

# LEGISLATIVE REPORT

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

ISSUE 3 - Prefiled Bills Through February 3, 2011

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## Notes:

- Page sequence continues from last issue.
- 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 bill and is not independently determined by NTA.
- The full text of all bills is available by logging onto [www.leg.state.nv.us](http://www.leg.state.nv.us) and going to "Session Information."

## FEES

### **AB 114 - Fees: Water permits**

On behalf of the Legislative Committee on Public Lands, introduced by Assembly Government Affairs Committee and referred to same. (BDR 48-209)

Fiscal Effect: Yes, on state.

Amends the schedule of fees (NRS 533.435) collected by the State Engineer for providing various services relating to the appropriation of water for beneficial uses in Nevada. Reinstates the flat fee for issuing and recording a permit to change the point of diversion or place of use of an existing right for irrigational purposes to a flat fee of \$500 from the previous \$300 plus \$3 per acre foot and makes other adjustments.

Effective: July 1, 2011

### **AB 123 - Care Facilities: Inspections, Fees - 2/3 Majority Required**

On behalf of the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs, introduced by the Assembly Committee on Health and Human Services and referred to same. (BDR 40-159)

Fiscal Effect: Yes, to State.

Mandates inspections by the Health Division at least four times a year and stipulates that fees charged for the license and inspection costs must be calculated to cover the costs of doing the inspections. In addition, requires various facilities to provide itemized statements of charges incurred for care upon request.

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

### **SB 108 - Fees: Motorboat registration - 2/3 Majority Required**

Introduced by the Senate Committee on Natural Resources and referred to same. (BDR 43-765)

Fiscal Effect: Yes, on State.

Increases fees charged for issuing a certificate of ownership, an identifying number, and validation decals for motorboats, and certain identifying numbers for manufacturers or dealers of motorboats. Fees currently charged range from \$20 to \$100. This bill increases those fees to \$25 to \$175.

Effective: July 1, 2011

### **SB 109 - Local Government Fees on Public Utilities**

Introduced by Senator Parks and referred to the Senate Committee on Government Affairs. (BDR 31-825)

Fiscal Effect: May have impact on Local Government

Excludes from the definition of "revenue" any proceeds from the interstate sale of natural gas to a wholesale provider of electric energy by a public utility in calculating fees charged by the local government for the public utility's business license.

Effective: July 1, 2011

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**PUBLIC EMPLOYEE COMPENSATION**

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**SB 104 - Funding of PERS and PEBP**

Introduced by Senator Settlemeyer and referred to Senate Committee on Finance. (BDR 31-701)

Requires the State Controller to transfer a portion of the unrestricted balance in the State General Fund at the end of each biennium to the Public Employees Retirement (PERS) Fund and the Public Employee Benefits Program (PEBP) Fund, provided that these programs are not at least 85% funded. Any transfer to PERS and PEBP would be calculated after deposits are made to the Fund to Stabilize the Operation of the State Government.

Effective: Upon passage and approval.

**NTA Position: Support the Concept.**

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**EDUCATION**

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**AB 113 - State Board of Education Strategic Plan**

On behalf of the Legislative Committee on Education, introduced by Assembly Committee on Education and referred to same. (BDR 34-87)

Fiscal Effect: Yes, effect on State.

Requires the annual report by the State Board of Education to include a five-year strategic plan addressing recurring issues in improving academic achievement of pupils as identified by the Department of Education and to track progress made in achieving the Department's strategic goals. In addition, the bill adjusts student progress testing dates to 30 days later in the spring semester and adjusts certain other yearly report dates of the Department.

Effective: July 1, 2011

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**AB 116 - Teacher evaluations: Designations and Data**

On behalf of the Legislative Committee on Education, introduced by the Assembly Committee on Education and referred to same. (BDR 34-93)

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

Amends designations to be used in teacher and administrator evaluations to "highly effective, effective, and ineffective" from the prior designations of "satisfactory" and "unsatisfactory." Further, requires that certain information on pupil achievement maintained by the automated system of accountability information for Nevada account for at least 33 percent of the evaluations of teachers and administrators, and makes other provisions regarding education personnel..

Effective: July 1, 2011

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**AB 117 – K-12 - Waiver of School Days**

On behalf of the Legislative Committee on Education, introduced by Assembly Committee on Education and referred to same. (BDR 34-91)

Authorizing the board of trustees of a school district and the governing body of a charter school to request a waiver of not more than 10 days from the required minimum number of school days in a school year during an economic hardship to avoid layoffs of educational personnel. If the waiver request is approved by the Superintendent of Public Instruction, the waiver is transmitted to the interim finance committee for a final determination.;

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**AB 129 - Repeal of Class Size Reduction**

Introduced by Assemblyman Kirner and referred to Assembly Concurrent Committees on Education and Ways and Means (BDR 34-639).

Repeals provisions of NRS 388.700 requiring class-size reductions and authorizes the board of trustees of a school district to develop a plan establishing pupil-teacher ratios for specified grade levels in the elementary schools within the district.

Effective: July 1, 2011

**NTA Position: Support the concept.**

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**SB 122 - K-12 Rainy Day Fund**

On behalf of the Legislative Committee on Education, introduced by the Senate Committee on Government Affairs and referred to the Senate Committee on Finance. (BDR 31-89)

Fiscal Effect: Yes, on State.

Creates the K-12 Public Education Stabilization Account within the Fund to Stabilize the Operation of Government and directs the State Controller to deposit a portion of reversions from the State Distributive School Account (DSA) into this Fund. Allocations from this Fund can be made by the Legislature or IFC to cover a shortfall in the DSA account. The bill includes detailed provisions for a maximum balance in and maximum appropriations from this Fund, which is separate from the Account for Programs for Innovation and the Prevention of Remediation within the Fund to Stabilize the Operations of Government and from DSA reserves and other fund accounts.

Effective: July 1, 2011

**NTA Position: Support the concept.**

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**SJR 3 - Public Lands Requested for Education Funding**

On behalf of the Legislative Committee on Education, introduced by the Senate Committee on Natural Resources and referred to same. (BDR R-90)

Urges Congress to enact legislation to require the Secretary of the Interior to convey ownership of certain land to the State to help fund education.

Effective: Upon passage.

<b>LOCAL GOVERNMENT</b>
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**SB 110 - Centralized Licensing Offices in Counties**

Introduced by Senator Lee and referred to the Senate Committee on Government Affairs. (BDR 20-820)

Fiscal Effect: May have impact on Local Government.

Requires the board of county commissioners in each county to establish a centralized licensing office where a person may apply for and obtain a business license and any other permit required by the county license board, a city licensing agency or any other licensing authority in the county, city, or town in which the business will operate. The centralized licensing office must meet the standards and requirements established by the Secretary of State to participate in the state business portal. The board of county commissioners may request the local entity to contribute money from the proceeds of license taxes toward defraying a portion of the costs of operating and maintaining the office.

Effective: Upon passage and approval.

**NTA Comment:** Not every city or unincorporated town has a licensing office.

**NTA Position: Amend,** There needs to be flexibility granted, particularly in smaller counties, where the distances that would have to be traveled could present a hardship to the person requiring a license.

**SB 124 - City Services and Voter Approval**

Introduced by Senator Kieckhefer and referred to the Senate Committee on Government Affairs. (BDR 21-750)

This removes the requirement for an incorporated city to go through the voter approval process for decisions about privatizing city services (e.g. garbage collection) that the city is already authorized by law to provide.

**NTA Position: Support.** The Association has consistently supported using a “yellow-pages” test to determine if functions should be done in house or outsourced.

**STATE GOVERNMENT****SB 123 - Office of Public Defender Move to Office of the Governor**

On behalf of the Advisory Commission on the Administration of Justice, introduced by the Senate Judiciary Committee and referred to the Senate Committee on Government Affairs. (BDR 18-641)

Fiscal Effect: Yes, on State.

Moves the Office of the Public Defender to the Office of the Governor from the Department of Health and Human Services, and gives the Governor sole control over the activities of this office.

Effective: July 1, 2011

**SB 129 - Required Training for Care Facilities**

On behalf of the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs, introduced by the Senate Committee on Health and Human Services and referred to same. . (BDR 40-155)

Fiscal Effect: Yes, on State

Requires an applicant for a license to operate a facility for dependent, intermediate, skilled nursing or individual residential care to obtain training in the care of older persons before the license is issued and annually thereafter for license renewal. Administrators and employees of the facility are also required to have initial and annual training. The specifics of the required training, including hours and topics, are to be set by the State Board of Health.

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

**LEGISLATURE****A.J.R. 2 - Annual Legislative Sessions**

Introduced by Assembly Legislative Operations and Elections and referred to same. (BDR C-683)

Fiscal Impact: Yes, on the State.

Amends the Nevada Constitution (Article.3 4, § 2) to provide for a legislative session of not more than 90 consecutive calendar days in odd-numbered years and not more than 60 consecutive calendar days in even-numbered years. Revises the start date of a regular legislative session from the first Monday in February to the first Monday in March. Provides for a commission to recommend the compensation for Legislators. and to revises the payment of certain allowances to Legislators during a legislative session. Proposes that Legislators receive compensation for not more than 90 days of each regular session and for not more than 60 days of each regular session. This resolution also 15 proposes to amend the Nevada Constitution to create the Commission on 16 Compensation for Legislators to recommend the amount of such compensation, and proposes to eliminate: (1) the limit on the amount authorized for postage, express charges, newspapers and stationery; and the additional allowance for the presiding officers.

If this resolution is passed by the 2011 Legislature, it must also be passed by the next Legislature and then approved and ratified by the voters in an election before the proposed amendments to the Nevada Constitution become effective.

**NTA Comment:** This issue has come up either through discussions or the introduction of Resolutions for at least 30 years.

**NTA Position: Amend.** The 60 day session should be a budget session. (The NTA Board does not have a recent position on this issue.)

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**APPROPRIATIONS**

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**SB 118 - Professional Training for Teachers and Administrators**

On behalf of the Legislative Committee on Education, introduced by the Senate Committee on Finance and referred to same. (BDR S-88)

Fiscal Effect: State, contains appropriations **not included in the Executive Budget**.

Appropriates a total of \$15,595,608 over the biennium to Clark (\$8,326,404), Washoe (\$2,792,086) and Elko (\$4,477,118) School Districts to support and evaluate regional training programs for the professional development of teachers and administrators. In addition, \$200,000 is appropriated through the Department of Education to the Statewide Council for the Coordination of the Regional Training Programs for additional administrator training over the biennium, and the same amount is appropriated for evaluation of the regional training programs.

Effective: July 1, 2011

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**GENERAL INTEREST**

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**AB 108 - Voter Registration Deadline Eliminated**

Introduced by the Assembly Committee on Legislative Operations and Elections and referred to same. (BDR 24-686)

Fiscal Effect: Yes, on the State; may have fiscal impact on local government.

Eliminates the voter registration deadline the deadline for registering to vote in an election and provides that a person may register to vote at the county or city clerk's office from the fifth Sunday preceding an election until the polls close on election day. A person registering at the offices of the county or city clerk on or after the third Wednesday preceding an election must vote in that office and those offices must be open extended hours to accommodate electors..

Effective: No date specified.

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**AB 120 - Motor vehicle insurance: Liability coverage**

Introduced by Assemblyman Horne and referred to Assembly Committee on Transportation. (BDR 43-813)

Increases the coverage amounts required for certain policies of motor vehicle liability insurance: 1) from \$15,000 to \$50,000 for bodily injury to or death of one person in any one accident; (2) from \$30,000 to \$100,000 for bodily injury to or death of two or more persons in any one accident; and (3) from \$10,000 to \$25,000 for injury to or destruction of property of others in any one accident. It also amends the amount payable to satisfy certain judgements resulting from motor vehicle accidents to correspond with the increased amounts of coverage required.

Effective: Varies by provision from upon passage and approval to January 1, 2012.

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## 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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