

LEGISLATIVE REPORT

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

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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

The Assembly Taxation committee took no action on the union’s Margin Tax Initiative, by the 40th day, March 15. Pursuant to the Legislative Counsel Legal Division, no action does constitute an action. Therefore, the initiative will appear on the November 2014 general election ballot.

Combination

AB 290 – Veteran Tax Exemptions

Sponsor: Assemblyman Stewart, et al (7 co-sponsors); Joint Sponsor: Senator Hardy, et al (3 co-sponsors); referred to Committee on Taxation. (BDR 32-438)

Provides that a person who receives an individual unemployability rating as described in federal regulations qualifies for the maximum allowable exemption from property and governmental services taxes.

Comment: The maximum allowed exemption on property tax is the first \$20,000 of assessed valuation. For motor vehicles the maximum allowed exemption is the first \$20,000 of determined valuation.

AB 296 – Veteran Tax Exemptions

Sponsor: Assemblyman Healey, et al (9 co-sponsors); referred to Committee on Taxation. (BDR 32-810)

Expands existing exemptions from certain property and governmental services taxes to veterans who served a minimum 90 consecutive days on active duty on or after January 1, 2001 or have served in the National Guard for 6 years or more and are still serving or have received an honorable or satisfactory discharge.

Fiscal effect: Yes, on State.

Effective: July 1, 2013

Business Taxes

AB 279 – Business Income Tax – Requires 2/3rd Majority

Sponsor: Assemblywoman Pierce; referred to Committee on Taxation. (BDR 32-784)

An excise tax is imposed on each business entity engaged in business in this State at the rate of 4.5 percent of the portion of its Nevada taxable income that exceeds \$500,000 each taxable year. Nevada taxable income of a business entity is determined by taking the amount of its federal taxable income, making various adjustments to that and then apportioning all or part of that adjusted amount to this based upon the portion of its property, payroll and sales that are located within this State. Provides for the administration, collection and enforcement of the tax by the Department of Taxation in a manner similar to other state taxes. The imposition of various types of disciplinary action is authorized against business entities who fail to pay the tax by the agencies responsible for their supervision and licensing.

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

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

Position: Oppose. This bill duplicates most provisions of AB 336 of the 2011 legislative session. There are a number of procedural problems with the bill. It requires the tax to be imposed against direct and “indirect business income, but does not identify what indirect business income is. It appears that because of some of the inclusions to income, such as interest income, the bill would violate the Nevada constitutional provision prohibiting a personal income. There is no appropriation to the department of taxation for the expenses that will be incurred for the administration of the tax, and the time frame for imposition by the department is totally unrealistic.

Excise

AB 234 – Firearm and Ammunition Dealers – Requires 2/3 Majority

Sponsor: Assemblyman Horne, et al (7 co-sponsors); Joint Sponsor: Senator Segerblom, et al (3 co-sponsors)' referred to Committee on Judiciary. (BDR 15-915)

Imposes an excise tax on sales by firearm or ammunition dealers of \$25 for each firearm and 2 cents for each round of ammunition. This tax may be collected from the consumer. Proceeds are to be split between the newly-created Fund for Treatment of Persons with Mental Illness and the existing Fund for the Compensation of Victims of Crime. Amends various provisions of existing law relating to firearms and ammunition, including requiring private persons to conduct background checks before transferring a firearm to another person and making it a gross misdemeanor to possess any bullet, projectile or ammunition that is tracer or incendiary in nature.

Fiscal effect: Yes, on State.

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

Abatements/Credits

AB 239 – Renewable Energy Abatement Fee – Requires 2/3 Majority

Sponsor: Assemblywoman Kirkpatrick; referred to Committee on Commerce and Labor. (BDR 58-224)

The Director of the Office of Energy is authorized to charge a fee on each application for a partial abatement of certain taxes. The fee is not to exceed actual costs of processing the application. A 5-year Economic Development Electric Rate Rider Program to encourage location or relocation of new commercial and industrial businesses in Nevada by offering discounted electricity is established. The Program is to receive 50 megawatts of capacity from each electric utility in the state and an application process for recipients is set. Eliminates tax abatement eligibility for a person operating a facility for transmission of electricity generated from renewable energy or geothermal resources.

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

Effective: On passage and approval and July 1, 2013.

SB 241 – Tax Credit for School Tuition Donations

Sponsor: Senator Cegavske, et al (9 co-sponsors); Joint Sponsor: Assemblyman Duncan, et al (14 co-sponsors); referred to Committee on Revenue and Economic Development. (BDR 34-87).

Establishes a tax credit equal to donations to a school tuition organization by a holder of a state gaming license (the gross gaming tax), a bank (the financial institution modified business tax (MBT), or an employer (the general business MBT). A school tuition organization must be a 501(c)3 tax exempt entity that expends no more than 4 percent of receipts on administration and makes grants for special needs or disadvantaged children to attend Nevada schools, including private, as chosen by their respective parent or guardian. The organization may not limit its grant support to a single school and must annually report donations to the Department of Taxation. The Department of Taxation and the Gaming Commission are to establish procedures for these credits. Credits have a 5-year carry-forward.

Fiscal effect: Yes, on State.

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

Position: Amend. If this bill is processed it should have a sunset date. That would then require an evaluation of the effectiveness of the credit to see if the credit should be continued.

Property

AB 268 – Tax Increment Area: Cooperative Agreement

Sponsor: Assemblyman Livermore, et al (12 co-sponsors); referred to Committee on Taxation. (BDR 22-957)

Authorizes the governing bodies of two or more counties to create a cooperative agreement for an undertaking, which must be governed by a joint board and which would allow the creation of a tax increment area. The area must include land from all counties involved. The joint board must state in advance the portion of cost expected to be covered by securities issued by the board. The joint boards, not the individual counties, are responsible for the obligations and are payable solely from tax proceeds accounted for in the incremental account.

Effective: July 1, 2013.

SB 238 – Appeal of County Recorder Decision

Sponsor: Senator Kieckhefer; referred to Committee on Revenue and Economic Development. (BDR 32-973)

Amends existing law to require an appeal of a county recorder's decision related to real property transfer taxes must be filed with the Department of Taxation rather than the county. The Department is to appoint a hearing officer and has the authority to review, reverse, affirm or modify the decision.

Fiscal effect: Yes, on State.

Effective: July 1, 2013

SB 281 – Thunderbird Lodge Exemption

Sponsor: Senator Kieckhefer; referred to Committee on Revenue and Economic Development. (BDR 32-975)

Exempts the Thunderbird Lodge Preservation Society, a nonprofit and charitable organization from taxation of the real and personal property through June 30, 2033.

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

Effective: July 1, 2013

Comment: In 2008 the voters approved Article 6 of Section 10 of the Nevada constitution to require a finding that the exemption “. . . will achieve a bona fide social or economic purpose” which will exceed the loss of revenue and further provide for a specific date that the exemption will cease to be effective.

Sales**SB 282 - Precious Metal and Collectible Coins Exemption**

Sponsor: Senator Settelmeyer, et al (4 co-sponsors); Joint Sponsor: Assemblyman Ellison, et al (3 co-sponsors); referred to Committee on Revenue and Economic Development. (BDR 32-691)

Requires submission to the voters in the 2014 general election of the question of whether the Sales and Use Tax Act should be amended to exempt precious metal (gold, silver, copper, palladium and platinum) and collectible coins. If voters approve, the same exemption will apply for Local School Support Tax and the local portions of the sales and use tax.

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

Effective: If approved by the voters in November of 2014, effective January 1, 2015.

Vehicles & Fuel Taxes and Fees**AB 293 – Off-Highway Vehicle Registration**

Sponsor: Assemblyman Hansen, et al (6 co-sponsors); Joint Sponsor: Senator Cegavske, et al (2 co-sponsors); referred to Committee on Transportation. (BDR 43-619)

Makes failure to register or to display the tag or decal on certain off-highway vehicle a secondary offense but provides that this citation can only be given under certain circumstances. Officers may accept a registration application and fee in lieu of giving a citation. Revises the renewal period from 1 to 3 years and requires the size of the registration sticker to be smaller than a motorcycle license plate.

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

Effective: July 1, 2013

FEES**SB 243 – DNA Specimen Fee – Requires 2/3 Majority**

Sponsor: Senator Smith; Joint Sponsor: Assemblyman Hickey; referred to Committee on Judiciary. (BDR 14-137)

Establishes the state DNA Database, to be overseen by the Washoe County Sheriff's Department, and to serve as the state's repository for DNA records and provide them to the FBI. Requires a biological specimen be obtained if a person is arrested for a felony and kept if convicted, but destroyed if not convicted. An additional, separate administrative assessment of \$2 is imposed on a person convicted of a misdemeanor, gross misdemeanor or felony. The money is to be deposited in the respective county's fund for genetic marker analysis and used to help defray costs of collecting specimens and conducting genetic marker analysis.

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

Effective: July 1, 2013

AB 241 – Administrative Assessment: Prostitution Solicitation – Requires 2/3 Majority

Sponsor: Assemblyman Hambrick, et al (6 co-sponsors); referred to Committee on Judiciary. (BDR 5-678)

A court is to impose a separate administrative assessment if a person pleads guilty or is found guilty of soliciting prostitution. The amount of the administrative assessment is \$500, if the defendant solicited an adult, and \$2,500, if the defendant solicited a child. Half the money collected must be deposited to a special account in the State General Fund administered by the Office of Court Administrator and must be used by the court for certain purposes related to specialty court programs; and half of the money collected must be apportioned to the district attorney of the county in which the money is collected to be distributed to programs for the prevention of child prostitution and the commercial sexual exploitation of children. The Division of Child and Family Services of HHS is directed to work with each director of juvenile services to coordinate a statewide protocol for services and programs for sexually exploited children, including safe houses. The Director of HHS is to report to the 2015 Legislature on budget and training necessary to provide programs and services for these children.

Effective: October 1, 2013 and January 1, 2016

AB 256 – Motorcycle Safety Program Fee – Requires 2/3 Majority

Sponsor: Assemblyman Carrillo, et al (6 co-sponsors); referred to Committee on Transportation. (BDR 43-661)

Continued on next page

AB 256 – Motorcycle Safety Program Fee, continued

Increases from \$100 to \$200 the maximum fee for enrollment in the Program for the Education of Motorcycle Riders and removes the authority of the Legislature to use money in that Account for purposes other than the program. Other provisions cover motorcycles, mopeds and trimobiles.

Effective: July 1, 2013

SB 261 – Door-to-Door Solicitor Permit – Requires 2/3 Majority

Sponsor: Senator Jones, et al (7 co-sponsors); Joint Sponsor: Assemblyman Healey, et al (2 co-sponsors), referred to Committee on Commerce, Labor and Energy. (BDR 52-829)

Door-to door solicitors are required to obtain a permit and identification badge from the Consumer Affairs Division of the Department of Business and Industry. The application fee is \$300. For a business applicant, a \$50 fee per solicitor for the business must be submitted. The cost of obtaining and submitting fingerprints shall also be charged. After two years, the permit may be renewed upon application and payment of the same fees. Solicitation hours are restricted to 9:00 am to sunset. The Department is to maintain a “no solicitation” registry, posted on its website, and “No Solicitation” signs are to be strictly observed.

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

Effective: July 1, 2014

BUSINESS ISSUES**AB 225 – Business Broker Definition**

Sponsor: Assemblyman Stewart, et al (3 co-sponsors); referred to Committee on Commerce and Labor. (BDR 54-1017)

Revises the term “business broker”, removing the connective language to real estate personnel, to limit its application to acts performed part of a transaction, proposed transaction or prospective transaction involving an interest or estate in real property.

AB 247 – Nevada Buy American Act

Sponsor: Assemblywoman Carlton, et al (21 co-sponsors); Joint Sponsor: Senator Manendo, et al (4 co-sponsors); referred to Committee on Government Affairs. (BDR 28-190)

Requires, with certain exceptions, any iron or steel products or manufactured goods used in a Nevada public work or NDOT project must be made in the United States and all contracts advertised by a public body for bids after July 1, 2013 must include this provision. Procedures and conditions for waivers from this mandate are provided, as well as repercussions for non-compliance or misrepresentations.

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

Effective: July 1, 2013

AB 257 – Project Labor Agreements

Sponsor: Assemblyman Hardy, et al (11 co-sponsors); Joint Sponsor: Senator Hardy; referred to Committee on Government Affairs. (BDR 28-962)

Amends existing law to prohibit a public body from requiring a contractor or subcontractor on a public work to hire a certain worker, compel any workers or future workers to join or pay a labor organization, or employing existing, new or former apprentices and workers. All parties to such a contract are to have equal rights and access to dispute resolution procedures. Makes provisions for a contractor or subcontractor to pay part of wages as benefits contributed to a third party provider.

Effective: July 1, 2013.

AB 258 – Prevailing Wage: Administrative Remedies

Sponsor: Assemblyman Hickey, et al (13 co-sponsors); Joint Sponsor: Senator Hardy; referred to Committee on Government Affairs. (BDR 28-908)

Amends existing law to provide that a civil action may not be brought against an employer for a prevailing wage violation unless all administrative remedies have been exhausted first. This amendment also applies to actions of the Labor Commissioner related to prevailing wage violations.

Effective: Does not apply to a complaint or civil action filed or commenced before October 1, 2013.

Note: Also see AB 218, “Prevailing Wage Benefits” on page 36 of Issue 7-13.

AB 267 – Publication of Legal Notices

Sponsor: Assemblywoman Spiegel, et al (4 co-sponsors); referred to Committee on Government Affairs. (BDR 19-730)

Amends existing law to allow legal notices and advertisements to be published on websites maintained by a newspaper or broadcaster, rather than in a general circulation newspaper, unless specifically prohibited by statute. The newspaper or broadcaster is required to publish the address of the website in a newspaper and to post on the website the name, mailing address and phone number of state agencies or local governments where printed copies of the notice can be obtained.

Effective: July 1, 2013

AB 275 – Prevailing Wage Determination; Application

Sponsor: Assemblyman Ellison, et al (11 co-sponsors); referred to Committee on Government Affairs. (BDR 28-738)

Authority to determine prevailing wage rates for each county is transferred to the Director of Department of Employment, Training and Rehabilitation (DETR). The Labor Commissioner is to develop the survey to be submitted to DETR and is to promote more active responses to the survey. A school district, charter school or NSHE is excluded from prevailing wage requirements for any contract for a public work they enter into.

Fiscal effect: Yes, on State.

Effective: July 1, 2013

Comment: Also see SB 146, issue 5-13, page 25 and SB 146, issue 7-13, page 31.

Position: Support. Providing an exemption for education facilities, would free up funds to provide additional facilities and facilities upgrades.

AB 283 – Public Works Bidding

Sponsor: Assemblyman Daly, et al (6 co-sponsors); referred to Committee on Government Affairs. (BDR 28-658)

Amends existing law regarding submission of subcontractor names for a public work contract and limits the amount of money that can be spent by prime contractors on materials for work to be performed by subcontractors. A construction manager at risk may be used on public works which exceed \$5 million. Expands the requirements for the makeup and number of people to sit on a bid review panel and stipulates that a second review panel be appointed to interview the finalists.

Effective: July 1, 2013

AB 291 – State Purchasing Preferences

Sponsor: Assemblyman Stewart, et al (9 co-sponsors); Joint Sponsor: Senator Manendo, et al (7 co-sponsors); referred to Committee on Government Affairs. (BDR 27-592)

Revises existing law to provide that a certified local business owned and operated by a veteran with a service-related disability shall not only be considered 5 percent lower in bid price but shall be considered the lowest bidder if two or more bids are identical. Two-year, renewable certification is secured by application to and approval of the Office of Economic Development.

Fiscal effect: Yes, on State.

Effective: July 1, 2013

AB 294 – Economic Development: Local Emerging Small Business

Sponsor: Assemblywoman Bustamante Adams; referred to Committee on Government Affairs. (BDR 27-777)

Requires the Office of Economic Development to adopt regulations establishing a procedure to certify a “local emerging small business” and post a list of such businesses on its website as well as create an outreach program for these businesses and state agencies seeking state purchasing and public works contracts. Requires the Purchasing and Public Works Divisions and counties over 100,000 – Clark and Washoe – to make semi-annual reports on participation of local emerging small businesses in certain contracts. Requires the Office to make annual reports to the Governor and Legislature on this effort and any efforts by Purchasing and Public Works to enhance use of these firms. Raises the threshold for requiring formal contracts for certain State purchases from \$25,000 to \$50,000.

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

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

SB 234 – Corporate Directors: Removal

Sponsors: Senators Hammond and Hutchison; referred to Committee on Judiciary. (BDR 7-1006)

Provides that for corporations which have no stockholders, directors may be removed from office by a majority vote of remaining directors.

SB 246 – Political Action Committees: Definition Expanded

Sponsors: Senators Jones and Spearman; referred to Committee on Legislative Operations and Elections. (BDR 24-674)

Revises the definition of “committee for political action” to include any entity that has affecting an election outcome as its major purpose and receives or expends over \$1500 in a calendar year for that purpose or an entity that does not have affecting an election outcome as its major purpose but receives or expends over \$5,000 in a calendar year for that purpose. Entities which fall within these guidelines must register with the Secretary of State as committee for political action within 7 days of the qualifying event.

SB 249 – Overtime for Home Care Workers

Sponsor: Senator Hardy, referred to Committee on Commerce, Labor and Energy. (BDR 53-836)

Amends existing law to exempt from State overtime provisions a person employed in a private home to care for the aged or disabled, bringing State law into compliance with the Federal Fair Labor Standards Act.

Note: See SB 254, on next page.

SB 249 – Overtime for Home Care Workers, continued

Position: Amend. Nevada is one of very few states where overtime law does not follow the federal law, but relies on what is known as a “24 rolling hour day.” This is a burden for a number of industries and has resulted in current statute having 13 business related exemptions. Instead of having exemption bills surface every session, Nevada’s law should be amended to follow the federal law of a 40 hour work week.

SB 254 – Overtime for Assisted Living Workers

Sponsor: Senator Cegavske; referred to Committee on Commerce, Labor and Energy. (BDR 53-889)

Amends existing law to exempt home care (supported living) and jobs and training service workers from overtime requirements unless prohibited by the Federal Fair Labor Standards Act.

Effective: July 1, 2013.

Note: See also SB 249, on previous page.

Position: See SB 254 on previous page.

SB 278 – Abandoned Residential Property

Sponsors: Senators Ford and Jones; Joint Sponsor: Assemblyman Healey, et al (2 co-sponsors); referred to Committee on Judiciary. (BDR 9-134)

Establishes an expedited process for the foreclosure of abandoned residential property and criteria for designation of residential property as abandoned. Authorizes a board of county commissioners or governing authority of an incorporated city to establish a registry of abandoned residential property and requires an affidavit for expedited sale to be submitted to the entity maintaining the registry.

Effective: July 1, 2013

PUBLIC EMPLOYEE COMPENSATION
AB 303 – PEBP Subsidy

Sponsor: Assemblyman Aizley; referred to Committee on Government Affairs. (BDR 23-681)

Revises existing law to authorize the Public Employees’ Benefits Program to approve the payment of an additional amount from any source, such as excess reserves, to increase the Medicare subsidy of certain retired persons above the amount established by the Legislature for the biennium.

Effective: July 1, 2013

EDUCATION
K -12
AB 230 – Sex Education Program

Sponsor: Assemblyman Bobzien, et al (8 co-sponsors); Joint Sponsor: Senator Spearman, et al (3 co-sponsors); referred to Committee on Education. (BDR 34-1034)

Requires school district boards to develop comprehensive courses on sex education with age-appropriate, and medically accurate content. The Council to Establish Academic Standards for Public Schools is required to establish standards of content and performance for these courses as part of the study of health. Each school board is to use its amended advisory committee to determine such details as the age of students to be taught and the instructors. Parents or guardians must be advised in writing and given the opportunity to opt the student out of the course.

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

Effective: July 1, 2013.

AB 238 – High School Proficiency Exams

Sponsor: Assemblyman Kirner, et al (7 co-sponsors); referred to Committee on Education. (BDR 34-415)

Eliminates the high school proficiency exam and requires the State Board and Board of Regents to select a college entrance exam to be administered to students in grade 11 to measure a pupil’s readiness for post-secondary education and the workforce. Any pupil deficiencies detected by this exam are to be specifically addressed in the pupil’s curriculum in the next school year. The State Board and Board of Regents are to prescribe by regulation the criteria for receipt of a standard high school diploma which must include passing a prescribed exam.

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

Effective: Upon passage and approval for regulations and examination selection and July 1, 2013 for all other provisions.

AB 254 – School Choice

Sponsor: Assemblyman Hansen, et al (7 co-sponsors); Joint Sponsor: Senator Gustavson; referred to Committee on Education. (BDR 34-158)

Authorizes parents and legal guardians of pupils in a public school designated as demonstrating need for improvement to petition (51% of signatures required) the school board, to take one or more of the following actions for the school: 1) implement a restart model; 2) close the school and transfer pupils to another school in the district; or 3) implement a program of school choice, authorizing a pupil to attend another school in the district or issuing vouchers to attend a non-sectarian private school. Private school vouchers are for 75% of the average basic support guarantee per pupil over the previous 3 years or the private school tuition, whichever is less. A pupil using vouchers is to be counted for purposes of apportionments.

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

Effective: July 1, 2013

AB 272 – English Mastery Council

Sponsor: Assemblywoman Diaz, et al (12 co-sponsors); referred to Committee on Education. (BDR 34-791)

Creates the 12-member English Mastery Council to make recommendations to the State Board for: regulations governing English as a second language; criteria for such a curriculum; and to make recommendations to the NSHE Board of Regents on courses to train teachers to instruct students in English proficiency. Replaces the existing State Board program to teach limited English proficient students with a requirement that school district boards establish a program to teach English to pupils who are limited English proficient and sets forth requirements and reporting for the program. Teachers are to hold an endorsement to teach these classes and the educational requirements for the endorsement are to be established by the Commission on Professional Standards in Education. School districts must provide professional development to teachers and other personnel to improve the instruction of limited English proficient students.

Fiscal effect: Yes, on State. Contains unfunded mandate not requested by local government.

Effective: Upon passage and approval for regulations and January 1, 2014 and July 1, 2016.

AB 278 – Multicultural Education Program

Sponsor: Assemblyman Munford, et al (17 co-sponsors); Joint Sponsor: Senator Segerblom, et al (5 co-sponsors); referred to Committee on Education. (BDR 34-512)

Requires the State Board of Education to adopt a program of multicultural education and school district boards of trustees to ensure the program is provided for grades 2 through 12. Teachers renewing their license on or after January 1, 2015 must submit proof of completing a course in multicultural education. The Commission on Professional Standards is to set the content and credits for the course.

Fiscal effect: Yes, on State

Effective: July 1, 2013

AB 288 – High School Proficiency Exams

Sponsor: Assemblywoman Flores, et al (2 co-sponsors); referred to Committee on Education. (BDR 34-524)

Eliminates the high school proficiency exam and requires the Superintendent of Public Instruction to select a college entrance exam to be administered to students in grade 11. The State Board of Education is to prescribe by regulation the criteria for receipt of a standard high school diploma which must include passing a prescribed exam and the courses of study in which a pupil must successfully pass such an examination, which must include the subject areas for which the State Board has adopted the common core standards.. Conforming language for elimination of the proficiency exam is provided.

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

Effective: Upon passage and approval for regulations and examination selection and July 1, 2013 for all else.

Comment: This bill differs from AB 238 (see above in this section) by which entity it assigns to select the new exam and in its reporting requirements on deficient students.

AB 295 –Reduction in Workforce

Introduced by Committee on Government Affairs and referred to Committee on Education. (BDR 23-982)

Requires that a decision to lay off a teacher or administrator because of a reduction in workforce must include consideration of the performance evaluations of the teacher or administrator.

Effective: July 1, 2013

Note: Also see SB 193 under "Education" heading in Issue 6-13, page 30.

SB 240 – Teacher Supply Purchases: Reimbursement Account

Sponsor: Senator Roberson, et al (10 co-sponsors); Joint Sponsor: Assemblyman Hickey, et al (7 co-sponsors); referred to Committee on Education. (BDR 34-651)

Creates the Teachers' School Supplies Reimbursement Account in the General Fund to reimburse teachers up to \$100 each for out-of-pocket expenses for certain school supplies. The funds are to be apportioned to school districts by the Department of Education based on the number of teachers employed in each district.

See "Appropriations" heading in this issue on page 49.

SB 269 – Truancy Measures

Sponsor: Senator Ford, et al (7 co-sponsors); Joint Sponsor: Assemblyman Frierson, et al (2 co-sponsors); referred to Committee on Education. (BDR 34-892)

Revises administrative sanctions that may be taken against a pupil designated as a habitual truant, including, but not limited to, suspending or delaying acquisition of a driver's license. Requires high school age applicants to submit a principal's statement of satisfactory attendance, a diploma or GED with application for a driver's license.

Effective: July 1, 2013

SJR 10 – Voucher Schools: Constitutional Amendment

Sponsor: Senator Cegavske, et al (9 co-sponsors); Joint Sponsor: Assemblywoman Fiore, et al (14 co-sponsors); referred to Committee on Education. (BDR C-35)

Proposes to amend Section 10 of Article 11 of the Constitution to allow school vouchers, if the Legislature creates a plan to be allow the money to be used at a school of the persons choice, to be used at sectarian as well as non-sectarian schools.

Effective: This proposal, if passed by the 2013 Legislature, must also be passed by the 2015 Legislature before going before the voters in November, 2016.

NEVADA GOVERNMENTS**State****SB 228 – Ethics Law Update**

Sponsor: Senator Parks, by request; referred to Committee on Legislative Operations and Elections. (BDR 23-445)

This is an extensive bill relating to ethics law. It includes, but is not limited to, financial disclosures, conflicts of interest, domestic partner and other definitions, subpoena procedures, and the Commission on Ethics duties, responsibilities, makeup and authority.

Fiscal effect: Yes, on State.

Effective: Upon passage and approval and January 1, 2014.

SB 229 – Repeal of 2011 Legislation for TRPA Withdrawal

Introduced by Committee on Government Affairs and referred to Committee on Natural Resources. (BDR 22-726)

Repeals SB 271 of the 2011 Session which required Nevada to withdraw from the interstate Tahoe Regional Planning Compact on October 1, 2015 if certain conditions are not met. Chief among the conditions to be met is an update of the Compact's 1987 Regional Plan.

Fiscal effect: Yes, on State.

Effective: Upon passage and approval.

AB 237 – Compensation of Commissions and Boards

Sponsor: Assemblyman Kirner; referred to Concurrent Committees on Government Affairs and Ways and Means. (BDR 23-624)

Increases from \$80 to \$150 per day the salaries of members of 62 various state boards, commissions and similar bodies.

Fiscal effect: Yes, on State.

Effective: January 1, 2014

Comment: Many of these entities have not had an increase in daily rate since 1985.

AB 243 – Special License Plates Design

Introduced by Committee on Transportation and referred to same. (BDR 43-76)

Requires all special license plates designed and issued after July 1, 2013 to have a uniform design and background color.

Fiscal effect: Yes, on State.

Effective: July 1, 2013.

AB 244 – Special License Plate Issuance

On behalf of the Commission on Special License Plates, introduced by Committee on Transportation and referred to same. (BDR 43-77)

Amends existing laws to standardize at 1,000 each December 1st the minimum number of any one special license plate required to be affixed to vehicles to warrant continued production of each plate. The DMV Director is to advise the affected entity on October 1 of each year if the number of that particular plate is below 1,000.

Fiscal effect: Yes, on State.

AB 252 – Administrative Procedures Act

Sponsor: Assemblyman Hansen, et al (15 co-sponsors); Joint Sponsor: Senator Gustavson, et al (2 co-sponsors); referred to Committee on Government Affairs. (BDR 18-539)

Requires agencies posting notices of any meeting or workshop relating to adoption of a regulation to simultaneously submit a copy of the posting to the Legislative Counsel Bureau Director for posting on the LCB website on the same day. An agency must adopt a proposed regulation within 2 years after submission to Legislative Counsel, or must receive an extension to avoid withdrawal. Notices of proposed regulations must include clear explanations of the need for the adopted regulation and lack of a satisfactory explanation of need is added to provisions for objection.

Fiscal effect: Yes, on State.

Effective: July 1, 2013 and retroactively for regulations proposed but not adopted by that date.

Position: Support.

AB 253 – Reporting of Federal Support

Sponsor: Assemblyman Hansen, et al (3 co-sponsors); referred to Committee on Government Affairs. (BDR 31-165)

Requires the NSHE Board of Regents, Board of Education and other Executive agencies that have spent \$500,000 or more in federal awards for the immediately preceding fiscal year, to report annually to the Budget Division Chief on the total amount of federal support received in the preceding year and contingency plans if that support were reduced by 5 percent and 25 percent. An annual compilation report is to be submitted to the State Controller and to the Legislative Counsel Bureau Director for the Legislature.

AB 276 – Consolidation of Housing Divisions

Sponsor: Assemblyman Ellison, et al (9 co-sponsors); referred to Committee on Government Affairs. (BDR 18-1029)

Renames the Manufactured Housing Division of the Department of Business and Industry as the Manufactured Housing Section and consolidates it into of Housing Division of the Department. The Administrator is redesignated as the Deputy Administrator of the Manufactured Housing Section.

Fiscal effect: Yes, on State.

Effective: July 1, 2013

Position: Support. The consolidation of these two Divisions should provide for better coordination of common issues.

SB 283 – Ethics Commission

Sponsor: Senator Hardy, et al (3 co-sponsors); referred to Committee on Legislative Operations and Elections. (BDR 23-103)

Amends existing law to prohibit the Commission on Ethics from investigating or rendering an opinion on a public officer or employee who is a candidate for public office during the period of 120 days before to the election date. Requires the Commission, in certain cases, to ensure opinions are balanced and that comparable situations are treated comparably. The Commission may find a willful violation has occurred only by a two-thirds vote. The Commission is authorized to impose a civil penalty (attorney's fees and costs) on a person requesting an opinion frivolously, vexatiously or for harassment.

Effective: July 1, 2013

Local**SB 227 – Municipal Gas Projects**

Sponsor: Senator Goicoechea; Joint Sponsors: Assemblymen Ellison and Oscarson; referred to Committee on Government Affairs. (BDR 21-1043)

Authorizes governing body of a municipality to acquire, improve, equip, operate and maintain a natural or propane gas project and to defray all or part of the cost through general obligation bonds.

Effective: Upon passage and approval.

SB 232 –Clark County: Water and Waste Water Authorities

Sponsor: Senator Roberson, et al (9 co-sponsors); referred to Committee on Government Affairs. (BDR 58-481)

Places Clark County water and waste water utilities under the jurisdiction of the Public Utilities Commission regulation. Prohibits the provider in Clark County from increasing customer rates without first getting approval from all local governments within the service territory and then Commission approval. Makes various changes relating to applications and hearings and removes the authority of the Legislative Committee on Public Lands to review programs and activities of the Southern Nevada Water Authority.

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

Effective: January 1, 2014.

SB 250 – Local Improvement District: Energy Improvement

Sponsor: Senator Hardy; referred to Committee on Government Affairs. (BDR 21-475)

Amends existing law to provide for creation by a local government, without an election, of a local improvement district that includes an energy efficiency improvement or renewable energy project. Written agreements from all owners of the land for the project must be filed before the district can be created by a 2/3 majority vote of the governing authority of the municipality. Provisions are made for bonds, construction and contractors, and maximum improvement costs to land value ratios.

Effective: July 1, 2013

SB 272 – Washoe and Storey County Boundary Line Revision

Sponsor: Senator Kieckhefer; Joint Sponsors: Assemblymen Wheeler and Livermore; referred to Committee on Government Affairs. (BDR 20-840)

Provides for the revision of the boundary line between Storey County and Washoe County upon the adoption of resolutions by the Board of County Commissioners of Storey County and the Board of County Commissioners of Washoe County approving the revision.

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

Effective: Upon adoption of an approving resolution by the respective counties. Expires by limitation on June 30, 2015 if no approval has been given by the respective counties.

ACR 2 – Single Stream Recycling

On behalf of Legislative Commission's Committee to Study the Deposits and Refunds on Recycled Products, introduced by Committee on Natural Resources, Agriculture and Mining and referred to same. (BDR R-119)

Encourages boards of county commissioners to make single-stream recycling available in their respective counties.

LEGISLATURE**SB 260 – Legislator Pay**

Sponsor: Senator Hutchison; referred to Committee on Legislative Operations and Elections. (BDR 17-856)

Authorizes Legislators to designate that any portion of the compensation that he or she is entitled to receive for legislative service be deposited in the State Distributive School Account. Any money so deposited must be used to augment and not replace or supplant any existing funding for education.

COURTS**AB 241 – Administrative Assessment for Soliciting Prostitution – Requires 2/3 Majority**

Sponsor: Assemblyman Hambrick, et al (6 co-sponsors); referred to Committee on Judiciary. (BDR 5-678)

See "Fees" heading on page 42 of this issue.

APPROPRIATIONS**NOT Included in Executive Budget****AB 298 – City of Las Vegas: Minority Business Loans**

Sponsor: Assemblywoman Neal; referred to Committee on Ways and Means. (BDR S-131)

Makes an appropriation from the General Fund to the City of Las Vegas of \$350,000 for allocation to the New Ventures Capital Development Company to capitalize a revolving loan fund to make Small Business Administration loans to minority businesses. A report on disposition of the money is to be submitted to the Interim Finance Committee and any remaining funds as of September 18, 2015 must revert to the General Fund.

Fiscal effect: Yes, on State. Contains Appropriation not included in Executive Budget.

Effective: July 1, 2013

AB 304 – Veterans Court Coordinator, 8th District

Sponsor: Assemblyman Elliot Anderson; referred to Committee on Ways and Means. (BDR S-629)

Makes an appropriated of \$136,960.55 from the State General Fund to the Eighth Judicial District Court for the salary of a Veterans Court Coordinator. The money appropriated is contingent upon matching funds being provided from other sources. Any remaining balance as of September 18, 2015 is to revert to the General Fund.

Fiscal effect: Yes, on State. Contains Appropriation not included in Executive Budget.

Effective: July 1, 2013

AB 308 – Southern Nevada Enterprise Community

Sponsor: Assemblywomen Neal and Bustamante Adams; referred to Concurrent Committees on Taxation and Ways and Means. (BDR S-557)

Directs the Board of the Southern Nevada Enterprise Community, within the limits of available money, to develop additional neighborhood revitalization projects in the Community, which may include various projects relating to economic growth and sustainability, community revitalization and education. Makes an appropriation of \$200,000 from the State General Fund to the Southern Nevada Enterprise Community Projects Account and authorizes the Board to accept donations. Adds a trustee of the Clark County School District to the Board.

Fiscal effect: Yes, on State. Contains Appropriation not included in Executive Budget.

Effective: July 1, 2013

Comment: The Southern Nevada Enterprise Community is located within the City of Las Vegas.

SB 240 – Teacher Supplies Reimbursement Account

Sponsor: Senator Roberson, et al (10 co-sponsors); Joint Sponsor: Assemblyman Hickey, et al (7 co-sponsors); referred to Committee on Education. (BDR 34-651)

Creates the Teachers' School Supplies Reimbursement Account in the General Fund to reimburse teachers up to \$100 each for out-of-pocket expenses for certain school supplies. Appropriations of \$2.5 million for fiscal year 2013-2014 and \$2.5 million for fiscal year 2014-2015 fund the Account.

Fiscal effect: Yes, on State. Contains Appropriation not included in Executive Budget. May have impact on local government.

Effective: July 1, 2013.

SB 270 – Fund for Aviation

Sponsor: Senators Goicoechea and Settlemeyer, by request; Joint Sponsor: Assemblyman Oscarson; referred to Committee on Finance. (BDR S-666)

Makes an appropriation of \$500,000 from the General Fund to the Fund for Aviation to use for matching Federal funds to improve airports in rural areas. Any funds not committed by June 30, 2015 must be reverted to the General Fund.

Fiscal effect: Yes, on State. Contains Appropriation not included in Executive Budget.

Effective: July 1, 2013

SB 271 – Humboldt River Basin Water Authority

Sponsor: Senator Goicoechea, by request; Joint Sponsor: Assemblyman Ellison; referred to Committee on Finance. (BDR S-442)

Makes an appropriation from the General Fund to the Humboldt River Basin Water Authority for cloud seeding activities in the Ruby Mountain Range of \$270,000 in each of fiscal years 2013-2014 and 2014-2015. Any remaining funds not committed for expenditure by June 30, 2015 are to be reverted to the State General Fund.

Fiscal effect: Yes, on State. Contains Appropriation not included in Executive Budget. May have impact on local government.

Effective: July 1, 2013.

GENERAL INTEREST

AB 236 – Rules of the Road: Lane Splitting

Sponsor: Assemblyman Daly, et al (2 co-sponsors); referred to Committee on Transportation. (BDR 43-659)

Allows lane splitting by a person driving a motorcycle or moped if done in a responsible manner and at a speed of 30 MPH or less while between other vehicles.

SB 230 – Fallen Soldiers Memorial

Sponsor: Senator Parks, et al (5 co-sponsors); Joint Sponsor: Assemblyman Elliot Anderson, et al (13 co-sponsors); referred to Committee on Natural Resources. (BDR S-553)

Requires the Administrator of the State Public Works Division to authorize construction or installation of a memorial on the Capitol Complex devoted to Nevada's fallen soldiers. Requires Gold Star Families of Nevada National, Inc. to submit a design to the Administrator and the Office of Veterans Services to determine criteria for names on the memorial. Prohibits the use of any public money for the project and authorizes the Administrator to accept donations.

Effective: Upon passage and approval.

AB 245 – Damage Limits for Vehicle Accidents

Sponsor: Assemblyman Hickey, et al (9 co-sponsors); Joint Sponsors: Senator Hardy and Brower; referred to Committee on Judiciary. (BDR 3-657)

Limits, under certain circumstances, the amount of damages from a vehicle accident a plaintiff or claimant can recover in a civil action if that person did not have such insurance at the time of the accident. This does not apply if the motorist was operating a vehicle while under the influence.

AB 248 – Motor Vehicle Violations

Sponsor: Assemblywoman Fiore, et al (38 co-sponsors); Joint Sponsor: Senator Atkinson, et al (17 co-sponsors); referred to Committee on Judiciary.

Amends existing laws to reduce the certain violations involving vehicles to civil offenses. These include, but are not limited to, timely registration of a vehicle; timely renewal of a driver's license, insurance coverage and certain parking violations. This does not remove the provisions for "points" to be assessed against a driver's record for moving violations. The amount of fines to be assessed for various violations remain.

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

AB 251 – Contact Information Disclosure for Public Body Members

Sponsor: Assemblyman Hansen, et al (9 co-sponsors); referred to Committee on Government Affairs. (BDR 19-159)

Requires that the email address or phone number, or both, of a member of a public body be provided to any person on request if the member has provided that information to the public body. "Public body" is defined as one subject to the Open Meeting

Continued on next page

AB 251 – Contact Information Disclosure for Public Body Members, continued

Law, the Legislature, Legislative Commission, Interim Finance Committee and legislative committees and commissions. Specifically excluded are state elected officials and any judge, magistrate or justice.

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

Effective: July 1, 2013

SB 237 – Graffiti Offenses

Introduced by Committee on Judiciary and referred to same. (BDR 15-71)

Expands the definition of protected sites for which graffiti offenses are a Class C felony to include any listed on the State or National Registers of Historic Places.

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

SB 242 – Brew Pub Production

Sponsor: Senator Smith; referred to Committee on Government Affairs. (BDR 52-1065)

Removes the limitation on the number of barrels of malt beverage that can be manufactured by a brew pub in any county in a calendar year.

Effective: July 1, 2013

SB 257 – Peace Officer Identification

Sponsor: Senator Hammond; referred to Committee on Government Affairs. (BDR 23-435)

Requires law enforcement agencies to adopt and enforce policies which provide a peace officer must, on request of the driver, provide a name and badge number unless it endangers the safety of the officer.

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

Effective: Upon passage and approval for administrative tasks and October 1, 2013 for all other purposes.

STUDIES

AB 227 – Land Management Study

Sponsor: Assemblyman Ellison, et al (22 co-sponsors); Joint Sponsor: Senator Goicoechea, et al (17 co-sponsors); referred to Committee on Legislative Operations and Elections. (BDR S-594)

Creates the 17-member Nevada Land Management Implementation Committee, comprised of representatives from each county to be appointed by each county commission within 30 days of enactment. The Committee is to conduct a study to address the transfer of public lands in Nevada from the Federal Government to the State of Nevada in contemplation of Congress turning over the management and control of those public lands to the State of Nevada on or before June 30, 2015. A report is to be submitted on or before February 1, 2015 for the 2015 (78th) Legislature.

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

Effective: Upon passage and approval. Expires by limitation on June 30, 2015

AB 301 – Water Management Study

Sponsor: Assemblyman Oscarson, et al (3 co-sponsors); Joint Sponsor: Senator Goicoechea; referred to Committee on Legislative Operations and Elections. (BDR S-807)

Requires the Legislative Committee on Public Lands to conduct an interim study concerning water conservation and alternative sources of water for Nevada communities and report its findings and any recommendations for legislation to the 78th Session of the Nevada Legislature.

SB 276 – Supported Living Services for Medicaid Recipients

Sponsors: Senators Cegavske and Hardy; referred to Committee on Health and Human Services. (BDR S-891)

Directs the Legislative Committee on Health Care to conduct an interim study of the delivery of supported living services to recipients of Medicaid. This bill also requires the Division of Health Care Financing and Policy of the Department to provide all information necessary to conduct the study and to assist in the study.

Effective: July 1, 2013

Nevada Taxpayers Association

Legislative Report is published weekly during a legislative session. Occasional reports are issued prior to the Legislative Session which summarizes prefiled bills.

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