

LEGISLATIVE REPORT

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NOTES:

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Unless otherwise noted the effective date is October 1, 2011

Any fiscal information reported is taken from the bill and not independently determined by NTA.

To access bills go to www.leg.state.nv.us - "session information."

TAXES

IP1 - Sales and Use Tax to Support an Arena District in Clark County - Requires 2/3 Majority

This is an initiative petition for a statutory change put forward by Harrah's. Introduced in the Assembly and referred to Assembly Taxation.

Provides for the imposition of an additional sales and use tax of 0.9 percent within an "arena district" to create funding for construction, acquisition, improvement, equipment, operation and maintenance of an arena for sports or entertainment. "Arena District means that portion of a Gaming Enterprise District located within a 3-mile radius of a parcel approved for the Qualifying Arena, excluding that portion of the Gaming Enterprise District located within an incorporated city." Qualifications are also established for an arena including a seating capacity of over 18,000.

Effective: See NTA comments below.

NTA Comments: As required the initiative was delivered to the Legislature by the Secretary of State on the first day of session, February 7. The Legislature has 40 days in which to take action. They can do nothing, in which case the initiative will go on the November, 2012 ballot; they can pass the initiative, in which case it will become law effective upon passage and approval for the purpose of adopting regulations and on July 1, 2011 for all other purposes; or a similar measure may be adopted by the Legislature, in which case both the initiative and the Legislative measure will appear on the November 2012 ballot. If both questions pass, the one receiving the greatest number of votes becomes law.

This was a statewide initiative petition, even though it applies only to Clark County.

BUSINESS ISSUES

ACR 4 - Skilled Training for Economic Development Needs

On behalf of the Legislative Commission's Subcommittee to Study the Development and Promotion of Logistics and Distribution Centers and Issues Concerning Infrastructure and Transportation, introduced by Senate Commerce and Labor and referred to same. (BDR R-174)

Encourages job training and education to expand the skilled workforce available for logistics, supply chain management and renewable energy technology as components of efforts to expand these industries in Nevada.

NTA Comment: Adopted by the Committee on February 21, sent to the Senate and referred to the Select Committee on Economic Growth and Employment.

SB 139 - Mandatory Recording of Mortgage Assignments

Introduced by Senator Rhoads and referred to the Senate Committee on the Judiciary (BDR 9-650)

Makes mandatory the recording of any assignment of a mortgage of real property, personal property or crops, as well as any assignment of the beneficial interests of a deed of trust, within 30 days. Failure to file within 30 days voids the assignment and makes the assignee liable to the mortgagee or trustee for treble damages in a civil action.

BUSINESS ISSUES CONTINUED**AB 144 - Bidder Preferences: Construction Jobs Bill**

Introduced by Assemblywoman Kirkpatrick et al (31 co-sponsors) and referred to Assembly Government Affairs. (BDR 28-64)

Adds five additional criteria to receive a preference in bidding on a public work contract; (1) 50 percent of the workers must have a Nevada driver's license or identification card; (2) all non-apportioned vehicles primarily used on public works must be registered in Nevada; (3) at least 50 percent of the design professionals must have a Nevada driver's license; (4) at least 25 percent of the materials used are purchased in Nevada; and (5) certain payroll records must be maintained in the State. Provides for damages and penalty for breaches of the contract.

Effective: Upon passage and approval. The amendatory provisions of this act apply to all public works for which bids are first advertised after the effective date of this act.

NTA Comment: On February 18, this bill passed the Assembly (39-1). It has been referred to the Select Senate Committee on Economic Growth and Employment. This is just one in a series of jobs bills that will be addressed during this Legislative session.

PUBLIC EMPLOYEE COMPENSATION**SB 135 - Heart and Lung Disease: Presumption Time-limited**

Introduced by Senator Rhoads and referred to Senate Commerce, Labor and Energy (BDR 53-717)

Limits the post-employment presumption that certain occupational diseases, including heart, lung, cancer and hepatitis, are job-related for firefighters, police and arson investigators. Stipulates that the worker was: 1) employed in that salaried positions for five continuous, uninterrupted years or more before diagnosis of the occupational disease; and 2) the diagnosis occurs during employment or within five years after employment for heart, lung and cancer and during or within one year after employment for hepatitis.

Effective: July 1, 2011

NTA Position: Support. Because this benefit is open-ended, it is not only difficult to actuarially determine the liability; the liability is estimated to be in the billions. Nevada is the only state where this benefit is open-ended. Additionally, the incidence of heart or lung disease is not a rebuttable presumption.

EDUCATION**AB 138 - Education Goals and Benchmarks for High School Students**

Introduced by the Assembly Committee on Education and referred to same. (BDR 34-113)

Fiscal Impact: The Department of Education reports an expense of \$15,000 to modify computer data collection components.

Requires the Department of Education working in consultation with the Nevada System of Higher Education to establish a plan for postsecondary education and success in the work place. Revises reports of accountability required by the Department of Education and individual school districts. Requires schools to adopt a policy for remediation of deficient credits.

Effective: July 1, 2011

LOCAL GOVERNMENT**AB132 - City Election Dates to Align with State Schedule**

Introduced by Assembly Committee on Legislative Operations and Elections and referred to same. (BDR 24-684)

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

Requires incorporated and charter cities to hold primaries and elections on the same cycle as statewide primaries and elections by 2014. The terms of office for current elected officials and municipal judges in affected cities are extended to allow adjustment to the new schedule. Conforming changes relating to filing and reporting requirements are also prescribed to align all dates with the statewide cycle.

Effective: Varies from upon passage and approval to January 16, 2014.

AB 139 - Emergency Medical Services

Introduced by Assemblyman Goicoechea, Co-sponsored by Assemblymen Ellison and Hansen, and referred to Assembly Committee on Health and Human Services (BDR 40-624)

Fiscal Effect: Yes, on State

Authorizes firefighters and licensed attendants in rural counties (under 15,000) to use unlicensed individuals to provide emergency medical care if the county health officer or other designee of the county commission has determined there are not enough firefighters or attendants available to adequately protect the public. In such cases, the unlicensed person providing such care is given immunity from civil liability.

SB 138 - Emergency Medical Services

Introduced by Senator Lee and referred to Committee on Health and Human Services (BDR 40-642)

Fiscal Effect: Yes, on State

Authorizes firefighters and licensed attendants in rural counties (under 15,000) to use unlicensed individuals to provide emergency medical care if the county health officer or other designee of the county commission has determined there are not enough firefighters or attendants available to adequately protect the public. In such cases, the unlicensed person providing such care is given immunity from civil liability.

SJR 4 - Sharing of Lease Income from Federal Lands

On behalf of the Legislative Committee on Public Lands, introduced by the Committee on Natural Resources and referred to same. (BDR R-212)

Urges Congress to continue sharing with the appropriate local government a portion of revenue received by the Federal government for activities conducted on Federal public lands within that county, including rents and royalties for activities which generate electricity from geothermal resources.

Effective: Upon passage and approval.

LEGISLATIVE

AR 3 - Allowances for Assembly Members

Introduced by the Assembly Committee on Legislative Operations and Elections (BDR R-951)

Allows each Assembly member \$60 for periodicals, stationery, and postage, and \$2,800 for the use of telephones. Additionally, the Speaker, Speaker Pro Tempore, Majority and Minority Floor Leaders and chair of each standing committee are each allowed \$900 for these expenses.

NTA Comment: Enrolled and delivered to the Secretary of State as File No. 8 on February 11, 2011

ACR 2 - Legislator Salaries

Introduced by Assemblyman Ocegueda, jointly sponsored by Senator Horsford and referred to the Committee of the Whole.. (BDR R-961)

Directs that 4.6 percent of each Legislator's salary be withheld and credited to the unrestricted balance of the State General Fund. This applies to all Legislators of the 76th Session who vote in favor of the resolution. Legislators have the option of advising the LCB that he/she does not wish to have the salary withholding made.

NTA Comment: Enrolled and delivered to the Secretary of State as File No. 5 on February 11, 2011

SR 2 - Allowances for Senators

Introduced by Senators Horsford and McGinness (BDR R-948)

Allows each Senator \$60 for periodicals, stationery, and postage, and \$2,800 for the use of telephones. Additionally, the President, President Pro Tempore, Majority and Minority Leaders of the Senate and the chair of each standing committee are each allowed \$900 for these expenses.

NTA Comment: Enrolled and delivered to the Secretary of State as File No. 3 on February 9, 2011

GENERAL INTEREST**SB 133 - Petition Districts Defined as Assembly Districts**

Introduced by Senator Rhoads and referred to Senate Committee on Legislative Operations and Elections. (BDR 24-1)

Establishes that petition districts, from which signatures for an initiative petition are gathered, are now conterminous with petition districts. Under existing law, petition districts were created by the Legislature.

Effective: July 1, 2011

SB 139 - Mandatory Recording of Mortgage Assignments

Introduced by Senator Rhoads and referred to the Senate Committee on the Judiciary (BDR 9-650)

Makes mandatory the recording of any assignment of a mortgage of real property, personal property or crops, as well as any assignment of the beneficial interests of a deed of trust, within 30 days. Failure to file within 30 days voids the assignment and makes the assignee liable to the mortgagor or trustee for treble damages in a civil action.

Effective: October 1, 2011

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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