

LEGISLATIVE REPORT

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NOTES:

- Page sequence continues from last issue.
- Unless otherwise identified, the effective default date is October 1, 2011
- For the purpose of this report, the “fiscal effect: shown is taken the “Fiscal Note” which can be found on the Legislative website.
- To access bills go to www.leg.state.nv.us - “session information.”

TAXES

AB 160 - Review of Hospital Financial Reports for Tax Purposes

Sponsored by Assemblyman Segerblom, et al (7 Co-Sponsors); Joint Sponsors: Senators Kihuen and Leslie; referred to Assembly Committee on Health and Human Services. (BDR 40-559)

Expands reporting requirements for hospitals to include net revenues before and after corporate home office allocations, taxes paid in other states based on those allocations, and other information. Requires the Legislative Committee on Health Care to review these reports during the 2011-2013 interim, report the findings, and authorizes that Committee to recommend establishment of a tax based on the review.

NTA Comment: Appears we have the first of the tax bills for the 2013 session.

AB 165 - Tax Increase on Moist Snuff

Introduced by the Assembly Committee on Taxation and referred to same. (BDR 32-605)

Increases the tax on moist snuff to 58 cents per ounce from the existing rate of 30 percent of the wholesale price. The new tax is to be computed using the net weight listed on the package.

Effective: July 1, 2011

NTA Comment: This has become a perennial bill.

AB 189 - Tax Credits for Small Business Investment

Sponsored by Assemblyman Horne, et al (14 Co-Sponsors); referred to Assembly Committee on Taxation. (BDR 32-804)

This adds a new section to NRS 360 (Department of Taxation Administration). Provides tax credits for investments in small businesses (gross receipts under \$2 million and fewer than 150 employees, at least 80% of whom must be employed in Nevada). The investment must be for a minimum of five years, be between \$5,000 and \$1 million, and cumulatively account for less than 50% of the business. Also defines “blight” for purposes of investment areas.

Effective: Upon passage and approval for adopting regulations and administrative tasks and July 1, 2012 for all other purposes.

AB 191 - Higher Education: Tax Abatements for Investment in Research

Sponsored by Assemblyman Conklin, et al (9 Co-Sponsors); referred to Assembly Committee on Taxation. (BDR 32-196)

Fiscal Impact: Yes, on State.

Provides that a business which makes a capital investment at UNR or UNLV of at least \$500,000 in a research program related to the business’ field of endeavor may apply for a partial tax abatement of property or business taxes, or both, for up to five years if the business meets certain other requirements.

Effective: July 1, 2011 and expires on June 30, 2021

TAXES CONTINUED

AB 200 - Transport of Malt Beverages by a Brew Pub

Sponsored by Assemblywoman Smith, et al (10 Co-Sponsors); referred to Assembly Committee on Taxation. (BDR 32-508)

Authorizes a brew pub to obtain a special permit from the Department of Taxation to transport malt beverages that the brew pub has donated for charitable or non-profit purposes.

Effective: July 1, 2011

NTA Comment: Under existing law, transportation of all liquor into or within Nevada must be performed by an authorized carrier. This includes a common carrier, a regularly operating contract carrier or a carrier having a special permit issued by the Department.

SB 160 – Modified Business Tax: Repeal

Sponsored by Senator Gustavson, referred to Committee on Revenue. (BDR 32-573)

Fiscal Impact: Yes, on the State.

Repeals the Modified Business Tax imposed upon all employers in Nevada, except for Financial Institutions.

Effective: July 1, 2011

NTA Comment: Curious that the modified business tax on financial institutions wasn't included in the repeal.

NTA Position: Oppose. Given the current shortfall the State is dealing with, repealing the tax at this time is impracticable.

SB 192 – Jobs Bill: Construction Industry

Sponsored by Senator Horsford and Kihuen; Joint Sponsors: Assemblymen Ocegüera and Smith; referred to Select Committee on Economic Growth and Employment. (BDR 18-935)

Fiscal Impact: May have fiscal impact on local government.

Requires the submission of annual reports by local governments, the State Public Works Board and the Department of Transportation relating to the persons awarded contracts for the design or construction of public works and the compilation of such reports by the Commission on Economic Development. Requires the distribution of the portion of the property taxes levied for operating purposes in Clark and Washoe counties at the rate of 2 cents per \$100 of assessed valuation to the regional transportation commissions in those counties and authorizes the distribution to be pledged for bonds and other securities issued for payment of the cost of regional transportation projects. Declares it is the policy of the State to use private sector services on public works.

Effective: Upon passage and approval to carry out administrative tasks and July 1, 2011.

NTA Comment: This bill was wired. It was introduced on February 23. It was heard in committee on February 23. It was passed out of committee on February 25. Because it was posted for hearing as a BDR the language of the bill was not available until the day it was to be heard.

FEES

AB 158 - Driving Schools: Licensing Exemption

Sponsored by Assemblyman Hickey, et al (5 Co-Sponsors); referred to Assembly Committee on Transportation. (BDR 43-600)

In order to be exempt from licensure requirements, schools that provide driver education must 1) allow the student to apply the credit earned for such instruction toward graduation, and 2) must not charge any fee other than a laboratory fee based on actual costs of the laboratory portion of the course.

Effective: July 1, 2011

FEES CONTINUED**AB 159 - Public Records - Copy Fees**

Sponsored by Assemblyman Segerblom, et al (8 Co-Sponsors); Joint Sponsors: Senators Breeden and Leslie. (BDR 19-574)

Requires government employees to make requested, uncertified copies of public records not otherwise declared by law to be confidential, rather than requiring the requestor to make copies for themselves. Directs that requested public records, if readily available, be made available to the requestor immediately rather than within 5 business days. Limits the fees for public record paper copies charged by government-operated law libraries and county clerk offices to 10 cents per page and eliminates county clerk charges for searching public records or files. In addition, minutes and audio recordings of public meetings must be made available at no charge.

NTA Comment: While it is nice to have a fee reduction, it is hard to understand why this bill does not indicate a fiscal impact on government since the fee revenue is reduced.

AB 167 - Aquatic Invasive Species Fee – Requires 2/3 Majority

Sponsored by Assemblywoman Bustamante Adams, et al (4 Co-Sponsors); Joint Sponsors: Senators Lee and Manendo; referred to Assembly Committee on Natural Resources, Agriculture and Mining. (BDR 45-847)

Fiscal Impact: According to the department of Wildlife, they cannot determine the impact as the Commission has to set a fee, which is unknown at this time and there is no way to calculate how many, if any, penalties will be collected.

As part of detailed provisions to protect Nevada waters from invasive species, the Board of Wildlife Commissioners is directed to establish an aquatic invasive species fee (and decal denoting compliance) to be paid annually on all vessels before they are operated on Nevada waters. Introduction of a detrimental aquatic species is a category E felony and a civil penalty of \$25,000 to \$250,000 can be imposed on anyone convicted of this crime.

Effective: Upon passage and approval for regulations and administrative preparation and January 1, 2012 for all other purposes.

AB 178 - Fees to Create Account for Retired Boxers – Requires 2/3 Majority

Sponsored by Assemblyman Munford, et al (1 Co-Sponsors); referred to Assembly Committee on the Judiciary. (BDR 41-55)

Fiscal Effect: Yes, on State.

Increases fees on admission tickets sold to live professional contests of unarmed combat. For events with ticket sales exceeding \$500,000, per ticket fees are increased from \$1.00 to \$2.00. For events under \$500,000 in gross receipts, the per ticket fee is increased from \$.50 to \$1.00. The existing fees continue to be directed to organizations which promote amateur contests of unarmed combat. The additional fees are to create a fund to assist retired contestants with medical expenses related to injuries incurred during their careers. The Nevada Athletic Commission is to adopt regulations on eligibility for these payments.

Effective: Upon passage and approval for regulations and January 1, 2012 for all other purposes.

NTA Comment: One would hope that some sort of a nexus by the boxer to Nevada would be required to qualify for the assistance.

AB 181 - Involuntary Commitment of Sexually Dangerous Persons - Requires 2/3 Majority

Sponsored by Assemblyman Horne, et al (13 Co-Sponsors); Joint Sponsors: Senators Breeden and Lee; referred to Assembly Committee on Judiciary. (BDR 39-95)

Fiscal Effect: Yes, on State. According to the Division of Mental Health and Developmental Services, treatment of these offenders requires a separate facility and additional personnel at a cost in the millions. See the fiscal note for the detail. May have impact on local government.

Authorizes a district attorney to petition for involuntary commitment of a sexually dangerous person and details the process for such action. If found thus by the courts, the person is to be committed to a program established by the Division of Mental Health and Developmental Services of Department of Health & Human Services. The Division is to adopt regulations establishing a program for secure commitment of such persons, alternate courses of treatment, and determining the professional qualifications required to evaluate such persons. Costs of the treatment are to be paid by the person or the responsible relatives or estate, in full or in part, according to their ability to pay.

NTA Comment: This bill contains an unfunded mandate to local government. The last section of the bill is the unfunded mandate “cop-out” language: *The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.*

FEES CONTINUED

AB 182 - Creation of Inland Ports - Requires 2/3 Majority

On behalf of the Legislative Commission's Subcommittee to Study the Development and Promotion of Logistics and Distribution Center and Issues Concerning Infrastructure and Transportation, introduced by the Assembly Committee on Commerce and Labor and referred to Assembly Committee on Government Affairs. (BDR 22-177)

Authorizes, upon approval by the Commission on Economic Development, creation of an inland port and inland port authority by County Commissions or governing bodies of incorporated cities. The Commission on Economic Development is to create a State Plan for Inland Ports, including requirements for creation of one. An Inland Port would have authority to set rates, fees, rentals and other charges that are commercially reasonable. The bill includes other provisions, including the makeup of an inland port authority's board.

Effective: July 1, 2011

AB 192 - Fees Charged by County Recorders - Requires 2/3 Majority

Sponsored by Assembly Ways and Means and referred to same. (BDR 20-921)

Requires a county recorder to collect an additional fee of \$2 for recording documents other than an originally signed marriage certificate and that these additional fees are to be used to provide legal services for abused children. This is in addition to the \$1 fee currently being charged to support the Account to Assist Persons Formerly in Foster Care.

Effective: July 1, 2011

AB 202 - Energy Charge to Create Fund for Economic Development - Requires 2/3 Majority

Sponsored by Assemblyman Kirner, et al (2 Co-Sponsors); referred to Assembly Committee on Commerce and Labor (BDR 58-652)

Fiscal Effect: Yes, on State

Establishes the Fund for Economic Development, administered by the Economic Development Commission and funded by a new economic development energy charge on each kilowatt-hour used by retail customers. The Fund is designed to attract new manufacturing businesses to the State by offering the incentive of assistance paying electric costs for the first year of operation for eligible companies. The amount of the new charge will be determined by the Public Utilities Commission in consult with the Economic Development Corporation and approved by the Interim Finance Committee. Effective: Upon passage and approval for regulations and administrative preparation and October 1, 2011 for all other purposes. Expires by limitation on June 30, 2015.

NTA Position: Oppose. In this economic climate it is difficult at best to support an increase in electric costs for consumers.

AB 205 - Increased Fee for Renewal of Concealed Weapon Permit - Requires 2/3 Majority

Sponsored by Assemblyman Hickey, et al (12 Co-Sponsors); referred to Assembly Committee on Judiciary. (BDR 15-51)

Increases the fee for renewal of a concealed weapons permit from \$25 to an amount determined by the sheriff, not to exceed \$60, and stipulates that an investigation of applicant eligibility must be conducted before issuing the renewal. Additionally, makes an exception to the age requirement for members and veterans of the Armed Forces between ages 18 and 21.

AB 213 - Gaming Commission Regulations - 2/3 Majority Required

Sponsored by the Assembly Committee on Judiciary and referred to same. (BDR 41-163)

Fiscal Effect: Yes, on State

Authorizes the Nevada Gaming Commission to adopt regulations for the issuance of a "preliminary finding of suitability," for a person and for which a fee covering the application and investigation is to be determined by the Commission. The preliminary finding of suitability will expire in not more than two years from the time of issuance and may be renewed for periods of not more than two years. Additionally, this bill addresses investigations of current license holders and fines that may be levied.

FEES CONTINUED**SB 146 - Changes to Biodiesel Fuel**

On Behalf of the Legislative Commission's Committee to Study the Production and Use of Energy, introduced by Senate Revenue and referred to same. (BDR 32-218)

Revises the definition of biodiesel to make it consistent with federal law and the laws of other states. All diesel fuel sold, offered for sale or delivered in this State must contain not less than 5 percent biodiesel by volume, at such time as certain conditions regarding the production of biodiesel in this State are satisfied. Upon an additional increase in production of biodiesel the amount of required biodiesel to 10 percent by volume. Requires the State Board of Agriculture to enforce the provisions and authorizes the Board to impose fines for violations and make such violations punishable as misdemeanors.

Effective: October 1, 2011 for the definition change and one year after production has met the standards required in the bill.

NTA Comment: This bill was re-referred to Senate Natural Resources Committee without recommendation on February 18.

SB 164 – Third-party Administrators: Licensing of Claims Examiners and Vocational Rehabilitation Counselors - 2/3 Majority Required

Sponsored by Senator Schneider, referred to Committee on Commerce, Labor and Energy. (BDR 57-232)

Fiscal Impact: Yes, on the State. However, the fiscal notes indicate the impact cannot be determined at this time.

Prohibits a claims examiner or a vocational rehabilitation counselor from working for a third-party administrator without a license. Provides the application process for those licenses. Establishes an application fee and triennial renewal fee. Establishes penalties for working without a license and hiring an unlicensed claims examiner or vocational rehabilitation counselor. Requires the Administrator of the Division of Industrial Relations of the Department of Business and Industry to prescribe by regulation the qualifications for a claims examiner or vocational rehabilitation counselor. Application and renewal fees are \$60.00 or \$125.00 depending on the bill section.

Effective: Upon passage and approval for purpose of adopting regulations and January 1, 2012 for all other purposes.

SB168 – Public Health: Medical Records, Reports, Access, etc. - 2/3 Majority Required

Sponsored by Senators Hardy and Gustavson; referred to Senate Committee on Commerce, Labor and Energy

Fiscal Impact: Yes, on the State.

Increases the maximum amount of the fee that may be charged by the Board of Medical Examiners for the renewal of a limited, restricted, authorized facility or special license from \$400 to \$800. Makes other changes ranging from access of medical records, to the submission of certain reports concerning surgeries requiring sedation, to revising the provisions governing the standard of proof in any disciplinary hearing before the Board.

SB 190 – Licensure of Music Therapists - 2/3 Majority Required

Sponsored by Senator Denis, referred to Senate Committee on Commerce, Labor and Energy. (BDR 54-377)

Fiscal Impact: Yes, on the State.

Prescribes the requirements for the State Board of Health to issue and renew every five years a license as a music therapist and requires the payment of a \$200 fee for the initial license and renewal. This bill contains extensive provisions, which range from the establishment of a Music Therapy Advisory Group to disciplinary actions the Board may take.

Effective: Upon passage and approval for issuing licenses and January 1, 2012 for all other purposes.

BUSINESS ISSUES**AB 180 - Eminent Domain Powers Limited**

Sponsored by Assemblyman Horne, et al (14 Co-Sponsors); Joint Sponsors: Senators Schneider, et al (6 co-sponsors); referred to Assembly Committee on Judiciary. (BDR 3-115)

Removes the authorization of a person who is not a public agency to exercise the power of eminent domain for the purposes of mining, smelting and related activities.

Effective: Upon passage and approval

BUSINESS ISSUES CONTINUED**AB 211 - Discriminatory Employment Practices**

Sponsored by Assemblyman Aizley, et al (13 Co-Sponsors); Joint Sponsors: Senator Leslie, et al (2 co-sponsors); referred to Assembly Committee on Commerce and Labor. (BDR 53-272)

Adds “gender identity or expression” to the list of categories upon which employment discrimination is prohibited.

SB 147– Industrial Insurance: Employee Misclassification

On Behalf of the Legislative Commission’s Subcommittee to Study Employee Misclassification introduced by the Committee on Commerce, Labor and Energy and referred to same. (BDR 53-167)

Fiscal Impact: Yes, on the State.

Establishes a civil liability for knowingly advising employer or any employee, officer or agent of an employer to misrepresent the classification or duties of employees for the purposes of industrial insurance. The penalties are not more than \$5,000 for the first occurrence; not more than \$15,000 for the second occurrence; not more than \$25,000 for the third and any subsequent occurrence; and an amount equal to three times the total amount of the reasonable expenses incurred by the State in enforcing this section. Any money collected must be used to pay the salaries and other expenses of the Fraud Control Unit for Industrial Insurance. Any money remaining at the end of any fiscal year does not revert to the State General Fund.

NTA Comment: Given that the penalties, which are substantial, are used to help fund the Fraud Control Unit, it would seem the Attorney General’s office might get overly aggressive in pursuing civil actions.

SB 148 – Employee Misclassification: Private Right of Action

On Behalf of the Legislative Commission’s Subcommittee To Study Employee Misclassification, introduced by Senate Commerce, Labor and Energy and referred to same. (BDR 53-166)

Creates a private right of action for an employee who has been improperly classified as an independent contractor by an employer. Allows the employee to bring the action against his or her employer only after filing a complaint with a state agency that has jurisdiction to address the misclassification, if any such agency exists. Specifies that in a civil action commenced by an employee, the employer is liable for: an amount equal to three times the total amount of actual damages, including, without limitation, lost wages or benefits; and reasonable costs, including court costs and attorney’s fees. Also allows the employee to bring the action without exhausting any applicable administrative remedies.

SB 192 - Jobs Bill: Construction Industry

See SB 192 under “Taxes” heading on page 32 for bill summary.

PUBLIC EMPLOYEE COMPENSATION**AB 206 - Employment and Pay of Retired Public Employees**

On behalf of the Legislative Committee on Education, introduced by the Assembly Committee on Government Affairs and referred to same. (BDR 23-541)

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

In order for a retired public employee to accept subsequent employment with a public employer and continue receiving retirement benefits, the subsequent position must be designated as “critical labor shortage.” This stipulates that in such cases, the public employer must establish an alternate pay scale for retired employees that takes into account the retirement pay already being received.

Effective: July 1, 2011

EDUCATION**AB 158 - Licensing of Driving Schools**

See “Fees” heading on page 32 for bill summary.

SB 169 – Civil Service Rules: State and Local Government Employees

See “Local Government” heading on page 38 for bill summary.

EDUCATION CONTINUED

AB 183 - Reserve Account for School District Bonds

Sponsored by Assemblywoman Smith, et al (22 Co-Sponsors) and referred to Assembly Committee on Government Affairs. (BDR 30-114)

Revises the amounts to be maintained in School District debt service fund reserve accounts for payment of outstanding bonds. The revised amounts are the lesser of 10 percent of the principal amount of outstanding bonds, or a) in counties of 100,000 or more, 25 percent of principal and interest payments due in the next fiscal year, and b) in counties less than 100,000, 50 percent of principal and interest payments due in the next fiscal year.

Effective: Upon passage and approval

NTA Position: Support. This would allow school districts in which the voters have approved roll-over questions to utilize the freed-up reserve funds for pay-as-you-go refurbishing, extraordinary maintenance, etc.

SB 196 – Empowerment Schools: Revisions

On Behalf of the Legislative Committee on Education, introduced by Senate Committee on Education and referred to same. (BDR 34-86)

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

Removes the restriction on the number of empowerment schools that may be established statewide (currently capped at 100). Provides that an empowerment school is not required to revert a grant of money made by the Legislature. Removes the June 30, 2011 expiration of the Program of Empowerment Schools and requires a plan for each public school of a school district to convert to an empowerment school no later than July 1, 2013.

Effective: Upon passage and approval.

SB 197 – K-12 Education: Governance and Oversight

On Behalf of the Legislative Commission's Committee To Study the Governance and Oversight of the System of K-12 Public Education, introduced by Senate Committee on Education, referred to same. (BDR 34-94)

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

Creates the Nevada Commission on K-12 Public Education and prescribing the membership, duties and powers of the Commission. Repeals the State Board of Education and provides for the election and appointment of Commissioners of the Nevada Commission on K-12 Public Education. Revises the qualifications and duties of the Superintendent of Public Instruction and the components of the statewide plan to improve the academic achievement of pupils. Repeals the Commission on Educational Excellence, the Commission on Educational Technology and the Council to Establish Academic Standards for Public Schools and transfers certain duties of those Commissions and the Council. Revises the membership and duties of the Commission on Professional Standards in Education. Repeals the Statewide Council for the Coordination of the Regional Training Programs and transfers duties of the Council to the Superintendent of Public Instruction and revises the provisions governing the budgets of the regional training programs for the professional development of teachers and administrators.

Effective: Dates vary from upon passage and approval to January 1, 2013.

LOCAL GOVERNMENT

AB 145 - Annexation by a Rural Unincorporated Town

Sponsored by Assemblyman Goicoechea, referred to Assembly Committee on Government Affairs. (BDR 21-11)

Fiscal Effect: May have impact on local government.

Requires the town board or county commission to notify by certified mail, return receipt requested, all property owners in an area proposed for annexation by ordinance of the town board or county commission. This applies to unincorporated towns of less than 25,000 in counties of less than 400,000.

Effective: July 1, 2011

LOCAL GOVERNMENT CONTINUED

AB 164 - Clark County: Office of County Coroner

Introduced by the Assembly Committee on Government Affairs and referred to same. (BDR 20-34)

Fiscal Effect: May have impact on Local Government

Requires counties over 400,000 (currently Clark County) to create the office of County Coroner and appoint someone to the position. Stipulates that the County Coroner is the ex-officio public administrator of counties over 400,000.

Effective: July 1, 2011

NTA Comment: As Clark County already has an elected Public Administrator, it would seem the bill is missing language that would establish when the County Coroner becomes the ex-officio public administrator.

AB 166 - Special Elections in Municipalities Limited

Sponsored by Assemblywoman Bustamante Adams, et al (2 Co-Sponsors); Joint Sponsor: Senator Hardy; referred to Assembly Committee on Government Affairs. (BDR 30-769)

Prohibits a municipality from scheduling an emergency special election for the purpose of refunding bonds on a date outside of the prescribed schedule of municipal, state and special elections.

Effective: Upon passage and approval

NTA Position: Support. There is no conceivable reason that refunding a bond should constitute an emergency.

AB 168 - Creation of General Improvement Districts

Sponsored by Assembly Members Dondero Loop and Kirkpatrick and referred to Assembly Committee on Government Affairs. (BDR 25-846)

Allows a county commission to begin organization of a general improvement district that includes real property within 7 miles of an unincorporated town with a town advisory board or citizens' advisory council but is not within 7 miles of an incorporated city or unincorporated town with a town board.

SB 169 – Civil Service Rules: State and Local Government Employees

Sponsored by Senators Hardy, Gustavson and Roberson; Joint Sponsor: Assemblyman Sherwood; referred to Senate Committee on Legislative Operations and Elections. (BDR 23-417)

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

Prohibits State and local government employers from assigning greater weight to the seniority of employees than to the service rating of employees when determining the order of layoffs. Requires the same prohibition in collective bargaining agreements between local government employers and employee organizations. Also prohibits Courts and other employers in the Judicial Department, the Legislative Counsel Bureau and the Board of Regents of the University of Nevada from assigning greater weight to the seniority of employees than to the service rating of employees when determining the order of any layoffs (this latter group of employees is not subject to civil service rules).

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

AB 209 - Capital Project Fund Transfers to Indigent Medical Assistance Funds

Introduced by the Assembly Committee on Health and Human Services and referred to Assembly Committee on Government Affairs. (BDR 31-756)

Allows a local government to transfer money, not otherwise pledged or obligated, from its capital projects construction and/or maintenance fund to the local government's fund for medical assistance to indigent persons.

Effective: July 1, 2011

NTA Comment: This is contrary to the provisions contained in SB 192, which is trying to get more revenue into the capital projects to put construction workers back to work. *See SB 192 under "Taxes" heading on page 32.*

LOCAL GOVERNMENT CONTINUED

SB 151– Fixed Guideway System in Clark County

Sponsored by Senator Schneider and referred to Senate Committee on Transportation. (BDR S-612)

Fiscal Impact: This requires NDOT, Clark County, and the cities of Las Vegas, North Las Vegas, and Henderson to buy right of way for the route they establish. However, until a route is selected, there is no way to tell how much right of way would cost, or which entity would pay for it.

Requires Clark County, the Cities of Henderson, Las Vegas and North Las Vegas and the Department of Transportation to work cooperatively to establish the Henderson to North Las Vegas Fixed Guideway Corridor and to acquire, to the extent practicable, any necessary rights-of-way to establish the fixed guideway.

Effective: Upon passage and approval

NTA Comment: The Clark County Regional Transportation Commission established an advisory committee approximately three years ago to study and make recommendations regarding a fixed guideway system. Ultimately, this advisory committee recommended that a fixed guideway system should not be considered as it was too expensive to build.

SB 162 – Collective Bargaining- Teacher changes

Sponsored by Senator Gustavson, referred to Senate Legislative Operations and Elections. (BDR 23-788)

Revises the subjects of mandatory bargaining for teachers by removing the policies for the transfer and reassignment of teachers and the procedures for reduction in workforce. These topics are reserved to the local government employer.

Effective: July 1, 2011. Presently, existing contract provisions existing in signed and ratified agreements as of May 15, 1975 at 12 p.m. remain negotiable.

NTA Position: Support. The ability to transfer and reassignment of employees is particularly important when trying to maximize existing resources in the best way possible.

SB 169 – Civil Service Rules: State and Local Government Employees

Sponsored by Senator Hardy, et al (2 Co-Sponsors); Joint Sponsor: Assemblyman Sherwood; referred to Senate Committee on Legislative Operations and Elections. (BDR 23-417)

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

Prohibits State and local government employers from assigning greater weight to the seniority of employees than to the service rating of employees when determining the order of layoffs. Requires the same prohibition in collective bargaining agreements between local government employers and employee organizations. Also prohibits Courts and other employers in the Judicial Department, the Legislative Counsel Bureau and the Board of Regents of the University of Nevada from assigning greater weight to the seniority of employees than to the service rating of employees when determining the order of any layoffs (this latter group of employees is not subject to civil service rules).

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

STATE GOVERNMENT

AB 152 - State Highway Funding: Advisory Committee

Sponsored by Assemblyman Atkinson, et al (13 Co-Sponsors) and referred to Assembly Committee on Transportation. (BDR S-180)

Fiscal Effect: Yes, on State.

Creates a 24-month, eight-member advisory committee, appointed in equal parts by Senate and Assembly leadership, to make recommendations on increasing the funding for highway construction and maintenance projects in the State. The committee is authorized to place advisory questions on the 2012 ballot to seek voter advice.

Effective: Upon passage and approval

NTA Position: Amend. There should be 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 what they are.

STATE GOVERNMENT CONTINUED

AB 172 - Grants Management

Sponsored by Assemblyman Brooks, et al (10 Co-Sponsors) and referred to Assembly Committee on Government Affairs. (BDR 18-706)

Fiscal Effect: Yes, on State. The cost of four unclassified employees is approximately \$700,000 over the biennium and thereafter.

Requires the Directors of Health and Human Services and Office of Energy to each employ two unclassified employees to solicit, procure, manage and coordinate grants from the Federal government and other sources.

Effective: July 1, 2011

NTA Comment: Recommendation #41 of the SAGE Commission supported the concept of a State grants office..

NTA Position: Support the concept. Oppose, as written. The fiscal impact is too costly and does not cover all State agencies..

AB 196 - Collection of Fines, Fees, Etc. from Convicted Persons

On behalf of the Advisory Commission on the Administration of Justice, introduced by Assembly Committee on Judiciary and referred to same. (BDR 18-557)

Fiscal Effect: Yes, on State

Moves to the office of the State Controller the responsibility for collection of fines, administrative assessments, fees or restitution from people found guilty of felonies or gross misdemeanors, and directs the State Controller to distribute funds collected to the entity entitled to receive it. Directs district courts, the departments of Public Safety and Corrections and other state and local agencies to collaborate with the State Controller on these collection efforts.

Effective: July 1, 2011

AB 201 - Administrative Regulations: Hearings Information

On behalf of the Legislative Commission, introduced by the Assembly Committee on Government Affairs and referred to same. (BDR 18-83)

Adds the requirement that the name and contact information for each person who testified at hearings on adoption of administrative regulations, if such information was provided to the agency conducting the hearings, be included in the information statement accompanying the regulation's submission to Legislative Counsel or Secretary of State.

Effective: Upon passage and approval

AB 212 - NDOT: Design-Build Contracts

Sponsored by Assemblywoman Woodbury (8 Co-Sponsors); Joint Sponsor: Senator Hardy, et al (3 Co-Sponsors); referred to Assembly Committee on Transportation. (BDR 35-851)

Removes the limitation on the number of design-build contracts the Department of Transportation is authorized to enter in any one year and lowers the threshold for these projects to \$1,000,000.

Effective: July 1, 2011

NTA Comment: SAGE Commission Recommendation #29 recommended a lower threshold and a change in the restriction on the number of contracts.

NTA Position. Support. The SAGE Blue-ribbon Implementation Panel (Governor Gibbons EO) recommended that the threshold be reduced to \$1,000,000 and the limitation on the number of projects should be removed. Additionally, they recommended the reduced threshold should also apply to public works projects.

SB 169 – Civil Service Rules: State and Local Government Employees

See "Local Government" heading on page 39 for summary.

LEGISLATURE

AB 184 - “Cooling Off” Period for Former Elected Officials

Sponsored by Assemblyman Goedhart, et al (6 Co-Sponsors); Joint Sponsors: Senator Cegavske, et al (2 co-sponsors); referred to Assembly Committee on Legislative Operations and Elections. (BDR 23-359)

Prevents former State Legislators and constitutional officers from receiving compensation or other consideration to lobby any member of the Legislative Branch for 2 years after leaving office. Certain exceptions are noted, including if the individual is an employee of a state entity or local government and is representing the interests of his or her employer.

AB 187 - Bill Draft Requests Limited

Sponsored by Assemblyman McArthur, et al (21 Co-Sponsors); Joint Sponsors: Senators Cegavske, et al (4 co-sponsors); referred to Assembly Committee on Legislative Operations and Elections (BDR 17-2)

In addition to imposing a limit on the current unlimited allotments of some entities, this reduces by about one half the number of allowable bill drafts that can be requested by authorized people and entities.

Effective: Upon passage and approval

SB 157 - Disposition of Unspent Campaign Funds

Sponsored by Senator Wiener, et al (7 Co-Sponsors); referred to Senate Committee on Legislative Operations and Elections (BDR 24-6)

Expands the list governing the donation of unspent campaign contributions to include any governmental entity or fund of the State and allows the candidate to request the donation be used for a specific purpose.

Effective: Upon passage and approval.

GENERAL INTEREST

AB 155 - Insurance Rates

Sponsored by Assemblyman Atkinson and referred to Assembly Committee on Commerce and Labor. (BDR 57-727)

Allows insurance rate increases (or decreases) of not more than 7 percent during a 12-month period to be effective upon filing with the Insurance Commissioner, if certain conditions are met. Outlines circumstances under which rate changes can be denied or rescinded by the Commissioner.

AB 157 - Primary Election Date

Sponsored by Assemblyman Hickey, et al (8 Co-Sponsors); referred to Assembly Committee on Legislative Operations and Elections. (BDR 24-580)

Changes the date of the primary election from the second Tuesday in June in each even-numbered year to the second Tuesday in September of each even-numbered year and adjusts other related dates, including filing deadlines.

AB 162 - Use of Credit Information by Insurers

Sponsored by Assemblyman Aizley, et al (3 Co-Sponsors), and referred to Assembly Committee on Commerce and Labor. (BDR 57-910)

Fiscal Effect: Yes, on State.

Prohibits the use of consumer credit information as a basis to deny, cancel, fail to renew, determine rates, or adjust the amount of coverage for a new or existing policy. Violation can result in license suspension.

AB 208 - English as Official Language of Nevada

Sponsored by Assemblyman Stewart, et al (14 Co-Sponsors); Joint Sponsor: Senator Hardy; referred to Assembly Committee on Government Affairs. (BDR 19-231)

Designates English as the official language of the State and requires, with limited exception, that official proceedings be conducted and official records be prepared, stored and made available in English.

GENERAL INTEREST CONTINUED**SB 170 – Statewide Initiative Petition Changes**

Sponsored by Senator Horsford; Joint Sponsor: Assemblyman Ocegüera; referred to Committee on Legislative Operations and Elections. (BDR 24-537)

Requires the formation of a petitioners' committee consisting of any five registered voters of this State before beginning statewide initiative or referendum proceedings. Also authorizes four of the five members of the petitioners' committee to withdraw a petition for statewide initiative or referendum.

Effective: Upon passage and approval.

NTA Comment: This is similar to the provisions dealing with local initiative and referendum petitions.

SB 158 – Vehicle Emission Inspections

Sponsored by Senator Gustavson and referred to Senate Natural Resources. (BDR 40-310)

Fiscal Impact: Yes, on the State.

Provides for the initial inspection of a new passenger car or new light-duty motor vehicle 3 years after the initial registration of the vehicle or when the odometer of the vehicle registers 100,000 miles, whichever occurs first; and (2) the subsequent inspection of a passenger car or light-duty motor vehicle not more often than every 2 years or when the odometer of the vehicle registers 100,000 miles since the most recent inspection, whichever occurs first. If a vehicle fails an inspection, the regulations must provide for annual inspections thereafter.

Effective: July 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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