 1, 2011.

LOCAL GOVERNMENT CONTINUED

AB 68 – City Owned Property: Appraisals

On behalf of the Nevada League of Cities and Municipalities, introduced by Assembly Government Affairs, referred to same. (BDR 21-401)

Authorizes a city to lease real property without obtaining two independent appraisals if the real property is less than 25,000 square feet, and for all other transactions reduces the appraisals required to one before the property can be offered for sale or lease. Also see AB 42, this heading.

Effective: Upon passage and approval.

NTA Comment: The law was changed to require two appraisals in 2005, when property values were soaring.

Position: Support. Under the current real estate conditions two appraisals are unnecessary. This change should also be extended to counties and the State.

SB10 – Clark County: Health Care Approvals

On behalf of Clark County, introduced by Senate Health and Human Services, referred to same. (BDR 40-344)

Fiscal effect Yes, on the State.

Requires the approval of the Director of the Department of Health and Human Services in Clark County for the construction of a health facility or to amend a certificate before a person can expend money to provide the following new services: (1) a center for the treatment of trauma; (2) the transplant of organs; (3) the treatment of burns; (4) the performance of open-heart surgery in the provision of cardiac care; and (5) the intensive care of newborn babies.

Effective: July 1, 2011

SB 41 – Local Government Employer-Employee Collective Bargaining

On behalf of the Governor, introduced by Legislative Operations and Elections and referred to same. (BDR 23-412)

Fiscal effect: May have fiscal impact on local government.

Eliminates mandatory collective bargaining for local government employers. Retains the anti-strike provision and the provisions which give local government employees the right to join or not join an employee organization. Provides that local governments may choose or not choose to recognize an employee organization and engage in collective bargaining, if deemed to be desirable and in the best interests of the local government.

Effective: June 30, 2012

NTA Comment: Why is this bill referred to the Legislative Operations and Elections committee? Normally bills with this subject matter would be referred to the Government Affairs committee.

SB 69 – City Business Licenses: Revisions for Issuing

On behalf of the City of Las Vegas, introduced by Senate Government Affairs and referred to same. (BDR 21-534)

Removes the requirement that a city business license cannot be issued unless a business or professional person has obtained a State business license. Also removes the requirement that as applicable a permit from the department of taxation must be obtained prior to the issuance of a business license and removes the requirement that a food establishment receive a permit from the health authority before receiving a city business license.

Effective: Upon passage and approval.

SB 78 - Local Government Employer-Employee Collective Bargaining

On behalf of the City of Reno introduced by Senate Legislative Operations and Elections and referred to same. (BDR 23-316)

Fiscal Effect: May have Fiscal Impact on Local Government. Yes, on the State.

Revises provisions governing collective bargaining between local government employers and local government employees. Authorizes a local government employer to make public information regarding the status of negotiations and the proposals that the two entities make to each other. Provides that if the Legislature enacts or changes a law that would increase the costs with respect to employees covered by a collective bargaining agreement, the applicable agreement would be required to be

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LOCAL GOVERNMENT CONTINUED**SB 78 – Continued**

reopened immediately for the purpose of negotiating changes sufficient to offset the increases in cost. Authorizes the suspension of salary or benefit increases if certain funds fall below specified amounts. Prohibits negotiations or discussions on subjects that are not specified in statute, and removes the provision that allows binding arbitration for police and firefighters.

Effective: Upon passage and approval.

NTA Comment: Why is this bill referred to the Legislative Operations and Elections committee? Normally bills with this subject matter would be referred to the Government Affairs committee.

SB 92 – Redevelopment Agencies: Support of Schools - See heading “Schools” in this issue for description.

SB 98 – Local Government Employer-Employee Collective Bargaining

Introduced by Senator Hardy and referred to Senate Legislative Operations and Elections. (BDR 23-415)

Requires police and firefighters and school district employee organizations to take part of nonbinding mediation before submitting disputes to arbitration. Removes the provisions that requires the arbitrator to use “last best offer.”

Effective: July 1, 2011.

NTA Comment: Why is this bill referred to the Legislative Operations and Elections committee? Normally bills with this subject matter would be referred to the Government Affairs committee.

SB 100 – Local Improvement Districts

Introduced by Senator Hardy and referred to Senate Government Affairs. (BDR 21-392)

Allows certain modifications to be made after the local improvement project has begun and assessments have been levied, provided that such modifications do not increase assessments. If assessments are increased, the affected property owners must have requested such modifications and increased assessments in writing.

Effective: July 1, 2011

AB 105 – Local Government Employee Organizations: Report Required

Introduced by Assemblyman Sherwood, referred to Assembly Government Affairs. (BDR 23-772)

Requires each employee organization recognized by a local government employer to prepare an annual report concerning the dues, expenditures, compensation and other finances of the organization. Requires the report to be available to an employee of the organization. Requires the report to be prepared in January of a year for the immediate preceding year. Requires the first report to be prepared for January 1, 2012 for calendar year 2011.

organization.

Effective: January 1, 2012

STATE GOVERNMENT**AB 1 - State Government Fiscal Reporting**

Introduced by Assemblywoman Kirkpatrick, referred to Assembly Government Affairs (BDR S-49)

Fiscal effect: Yes, on State.

Requires certain governmental entities of this State, beginning with the fourth quarter of Fiscal Year 2010-2011 and concluding with the third quarter of Fiscal Year 2012-2013, to report to the Interim Finance Committee within 60 days after the end of the immediately preceding fiscal quarter financial information, about taxes and fees that: (1) were legally due to be paid to the entity; (2) the entity was able to collect; and (3) the entity did not collect or was otherwise unable to collect, to the extent that such information is available to the entity. Requires the Commission on Economic Development to report to the Interim Finance Committee on the same time schedule regarding each tax or fee that the Commission abated, exempted or otherwise waived and the duration of the applicable abatement, exemption or waiver. Requires each occupational licensing board that regulates an occupation or profession pursuant to title 54 of NRS to report to the Interim Finance Committee and the Legislative Commission every 6 months as to certain money, fees and expenditures. The first report required of the occupational licensing boards must be filed within 60 days after June 30, 2011, and the last report required of the occupational licensing boards must be filed within 60 days after December 31, 2012. All reports required to be filed pursuant to this bill must be submitted on a form provided by the Director of the Legislative Counsel Bureau.

Effective: Upon passage and approval

STATE GOVERNMENT CONTINUED

AB 10 - State Library Fund & Public Records

On behalf of the Department of Cultural Affairs, introduced by Assembly Government Affairs and referred to same. (BDR 33-441)

Fiscal effect: Yes, on State.

Requires that any interest and income earned on money in the Gift Fund for the State Library and Archives must be credited to that Fund. Also requires that, before a public record or writing is destroyed by the custodian of the record or writing, the custodian must save the record or writing on microfilm that meets specified standards or in an electronic record keeping system.

Effective: July 1, 2011

AB 17- Administrative Procedures Act: Exemption

On behalf of the Public Utilities Commission of Nevada, introduced by Assembly Government Affairs and referred to same. (BDR 18-455)

Exempts the judicial review of decisions of the Public Utilities Commission of Nevada from the requirements of the Nevada Administrative Procedures Act (NRS 233B).

Effective: Upon passage and approval.

AB 21- Financial Administration of State: Occupational Boards and Commissions

On behalf of the Governor, introduced by Assembly Government Affairs and referred to same. (BDR 31-409)

Fiscal effect: Yes, on the State.

Requires occupational licensing boards and commissions (NRS 590.485, Chapters 623-625A, 628, 630-644, 648, 654 and 656 of NRS) to comply with the same requirements as other agencies of the Executive Department with respect to financial administration, including personnel (chapters 281 and 284 of NRS), buildings and grounds (chapter 331 of NRS), the state budget (chapter 353 of NRS) and internal controls (chapter 353A of NRS). This bill further requires these boards and commissions to deposit money in accordance with the laws that apply to other state agencies (Chapter 356 of NRS). It also removes the requirement that the Board of Medical Examiners be subject to certain performance audits (NRS 630.127).

Effective: Varies, from upon passage and approval to July 1, 2013.

AB 37 - State Office Hours

On behalf of the Governor, introduced by Assembly Government Affairs, referred to same. (BDR 23-422)

Deletes the provisions that require all State offices, departments, boards, commissions and agencies to remain open for business at least from 8 a.m. to 12 p.m. and from 1 p.m. to 5 p.m. every day except Saturdays, Sundays and legal holidays, unless otherwise required for the efficient transaction of business.

Effective: Upon passage and approval to repeal expiration approved during 2010 special session, and July 1, 2011 for permanent repeal

AB 59 – Open Meeting Law - See “Local Government” heading this issue for description.

SB7 – Administrative Procedures Act: Emergency Regulations

Introduced by Senator Wiener, referred to Committee on Government Affairs. (BDR 18-13)

Requires an agency to make a copy of the emergency regulation available to the public at least one working day prior to a any hearing held if practicable. Provides the same requirement prior to filing the regulation with the Secretary of State’s office.

SB 43 -Health Information: Electronic Records

On behalf of the Department of Health and Human Services, introduced by Senate Health and Human Services and referred to same. (BDR 40-443)

Fiscal effect: Yes, on the State.

Requires the Director of the Department of Health and Human Services to establish a health information exchange system in accordance with federal law. Requires the Director to establish or contract with one or more nonprofit entities to govern the administration of the health information exchange system; prescribe standards to ensure the security and confidentiality of electronic health records; and to take action necessary to comply with federal law concerning electronic health records and health information exchange systems.

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STATE GOVERNMENT CONTINUED

SB 43 – Continued

Effective: Upon passage and approval for adopting regulations and October 1, 2011, for all other purposes.

NTA Comment: According to the Legislative Counsel “Bill Digest,” this bill is the result of the American Recovery and Reinvestment Act of 2009, which includes the Health Information Technology for Economic and Clinical Health Act of 2009, otherwise known as the “HITECH Act.” (Public Law 111-5, Division A, Title XIII)

SB 54 – Fund Change: Nursing Care

On behalf of the Division of Health Care Financing and Policy Committee, introduced by Senate Health and Human Services and referred to same. (BDR 38-444)

Removes that prohibition that the fee paid to the Division of Health Care Financing and Policy of the Department of Health and Human Services cannot be used to replace existing state expenditures paid to nursing facilities.

Effective: Upon passage and approval.

SB 56 – Department of Information Technology

On behalf of the Division of Budget and Planning, introduced by Senate Government Affairs and referred to same. (BDR 19-426)

Requires that all state agencies, boards and commissions use the services and equipment of the Department of Information Technology.

Effective: July 1, 2011.

NTA Position: Support. This is a prelude to the implementation of SAGE recommendations 25 and 26, which recommended the State “. . . implement and maintain an Enterprise Web Content Management System” and a “. . . common email platform for all Executive Branch Agencies.”

SB 73 – State Financial Administration

On behalf of the Division of Budget and Planning, introduced by Senate Finance and referred to same. (BDR 31-427)

Removes statutory thresholds and the requirement for Legislative or Interim Finance Committee approval before a work program can be changed, or money can be received from grants. Additionally, repeals the requirement that the Legislature or Interim Finance Committee must approve changing one occupational group to another, if money for the occupational group was appropriated by the Legislature. Requires the State Board of Examiners and the Interim Finance Committee upon the joint recommendation of the Chief, the Senate Fiscal Analyst and the Assembly Fiscal Analyst, to establish criteria to be used in determining whether a request for the revision of a work program, or acceptance of a gift or grant requires approval.

Effective: Upon passage and approval.

SB 74 – State Financial Administration

On behalf of the State Controller, introduced by Senate Government Affairs and referred to same. (BDR 31-397)

Changes the designation of specifically identified state “funds” to “accounts.” Changes the deposits of revenue from “special revenue funds” in the treasury, to deposits in the “State general fund.”

Effective: July 1, 2011.

SB 97 – Medicaid: Prescription Drugs

Introduced by Senator Wiener and referred to Senate Health and Human Services. (BDR S-940)

Removes the June 30, 2011 expiration of provisions to allow certain generic prescription drugs to be listed as on the preferred prescription drug list used for the Medicaid program.

NTA Support: During the February 2010 special session this provision was temporarily enacted. It has proved to be a very cost-effective provision.

Effective: July 1, 2011.

STATE APPROPRIATIONS

AB 48 - Children's Mental Health Consortia

On behalf of the Clark County Children's Mental Health Consortium, introduced by Health and Human Services and referred to Concurrent Assembly Committees on Health and Human Services and Ways and Means. (BDR 39-336)

Fiscal Effect: Yes, on the State. Contains an appropriation **not included** in Executive Budget.

Revises provisions governing children's mental health consortia and makes an appropriation of \$150,000 over the biennium to carry out the administrative duties of the consortia.

Effective: July 1, 2011.

AB 93 – Substance Abuse - Probation Violators

Introduced by Assemblyman Segerblom and referred to Senate Judiciary. (BDR S-509)

Fiscal effect: Yes, to the State. Contains an Appropriation **not included** in the Executive Budget.

Makes an appropriation to the Department of Health and Human Services of \$250,000 each year of the biennium to pay for the evaluation and treatment of probation violators and offenders. This is established as a pilot program, and expires by limitation on July 1, 2015.

Effective: Varies from - upon passage and approval for the purposes of adopting regulations and entering into contracts, to July 1, 2011 and January 1, 2012.

SB1– Legislative Session Funding

Introduced by Senators Horsford and McGinness, Declared an Emergency Measure. (BDR S-602)

Fiscal effect: Yes, on the State. Contains an appropriation **included** in the Executive Budget.

Makes an appropriation of \$15 million to the Legislative Fund for the costs of the 76th Legislative Session.

Effective: Upon passage and approval.

SB 2 – K-12 Education Funding

Introduced by Senator Schneider and referred to Senate Finance (BDR S-4)

Fiscal effect: Yes, on the State. Contains an appropriation **not included** in Executive Budget.

Makes an appropriation to the State Distributive School Account of \$1,650,582,031 over the 2011-2013 biennium to ensure that the amount of money expended per pupil meets or exceeds the national average. For further description see the heading "Education" in this issue.

Effective: Upon passage and approval.

NTA Position: Oppose. As in the prior bills, there is no indication as to what this additional funding will provide or that spending this additional amount will result in improving student education.

STUDIES

AB 61– Committee to Study Substance Abuse

On behalf of the Attorney General, introduced by Assembly Government Affairs and referred to same. (BDR 18-290)

Fiscal effect: Yes, on the State.

Creates the Substance Abuse Working Group within the Office of the Attorney General to study issues relating to substance abuse in this State and provides for the makeup of the Group and meetings and issues to be studied. A report is to be delivered to each regular session of the Legislature.

Effective: July 1, 2011

NTA Comment: By Executive Order Governor Gibbons created a Working Group on Methamphetamine Use in Nevada in 2007. The Executive Order was amended twice to continue the working group through December 2010.

NTA Position: Amend. This legislation should have a sunset date so that the continued need for the working group can be evaluated.

STUDIES CONTINUED

AB 71 – Interim Legislative Study on Local Government Revenue Distribution

On behalf of the City of North Las Vegas, introduced by Assembly Legislative Operations and Elections and referred to same. (BDR S-256)

Fiscal effect: Yes, on the State.

Directs the Legislative Commission to conduct an interim study concerning the equitable allocation of money distributed from the Local Government Tax Distribution Account and report back to the 2013 Legislature with their recommendations. Also see AB 47, reported in *Legislative Report*, Issue 1-11, page 2.

Effective: July 1, 2011

NTA Comment: See AB 47, page 2, issue 1-11, which also calls for a study on the distribution of revenue.

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.

Questions? Contact us at . . .

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