

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 from the "Fiscal Note" which can be found on the Legislative website.
- To access bills go to www.leg.state.nv.us - "session information."

Monday, March 21 is the deadline for all bills requested by individual legislators to be introduced.

TAXES

AB 270 - Reduced General Services Taxes on Older Vehicles

Introduced by the Assembly Committee on Ways and Means and referred to Concurrent Committees on Taxation and Ways and Means. (BDR (32-526)

Fiscal Effect: Yes, on State

Reduces governmental service taxes on passenger vehicles that are 9 or more years old by revising the depreciation schedule for these vehicles to 10 percent of original value rather than the current 15 percent. Additionally, the portion of the tax proceeds transferred to the State General Fund on 9 or more year old vehicles is reduced to 50 percent from 67 percent.

Effective: Upon passage and approval for administrative tasks and July 1, 2011 for all other purposes.

NTA Comment: Also see SB 255, this heading. In the 2009 session the depreciation schedules for the Governmental Services Tax were increased by 10 percent a year. The additional revenue raised by this change was to be deposited in the State's General Fund until June 30, 2013, after which the additional revenue would be deposited in the State Highway Fund.

AB 288 - Tax Abatements

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 the Assembly Committee on Taxation and referred to same. (BDR 32-175)

Authorizes the Commission on Economic Development to approve partial abatement of property taxes, business taxes and local sales and use taxes for businesses in the logistics or renewable energy manufacturing industries that locate or expand in a county of 100,000 or more or a city of 60,000 or more. Any business receiving an abatement must continue in operation in this State for a period specified by the Commission, which must be at least 5 years, and remain in compliance with the terms of the abatement. Real and personal property taxes may be abated up to or equal to 50% and will be for a duration of at least 1 year but not more than 10 years. Local sales and use taxes abated will be for a duration of not more than 2 years. Modified business taxes may be abated equal to 50% during the first 4 years of the businesses operation. Businesses receiving the abatements will be audited by the Department of Taxation, which will then submit reports to the Commission and Legislature.

Effective: July 1, 2011.

AB 294 - Mobile Gaming Revenue

Sponsored by Assemblyman Horne, et al (12 co-sponsors); referred to Assembly Committee on Judiciary. (BDR 41-1042)

Declares that mobile gaming may be conducted in any area of an establishment, rather than just the public area of an establishment holding a nonrestricted gaming license. Provides that any gross revenue received through the operation of a mobile gaming device must be attributed, and taxes paid by, the licensed operator of the mobile gaming system instead of the licensed establishment. Also clarifies that the computer system associated with mobile gaming may be located outside the establishment but must be within the state.

SB 249 - Assessor's Omnibus Bill

Sponsored by Senators Parks, et al (2 co-sponsors); Joint Sponsor: Assemblyman Anderson; referred to Senate Committee on Revenue. (BDR 32-793)

Clarifies that property tax exemptions for surviving spouses and persons who are blind or veterans, must have resided in Nevada for at least 6 months, and if requested allows the assessor to provide the necessary forms for renewal electronically. Changes the allocation of taxable value to the common elements of a common interest community to an allocation formula based on the declaration or recorded deeds of the common interest community. Requires certification from the county tax receiver that property taxes have been paid before a manufactured home can be converted from personal property to real property. Clarifies that only supplemental property put on the unsecured roll may be appealed after the county board hearings (Secured property not appealed timely may not be included in an appeal for supplemental property valuation.) Reduces to \$5,000 the amount of personal property tax due that may be paid in installments. Exempts from collection the amount of a deficiency that is less than the average cost of collecting taxes. Extends the sunset date to June 30, 2013 for funding technology equipment.

Effective: Varies from upon passage and approval to July 1, 2011.

SB 255 – Reduces Governmental Services Tax on Older Cars

Sponsored by Senator Breeden, referred to Committee on Revenue. (BDR 32-351)

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

Reduces the amount of the governmental services taxes imposed on passenger cars 9 years or older to 12 percent from 15 percent. Defines “passenger vehicle” as “a motor vehicle designed for carrying 10 persons or less, other than a motor vehicle designed to travel on not more than three wheels in contact with the ground.” Also reduces the percentage to be received by the State.

Effective: Upon passage and approval to perform administrative tasks and July 1, 2011 for all other purposes.

NTA Comment: Also see AB 270, this heading. In the 2009 session the depreciation schedules for the Governmental Services Tax were increased by 10 percent a year. The additional revenue raised by this changes was to be deposited in the State's General Fund until June 30,2013, after which the additional revenue would be deposited in the State Highway Fund.

SCR 4 – Initiative Petition 1 Rejected.

Sponsored by the Committee on Revenue. (BDR R-1153)

Rejects IP 1, the initiative that was qualified to create an “Arena District” and fund the district with .09 sales and use tax within the radius of the district. This Resolution rejects that initiative and indicates that pursuant to Section 2, Article 19 of Nevada's Constitution that the legislature has the authority to propose a competing measure to IP 1.

NTA Comment: This Resolution was read and adopted by the Senate on March 18 and has been transmitted to the Assembly. As IP 1 had no action taken by the 40th day (March 18) by the Assembly, it has been effectively rejected by the Assembly as well, and will appear on the November 2012 general election ballot. This resolution will allow the legislature will develop a competing measure to also appear on that same ballot.

FEES

AB 279 - Gaming Device Testing - Requires 2/3 Majority

Sponsored by Assemblyman Ohrenschild; referred to Assembly Committee on Judiciary. (BDR 41-570)

Fiscal Effect: Yes, on State

Authorizes the Nevada Gaming Commission to adopt regulations providing for the registration of independent testing laboratories which may be utilized by the Board to inspect and certify gaming devices, equipment and systems, and any components thereof, and providing for the standards and procedures for the revocation of registration of such independent testing laboratories. The regulations must establish uniform protocols and procedures that the Board and independent testing laboratories must follow during the inspection and certification process. This bill also authorizes the Commission to determine, charge and collect inspection fees from independent testing laboratories. The fees are to be based on actual costs of inspection and investigation.

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

AB 284 - Mortgages: Recording; Foreclosure - Requires 2/3 Majority

Sponsored by Assemblyman Conklin, et al (2 co-sponsors); referred to Assembly Committee on Judiciary. (BDR 9-1083)

Fiscal Effect: Yes, on the State.

Requires the recording of mortgages, deeds of trust, and other instruments of encumbrance in the county recorders office within 60 days of assignment. In the case of foreclosure, requires a statement that the person filing and executing the notice of default is in actual possession of the note and deed of trust. In addition to any other fees charged by the county recorder at the time of filing affidavits, statements, notices of defaults and elections to sell, the county recorder is to collect a fee of \$150 for deposit to the State General Fund and a fee of \$50 for deposit in the Account for Foreclosure Mediation in the State General Fund. Sets other requirements and penalties concerning trustee responsibilities and mortgage lending fraud.

Effective: July 1, 2011

AB 287 - Nevada Renewable Energy Transmission Authority - Requires 2/3 Majority

Sponsored by Assemblywoman Kirkpatrick, et al (4 co-sponsors). (BDR 58-520)

Fiscal Effect: Yes, on State

Creates the eight-member Renewable Energy Transmission Authority to facilitate rapid development of renewable energy by identifying and establishing corridors for the transmission of this energy and financing, planning, acquisition, maintenance and operation of eligible facilities. Within its authority, the entity may enter into partnerships with public or private entities, negotiate with the Federal government and other states as well as regional forums and organizations to establish interstate transmission corridors. It can exercise the power of eminent domain to acquire property or rights-of-way and finance, plan, acquire, maintain, lease or operate facilities as necessary, and charge fees or service charges for the use of those facilities. The Authority can issue and sell revenue bonds, payable solely from the Nevada Renewable Energy Transmission Fund. Each public or municipal utility shall pay a fee of not more than 0.39 mills on each kilowatt-hour of electricity sold to a retail customer for consumption in this State, with certain exceptions. The actual fee is to be determined annually by the Interim Finance Committee by December 31. The utilities will receive credits for fees and charges paid to the Authority for use of facilities. The Account for the Nevada Renewable Energy Transmission Authority is created in the General Fund to receive the fees and charges from public and municipal utilities, less no more than 3 percent administrative fee held by the Public Utilities Commission for collecting on behalf of the Authority. The Authority will submit annual reports on its activities to the Interim Finance Committee (even numbered years) or the Director of the Legislative Counsel Bureau (odd numbered years).

Effective: Upon passage and approval and July 1, 2011

AB 289 - Dietician Licensing - Requires 2/3 Majority

Sponsored by Assemblywoman Mastroluca, et al (2 co-sponsors); Joint sponsor: Senator Wiener, et al (1 co-sponsor); referred to Assembly Committee on Commerce and Labor. (BDR 54-871)

Creates the State Board of Dietetics to regulate and license those in the practice of dietetics. The five-member Board, appointed by the Governor, is to include four licensed dieticians and one member of the general public and will be compensated out of the money of the Board. The Board will set and collect fees for licensing and renewals, investigating licensees and applicants and surveying, evaluating and approving schools and courses of dietetics. Fees are to be set to cover the costs of the Board carrying out its prescribed duties.

Effective: Upon passage and approval to January 1, 2012

AB 299 - Automobile Insurance: Low-Cost Pilot Program - Requires 2/3 Majority

Sponsored by Assemblyman Atkinson, et al (16 co-sponsors); referred to Assembly Committee on Commerce and Labor. (BDR 57-178)

Fiscal Effect: Yes, on state

Creates the Low-Cost Automobile Insurance Program which will offer liability insurance coverage for low-income (at or below 250% of federal poverty level) drivers in counties of 400,000 or more (Clark County) and for vehicles valued at \$20,000 or less. The program offers liability coverage of \$10,000 for bodily injury to one person and \$20,000 for bodily injury to two or more people and \$3,000 for destruction of property of others in any one accident (regular minimums are \$15,000/\$30,000/\$10,000). The rates for these policies will be set by the Commissioner of Insurance. An assessment of \$.30 per Program policy issued will be charged to insurers; \$.25 of which is to be used for administrative costs of the Program and \$.05 of which is to be used to advise the public of the Program's availability. All licensed insurers will be required to offer the Program and specific requirements about premium payments, driver

AB 299 - Automobile Insurance, continued

record, and eligibility are defined. Participants may not purchase additional insurance, other than underinsured or uninsured motorist coverage, from any other provider. The Commissioner of Insurance will report on the effectiveness of the Program to the 2013 Legislature.

Effective: Upon passage and approval and July 1, 2012

AB 303 - U.S. Constitution License Plates - Requires 2/3 Majority

Sponsored by Assemblyman Goedhart, et al (5 co-sponsors); Joint Sponsor: Senator Gustavson, et al (3 co-sponsors); referred to Assembly Committee on Transportation. (BDR 43-897)

Authorizes the Department of Motor Vehicles to issue a special license plate to promote awareness of the U.S. Constitution. The design must be approved by the Commission on Special License Plates and DMV must receive 1,000 applications for the plate before it can be issued. In addition to all other regular registration fees and taxes, there is a fee of \$35 on issuance and \$10 on renewal for this plate. Plus, an additional \$25 fee on issuance and \$20 on renewal is to be distributed to Americans for Prosperity to pay for costs of distributing copies of the Constitution to school pupils in this state.

Effective: July 1, 2011

AB 304 - Certification of Fire Performers - Requires 2/3 Majority

Sponsored by Assemblyman Bobzien, et al (4 co-sponsors); Joint Sponsor: Senator Leslie and Copening; referred to Assembly Committee on Government Affairs. (BDR 42-885)

Fiscal Effect: Yes, on State

Requires performers and apprentice performers who use an open flame to obtain a certificate of registration from the State Fire Marshall at a cost not to exceed \$27.50 on issuance and/or annual renewal. Applicants must be at least 12 years of age and provide information on experience as a fire performer or apprentice and safety precautions used.

Effective: Upon passage and approval and January 1, 2012

AB 307 - Energy Development Project Fee - Requires 2/3 Majority

Sponsored by Assemblyman Bobzien, et al (5 co-sponsors); Joint Sponsor: Senator Leslie, et al (2 co-sponsors); referred to Assembly Committee on Commerce and Labor.

Directs the Department of Wildlife and the Office of Energy to monitor the effects of energy development projects on wildlife and its habitat. Creates the Energy Planning and Mitigation Fund to receive fees to be levied on energy development projects on public or private land as follows: a filing fee of not more than \$500 plus a fee to be determined by the Department and the Office based on the acreage of the project, including any roads used for access and land area disturbed. Projects exempted from these provisions include: 1) those with a capacity of not more than 400 kilowatts; 2) which are attached to school or private residential property; 3) which do not require the disturbance of any soil. Proceeds from the fees are to be used to by the Department of Wildlife to conduct surveys, mapping wildlife locations and habitats, and mitigation projects for wildlife habitats disturbed by energy development projects.

Effective: Upon passage and approval and October 1, 2011

SB 254 – Common Interest Communities - Requires 2/3 Majority

Sponsored by Senator Copening, referred to Committee on Judiciary. (BDR 10-264)

Revises the procedures for alternative dispute resolution of certain claims relating to common-interest communities. Allows the Commission for Common-Interest Communities and Condominium Hotels to adopt by regulation the manner in which the fees and costs of the mediation are paid. Authorizes an association to assess against a unit the common expenses incurred in defending against certain claims. Revises the provisions governing the review of certain books, papers and records of an association and the provisions governing the confidentiality of certain documents and information obtained by the Real Estate Division of the Department of Business and Industry. Revises the penalties for filing frivolous, false or fraudulent claims.

SB 258 – Licensing of Anesthesiologist Assistants - Requires 2/3 Majority

Sponsored by Senator Hardy, referred to Committee on Commerce, Labor and Energy . (BDR 54-843)

Fiscal Effect: Yes, on the State.

Provides for the licensure and regulation of anesthesiologist assistants by the Board of Medical Examiners and the State Board of Osteopathic Medicine. Requires anesthesiologist assistants to work under the direct supervision of a supervising anesthesiologist. Establishes a \$500 fee for the application, initial license and renewal license of an anesthesiologist assistant. Requires the payment of a fee established by the Board for a certificate to possess, administer, prescribe or dispense controlled substances, or possess, administer, prescribe or dispense poisons, dangerous drugs or devices. Establishes a \$500 fee for the application, initial license and renewal license of an anesthesiologist assistant.

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

SB 268 – Public Works: Design Professionals Bidding - Requires 2/3 Majority

Sponsored by Senator Lee, Referred to Committee on Government Affairs (BDR 28-740)

Allows a person who holds a certificate of registration to engage in the practice of architecture or landscape architecture or who holds a license as a professional engineer or professional land surveyor to qualify for a preference when competing for public works if the person has submitted proof to the appropriate licensing board that the person has paid certain taxes to the State for the past 5 years. Allows a design-build team to receive a preference in selection as a finalist for a public work or a highway project if both the contractor and the design professionals on the design-build team possess a certificate of eligibility to receive their respective preferences. Requires for the Department of Transportation to make public specified information concerning a design-build team and the selection of that design-build team as a finalist in the selection process for a contract for a project for the construction, reconstruction or improvement of a highway. Requires that a public body, after selecting but before entering into a contract with a design professional who is not a member of a design-build team, transmit information concerning the selection of the design profession to the licensing board that regulates the design professional and requires the licensing board to post the information on its Internet website.

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

BUSINESS ISSUES**AB 312 - Public Works: Prevailing Wage; Overtime**

Sponsored by Assemblyman Hardy, et al (11 co-sponsors); Joint Sponsor: Senator Hardy, et al (3 co-sponsors); referred to Assembly Committee on Government Affairs. (BDR 28-692)

Fiscal Effect: Yes, on State

Revises provisions relating to public works including removing the requirement of overtime for working more than 8 hours in a day and eliminating provisions regarding collectively bargained exceptions to overtime requirements. Requires the Labor Commissioner to include all wages for comparable work in a county in the annual survey conducted to establish prevailing wage and that the prevailing wage established must be based solely on a dollar amount representing the average hourly wage. Establishes that failing to pay prevailing wage to one or more workers is an “offense” and sets penalties of not more than \$5,000 per offense plus authority to prohibit the contractor from being awarded a public work contract for 6 months for a first offense to 5 years for a third offense.

Effective: Upon passage and approval and October 1, 2011.

NTA Comment: In the December Issue of Tax Topics, NTA’s survey of business regarding issues that have an impact on hiring, indicated that not using the federal definition of overtime (working more than 40 hours a week) was a problem.

SB 242 - Independent Contractor Definition

On behalf of the Legislative Commission’s Subcommittee to Study Employee Misclassification, introduced by the Senate Committee on Commerce, Labor and Energy and referred to same. (BDR 53-168)

Revises the definition of “independent contractor” to incorporate the commonly used “ABC Test” to determine independent contractor or employee status. Requires that a notice be prominently posted in each business stating the name and contact information for the employer’s industrial insurer. In addition, the notice must include the definitions of “employee” and “independent contractor.” as stated in NRS 616A to 616D.

SB 252 – Overtime: Caregiver Exemption

Sponsored by Senator Hardy; referred to Senate Committee on Commerce, Labor and Energy. (BDR 53-1054)

Provides an exception from the time and one-half overtime rule for caregivers who are employed by an agency to provide personal care services in a home that is licensed by the Health Division of the Department of Health and Human Services.

Effective: July 1, 2011

SB 253 – Health Insurance: Mandate for Tobacco Cessation Treatments

Sponsored by Senator Hardy; referred to Senate Committee on Commerce, Labor and Energy. (BDR 57-1052)

Requires public and private health care plans and policies of insurance, other than the State Plan for Medicaid, to also provide coverage for tobacco cessation treatment.

Effective: July 1, 2012. These provisions apply prospectively to any policy of insurance or health care plan issued or renewed on or after the effective date.

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

SB 267 – Destruction of Personal Information

Sponsored by Senator Wiener; referred to Senate Committee on Commerce, Labor and Energy. (BDR 52-110)

Requires a business entity or data collector to encrypt or destroy personal information that is stored on a copier, facsimile machine or multifunction device. Requires an owner or lessor of copiers, facsimile machines or multifunction devices to destroy any personal information that is stored on the copier, facsimile machine or multifunction device upon the sale or termination of the lease. Specifies the technologies which are to be used to destroy the information.

EDUCATION**SB 239 - Early High School Graduation Scholarship**

Sponsored by Senator Cegavske; referred to Senate Committee on Education. (BDR 34-367)

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

Authorizes the board of trustees of a school district to create a scholarship program for pupils who graduated at least 6 months early from high school and who enroll in at least 6 hours of classes at an institution of higher learning in Nevada or elsewhere. The scholarship amount would be not more than 50% of the average total per pupil expenditure in the high schools of that district and would be available until the student’s normal graduation date from high school. Provisions of the State Distributive School Account apportionment are amended to count these scholarship students.

Effective: July 1, 2011

SB 247 - Program for School-Based Health Centers

Sponsored by Senator Wiener; referred to Senate Committee on Education. (BDR 31-112)

Establishes the Program for School-Based Health Centers, administered by the State Health Officer, and the Fund for School-Based Health Centers. Authorizes the State Health Officer, to the extent money is available, to prescribe criteria for these centers and regulations to carry out the Program. Boards of Trustees of school districts and governing bodies of charter schools are authorized to establish centers, including contracting with sponsoring facilities for the operation of such centers and for the use of school facilities. Written permission from parents or guardians is required before providing care to pupils and certain types of care is prohibited. Immunity from civil liability is provided to school districts, charter schools and health care providers in these centers.

Effective: July 1, 2011

LOCAL GOVERNMENT

AB 278 - Consolidation of Fire Departments

Sponsored by Assemblyman Segerblom, et al (2 co-sponsors); referred to Assembly Committee on Government Affairs. (BDR 22-530)

Authorizes the consolidation of county and city fire departments into county-wide metropolitan fire departments in Clark and Washoe counties. Provides that a newly formed district is a taxing district which may seek voter approval for property taxes to pay for both manpower and equipment. Provides for the election of a fire chief. Also provides for the withdrawal of an entity from the district and the dissolution of the district. Establishes a funding formula based on the apportionment to the entities that make up the newly formed district based upon the relationship among the participating entities of the permanent population and the total number of calls for service in each entity.

Effective: July 1, 2011

NTA Comment: This is very similar to the 1973 legislation that allowed the creation of the Metropolitan Police Department in Clark County (NRS 280). That original legislation included the creation of a consolidated fire department, however a court challenge to the consolidated fire department voided those provisions.

NTA Position: Support the concept. It should be noted that unlike the 1973 legislation, this bill does not contain the provision which mandated that the most liberal employee benefits negotiated by the individual departments be the benefits applicable to the merged entity. However, two provisions are cause for concern. First, why is the chief of the consolidated fire department being elected? Unlike the sheriff's position which was an elected position prior to the 1973 Metro consolidation, fire chiefs are not elected positions. If the purpose is accountability for job performance by the chief, the elected commissioners and council members from the entities that make up the consolidated district can provide that accountability on a continuing basis. Second, why in establishing the purpose of the merged fire departments is "emergency medical services" included? The primary purpose of a fire department is fire fighting. The inclusion of "emergency medical services" would appear to be a forerunner to eliminating the private ambulance services that are provided in Clark and Washoe counties.

AB 297 - Clark County Department of Aviation

Sponsored by Assemblyman Ocegueda, et al (30 co-sponsors); referred to Assembly Committee on Government Affairs. (BDR 44-966)

Fiscal Effect: May have impact on local government

Requires the Board of County Commissioners in a county whose population is 400,000 or more (Clark County) to create a Department of Aviation and give it authority to plan, establish, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police the county's airports and to require the County Fair and Recreation Board to oversee the department of aviation on the board's behalf.

Effective: Upon passage and approval and July 1, 2011

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

SB 260 – Local Improvement Districts: Alternative Creation for Renewable Energy Project

Sponsored by Senator Hardy; Joint Sponsor: Assemblywoman Woodbury; referred to Senate Committee on Government Affairs. (BDR 21-126)

Establishes a completely new procedure to allow the owners of property to agree to the formation of an improvement district for the purpose of providing renewable energy. The owners of the assessable property agree in writing that the governing body may create the improvement district, levy assessments against their property and, for all other purposes relating to the improvement district. Provides for the sale of bonds, modification of the district in addition to other procedural changes. Does not allow a municipality to use any assets in its general fund to pay a deficiency of a special fund created for a renewable energy project acquired or improved.

Effective: July 1, 2011.

SB 261– Fire Protection Districts: Reorganization

Sponsored by Senator Hardy; Joint Sponsor: Assemblyman Hardy; referred to Senate Committee on Government Affairs. (BDR 42-836)

Establishes the notice requirements for hearings held by boards of county commissioners regarding the reorganization of fire protection districts originally created by a board of county commissioners. Requires notification of a board's hearing to consider the reorganization and if such an ordinance for is not adopted after the hearing, it requires the issue of reorganization to be submitted to the voters of the district at the next primary or general election..

Effective: Upon passage and approval.

NTA Position: Amend. For the purposes of maximum voter participation the question should be submitted to the voters only at the next general election, not a primary election.

SB262 – Incorporation of the City of Laughlin

Senator Hardy, Joint Sponsor: Assemblyman Hardy, referred to Committee on Government Affairs. (BDR S-125)

Fiscal Effect: May have fiscal impact on local government.

Provides for a charter for the City of Laughlin in Clark County. Requires the Committee on Local Government Finance to prepare a report with respect to the fiscal feasibility of the incorporation of Laughlin and submit it to Clark County Commissioners by December 31, 2011. The incorporation of the City of Laughlin is contingent upon voter approval of the Charter by the qualified electors of the City. Also provides for a consolidated primary election for candidates for City Council and Mayor and for a general election of members of the City Council and a Mayor, contingent upon the approval of incorporation. Authorizes the Clark County Board of County Commissioners to accept gifts, grants and donations to pay for any expenses associated with incorporation, including, without limitation, the costs of the Committee on Local Government Finance for preparing the fiscal feasibility report and for the required elections. Provides that if expenses are not covered by gifts, grants and donations, the Fort Mohave Valley Development Fund will be used to pay the costs. Authorizes the elected City Council to perform various functions before the effective date of incorporation, including preparing a budget, adopting ordinances, negotiating contracts for personnel and various services and negotiating with Clark County for the equitable apportionment of the fixed assets of Clark County that are located in the City of Laughlin.

Effective: Upon passage and approval and July 1, 2013 if the incorporation is approved by the voters.

STATE GOVERNMENT**AB 276 - State Controller: Public Information**

Sponsored by Assemblymen Conklin and Kirkpatrick; referred to Assembly Committee on Government Affairs. (BDR 18-371)

Fiscal Effect: Yes, on State only if the existing data is not already available. The amount cannot be determined until it is determined how much data is currently available.

Requires the State Controller to make data concerning all expenditures and revenue accounts available to the public on a website to be created and maintained by the Controller's office. Information made available to the public must include revenue and expenditures accounts in excess of \$100 million according to a legislatively approved Budget for a biennium, descriptions of each expenditure and revenue account, as well as tables and graphs showing activity for each account. The information is to be updated quarterly, by the end of the following quarter. Data is to be posted for the 2007-2009 and 2009-2011 Biennium and then updated for future quarters.

Effective: Varies from upon passage and approval to July 1, 2011.

NTA Position: Support. This increases the level of transparency available to the public.

AB 322 - Board of Wildlife Commissioners

Sponsored by Assemblyman Smith, et al (4 co-sponsors); referred to Assembly Committee on Natural Resources, Agriculture and Mining. (BDR 45-150)

Allows the Governor additional discretion in appointing the Director of the Department of Wildlife. Establishes by statute, rather than by action of the Commission, the annual "Dream Tags" program of additional big game hunting tags. Revises the provision that one Commission member be actively engaged in wildlife conservation to requiring experience and expertise in advocating conservation issues.

Effective: Upon passage and approval and July 1, 2011.

SB 250 – State Expenditure Cap Revisions

Sponsored by Senator Kieckhefer, referred to Committee on Government Affairs. (BDR 31-749)

Revises the current expenditure limitation by changing the base year of calculation from 1974 to the total expenditures from the 2005-2007 biennium. Provides that the population growth percentage is based on the figures determined by the State Demographer and that the inflation or deflation percentage is based on a comparison between the most recent estimate of the Economic Forum of the state and local government consumption expenditures and the gross investment component of the Gross Domestic Product as calculated in the last quarter of 2006 by the Bureau of Economic Analysis. Additionally requires that the actual total proposed expenditures in the proposed budget be based on an estimate of total proposed expenditures, the total legislative appropriations of the previous biennium and the most recent forecast by the Economic Forum.

Effective: July 1, 2011.

NTA Position: Support the concept. However, this change does not address the issue of removing expenditures from the general fund and is not the easiest cap to understand by the general public.

SB251 – Nevada Sunset Commission

Sponsored by Senator Kieckhefer, referred to Committee on Government Affairs (BDR 18-745)

Fiscal Effect: Yes, on the State

Creates the Nevada Sunset Commission and provides for the appointment of seven members to the Commission. Provides that the duties of the Commission include without limitation, the review and evaluation of all government programs and services in the State for: necessity, efficacy; duplication with other programs and services offered by other agencies, local governments or the Federal Government. Requires the Commission to meet at least bimonthly and to report its findings and recommendations to the Governor and Legislature annually. Authorizes the Commission to apply for and receive grants and gifts of money to carry out its duties.

Effective: July 1, 2011

NTA Comment: This is similar to SAGE Recommendation #17. The difference is that the SAGE Recommendation also included a review of all tax exemptions.

NTA Position: Support. This would be a major step in identifying and consolidating duplicate programs and services.

SB271 – Withdrawal of Nevada from Tahoe Regional Planning Compact

Sponsored by Senators Lee and Settlemeyer; Joint Sponsor: Assemblymen Hickey, et al (2 co-sponsors), referred to Senate Committee on Government Affairs. (BDR 22-988)

Provides for the withdrawal of Nevada from the Tahoe Regional Planning Compact. Provides for the Nevada Tahoe Regional Planning Agency to assume the duties and powers currently held by the bi-state Tahoe Regional Planning Agency, for the portion of the Lake Tahoe Basin within this State. Also establishes temporary measures to ensure that the Nevada Tahoe Regional Planning Agency is able to assume those duties and powers in an orderly manner.

Effective: Varies from upon passage and approval to October 1, 2011.

SB272 – Zero Base State Budget

Senator Roberson, referred to Committee on Finance. (BDR 31-780)

Eliminates the required use of base budgets in the state budget process. Removes the requirements that the proposed budget prepared by the Executive Department include the cost of continuing each program at the same level of service as the current year and that the proposed budget include information comparing proposed expenditures and anticipated income with expenditures and income for the last completed fiscal year and current fiscal year.

NTA Position: Support the concept. The current method of developing the State budget, known as cost-to-continue budgeting, effectively puts spending on automatic pilot, subject to available revenue and the current expenditure cap. NTA has also supported the concept of priority budgeting as identified in AB 248 (See Legislative Report, Issue 7, page 53). It is past time to update the manner in which state budgeting is done.

LEGISLATURE

SB 237 - Nevada Youth Legislature

Sponsored by Senator Wiener; referred to Senate Committee on Education. (BDR 34-9)

Creates a non-profit corporation, with a Board of Directors appointed by the Legislative Commission, to provide educational programs and opportunities and administer and oversee the activities of the Youth Legislature. The Board will assume most of the duties currently performed by the Bureau and the Director of the Bureau. Creates the Nevada Youth Legislature Fund into which gifts, grants, donations, and legislative appropriations must be deposited and which is to be used to pay the expenses and operations of the Youth Legislature. All money previously appropriated, donated, granted or otherwise supplied to the Nevada Youth Legislature is to be transferred to the Fund. Extends the date of reversion from 2011 to 2013 for the initial appropriation made to the Youth Legislature in 2007. In addition, the term of a Youth Legislature member is extended from one to two years, with the possibility of a single, successive 2-year appointment, and sets forth certain requirements and eligibility provisions for members.

Effective: Upon passage and approval.

NTA Comment: Does this mean the Silver Haired Legislature should have a non-profit corporation as well?

STUDIES

AB 286 - Advisory Committee on Medicaid Fraud

Sponsored by Assemblyman Hardy, et al (20 co-sponsors); Joint Sponsors: Senator Parks, et al (9 co-sponsors); referred to Assembly Committee on Health and Human Services. (BDR S-693)

Fiscal Effect: Yes, on State

Creates a nine-member Advisory Committee on Medicaid Fraud to conduct a study on Medicaid fraud and make recommendations to address the problem, including detection, prevention, public awareness and penalties. Members are to be appointed in equal numbers by the Administrators of the Division of Welfare and Supportive Services and the Division of Health Care Financing and Policy of the Department of Health & Human Services and the Attorney General. Members will serve without compensation but are entitled to the per diem allowance and travel expenses. A preliminary report is due to the Interim Finance Committee by December 31, 2011 and the final report by June 30, 2012 to the Director of the Legislative Counsel Bureau for transmittal to the 77th Legislative Session (2013).

Effective: Upon passage and approval.

GENERAL INTEREST

AB 311 - Elimination of Early Voting

Sponsored by Assemblyman Hardy, et al (3 co-sponsors); Joint Sponsor: Senator Cegavske, et al (2 co-sponsors); referred to Assembly Committee on Legislative Operations and Elections. (BDR 24-1045)

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

Eliminates early voting in primary elections, primary city elections, general elections and general city elections.

SB 241 - Petition Districts

Sponsored by Senator Rhoads; referred to Senate Committee on Legislative Operations and Elections. (BDR 24-1011)

Fiscal Effect: Yes, on State

Provides that districts for initiative petitions proposing a statute, an amendment to a statute or an amendment to the Nevada Constitution are conterminous with (the same as) districts used to elect members of the Board of Regents of the University of Nevada.

Effective: Upon passage and approval.

NTA Comment: Also see SB 133, NTA Legislative Report, Issue 4-11, p. 30, to make petition districts conterminous with assembly districts.

SB 257 – Graffiti Crimes

Sponsored by Senator Wiener, referred to Committee on Judiciary. (BDR 15-616)

Fiscal Effect: Yes, on the State.

Revises various provisions governing graffiti offenses, from aggregating (for penalty determination) the loss of all property of a value of \$250 or more, to providing that it is a class C felony to deface an historic site in Nevada, to allowing the owner of public or private property that has been damaged by graffiti to bring a civil suit.

SB259 – Licensed Family Trusts

Sponsored by Senator Schneider, referred to Committee on Commerce, Labor and Energy. (BDR 55-629)

Revises numerous provisions governing the management of a trust by a licensed family trust company. Changes include but are not limited to specifying the applicability of the Uniform Prudent Investor Act to a trust managed by a licensed family trust company, to requiring a licensed family trust company to administer a trust in this State except under certain circumstances, to authorizing a licensed family trust company and an interested person to enter into a nonjudicial settlement agreement to resolve any matter related to the management, administration or interpretation of a trust.