

LEGISLATIVE REPORT

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

ISSUE 6-13

FEBRUARY 25, 2013 to MARCH 1, 2013

Page 28

Notes:

- Page numbers continue from previous issue.
- 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.
- 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.”

TAXES

Vehicle & Fuel Taxes and Fees

AB 166 – Vehicle Registration for Non-Residents – Requires 2/3 Majority

Introduced by Committee on Transportation and referred to same. (BDR 43-707)

Requires a nonresident person employed in this State to register a motor vehicle operated in this state within 10 days after commencing employment. The fee for the 1-year “indicator” is \$150 and will be granted if proof is provided that registration, insurance and emissions testing are current and in compliance with the owner’s out-of-state place of residence. If no emission testing is required in the nonresident’s place of residence, Nevada testing must be done. Non-compliance is a misdemeanor, with fines of up to \$300 for the first offense and up to \$500 for the second and subsequent citations. The fees collected are to be deposited in the State Highway fund.

Fiscal effect: Yes, on State.

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

Comment: It would appear that this legislation would primarily target construction workers. Why is the fee different from the normal registration fee? Should there be a threshold for the number of days the person will be working in Nevada.

AB 167 – Vehicle Registration for Non-Resident Businesses – Requires 2/3 Majority

Introduced by Committee on Transportation and referred to same. (BDR 43-708)

Requires nonresident businesses that own a motor vehicle operated in this state for business purposes to register the vehicle within 10 days after commencement of the use. The fee for the 1-year “indicator” is \$200 and will be granted if proof is provided that registration, insurance and emissions testing are current and in compliance with the out-state place of residence. If no emission testing is required in the owner’s place of residence, Nevada testing must be done. Non-compliance is a misdemeanor, with fines of up to \$500 for the first offense and up to \$750 for the second and subsequent citations. These provisions do not apply to certain motor carriers or apportioned vehicles. The fees collected are to be deposited in the State Highway fund.

Fiscal effect: Yes, on State.

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

Comment: See AB 166 above.

AB 189 – Special License Plates: Neurological Diseases – Requires 2/3 Majority

Introduced by Committee on Transportation and referred to same. (BDR 43-1086)

The Department of Motor Vehicles, if it receives 1,000 applications by June 30, 2015, is required to issue special license plates for the purpose of advancing the research, early detection and treatment of neurological diseases, including Alzheimer’s, Huntington’s, Parkinson’s and amyotrophic lateral sclerosis. For the initial issuance and renewal, additional fees of \$25 and \$20, respectively, are set. Proceeds are to be remitted quarterly to the Cleveland Clinic’s Lou Ruvo Center for Brain Health in Las Vegas. These special license plates are exempt from certain design requirements of the Department.

FEES**AB 192 – Notary Public Bond Fee Extended**

Sponsor: Assemblyman Cohen, et al (18 co-sponsors), referred to Committee on Judiciary. (BDR S-1037)

Repeals the July 1, 2013 expiration of the authority of the county clerks to charge an additional fee not to exceed \$5 per name for filing and recording a bond of a notary public.

Effective: Upon passage and approval.

SB 183 – Recycling of Electronic Devices - Requires 2/3 Majority

Sponsor: Senator Jones, et al (9 co-sponsors); Joint Sponsors: Assemblymen Bobzien and Pierce; referred to Committee on Natural Resources. (BDR 40-556)

Requires manufacturers of certain electronic products to maintain a recycling program for those products sold in Nevada. The recycling can be done through postage-paid shipping or by deposit arrangements at designated locations. Requires annual reports and registration of recycling program specifics to the Division of Environmental Protection accompanied by initial fees of \$5,000 to \$10,000 depending on the number of devices sold, and renewal fees of \$500 to \$10,000 depending on number of devices sold and recycling program compliance. Creates the Account for Recycling Covered Electronic Devices for receipt of the fees and to be used to help local governments with recycling programs. Any uncommitted excess over \$2 million at the end of each year reverts to the General Fund. Administrative fines for violations are set at \$1,000 to \$10,000.

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

Effective: Upon passage and approval for regulations, and January 1, 2014 and January 1, 2018.

BUSINESS ISSUES**AB 169 – Independent Contractor Provisions**

Sponsor: Assemblywoman Neal, et al (2 co-sponsors); Joint Sponsor: Senator Atkinson; referred to Committee on Government Affairs. (BDR 23-793)

Requires the Purchasing Division, Department of Administration, to prescribe a code of conduct for independent contractors who engage with public bodies. The code is to include certain disclosure, reporting and record keeping guidelines and must be signed before a contract is activated. With limited exception, prohibits a public body from entering a sole source contract for more than 2 years or renewing such a contract without a 2/3rd vote. Other contracts are not to exceed 4 years without a 2/3rd vote. Public bodies entering a sole source contract must disclose certain information to the Purchasing Division for reporting to the Interim Finance Committee. The State Public Works Division of the Department of Administration is required to create an application on its website to accept various reporting information on public works, contracts, subcontractors, and employee or applicant particulars and to make the information available to the public and to annually report it to the Director of the Legislative Counsel Bureau.

Fiscal effect: Yes, on State. Contains Unfunded Mandate not requested by local government.

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

AB 172 – Public Works: Bidders Preference

Sponsor: Assemblymen Horne, et al (5 co-sponsors), referred to Committee on Government Affairs. (BDR 28-110)

Revises existing statutory requirements for preference in bidding on a public work advertised after July 1, 2013 by: (1) increasing from 50 percent to 100 percent the percentage of workers employed on the public work that are required to hold a valid Nevada driver's license or identification card; (2) requiring that each worker and 50 percent of the design professionals working on the public work register personal vehicles in this State; and (3) eliminating the requirement that a percentage of suppliers of the materials used for the public work be located in this State. Eliminates the 5-year prohibition on bidding preference for public work contracts by contractors who failed to comply with certain requirements for a public work contract which exceeds \$5,000,000.

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

Effective: July 1, 2013

AB 181 – Unlawful Employment Practices: Employee Passwords

Sponsor: Assemblyman Bobzien, et al (16 co-sponsors); Joint Sponsor: Senator Denis, et al (3 co-sponsors); referred to Committee on Commerce and Labor. (BDR 53-48)

Makes it an unlawful practice for an employer to request access to an employee's social media account. Provides the employer can request the employee to request passwords for certain information, and provides the employer may access employee credit account information in certain instances (e.g. for security clearance).

AB 184 – Construction Defects

Sponsor: Assemblyman Duncan, et al (14 co-sponsors); Joint Sponsors: Senators Cegavske and Gustavson; referred to Committee on Judiciary. (BDR 3-649)

Note: This bill is identical to SB 161, reported in Legislative Report 5-13 on page 24.

AB 185 – Cooperation between Nevada Labor Commissioner and U.S. Department of Labor

Introduced by Committee on Commerce and Labor and referred to same. (53-795)

Authorizes the Labor Commission to enter into a memorandum of understanding with the U .S Department of Labor to promote compliance with labor laws of common concern.

AB 186 – Employer Requirement: Compensation Information to Employee

Introduced by Committee on Commerce and Labor and referred to same. (BDR 53-796)

Requires an employer at the time of hire, to provide a written explanation – in English and the primary language of the employee -- of wage, overtime and allowance rates and other information and get written acknowledgement from each employee. Creates the Wage Claim Restitution Account into which must be deposited 25 percent of the amount of certain administrative penalties collected by the Labor Commissioner. The money in the Account must be used only to provide restitution to certain employees who are underpaid by their employers when no other source of restitution is available.

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

Effective: Upon passage and approval and October 1, 2013.

PUBLIC EMPLOYEE COMPENSATION**SB 201 – Public Employee Retirement System: Gubernatorial Appointments**

Sponsor: Senators Segerblom and Parks; Joint Sponsor: Assemblyman Elliott Anderson, et al (3 co-sponsors); referred to Committee on Government Affairs. (BDR 23-559)

Exempts a retired employee appointed by the governor to a position with a public employer from the restriction of being a hired for a position due to a critical labor shortage.

Effective: Upon passage and approval.

EDUCATION**K- 12****SB 193 – Education Reduction in Workforce Provisions**

Sponsor: Senator Brower, referred to Committee on Education. (BDR 23-1009)

Requires boards of trustees of school districts to include consideration of the performance evaluations of a teacher or administrator in making a decision to lay off that employee.

Effective: July 1, 2013

SB 195 – Underperforming Public School Intervention

Sponsor: Senator Roberson, referred to Committee on Education. (BDR 34-149)

Authorizes parents and legal guardians of pupils in a school designated as needing improvement, to submit to the board of trustees of the school district a petition requesting the board to take one of the following intervention actions concerning the school: (1) implementing a restart model; or (2) converting the school to an empowerment school. The petition must have validated signatures of 51 percent of parents. Details the actions to be taken in response to such a petition and authorizes parents and legal guardians to petition the school board for a student to attend a different school in the district.

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

Nevada System of Higher Education (NSHE)**SB185 – Bond Ceiling for NSHE**

Introduced by Committee on Finance and referred to same. (BDR S-914)

Raises the total principal amount of bonds and other securities that may be issued by the Board of Regents of the University of Nevada to \$427,715,000 from \$348,360,000.

Effective: July 1, 2013.

SB 197 – Nevada College Savings Program Scholarship Accounts

Sponsor: Senator Settlemeyer, referred to Committee on Government Affairs. (BDR 31-693)

Authorizes the State or its agencies, any local government or a non-profit organization to create a tax-exempt savings account for scholarships under the Nevada College Savings Program. Criteria for any scholarships is to be set by the account holder.

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

GOVERNMENT
State and Local
SB 202 – Advisory Committee on Intergovernmental Relations (ACIR) Created

Sponsor: Senator Roberson, et al (10 co-sponsors) by request; Joint Sponsor: Assemblyman Hardy; referred to Committee on Government Affairs. (BDR 19-905)

Creates the 13-member Nevada ACIR, a statutory committee whose duties include: (1) fostering effective communication, cooperation and partnerships among the State Government and local governments to improve the provision of governmental services to the people of this State; (2) serving as a forum for the discussion and resolution of intergovernmental problems; and (3) conducting certain studies. In its annual report of activities and findings to the Legislative Commission or Legislature, the Committee must opine whether it should continue to exist.

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

Effective: Upon passage and approval for appointments and July 1, 2013 for all other purposes. Expires by limitation on June 30, 2017.

AB 172 – Public Works – Bidders Preference

Sponsor: Assemblyman Horne, et al (5 co-sponsors); referred to Committee on Government Affairs. (BDR 28-110)

Makes various changes to bidders preference, including but not limited to: changes the number of workers who must hold a valid Nevada driver's license or identification card from 50 percent of the workers on the job to 100 percent and 50 percent of the design professionals; removes the dollar thresholds used to determine if an applicant for a state public works job has breached a contract within the preceding year; modifies local government provisions governing breached contracts.

Effective: July 1, 2013.

State
AB 179: Regulatory Boards: Audit Provisions

Sponsor: Assemblyman Oscarson, et al (19 co-sponsors); referred to Committee on Commerce and Labor (BDR 17-770)

Increases the threshold to \$75,000 (currently \$50,000) before a regulatory board is required to prepare a balance sheet and hire a CPA or accounting firm to conduct an audit.

Effective: July 1, 2013

SB 205 –State Trauma Registry: Fund Created

Sponsor: Senator Woodhouse, et al (5 co-sponsors), referred to Committee on Health and Human Services. (BDR 40-698)

Requires the Health Division to develop a standardized system for collection of information concerning the treatment of trauma. Creates the Fund for the State Trauma Registry into which gifts, grants, donations and other funds for the Registry must be deposited and provides that money in the Fund does not revert to the General Fund.

Effective: July 1, 2013

LEGISLATURE
AB 178 – Unspent Campaign Contributions

Sponsor: Assemblyman Hickey; Joint Sponsor: Senator Brower; referred to Committee on Legislative Operations and Elections. (BDR 24-751)

Amends existing law to stipulate that a person who qualifies as a candidate by receiving contributions in excess of \$100 must dispose of unspent contributions within 2 years after the qualifying event if the person does not: (1) file a declaration or acceptance of candidacy; or (2) appear on an official ballot at any election. Provides that a former public officer may not use unspent contributions in a future election unless the former officer becomes a candidate within 2 years after expiration of their term of office.

Note: This bill is identical to SB 194, also introduced this week. See below, in this section.

AB 190 – Lobbyist Reporting

Introduced by Committee on Legislative Operations and Elections and referred to same. (BDR 17-986)

Requires lobbyists to file quarterly lobbying expenditure reports when the Legislature is not in session.

Effective: Upon passage and approval.

AB 191 – Bill Draft Request Changes

Sponsor: Assemblyman Stewart, et al (2 co-sponsors), referred to Committee on Legislative Operations and Elections. (BDR 17-484)

Decreases the number of legislative measures that incumbent Assembly members are authorized to request preceding a regular session: (1) from 6 to 5 on or before September 1; and (2) from 5 to 4 between September and December 10. Decreases from 5 to 4 the number of measures that newly elected Assembly members are authorized to request on or before December 10 preceding a regular session. Decreases the number of legislative measures that incumbent Senators are authorized to request preceding a regular session: (1) from 12 to 10 on or before September 1; and (2) from 10 to 8 between September 1 and December 10. Decreases from 10 to 8 the number of measures newly elected Senators are authorized to request on or before December 10 preceding a regular session. Authorizes in statute rather than in the Joint Rules an additional 2 legislative measures for each member of the Assembly and Senate to request during the first 8 calendar days of the regular session.

SB 194 – Unspent Campaign Contributions

Sponsor: Senator Brower; Joint Sponsor: Assemblyman Hickey. (BDR 24-843)

Note: This bill is identical to AB 178, also introduced this week. See above, in this section.

SB 203 – Lobbyist Reporting

Sponsor: Senator Jones, et al (9 co-sponsors); Joint Sponsor: Assemblyman Ohrensall; referred to Committee on Legislative Operations and Elections. (BDR 17-26)

Requires lobbyists to file quarterly lobbying expenditure reports when the Legislature is not in session, except when no compensation was received for the actions.

Effective: Upon passage and approval.

Note: The only difference between SB 203 and AB 190 (*see above*) is the compensation exemption contained in SB 203.

GENERAL INTEREST

AB 165 – DMV: Restricts Release of Personal Information

Introduced by the Committee on Transportation, and referred to same. (BDR 43-995)

Eliminates the authority of the Director of DMV to release personal information for use in the bulk distribution of surveys, marketing material or solicitations.

Effective: July 1, 2013.

AB 173 – Electricity Rates

Sponsor: Assemblyman Healy, et al (12 co-sponsors), referred to Committee on Commerce and Labor. (BDR 58-966)

Prohibits a public utility with gross revenues of \$250 million or more in the current or any of the past 7 years, from making changes in any schedule or imposing any rate which requires a residential customer to purchase electric service at a rate based on the time of day, day of week or time of year during which the electricity is used. The Commission is prohibited from approving any such changes in any schedule or authorizing the imposition of any such rate by an electric utility.

Effective: Upon passage and approval.

AB 177 – Safety Belts in Taxicabs

Introduced by committee on Transportation and referred to same. (BDR 43-994)

Removes the legal limitations that failure to wear a seat belt in a taxicab is considered negligence or as misuse of a product in any civil action brought to recover damages for injury to a person or property.

SB 191 – Speed Limit Increase

Sponsor: Senator Gustavson, et al (14 co-sponsors) and Joint Sponsorship by Assemblywoman Fiore, et al (12 co-sponsors) and referred to Committee on Transportation. (BDR43-729)

Increases the rate of speed from 75 miles to 85 miles an hour allowed on certain highways.

Fiscal effect: Yes, on state.

SB 204 – Department of Motor Vehicles: Next-of-Kin Registry

Sponsor: Senator Gustavson, et al (10 co—sponsors); Joint Sponsor: Assemblyman Paul Anderson, et al (8 co-sponsors); referred to Committee on Transportation. (BDR 43-712)

Requires the DMV to create an optional, secure, on-line registry, available to law enforcement personnel, where registrants can designate one or two names and telephone numbers of emergency contact persons. Contacts must be at least 18 but do not have to be relatives. License and Identification Card holders are to be advised of registry availability at the time of issuance or renewal.

Fiscal effect: Yes, on State.

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