

LEGISLATIVE REPORT

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

ISSUE 2 - 13

PREFILED BILLS

PAGE 8

Notes:

This issue contains a summary of issues that have a substantial impact on State or local government budgets and bills that we believe are of general interest to our members, which were prefiled between December 19, 2013 and January 10, 2013. The next issue of Legislative Report will summarize bills that were prefiled after January 10 and have been introduced commencing February 4.

The default effective date for bills, unless otherwise requested, is October 1, 2013. An effective date for the bills reported will be shown only when it differs from the default date.

For the purpose of this report, the "fiscal effect" shown is taken from the bill and not determined by NTA.

The full text of all bills is available by logging onto www.leg.state.nv.us and going to "Session Information - 2013."

BUSINESS RELATED ISSUES

AB 12 - Occupational Safety: Changes to Employee Reporting

On behalf of the Division of Industrial Relations (DIR), introduced by Committee on Commerce, Labor and Energy and referred to same. (BDR 5 -352)

Removes the requirement that an employee notify his employer his intention to file a complaint with DIR prior to filing the complaint.

Effective: Upon passage and approval.

AB 63 - Computer and Information Technology - Overtime Requirements

On behalf of the Office of Economic Development, introduced by the Committee on Commerce, Labor and Energy, and referred to same. (BDR 53-294)

Add computer and information technology employees to the list of exempt employees from Nevada's "rolling" 24 hour overtime rule.

Position: **Support with amendment.** Nevada is one of a handful of states that does not follow federal overtime law. For many businesses Nevada's requirement removes the flexibility they require, particularly in difficult economic times, to schedule employees. For more information see the association's newsletter, *Tax Topics*, December 2010 issue (www.nevadataxpayers.org - "Publications").

SB 36 - Changes to Unemployment Compensation

On behalf of the Employment Security Division, introduced by Committee on Commerce, Labor and Energy and referred to same. (BDR 53-371)

Creates a shared-work unemployment program upon approval of the U.S. Secretary of Labor. Revises unemployment fraud law. Provides for the assumption of unemployment liability upon the sale of a business. Establishes a one-week waiting period as an additional condition of eligibility for payment of benefits.

Fiscal effect: Yes on State.

Effective: Upon passage and approval for adoption of regulations and varying dates for other provisions.

SB 60 - Business License Exemption Form: Registered Agents

On behalf of Secretary of State, introduced by Committee on Judiciary and referred to same. (BDR 7-380)

Amends existing law to require persons who claim to be exempt from obtaining a state business license to file an annual exemption form; excludes a business organized pursuant to NRS 82 or 84. Imposes a fine of not less than \$1,000 or more than \$10,000 on a business that willfully fails or neglects to pay the fee, to be recovered in a court of competent jurisdiction. Imposes a number of requirements and conditions governing persons authorized to serve as registered agents. Adds various conditions to the filings made by domestic and foreign corporations.

Fiscal Effect: Yes, on State.

Business Related Issues continued**SB 70 - Employment Practices: Discrimination of “Family Caregiver”**

Introduced by the Committee on Health and Human Services and referred to Committee on Commerce, Labor and Energy (BDR 53-542)

Expands the list of discriminatory employment practices to include “family caregiver” defined as: related to the person by blood, marriage or legal custody; the domestic partner of the person; or with whom the person lives in a familial relationship. Authorizes the Nevada Equal Rights Commission to investigate complaints.

Fiscal effect: Yes, on State.

EDUCATION
AB 42 - Creates the Nevada Cyber Institute

On behalf of the Division of Enterprise Information Technology Services, introduced by the Committee on Education and referred to same. (BDR 34-286)

Establishes the Nevada Cyber Institute within the Nevada System of Higher Education for purposes which generally relate to the development and teaching of Cyber security. Creates an Advisory Board of the Nevada Cyber Institute to offer recommendations to the Board of Regents. Authorizes the Regents to provide for courses of instruction, curricula, the determination of criteria for admission to the course and transfer of credits earned.

Fiscal effect: Yes, on the State.

SB 58 – Distance Learning

On behalf of the Clark County School District, introduced by the Committee on Education and referred to same. (BDR 34-396)

Removes the special circumstances by which distance education may be provided to expand distance learning to all students unless prohibited because of criminal or disruptive behavior, or fails to satisfy the conditions for enrollment. Also grants an exemption to use an unlicensed employee to supervise students attending a course of distance learning if a licensed employee is conducting the instruction through electronic means.

Effective: Upon passage and approval.

NEVADA GOVERNMENTS
AB 4 – Publication of Legal Notices

On behalf of Nevada League of Cities, introduced by Committee on Government Affairs and referred to same. (BDR 19-259)

Allows the State or a local government to publish a legal notice or legal advertisement on a website maintained by the entity in lieu of publishing in a newspaper. In such case, the address of the internet website and a mailing address and telephone number where a copy of the notice or advertisement may be obtained must be published in a newspaper. Public bodies may charge a fee for requested copies of a document unless the copy is provided electronically.

Effective: July 1, 2013

AB 65 - Open Meeting Law

On behalf of the Attorney General, introduced by the Committee on Government Affairs, referred to same. (BDR 19-402)

Makes numerous changes to clarify provisions of Nevada’s Open Meeting Law (NRS 241). Provisions include, but are not limited to, exempting a meeting or subcommittee engaged solely in fact finding activities for the public body. Prohibits a member of a public body from designating an alternate unless permitted by law to do so and requires a permitted designation to be made in writing. Defines “deliberate” regarding actions to be taken by the governing body, and includes collective bargaining discussion preliminary to the ultimate decision. Requires an ordinance or regulation to be discussed at a meeting and supporting documents to be posted on the entity’s website at the same time the material is available to the public body of a city or county whose population is over 40,000 (currently Clark, Douglas, Elko, Lyon, Nye and Washoe Counties and the cities of Carson, Henderson, Las Vegas, North Las Vegas, Reno and Sparks).

Fiscal effect: Yes, on the State. May have fiscal impact on Local Government.

Effective: July 1, 2013.

STATE APPROPRIATIONS

Appropriation in Executive Budget**SB 1 - Funding for Legislative Session**

Sponsored by Senators Denis and Roberson and Assemblymen Kirkpatrick and Hickey. Declared an emergency measure. (BDR S-882)

Makes an appropriation of \$15 million for the costs of the 77th Legislative Session.

Effective: Upon passage and approval.

Appropriation Not Included in Executive Budget**SB 52 –Student Loan Program for Unemployed**

On behalf of Department of Employment, Training and Rehabilitation, introduced by Committee on Commerce, Labor, and Energy and referred to same. (BDR S-374)

Creates the Workforce Development Student Loan Revolving Fund with a \$2 million appropriation from the General Fund. The Director of the Department of Employment, Training and Rehabilitation is to adopt regulations to establish a student loan program for unemployed persons seeking training in certain industry sectors, and the Director is to contract with a nonprofit entity to administer the program. Administrative costs are not to exceed 10 percent of the total amount of money that is loaned.

Fiscal effect: \$2 million appropriation.

Effective: Upon passage and approval and expires by limitation on June 30, 2015.

BUDGET

SB 56 – Public Records of the State Controller; Catalyst Account; Knowledge Account

On behalf of the State Controller, introduced by Committee on Government Affairs and referred to same. (BDR 18-378)

Amends existing law requiring information made available by the State Controller on the internet to cover the current and immediately preceding fiscal year rather than the current and immediately preceding biennium. Changes the Catalyst Fund to Catalyst Account and the Knowledge Fund to Knowledge Account; moves both Accounts to the General Fund from the State Treasury; and allows year end balances in each Account to carry forward. Revises the designations of various other funds and accounts.

Fiscal Effect: Yes, on State.

Effective: Upon passage and approval. Provisions relating to the Renewable Energy Account expire by limitation on June 30, 2049.

STATE GOVERNMENT

AB 16 - Publication of Policies of State Agencies

On behalf of the Attorney General, introduced by the Committee on Government Affairs and referred to same. (BDR 18-212)

Establishes the procedure by which the State Board of Examiners may adopt, amend and repeal policies governing the internal operation of any agency, bureau, board, commission or other unit of the Executive Department. The procedure includes: posting a notice on the internet of proposed action 30 days prior to a meeting; providing the text of the policy to be adopted, amended or repealed; the solicitation of written comments; and providing the effective date if action is taken as proposed.

Effective: Upon passage and approval.

AB 31 - Public Records Requests

On behalf of Attorney General, introduced by Committee on Government Affairs and referred to same. (BDR 19-211)

All units of governments, except for the system of higher education, are required to have a person who is responsible for public records requests. That person is responsible for responding to all records requests and is required to use the “balancing test” developed by the Supreme Court to determine whether to provide the book or record requested. The Attorney General is to develop the forms needed to request a book or record and the form to be used by the entity to respond to the request. If the request is denied a specific explanation is to be provided.

Fiscal effect: Yes, on State.

AB 41 - Changes to State Purchasing

On behalf of the Purchasing Division, introduced by the Committee on Government Affairs and referred to same. (27-283)

Increases the threshold of contracts requiring the approval of the State Board of Examiners from \$100,000 or more to \$250,000 or more; contracts for purchases by the State from \$25,000 to \$50,000; and local purchasing by using agencies which can be authorized by the administrator from \$5,000 to \$10,000 per order. Also revises provisions concerning contracts which are contrary to the provisions governing state purchasing.

AB 59 - State Public Works Division: Revisions

On behalf of the State Public Works Division, introduced by the Committee on Government Affairs and referred to same. (BDR 28-282)

Formalizes, by specifying functions within the Division - Compliance and Code Enforcement and a Professional Services Section. Removes the requirement for the Division to periodically inspect buildings owned by the Nevada System of Higher Education, and the requirement for providing an annual report to the legislature on construction projects of state buildings financed by bonds or other obligations.

Effective: Upon passage and approval.

LOCAL GOVERNMENT

AB 25 – Special Assessments for Abatements

On behalf of City of Las Vegas, introduced by Committee on Government Affairs and referred to same. (BDR 21-252)

Amends existing statute to allow a designee of a governing body to take action to collect expenses and civil penalties for abatement of a chronic or abandoned nuisance on property within a city and reduces the time before a special assessment may be levied from 12 months to 30 days. Any special assessments levied by a designee must be reported on quarterly to the governing body.

Effective: Upon passage and approval.

AB 37 – Clark County: Prevailing Wage Enforcement

On behalf of Clark County, introduced by Committee on Government Affairs and referred to same. (BDR 28-391)

Authorizes Clark County Commissioners or a person designated by the county to be responsible for the development, solicitation, award or administration of contracts for public works and enforce prevailing wage requirements instead of the Labor Commissioner. Provides for certain remedies and penalties that can be imposed by the county.

Effective: July 1, 2013

Comment: At a time when most local governments are concerned with taking on more responsibility why would Clark County want to assume another expense, particularly one provided by the state?

Position: **Amend**, to provide the person designated by the county should be a county employee for the purpose of enforcing prevailing wage requirements.

AB 50 - Redevelopment: City of Las Vegas

On behalf of City of Las Vegas, introduced by Committee on Government Affairs and referred to same. (BDR 22-253)

Extends the date of a redevelopment plan created before January 1, 1991 from 45 years to 60 years in a city whose population is 500,000 or more (City of Las Vegas). Expands the financing for the development, building on, or improving land to include loaning money for these purposes. Requires additional reporting to the public about its plans 7 days prior to the governing board considering the plan. Extends the length of time that the room tax can be imposed for the costs of improving a central business district to July 1, 2040 for any bonds issued in addition to the initial bonds that were issued. Deletes the provision that prevents a city or county from creating a tourism improvement district within the boundaries of a redevelopment district.

Fiscal effect: May have fiscal impact on local government. Effective: Upon passage approval.

Position: **Oppose**. Increasing the length of time from 45 years to 60 years makes this a revenue measure. Redevelopment districts normally do not exceed a 30 year life. This expansion will negatively impact the operating revenue received by the Clark County School District and other county entities.

Local Government continued**SB 2 – Functional Home Rule for Local Government**

On behalf of the Nevada Association of Counties, introduced by Committee on Government Affairs and referred to same. (BDR 20-174)

Authorizes a board of county commissioners or a city, with limited exception, to exercise all powers needed for effective operation of their respective governments, even if the power to perform these acts is neither express nor implied, so long as the power is not expressly prohibited or limited by constitutional or statutory provisions or granted to another entity.

Exclusions from home rule **include**, but are not limited to the **power to tax, impose a service charge or user fee** greater than the actual cost of providing the services, regulate conduct that is regulated by a state agency, etc.

Effective: July 1, 2013

Comment: Nevada is not a home rule state; it is Governed by Dillon’s Rule, which limits the power of local government. Basically, Dillon’s Rule says that government is prohibited from exercising any power which is not specifically permitted. There are three elements to home rule, structural, fiscal and functional.

Position: **Support.** This bill addresses only functional home rule. Currently a county can be precluded from addressing an issue that a city can because the city has charter authority to address the function.

SB 44 - Disaster Relief Account: Expands Use

On behalf of the Division of Emergency Management, introduced by the Committee on Government Affairs and referred to same. (BDR 31-341)

Allows the money in the fund to be used as a “grant match” from any federal agency, not just a federal disaster assistance agency. Expands the purpose of use to include mitigation or to prevent or reduce the likelihood of damage or injury resulting from a similar disaster in the future. Revises the procedure to submit or request a grant or loan.

Effective: July 1, 2013.

SB 50 – Population Estimates by Department of Taxation

On behalf of Churchill County, introduced by Committee on Revenue and Economic Development and referred to same. (BDR 32-257)

Amends existing law regarding Department of Taxation methods to annually determine population estimates for each town, township, city and county. Revises the method of updating an estimate and the deadlines for population information to be submitted to the Department and for the annual report to be issued by the Department. Sets a 14 day window for localities to appeal the estimated population.

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

Effective: Upon passage and approval for regulations, July 1, 2013 for all other purposes.

GENERAL INTEREST**SB 63 – Early Voting: Photo ID**

On behalf of Secretary of State, introduced by Committee on Legislative Operations and Elections and referred to same. (BDR 24-384)

Requires photographs of voters be included in rosters for early voting and requires the Department of Motor Vehicles to provide such photographs to the Secretary of State or county clerks upon request. County and city clerks will be required to provide digital photograph equipment to election board officers and deputy clerks to take photographs of voters. Voters cannot be challenged on the basis of not having or not providing a driver’s license or identification card or photograph on record or for refusing to have a photograph taken. Voter lists prepared on request are not to include photographs or any portion of a driver’s license, identification card or social security number.

Fiscal effect: **Contains unfunded mandate not requested by local government.** Estimated \$100,000 cost for DMV; \$873,200 cost for SOS. County/city estimates, range from \$15,000 for NLV in 2013-2014 to \$3.1 million for Clark County in that year. Other local governments noted they could not estimate costs until the details of the program are complete.

Effective: Upon passage and approval for regulations and January 1, 2014 for all other purposes.

Nevada Taxpayers Association

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

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