

# LEGISLATIVE REPORT

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

ISSUE 9-13

MARCH 18, 2013 to MARCH 22, 2013

Page 52

## 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 at [www.leg.state.nv.us](http://www.leg.state.nv.us); select "Session Information - 2013."

## TAXES

### Abatements & Credits

#### **SB 305 – Modified Business Tax Credit**

Sponsor: Senator Settlemeyer, by request; referred to Committee on Revenue and Economic Development. (BDR 34-694)

A qualified high school pupil who is enrolled in grade 11 or 12 is allowed to receive one elective credit toward his or her requirements for graduation by completing a public or private internship of not less than 60 hours. A qualified employer is authorized to claim a general business Modified Business Tax (MBT) credit of \$250 for each pupil who completes such an internship under the employ and supervision of the employer, up to the amount owed by the employer for the calendar quarter of the internship.

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: **Amend.** There is no restriction of the fields, trades or occupations for which a student may participate in an internship. For that reason this credit from the MBT should also be available to financial institutions.

#### **SB 385 – Aircraft Abatement**

Sponsor: Senator Roberson, et al (6 co-sponsors); referred to Committee on Revenue and Economic Development. (BDR 32-822)

Requires the Office of Economic Development, upon certain determinations, to grant a partial abatement for one or more of the taxes imposed on an aircraft or aircraft component for a period of not more than 10 years to certain qualified new and existing businesses that own, operate, manufacture, service or utilize aircraft or components of aircraft.

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

Effective: July 1, 2013. Expires by limitation on June 30, 2033

### Combination

#### **AB 335 – UNLV Campus Improvement Authority: Stadium Financing**

Sponsor: Assemblywoman Kirkpatrick; referred to Concurrent Committees on Taxation and Ways and Means. (BDR S-866)

Creates a tax improvement area encompassing property owned, leased or administered by UNLV to be the UNLV Campus Improvement Authority and administered by its Board of Directors for the purpose of constructing and operating a large events center and other development and to charge fees for related services and facilities. The tax increment account of the Authority is to receive deposits of taxes beginning July 1, 2014 that represent any increase over the amount of those taxes in the fiscal year beginning July 1, 2012. These taxes include all property taxes, Modified Business Tax imposed on general business and financial institutions, live entertainment tax, state sales and use tax, sales and use tax imposed pursuant to the City-County Relief Tax Law, the slot tax imposed on restricted gaming operations and all room taxes. The Authority is authorized to issue securities to pay for its projects and to payable from the tax increment account. Duties and restrictions of the Authority Board are provided. Certain deadlines must be met to fulfill creation of the Authority and to authorize tax deposits. The term of securities may not extend beyond July 1, 2065.

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

Effective: Upon passage and approval. If the Board of Regents fails to make their appointments to the Board of Directors of the Authority by August 31, 2013, the bill expires upon the dissolution of the Authority. If the board fails to enter into an agreement prior to June 30, 2017 the tax increment account is terminated and the increments collected from the taxes if distributed in the same manner they would have been distributed.

Comment: This allows the Authority to sell securities to finance the construction of facilities and also provide operating revenue for the facility.

**AB 373 – Tuition Donation Credit**

Sponsor: Assemblyman Duncan, et al (6 co-sponsors); referred to Concurrent Committees on Education and Taxation. (BDR 34-716)

A credit of up to \$100,000 is created on the modified business tax levied on general business and financial institutions, the bank branch tax and on the gross gaming tax for donations made to school tuition organizations. The credit may be carried forward for up to 5 years. The school tuition organization must, among other requirements, be a non-profit corporation [501(c)3], and provide grants to parents and guardians of English language learner students or lower income families to attend schools, including private schools, chosen by the parents or guardians. The Department of Taxation and Gaming Commission are to establish procedures for application of these credits and any regulations necessary.

**SB 308 – Veteran Exemptions**

Sponsor: Senator Spearman, et al (18 co-sponsors); Joint Sponsor: Assemblyman Wheeler, et al (11 co-sponsors); referred to Committee on Revenue and Economic Development. (BDR 32-644)

Amends existing law to extend eligibility for certain exemptions from property taxes and the governmental services tax to Nevada resident who has served a minimum of 90 continuous days on active duty on or after January 1, 2001, and who: 1) is still serving in the Armed Forces; or 2) received an honorable discharge or certificate of satisfactory service.

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

Effective: July 1, 2013

**SB 330 – Veteran Exemptions**

Sponsor: Senator Settelmeyer, et al (5 co-sponsors); Joint Sponsor: Assemblyman Elliot Anderson, et al (3 co-sponsors); referred to Committee on Revenue and Economic Development. (BDR 32-690)

Provides that, with certain limitations, a person who qualifies as both a veteran and the surviving spouse of a veteran with a permanent service-connected disability may claim both of the veterans' exemptions from property taxes and governmental services taxes.

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.

**Business Taxes****AB 323 – Modified Business Tax (MBT): Deduction for New Hires**

Sponsor: Assemblyman Paul Anderson, et al (7 co-sponsors); Joint Sponsor: Senator Hammond; referred to Committee on Taxation. (BDR 32-761)

Amends existing law to authorize employers for two years to deduct from the amount of wages reported for the MBT general business and financial institutions, the wages of any new employee hired after July 1, 2013 who had been unemployed for 2 years at the time of employment and if certain other conditions are met by the employer.

Fiscal effect: Yes, on State.

Effective: July 1, 2013. Expires by limitation on July 31, 2015.

**AB 368 – Exemptions: State Business License & Other Secretary of State Fees**

Sponsor: Assemblyman Wheeler, et al (3 co-sponsors); referred to Committee on Judiciary. (BDR 7-598)

Raises the exemption level of requirements for a state business license issued to a home based business to \$100,000 or less of annual gross earnings and to \$200,000 annual gross earnings for any other business. A corporation with gross annual earnings of \$200,000 or less is exempt from state business license requirements and other specified filing fees.

Fiscal effect: Yes, on State.

Effective: July 1, 2013

Comment: It would take less documentation by a business to claim the exemption if the \$200 business license fee were allowed to sunset back to \$100.

**Property****SB 301 – Assignment of Property Liens**

Sponsor: Senator Smith; referred to Committee on Revenue and Economic Development. (BDR 32-969)

Amends provisions relating to sale of a tax lien against real property to delete references to a sale and require the county treasurer assign a tax lien if the property owner and the assignee enter into a written agreement that so provides and the assignee pays the delinquent taxes, accrued penalties, interest and costs to the county treasurer. Sets the mandatory and permissible terms of such an agreement. Revises various provisions relating to delinquent taxes and the collection of such taxes to add references to the assignee of a tax lien, and to provide for an action by the assignee against the owner to recover delinquent taxes, penalties, interest and costs. Provides for other duties, responsibilities and rights of the various parties and other pertinent matters.

Effective: July 1, 2013

Excise**AB 402 – Marijuana Legalization and Taxation – Requires 2/3 Majority**

Sponsor: Assemblyman Hogan, et al (2 co-sponsors); referred to Committee on Judiciary. (BDR 15-1069)

Provides, in skeleton form, for the decriminalization of cultivation, processing, possession and consumption of marijuana by persons who are 21 years of age or older. Specifies that this action does not approve use or possession in certain circumstances. Establishes an excise tax of 25 percent on the sale price on both wholesale and retail sale of marijuana and marijuana products. Proceeds of the tax are to be credited to the Distributive School Account. Requires the department of taxation to establish regulations for the issuance, renewal and suspension of a license and provides that the application fee must not exceed \$5,000 dollars. In the absence of the department issuing regulations a county is given the authority to issue a license.

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

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

Comment: There is something incongruous about taxing marijuana and having the revenue support K-12 education.

Sales and Use Taxes**AB 411 – Notification of Unpaid Sales and Use Tax**

Sponsor: Assemblyman Paul Anderson; referred to Committee on Taxation. (BDR 32-762)

Requires the seller of a newly constructed residential building to, not later than 10 days before closing the sale of the property, provide written notice to the Department of Taxation specifying the outstanding balance, if any, of the sales and use taxes which are owed for materials used to construct the building and certain other information to assist the Department in collecting such unpaid taxes.

Fiscal effect: Yes, on State.

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

Comment: This bill appears to assume that the seller is also the builder. What happens if the seller is unable to determine if there is an outstanding balance?

Vehicle and Fuel and Fees**AB 336 – Trailers: Extended Registration Term**

Sponsor: Assemblywoman Kirkpatrick; referred to Committee on Transportation. (BDR 43-240)

Owners of trailers and semitrailers are allowed the option of renewing registration and license plates for a five-year term instead of one year. All fees are the same as if renewals had been done annually.

Fiscal effect: Yes, on State.

Effective: July 1, 2013

**AB 405 – Vehicle Registration: Seasonal Resident– Requires 2/3 Majority**

Sponsor: Assemblyman Carrillo; referred to Committee on Transportation. (BDR 43-414)

Authorizes the Department of Motor Vehicles (DMV), if certain conditions are met by the owner, to issue a decal, sticker or other indicia of seasonal vehicle registration for a fee of \$18, good for a 2-year period. A person who qualifies as a seasonal resident may obtain a Nevada seasonal resident identity card from the DMV for an initial issuance and renewal fee of \$17. The fee is in addition to the fees charged for the cost of the photo and card. The ID card is good for 4 years after its date of issue.

Fiscal effect: Yes, on State.

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

**AB 413 - Fuel Taxes: Indexing for Clark County**

Introduced by Committee on Taxation and referred to same. (BDR 32-1010)

Authorizes Clark County Commissioners to annually index the tax currently levied on gasoline and diesel fuel (aviation fuel is exempt) by an amount that is equal to or the lesser of : (1) a percentage established by the ordinance imposing the tax; or (2) a percentage based on historical increases in the cost of highway and street construction. The applicable percentage cannot exceed 7.8 percent. The revenue derived from the increase is disbursed in the county in the same proportion and manner of the current fuel taxes. The formula for using increases in the cost of highway and street construction is specified as are the conditions and length of time for issuing revenue bonds.

Effective: Upon passage and approval.

Comment: The NTA board was surveyed on this question and could not come to a consensus.

**SB 343 – Off-Road Vehicle Registration**

Sponsor: Senator Goicoechea, et al (2 co-sponsors); Joint Sponsor: Assemblyman Ellison, et al (2 co-sponsors); referred to Committee on Transportation. (BDR 43-630)

Allows large all-terrain vehicles to also be registered as a motor vehicle for use on a highway and exempts payment of the off-highway vehicle fee in such cases. Allows certain off-highway vehicles to be operated on certain county roads, if allowed by the county.

**SB 377 – Fuel Taxes – Requires 2/3 Majority**

Sponsor: Senator Segerblom, et al (3 co-sponsors); Joint Sponsor: Assemblyman Daly; referred to Committee on Revenue and Economic Development. (BDR 32-930)

The motor vehicle fuel tax, except aviation fuel, is increased by 2 cents per gallon each year for 10 years commencing January 1, 2014 through 2023. The same annual increases are imposed on special fuels, an emulsion of water-phased hydrocarbon fuel, liquefied petroleum gas and compressed natural gas.

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

Comment: The fuel tax has not been increased since 1992. With more fuel efficient vehicles on the road there has actually been a decline in the amount of revenue available for needed road infrastructure.

**SB 300 – Vehicle Valuation: Conditional Reduction**

Sponsor: Senator Roberson, et al (2 co-sponsors); referred to Committee on Revenue and Economic Development. (BDR 32-1007)

Proposes to reduce vehicle valuation for government services tax (GST) by 50 percent (from 35 percent to 17.5 percent) only if a new tax is enacted by this Session which the Fiscal Analysis Division of the Legislative Counsel Bureau estimates will produce at least as much tax revenue as will be lost as a result of this reduction.

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

Effective: Dependent upon passage of other unidentified legislation.

Comment: The GST is one of the 6 taxes that make up the Consolidated Tax Revenue Account, and some local governments have pledged revenues from the C-Tax to pay debt, which means that in some counties the reduction could not occur. Also school districts which receive a share of the GST have generally bonded against this revenue. Most importantly, the change in valuation would be done on a statewide level and as the GST is an in-lieu of property tax, the provisions of this bill would appear to violate the constitutional provision (Section 1 of Article 10) "... for a uniform and equal rate of assessment and taxation . . ."

**Mining****Comments:**

The effective date for both of the following bills reads as follows: *"This act becomes effective on January 1, 2015, if and only if the provisions of Senate Joint Resolution No. 15, passed by the 76th session of the Legislature and agreed to by the 77th Session of the Legislature, are approved and ratified by the voters at the general election on November 4, 2014."*

There is a subtle but substantive difference between the two bills. SB 400 would require the mineral in its natural state attached to the property to be valued for purposes of taxation, while SB 401 provides an exemption from valuation for mineral in its natural state.

**SB 400 - Revises the Taxation of Mines and Mining Claims - Requires 2/3 Majority**

Requested by Senator Segerblom; referred to Committee on Revenue and Economic Development (BDR 32-620)

The exception from personal property taxes for gold-bearing and silver-bearing ores or quartz or minerals from which gold or silver is extracted is removed as is the exemption for patented and unpatented mines from property taxes. The bill further provides that any mineral deposit in its natural state attached to the real property is not exempt from taxation as intangible personal property. The computation of the taxable value of the property must include the value of any mineral deposit in its natural state attached to the property.

**SB 401 - Revises the Taxation of Mines and Mining Claims - Requires 2/3 Majority**

Requested by Senator Roberson, et al (5 co-sponsors); referred to the Committee on Revenue and Economic Development (BDR 32-910)

The exception from personal property taxes for gold-bearing and silver-bearing ores or quartz or minerals from which gold or silver is extracted is removed as is the exemption for patented and unpatented mines from property taxes. The bill further provides that any mineral deposit in its natural state attached to the real property must be excluded from the computation of the taxable value of the property. A mine or mining claim is added to the list of property to be taxed as possessory/beneficial interest.

**FEES****AB 348 – Foster Care Licensing – Requires 2/3 Majority**

Sponsor: Assemblyman Frierson, et al (6 co-sponsors); referred to Committee on Health & Human Services. (BDR 38-457)

This is an extensive bill relating to Foster Homes and Foster Care Agencies, including but not limited to provisions on the operation and management of a foster care agency. These agencies are to encourage potential foster homes to apply for licensing and participate in that process by conducting a home study of each applicant. Foster care agencies may charge the applicant for the reasonable cost of that investigation and the licensing authority may charge a reasonable fee to the agency for issuance of a license to the foster home. The licensing authority is to conduct detailed investigations of foster care agencies and may charge a reasonable license fee, based up the actual costs of issuing the license. A licensing authority may charge a fee for forwarding a license investigation report to a foster care agency on behalf of the provider.

Fiscal effect: May have impact on local government.

Comment: The amount of the fee to be charged to a foster care agency by the licensing authority was previously limited to \$300 for the initial license and a \$150 renewal fee. This bill allows the licensing authority to reset fees as costs increase.

**AB 349 – Professional License Reciprocity for Military and Veterans - Requires 2/3 Majority**

Sponsor: Assemblywoman Bustamante Adams, et al (2 co-sponsors); Joint Sponsor: Senator Spearman; referred to Committee on Commerce and Labor. (BDR 54-420)

Authorizes qualified professionals who are active members or veterans or the surviving spouse of a veteran and who are licensed in good standing in another state or U.S. territory with substantially equivalent licensing requirements, to apply for and receive a license by endorsement to practice their respective profession in this State. Requires the payment of any fees for licensing of the profession.

Effective: July 1, 2013

**AB 375 – Autism Behavior Interventionist Certificate - Requires 2/3 Majority**

Sponsor: Assemblywoman Dondero Loop, et al (11 co-sponsors); Joint Sponsor: Senator Woodhouse; referred to Committee on Health and Human Services. (BDR 40-999)

Authorizes the Aging and Disability Services Division of DHHS to create regulations and requirements for examination and certification of Autism Behavior Interventionists, who may only provide behavior therapy under the supervision of a licensed psychologist, behavior analyst or assistant behavior analyst. The Division shall establish reasonable fees – according to the cost of the service -- for examinations, initial issue and biennial renewal of the certificate. Transfers authority for certification and regulation from the Board of Psychological Examiners to the Division. Adds “social communication disorder” to the definition of “autism spectrum disorders” for purposes of insurance coverage and treatment programs.

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.

**AB 379 – Abandoned Recreational Vehicles – Requires 2/3 Majority**

Sponsor: Assemblyman Ellison, et al (4 co-sponsors); referred to Committee on Transportation. (BDR 43-593)

An owner or occupant of private property is authorized, after specified conditions are met, to apply for a letter of abandonment from the DMV for a recreational vehicle found on their property which would allow disposal of that vehicle. The DMV is authorized to charge a fee, based on actual costs, for issuing the letter. Requires municipal solid waste landfills to accept recreational vehicles for disposal by an owner or person with a letter of abandonment, providing that does not violate federal or state law.

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

Effective: July 1, 2013

**AB 382 – Endangered Species Fee- Clark County**

Sponsor: Assemblyman Hardy; Joint Sponsor: Senator Hardy; referred to Committee on Government Affairs. (BDR 21-633)

Authorizes a city within a county that has created an enterprise fund to support a conservation zone for endangered species to impose a fee of not more than \$550 per acre on construction or grading projects within the city. The fee is to be credited to the county for deposit in the enterprise fund. Retroactively, authorizes Boulder City, Henderson, Las Vegas, Mesquite and North Las Vegas to impose such a fee.

Effective: Upon passage and approval.

Comment: It appears that the retroactive provision is to validate fees which were previously imposed.

**AB 403 – Parcel Tax for School Districts – Requires 2/3 Majority**

Sponsor: Assemblyman Daly; referred to Committee on Ways and Means. (BDR 34-275)

Authorizes a school district board of trustees to impose an annual fee of \$2 per acre, or equivalent fraction, on all real property in the county. The fee cannot be imposed on more than 500 acres of any parcel of real property for more than 10 years. The funds are to be deposited in a separate fund to be used for constructing, maintaining or operating a vocational school in the county. Requires the board to establish a committee to oversee collection and use of the proceeds.

Effective: July 1, 2013

**SB 303 – Driving Privilege Cards – Requires 2/3 Majority**

Sponsor: Senator Denis, et al (13 co-sponsors); Joint Sponsor: Assemblywoman Bustamante Adams, et al (15 co-sponsors); referred to Committee on Transportation. (BDR 43-596)

Requires the DMV to issue Driving Privilege Cards to residents who show adequate documents of identification from U.S. States or territories or other countries and proof of Nevada residency. These cards are renewable each year on the holder’s birth date and are subject to a fee for issuance and renewal. A driving privilege card does not satisfy the Federal Real I.D. law and are not valid for federal identification purposes as it so states on the card.

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 319 – Counselor and Therapist Reciprocity – Requires 2/3 Majority**

Sponsor: Senator Hardy; referred to Committee on Commerce, Labor and Energy. (BDR 54-713)

Authorizes certain qualified professionals -- clinical professional counselor, marriage and family therapist, alcohol and drug abuse counselor or problem gambling counselor -- who are licensed to practice in another U.S. state or territory, to apply for, pay the existing fees, and receive a license or certificate by endorsement to practice in Nevada. If the applicant is active military or a

*Continued on next page*

**SB 319 – Counselor and Therapist Reciprocity, continued**

veteran, or the surviving spouse of a veteran, the applicant is entitled to a 50 percent reduction in the fee for the initial issuance of the license or certificate. Authorizes a clinical professional counselor or marriage and family therapist to provide certain services to a person who is an alcohol or drug abuser. Also allows physicians to use 2 hours of pain management or addiction care for continuing education credit.

**SB 321 – Homeowner’s Bill of Rights – Requires 2/3 Majority**

Sponsor: Senator Jones, et al (5 co-sponsors); Joint Sponsor: Assemblyman Healey, et al (2 co-sponsors); referred to Committee on Judiciary. (BDR 9-748)

Sets forth numerous provisions designed to protect home owners in a foreclosure situation. These include, but are not limited to, requiring out-of-state mortgage servicers who service loans on any property located in Nevada to register with, pay a reasonable fee to, and deposit a surety bond with, the Commissioner of Mortgage Lending in the Department of Business and Industry.

Fiscal effect: Yes, on State.

Effective: Applies to notices of default recorded after October 1, 2013.

**SB 324 – Reciprocal Licensing - Requires 2/3 Majority**

Sponsor: Senator Hardy; Joint Sponsor: Assemblyman Eisen; referred to Committee on Commerce, Labor and Energy. (BDR 54-701)

Authorizes regulatory bodies under NRS 622 to enter into a reciprocal agreement with the corresponding authority of another state or territory to license the practice of certain professions concurrently in Nevada and another jurisdiction. Authorizes certain qualified physicians and podiatrists to obtain a license by endorsement to practice in Nevada if certain requirements are met. If the applicant is active military or a veteran, or the surviving spouse of a veteran, the applicant is entitled to a 50 percent reduction in the fee for the initial issuance of the license or certificate. Authorizes hospitals to employ or contract with physicians to provide health care to patients of the hospital.

**SB 354 – Mortgage Lending – Requires 2/3 Majority**

Sponsor: Senator Hutchison, et al (2 co-sponsors); referred to Committee on Commerce, Labor and Energy. (BDR 54-1058)

Amends existing law to require the Commissioner of Mortgage Lending to adopt regulations for licensing residential mortgage loan servicers, including a reasonable licensing fee. Makes various provisions about the conduct and management of these businesses and authorizes administrative penalties for violations. Directs the Legislative Commission to appoint a committee to conduct an interim study on laws relating to the mortgage lending industry. The study must include: consideration of separate licensing and regulation of residential and commercial mortgage bankers and private money lenders; a survey of the laws of this and other states relating to the licensing and regulation of professions in the mortgage lending industry; an examination of regulatory methods used in other jurisdictions; and other matters.

Effective: July 1, 2013

**SB 357 - New Markets Jobs Act: Insurance Premium Tax Credits – Requires 2/3 Majority**

Requested by Senator Roberson, referred to Committee on Commerce, Labor and Energy (BDR 57-478)

This bill adds a new chapter to title 57 – Insurance - to be known as the New Markets Jobs Act. Certain insurance entities can receive a credit against the insurance premium tax in exchange for investing in a qualified community development entity. A qualified community development entity is an active low-income community business who meets the size standards of the Small Business Administration or entity that has entered into an agreement with the Community Development Financial Institutions Fund of the United States Department of the Treasury. Certain other conditions apply to both entities. Conditions establishing for applying for the loan include, but are not limited to detailed information about the investment and payment of a non-refundable \$5,000 application fee and a refundable fee of 0.5 percent of the amount of equity investment or long-term debt. The Office of Economic Development must follow certain requirements in determining whether to approve the application. If the insurance premium tax is eliminated or reduced below the level that was in effect on the first credit allowance date, the entity is entitled to a credit against any other taxes paid to the Department of Taxation of the remaining amount allowed to be deducted. Other provisions include the amount of credit allowance, recapture, letter rulings, etc. The Office of Economic Development shall begin accepting applications not later than October 1, 2013.

Effective: Upon passage and approval.

**SB 370 – Administrative Procedures Act – Requires 2/3 Majority**

Sponsor: Senator Kieckhefer; referred to Committee on Government Affairs. (BDR 18-194)

The Register of Administrative Regulations is replaced with the Central Repository for Administrative Regulations, an electronic registry to be on the Legislative Counsel Bureau (LCB) website. Requires agencies to submit regulations, small business impact statements, hearing notices and agendas electronically to the LCB for posting in the Registry. The Registry is to have a link to the State Business Portal and vice versa. Each agency which proposes or adopts a permanent, temporary or emergency regulation shall reimburse LCB for the cost of administering the Central Repository. The charge is not to be paid by agencies whose budgets are supported entirely from the State General Fund.

Fiscal effect: Yes, on State.

Effective: July 1, 2013

**Position: Support.** This would provide a “one stop shop” and is needed. Finding agendas, business impact statements and regulations can be a daunting task, particularly when tracking a number of agencies, since all have their own format for notifications.

**SB 374 – Medical Marijuana Dispensary Licensing – Requires 2/3 Majority**

Sponsors: Senators Segerblom and Manendo; Joint Sponsor: Assemblyman Aizley, et al (2 co-sponsors); referred to Committee on Judiciary. (BDR 15-89)

Provides for the registration of nonprofit medical marijuana dispensaries and dispensary agents at fees not to exceed \$5,000 for the initial registration certificate of a dispensary, \$1,000 for renewal and \$2500 for an address change of the dispensary or cultivation site; and \$500 for initial registration and for renewal of a dispensary agent. Volunteers who work at a dispensary must be registered. Sets forth the basic requirements for operating a nonprofit medical marijuana dispensary; and directs the Health Division to adopt necessary regulations. The amount of marijuana that can be held by a registered medical marijuana user is increased to 2-1/2 ounces in any one 14-day period and 12 plants.

Fiscal effect: Yes, on State. Note: State agencies responding indicate no impact.

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

See AB 402 under "Excise Tax" heading on page 54 of this report.

**SB 380 – Live Adult Entertainment Fee – Requires 2/3 Majority**

Sponsor: Senator Manendo; referred to Committee on Revenue and Economic Development. (BDR 32-1045)

Imposes a fee on each live adult entertainment business that serves or permits the consumption of alcohol on its premises of \$10 for each entry by each customer admitted to the business. The business may pass the fee along to customers or pay the fee itself. The fee is to be remitted to Department of Taxation quarterly and be divided between: Account for Aid for Victims of Domestic Violence, Account for Programs Related to Domestic Violence, and the Fund for the Compensation of Victims of Crime.

Fiscal effect: Yes, on State.

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

**SB 383 – Time Shares – Requires 2/3 Majority**

Sponsor: Senator Parks, by request; referred to Committee on Judiciary. (BDR 10-916)

Amends existing law to make extensive adjustments to provisions covering public offering statements, sales offerings, sales personnel and operation of time shares. These include, but are not limited to, requiring time share developers to pay a filing fee and submit a draft copy of the public offering statement for approval by the Real Estate Division. If a draft is rejected, a new draft must be submitted with a new filing fee. The filing fees referenced are those already established in statute (NRS 119A.360).

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

**SB 390 – Hydraulic Fracturing – Requires 2/3 Majority**

Sponsor: Senators Segerblom and Jones; Joint Sponsors: Assemblymen Bobzien and Daly; referred to Committee on Natural Resources. (BDR 46-929)

Requires a person who wishes to engage in hydraulic fracturing to obtain a permit from the Division of Environmental Protection of the Department of Conservation and Natural Resources. Permit application must be accompanied by certain studies, plans and details of the proposed operation. Prohibits permitting within 2,000 feet of any home, school or hospital, and prohibits the use of any carcinogens. Requires the Department to post application and operational information on its website and authorizes the Division to adopt regulations and set permit and other fees as necessary. Requires various quarterly reports by the permit holder.

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 411 – Mortgage Loan Servicers; Construction Defects - Requires 2/3 Majority**

Sponsor: Senator Roberson; referred to Committee on Commerce, Labor and Energy (BDR 54-911)

Amends existing law to requires the Commissioner of Mortgage Lending to adopt regulations for licensing residential mortgage loan servicers, including setting a reasonable licensing fee. Sets requirements for the employees and independent contractors of these loan servicers and allows administrative fines for violation of the provisions. Amends the existing definition of "constructional defect" to provide that a constructional defect is a defect: (1) which presents an unreasonable risk of injury to a person or property; or (2) which violates the law, unless the workmanship exceeds the standards set forth in any applicable codes and ordinances, which causes physical damages and which is not completed in a good and workmanlike manner. Removes the existing provision allowing recovery of reasonable attorney fees and requires attorneys to get signed affidavits from clients verifying notification of certain provisions. Among other revisions to construction defect law, the period of repose is reduced to 3 years from 10 years and sales disclosures are clarified.

Fiscal effect: Yes, on State.

**BUSINESS ISSUES****AB 318 – Overtime; Prevailing Wage**

Sponsor: Assemblyman Hardy, et al (7 co-sponsors); Joint Sponsor: Senator Hardy, et al (3 co-sponsors); referred to Committee on Government Affairs. (BDR 28-720)

Amends existing law to remove provisions that state overtime must be paid to workers on public works project after 8 hours in any workday. Maintains provisions stating overtime is due after 40 hours in any week of work. Changes the threshold of prevailing wage requirements on NSHE and other public works projects from \$100,000 to \$1.5 million, including repair and update projects.

Effective: July 1, 2013

*Continued on next page*

AB 318 – Overtime; Prevailing Wage, continued from previous page

**NTA Position: Overtime Provision - Support with Amendment.** This bill should be amended so all employers operate under the federal 40 hour work week rule. **Prevailing Wage Provision – Support.**

**AB 332 – Abandoned Residential Property**

Sponsor: Assemblywoman Spiegel; Joint Sponsor: Senator Ford; referred to Committee on Judiciary. (BDR 9-732)

Establishes criteria for determining if residential property is abandoned, procedures for filing an affidavit of such with the county clerk and sending notices to that effect by the beneficiary or its agent. The sale of a property deemed abandoned at a trustee's sale to a person who occupies it as owner-occupied or re-sells it to a person who occupies it, cannot be deemed void or be subject to civil action for certain requirements governing exercise of the power of sale.

Note: Also see SB 278 in issue 8-13 on page 45.

**AB 326 – Arbitration**

Sponsor: Assemblyman Aizley; referred to Committee on Commerce and Labor. (BDR 52-803)

Amends existing law to require that an agreement which includes a provision stating that a person must submit disputes to arbitration must include specific authorization indicating the person has agreed to the provision. An agreement which fails to include such authorization is void and unenforceable.

Effective: Applies to agreements entered or renewed after October 1, 2013.

**AB 339 – Overtime Pay**

Sponsor: Assemblyman Livermore, et al (3 co-sponsors); referred to Committee on Commerce and Labor. (BDR 53-968)

Amends existing law regarding overtime regulations for employees who customarily work a scheduled 10 hours on 4 days per week as follows: If a circumstance beyond the control of the employer causes the employee to work less than scheduled, the employer is only required to pay for hours actually worked. If the employer causes the employee to work less than the scheduled 40 hours, the employee must be paid the regular wages for 40 hours or overtime compensation for any day during the workweek that the employee worked more than 8 hours. Eliminates the overtime exemption for automotive sales personnel and mechanics.

Effective: July 1, 2013

**AB 346 - Mine Reclamation**

Requested by Assemblyman Bobzien (et al) 4 co-sponsors and Joint sponsor, Senator Segerblom, referred to Committee on Natural Resources Agriculture and Mining (BDR 46-1035)

Expands the requirements for the plan for reclamation to provide for the reclamation of a pit lake resulting for the exploration project or mining operation and that the reclamation must provide for safe public access to and beneficial and recreational use of the pit lake. If a mine operator does not believe the reclamation is feasible a petition must be filed with the Environmental Commission. The petition must demonstrate to the satisfaction of the Commission the reclamation is not feasible.

Fiscal effect: Yes, on state.

Effective: Plans for reclamation filed with the Division of Environmental Protection prior to October 1, 2013 must be amended on or before January 1, 2014 to include the reclamation of the pit lake.

**AB 369 – Health Insurance: Autism Mandate**

Sponsor: Assemblyman Ohrenschall, et al (2 co-sponsors); referred to Committee on Commerce and Labor. (BDR 57-819)

Requires health care plans and insurance policies to provide coverage, rather than an option for coverage, for the screening, diagnosis and treatment of autism spectrum disorders. Revises the maximum coverage provisions for such benefits and prohibits insurers from denying coverage for a treatment in this category on the basis that it is educational in nature. Provides that if federal law expressly authorizes more favorable autism coverage, that standard must be met.

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

Effective: July 1, 2013

**AB 385 – Data Storage Access**

Sponsor: Assemblyman Hickey, et al (12 co-sponsors); Joint Sponsors: Senators Hardy and Gustavson; referred to Committee on Commerce and Labor. (BDR 52-808)

A person who deposits data with a provider of information services is, in accordance with their contract, entitled to unimpaired access to that data, notwithstanding any legal action against the provider or a client of the provider, unless a court finds that the data is being used for commission of a crime.

**AB 409 – Business Development Fund**

Sponsor: Assemblywoman Neal; referred to Committee on Taxation. (BDR 18-523)

Creates the Nevada Business Development Fund, to be administered by the Director of the Office of Economic Development. Upon Legislative or IFC approval, the Director is to distribute, money in the fund, upon application, to local governments to make below-market-rate loans to qualifying businesses. The local government is to remit payments of principal and interest from borrowers to the Director for deposit in the Fund. The Director may use interest on the Fund and from borrowers to cover administrative costs.

Fiscal effect: Yes, on State.

Effective: Upon passage and approval.

Comment: The bill does not provide an appropriation. See AB 410 under "Appropriation" on page 67.



**SB 289 – Workers’ Compensation**

Sponsor: Senator Roberson, by request; referred to Committee on Commerce, Labor and Energy. (BDR 53-903)

Makes various changes to the Nevada Industrial Insurance Act, including but not limited to: Reducing from 90 to 30 days the period in which certain employees must file a claim with the insurer. Authorizes an insurer to recover certain amounts if a hearing officer determines a treatment should not have been covered. An injury caused by employee use of a controlled substance is not covered. Compensation may be denied to an employee who is dismissed for misconduct. Revises provisions concerning gross wages and employment benefits which must be provided pursuant to an offer of temporary, light-duty employment.

**SB 309 – Mentoring Programs**

Sponsor: Senator Spearman, et al (4 co-sponsors); referred to Committee on Education. (BDR S-768)

Urges NSHE and business organizations to collaborate on creating mentoring programs for business entrepreneurs.

Effective: Upon passage and approval.

**SB 331 – Business License Exemption**

Sponsor: Senator Roberson, et al (5 co-sponsors); Joint Sponsor: Assemblyman Hambrick, et al (5 co-sponsors); referred to Committee on Judiciary. (BDR 7-479)

Provides that the existing exclusion for home based businesses (net earnings below two-thirds of the average annual wage) from the requirement to obtain a state business license applies to a business entity that operates a business from the home of a shareholder, director, officer, member, managing member, partner or trustee of the entity.

Fiscal effect: Yes, on State.

Effective: July 1, 2013

*See AB 368, under “Business Tax” heading on page 53 of this issue.*

**SB 336 – Prevailing Wage Exemption**

Sponsor: Senator Hutchison, et al (3 co-sponsors); referred to Committee on Government Affairs. (BDR 28-855)

Exempts from the prevailing wage requirement a contract that is sponsored or financed by the board of trustees of a county school district for a school construction or improvement project. Requires a board that enters into a contract for any such project to monitor and calculate the cost savings attributable to the exemption, and deposit any savings in the school district buildings and sites fund and report such annual savings to the Legislature.

Effective: July 1, 2013. Applies to contracts entered on or after July 1, 2013.

*Also see: SB 146, page 25, Issue 5; AB 211, page 30, Issue 7; and AB 275 page 44, Issue 8.*

**Position: Support.** Given the costs of prevailing wage on public works projects is generally 20 percent and greater than a non-public works project, this would allow construction dollars for educational facilities to go further.

**SB 358 – Business Promotion Board**

Sponsor: Senator Roberson; referred to Committee on Government Affairs. (BDR 18-912)

Creates the 10-member Advisory Board on Business Promotion, comprised of people who are each engaged in a commercial activity subject to regulation by the Department of Business and Industry. The Board is to provide the Director with advice on policies and procedures the Department could implement to promote commercial activities. Reports are to be issued each year to the Governor, the Director and the Legislature.

Fiscal effect: Yes, on State.

Effective: July 1, 2013

**SB 360 – Independent Contractor**

Sponsor: Senator Roberson; referred to Committee on Commerce, Labor and Energy. (BDR 53-904)

Sets certain criteria for determining whether a person is an independent contractor, including, but not limited to, whether a written contract for the work was entered; and the share of cost, personnel and other matters borne by the independent contractor versus the person requesting the work. This bill also exempts from this criteria any claim, demand, cause of action, application or classification made pursuant to certain laws governing the employment of minors, industrial insurance and occupational diseases.

Fiscal effect: May have impact on local government.

**SB 370 – Administrative Procedures Act – Requires 2/3 majority**

Sponsor: Senator Kieckhefer; referred to Committee on Government Affairs. (BDR 18-194)

*See SB 379 under “Fees” on page 57 of this issue for description.*

**Position: Support.** This would provide a “one stop shop” and is needed. Finding agendas, business impact statements and regulations can be a daunting task, particularly when tracking a number of agencies, since all have their own format for notifications.

**SB 381 – Restrictions on Use of Public Benefits**

Sponsor: Senator Brower, et al (4 co-sponsors); referred to Committee on Health and Human Services. (BDR 38-459)

Requires proprietors and employees of certain businesses that sell alcohol or bail bonds or are in the business of gaming to prevent the use of a public assistance electronic benefit transfer card for a prohibited purpose and to report any attempts to the

*Continued on next page*

**SB 381 – Restrictions on Use of Public Benefits, continued**

Division of Welfare and Supportive Services. Those businesses are also required to disable the ability of any point-of-sale terminal or automated teller on the premises of the business to accept a public assistance electronic benefit transfer card. Failure to comply could result in business license suspension. Requires the Division to take various steps to prevent these occurrences.

Effective: July 1, 2013

**SB 404 – Deceptive Trade Practices**

Sponsor: Senator Smith, et al (5 co-sponsors); Joint Sponsor: Assemblywoman Kirkpatrick, et al (2 co-sponsors); referred to Committee on Government Affairs. (BDR 28-827)

Provides that certain advertising practices which misrepresent the geographic location of a provider or vendor of floral or ornamental products or services constitutes a deceptive trade practice and makes conforming changes in existing law. Requires subcontractors who receive public money for public works or projects for the construction or maintenance of highways must hold a state business license.

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

**PUBLIC EMPLOYEE COMPENSATION****AB 342 - Public Employee Retirement: Establishes Hybrid Program**

Sponsored by Assemblyman Kirner, referred to Committee on Ways and Means (BDR 23-193)

The Interim Retirement and Benefits committee is required to establish a hybrid retirement program consisting of both a defined benefit plan and a defined contribution plan as part of the Public Employees Retirement System (PERS). The plan would apply to new employees hired after on or after July 1, 2014 and could be available to current employees who choose to transfer into the program. The defined benefit portion includes, but is not limited to provisions that cap the wage base of the member's 36 highest months of compensation; prohibits the purchase of additional service credit; and provides the employer contribution rate cannot exceed 6 percent of an employee's compensation; determines the formula for the employees monthly service retirement allowance for regular members and police and firefighter members at 1 percent and 1.5 percent for each year of service and establishes the minimum retirement age. Contributions made by employees under the defined contribution plan are pretax payroll deductions. Regular members to are required to contribute 6 percent and police and firefighters to contribute 9 percent with the public employer contributing the same amount as required of the member. Additionally the bill provides for a third party administrator of the plan and establishes the criteria to be used in the selection by the board. makes changes to the defined. Local governments are required to contribute an additional 6 percent of the compensation of its employees to reduce the unfunded liability of the system, the additional contribution is not required for those periods that the unfunded liability is 15% or less. Other provisions include retirement age, vesting rights, investments and reporting.

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

Effective: Upon passage and approval for establishing the program and on July 1, 2014 for all other purposes.

Comment: The fiscal note indicates it may have an impact on local government, but given the provision for an additional 6 percent contribution on local government, it will have a fiscal impact.

**Position: Support.** Under the existing system the cost of this unfunded liability now requires a contribution of 39.75% percent of wages for police and fire and 23.75% for regular members. After July 1, 2013 the rate for police and fire is 40.50% and for regular members is 25.75%. The actuarially required increases represent funds that would otherwise be used to support services and programs for the citizens of Nevada. A change in the system is required. It is interesting to note that faculty of the Nevada System of Higher Education (NSHE) are and have been on a defined contribution plan.

**AB 364 – Reserve Military Leave; PERS**

Sponsor: Assemblyman Paul Anderson, et al (8 co-sponsors); referred to Committee on Government Affairs. (BDR 23-1014)

Increases from 15 working days to 39 working days per calendar year the period during which certain public officers and employees who are also active U.S. Armed Forces or National Guard reservist can be relieved with pay to serve on active duty. Such public officers and employees are authorized to purchase service credit in the Public Employees Retirement Service (PERS) under certain circumstances.

Fiscal effect: Yes, on State.

**EDUCATION****AB 328 – Basic Support Guarantee for Schools**

Sponsor: Assemblyman Elliot Anderson; referred to Committee on Ways and Means. (BDR 34-725)

Revises the existing calculation of the basic support guarantee for a school district to include an additional percentage for each limited English proficient pupil as follows: For districts with 780 or fewer pupils, 121 percent; for districts with 781 to 6,501 pupils, 56 percent; for districts with more than 6,501 pupils enrolled, 47 percent.

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

Effective: July 1, 2013

**AB 343 – Teacher Compensation**

Sponsors: Assemblymen Kirner and Hickey; referred to Committee on Education. (BDR 34-1020)

Amends existing law to provide that in order for a teacher to receive credit on the schedule of salaries for a specific level of education achieved by the teacher, the board of trustees must determine that the subject area of the course or courses taken relate to the subject area taught by the teacher.

Effective: July 1, 2013.

**SB 290 – Empowerment Schools: Parent Petition**

Sponsor: Senator Manendo, by request; referred to Committee on Education. (BDR 34-562)

Authorizes parents and legal guardians of pupils who are enrolled in a public school, or are expected to be enrolled in that school in the next school year, to submit to the board of trustees of the school district a petition requesting the board of trustees to convert the public school to an empowerment school. The petition must be signed by at least 51 percent of the parents or guardians, among other provisions. Prescribes the course of action of a school board after receiving such a petition. Requires that parents or guardians appointed to the empowerment team must have signed the petition.

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.

*See SB 311, below on this page.*

**SB 291 – Prekindergarten Program**

Sponsor: Senator Roberson, et al (6 co-sponsors); referred to Committee on Education. (BDR 34-857)

*See SB 291 under “Education” heading on page 67 of this report.*

**SB 292 – After School Programs**

Sponsor: Senator Woodhouse, et al (2 co-sponsors); referred to Committee on Finance.

Makes an appropriation of \$1 million to the Greater Las Vegas After-School All-Stars for the implementation and operation of after-school programs in certain at-risk schools within the Clark County School District (CCSD). All-Stars is to work with CCSD to identify the schools for the program. All-Stars is to submit reports on expenditure details to the Interim Finance Committee and any funds not committed for expenditure on June 30, 2015 are to be reverted.

Fiscal effect: On State.

Effective: July 1, 2013

**SB 311 – Empowerment Schools: Eligibility and Petition**

Sponsor: Senator Ford; referred to Committee on Education. (BDR 34-637)

Requires school boards to annually post on the district’s website a list of schools eligible for conversion to empowerment schools. If 55 percent of parents and guardians petition the trustees for conversion, the procedure begins according to the provisions set forth. Parents and guardians may also petition the trustees, using the same requirements, to reverse the conversion and such a petition is processed in the same manner.

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.

*See SB 290, above on this page.*

**SB 328 – Career and Technical Schools**

Sponsor: Senator Settlemeyer, et al (2 co-sponsors); Joint Sponsor: Assemblyman Grady, et al (2 co-sponsors); referred to Committee on Education. (BDR 34-937)

Amends existing law to provide specific direction for the distribution and allocation of federal and state money to technical and career schools, including, unless waived, requiring matching funds be supplied by a school for grants from federal distribution amounts; limiting the amount of state appropriations that may be spent on leadership and training and specifying the subject areas that are to receive equal distributions of state funds. Requires the Executive Officer of the State Board for Career and Technical Education to appoint an oversight person in each of 6 subject areas.

**SB 350 – School District Capital Projects**

Sponsors: Senator Hutchison and Roberson; referred to Committee on Finance. (BDR 34-1059)

To the extent that certain taxes deposited in a school district’s capital projects fund have not been pledged, authorizes the use of such proceeds to make payments on installment-purchase agreements or lease-purchase agreements as specified. Expands the list of authorized purposes for general obligation bonds to include the purchase of motor vehicles and other transportation-related equipment, and equipment used to educate pupils.

Effective: July 1, 2013

**Position: Amend.** If the taxes have been approved by the voters for specific purposes, the provisions of this bill should not apply.

**SB 386 – Teacher and Administrator Compensation and Evaluation**

Sponsor: Senator Roberson, et al (3 co-sponsors); referred to Committee on Education. (BDR 34-865)

This is an extensive bill relating to teacher and administrator evaluations; development of and orientation with performance evaluation systems by school districts; use of evaluation results in applying the schedule of salaries for teachers and administrators; grounds and procedures for dismissal of teachers or administrators; extensions of probationary periods; and other matters.

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

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

*See SB 407 below on this page.*

**SB 391 – Community Colleges Administration**

Sponsor: Senator Cegavske, et al (7 co-sponsors); referred to Committee on Education. (BDR 34-952)

Provides, in skeleton form, for transfer of administration of community colleges from the Board of Regents to the Department of Education. The Department shall develop a 4-year plan of management, cost, curriculum and other matters and update it biennially for the Legislature.

Fiscal effect: Yes, on State

Effective January 1, 2014

**SB 407 - Performance Evaluation**

Sponsor: Senators Smith and Woodhouse; Joint Sponsor: Assemblywoman Dondero Loop; referred to Committee on Education. (BDR 34-143)

Delays implementation of the program of performance pay and enhanced compensation for licensed teachers and administrators developed by each school district by one year to the 2014-2015 school year. Change the source of the pupil achievement data, upon which 50 percent of the evaluations are based, to data prescribed by the State Board of Education and makes other adjustments to the existing law. Provides extensive directives for implementation of the evaluation system. Requires the Teachers and Leaders Council to make recommendations to the State Board for the evaluation of school counselors, librarians and other licensed educational personnel in addition to teachers and administrators. Makes an appropriation to the Council (Department of Education) of \$50,000 for costs associated with this work.

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

Effective: July 1, 2013

*See SB 386 above on this page.*

**NEVADA GOVERNMENT****SB 353 – Public Negotiation Meetings**

Sponsor: Senator Hutchison; referred to Committee on Government Affairs. (BDR 23-851)

Requires the negotiation of any collective bargaining agreement for which the estimated cost to the local government employer is \$100,000 or more to occur in a public meeting. Requires local governments, the Purchasing Division and the State Public Works Division to hold an open and public hearing before entering into certain contracts for which the estimated cost is \$100,000 or more.

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

**Position: Support.** This provides transparency to the citizens on the expenditure of revenue they have generated through the taxes they pay.

**AB 408 - Business Impact Statements (BIS)**

Requested by Assemblywoman Neal, referred to Committee on Government Affairs (BDR 18-416)

The procedure for developing a BIS by state agencies and local government is to be expanded to include the requirement an executive head or other responsible person (chief legal officer for a local government) sign a statement certifying that a concerted effort was made to determine the impact of a proposed regulation or ordinance and that the information contained is accurate. A state agency is required to submit the BIS with the proposed regulation to the Legislative Counsel, if the BIS is not submitted with the regulation. The Legislative Commission or the Subcommittee to Review Regulations can reject a regulation if the BIS is inaccurate, incomplete or underestimated the economic effect of the regulation. If a business submits a petition to the agency that it is aggrieved by the regulation that petition must accompany the regulation. A business aggrieved by a rule adopted by a local governing body may commence a court action if the statement is inaccurate, incomplete or underestimated the economic effect of the regulation. .

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

Effective: July 1, 2013

Comment: For the purposes of state regulations the BIS applies to “small business” which is defined as a business conducted for profit which employs fewer than 150 full-time or part-time employees. For local government the BIS applies to all businesses or trades conducted for profit.

**Position: Support and Amend.** The degree to which state agencies and local governments solicit information regarding the impact on business of regulations or rules ranges from almost non-existent to very thorough. The provisions within this bill will provide the incentive for greater input from the business community and have more accurate statements. An amendment is needed to provide that the BIS will be available at the time the agency has posted the regulatory workshop, or the local government has agendized notice of a proposed rule/ordinance hearing.

State**AB 311 – Human Trafficking Victims Fund**

Sponsor: Assemblyman Sprinkle, et al (8 co-sponsors); referred to Committee on Judiciary. (BDR 16-715)

Creates the Contingency Account for Victims of Human Trafficking in the General Fund to be administered by the Interim Finance Committee and used to fund programs through non-profit or state agencies or political subdivisions to service victims of human trafficking. IFC is authorized to accept donations, grants and other money for the Account.

Effective: July 1, 2013

**AB 319 – Voter Identification**

Sponsor: Assemblyman Stewart, et al (8 co-sponsors); referred to Committee on Legislative Operations and Elections. (BDR 24-162)

Requires voters to present photo ID – driver's license, passport, military ID, Indian tribe ID card or voter ID card issued by a county clerk – in order to vote at a polling place. County clerks are required to issue voter ID cards, with photographs, free of charge to those who do not possess other stipulated identification. The Secretary of State is required to supply county clerks with the training and equipment needed.

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

Effective: October 1, 2013 for regulations and October 1, 2014 for all other purposes.

**AB 321 – State Employee Merit Award Program**

Sponsor: Assemblyman Paul Anderson, et al (17 co-sponsors); Joint Sponsor: Senator Hammond, et al (2 co-sponsors); referred to Committee on Government Affairs. (BDR 23-760)

Limits the amount of the award for suggestions that reduce, eliminate or avoid state expenditures to \$3,500 or 20 percent of actual savings realized from \$25,000 or 10 percent of savings.

Effective: July 1, 2013

**AB 327 – State Accountability**

Sponsor: Assemblyman Martin, et al (8 co-sponsors); Joint Sponsor: Senator Atkinson, et al (3 co-sponsors); referred to Committee on Government Affairs. (BDR 31-554)

Transfers the Division of Internal Audits, including its powers and duties, from the Department of Administration to the Office of the Controller. Requires the Controller to establish and advertise a phone number for receiving information on fraud or waste of public money. Written notice of this phone number must be posted in each building of an agency or local government and any location where public money is being used.

Fiscal effect: Yes, on State.

Effective: July 1, 2013

**AB 340 – Regulation of Firearms**

Sponsor: Assemblyman Hambrick; referred to Committee on Government Affairs. (BDR 20-643)

Revises existing law to establish exclusive state control over regulations and policies concerning firearms, firearm accessories and ammunition, including regulation of the transfer, sale, purchase, possession, carrying, ownership, transportation, storage, registration licensing. Any related ordinance or regulation of a local government, including those previously grandfathered, are preempted. The term firearm means any device than can, or can be converted to, expel a projectile through the barrel, including pistols, revolvers, rifles, and shotguns.

Fiscal effect: May have impact on local government.

Effective: Upon passage and approval.

**AB 371 - Charter Agencies**

Requested by Assemblyman Duncan, et al (9 co-sponsors), referred to the Committee on Government Affairs (BDR 18-718)

The Governor, by executive order, may designate any state agency as a charter agency. Provides that all employees of the department are unclassified; that the Governor and director of the designated agency must enter into a performance agreement prior to the beginning of each fiscal year. The period for the agreement is the next fiscal year and the agreement must set forth measurable organizational and individual goals for the director in key operational areas. Annual bonuses may be granted to the director of the agency by the Governor and by the director to staff for meeting goals of the performance contract (the director) and employee performance evaluations. Streamlines or provides exemptions to many statutory provisions upon the approval of the Legislative Commission, and requires a report to be filed annually with Legislative Counsel Bureau summarizing the activities and expenditures for the preceding fiscal year.

Effective: July 1, 2013 and expires by limitation on June 30, 2019.

Comment: This is generally patterned after Iowa's charter agency law passed in 2003.

**SB 306 – Medicaid Co-Pays**

Sponsor: Senator Kieckhefer; referred to Committee on Health and Human Services. (BDR 38-839)

Requires the Director of the Department of Health and Human Services to include in the State Plan for Medicaid, to the extent authorized by federal law, a requirement that recipients made eligible for Medicaid by the Patient Protection and Affordable Care Act pay a copayment for certain services received under Medicaid. The co-pay amounts are \$5 for an emergency room visit and \$2 for an urgent care facility visit and apply only to non-emergency visits.

Effective: July 1, 2013

**SB 322 – Transportation Board**

Introduced by Committee on Transportation and referred to same. (BDR 35-1075)

Revises the composition and expands, from 8 to 11 members, the Board of Directors of the Department of Transportation. Makes all Board seats Governor-appointed and mandates that 8 must be from Clark County, 2 from Washoe County and one from a county under 400,000. Eligibility is restricted to the initial and one additional 4-year term. Expires the terms of all existing members on December 31, 2013 and requires the Governor to appoint 11 new members on or before January 1, 2014 with stipulated, staggered initial terms of 4, 5 or 6 years.

Fiscal effect: Yes, on State.

Effective: January 1, 2014

**SB 376 – Museum and Arts Preservation**

Sponsor: Senator Segerblom, et al (2 co-sponsors); Joint sponsor: Assemblywoman Carlton, et al (5 co-sponsors); referred to Committee on Government Affairs. (BDR 18-625)

Proposes a ballot question to 1) expand the duties of the Commission for Cultural Affairs to include the preservation and promotion of the arts and museums; 2) create the Fund for the Preservation and Promotion of the Arts and Museums, and 3) authorize the issuance of general obligation bonds to fund the preservation and promotion of the arts and museums. If the ballot measure is approved, various provisions to put those activities in place are cited. The general obligation bonds are limited to \$10 million per year and \$100 million over a 10-year period.

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

Effective: Upon passage and approval and January 1, 2015 if the measure is approved by voters in November, 2014.

**Local****AB 340 – Regulation of Firearms**

Sponsor: Assemblyman Hambrick; referred to Committee on Government Affairs. (BDR 20-643)

*See previous page, under "State" heading.*

**AB 363 – Public Nuisance Abatement: Junk Cars**

Sponsor: Assemblyman Carrillo; referred to Committee on Government Affairs. (BDR 20-663)

Amends existing law to add abandoned, inoperable, unregistered or junk vehicles to definitions of public nuisance and authorizes county commissions to adopt ordinances to have towing services remove the vehicles and for notices to be provided. The registered owner of such a vehicle is responsible for the cost of towing unless it can be shown that the car was stolen or sold.

**AB 374 – Event Permits**

Sponsor: Assemblyman Bobzien, et al (17 co-sponsors); Joint Sponsor: Senator Kihuen, et al (4 co-sponsors); referred to Committee on Government Affairs. (BDR 20-520)

Prohibits a county commission from regulating, licensing or requiring any permit or fee for any assembly, event or activity occurring on Federal land if a federal agency has issued a permit or otherwise authorized the event.

Fiscal effect: May have impact on local government.

Effective: July 1, 2013

Comment: Burning Man Festival.

**AB 387 – Counties Under 100,000: Expenditure Restrictions**

Sponsor: Assemblyman Wheeler, et al (2 co-sponsors); Joint Sponsors: Senators Gustavson and Segerblom); referred to Committee on Government Affairs. (BDR 30-564)

Requires municipalities in a county of less than 100,000 to submit proposals to incur or renew bond issues to the voters and to receive approval of two-thirds of the municipality's voters to pass. Any failed proposal may not be resubmitted to the voters for at least 5 years. Requires a municipality that levies a tax for bond payment to discontinue the tax when the bond is discharged. The tax collections of these local governments are limited to an amount not greater than 110 percent of a fiscal year's financial obligations and reasonable reserves. Any excess is to be rebated or refunded. Upon request of any person not earlier than 45 days after close of a fiscal year, documentation of compliance must be provided within 10 days.

Fiscal effect: May have impact on local government.

Effective: July 1, 2013

**NTA Position: Oppose as written.** This bill has no provision to allow for an emergency to supersede the 5-year restriction of taking a bond issue to the voters or because of a federal court order. Additionally, the return or rebate of revenue raised or collected in excess of the amount allowed is problematic (refer to the state's return of \$300 million in 2005). If there are excess funds, it would be better to have them deposited to a rainy day or infrastructure fund. Additionally, regarding the records request for the purpose of determining compliance with the bill's provision, there would be a more accurate accounting if the request occurred after the required independent audit is completed.

**SB 294 – Abolishes the Constable’s Office: City of Las Vegas**

Sponsor: Senator Roberson; Joint Sponsor: Assemblyman Hickey, et al (5 co-sponsors); referred to Committee on Government Affairs. (BDR 20-902)

Provides that in a city whose population is 500,000 or more (Las Vegas), the sheriff serves as ex officio constable and without additional compensation. Abolishes the office of constable in any city whose population is 500,000 or more and the term of office of any elected constable serving in such a city expires upon passage and approval of this bill.

Effective: Upon passage and approval.

Comment: The Clark County Commission recently voted to abolish the office of the Las Vegas Constable. However, the abolishment occur at the end of the term of the current constable.

**SB 337 – Rural Governments: TIDs and Redevelopment Areas**

Sponsors: Senators Cegavske and Goicoechea; Joint Sponsor: Assemblyman Oscarson; referred to Committee on Government Affairs. (BDR 21-92)

Prohibits a governing body in a county whose population is less than 55,000 ( all counties but Clark, Washoe and Carson City), or in any city in the a county, from pledging money from local school support taxes in connection with any tourism improvement district (TID) created on or after July 1, 2013. Removes the prohibition for these counties to create a TID that includes within its boundaries any property also included within a redevelopment area. Modifies or nullifies various conditions relating to creation of a TID and amends prepayment provisions for these local entities.

Effective: July 1, 2013

**SB 406 - Revises Tourism Improvement Districts (TID)**

Requester by Senator Smith, et al (4 co-sponsors); Joint Sponsors Assemblywoman Kirkpatrick, et al (2 co-sponsors), referred to Committee on Government Affairs (BDR 21-139)

A governing body of a municipality may not include in an ordinance for a TID the pledge of any revenues generated by the local portion of the school support tax (sales tax), currently 2.60 percent. The report submitted to the Legislative Counsel Bureau must separately provide the required information for each district in the municipality. If the information disclosed would be about an individual business, the information is provided in the aggregate and extends this provision to the report by the department of taxation. Reimbursement that includes the relocation of a retailer from another area within the county within 6 months after closing the location outside the TID is prohibited.

Fiscal effect: May have fiscal impact on local government.

Effective: July 1, 2013

**ELECTIONS****SB 325 – Ballot Question Requirements**

Sponsor: Senator Spearman; referred to Committee on Legislative Operations and Elections. (BDR 24-953)

Requires the explanation accompanying statewide ballot measures to include a digest of any existing laws directly related to the measure and a summary of how the measure adds to, changes or repeals such existing laws. The inclusion of a digest also applies to local advisory, referendum, and initiative ballot questions. Expands to all counties and cities the existing requirement that separate support and opposition committees be appointed to write arguments on a ballot issue of any kind, including advisory questions.

Effective: July 1, 2013

Comment: It would appear that if the State proposed a debt question to the voters that a digest would be required. However, debt questions do not add to, repeal or change existing law.

**LEGISLATURE****AB 314 – Lobbyist Rules of Conduct**

Sponsor: Assemblywoman Spiegel, et al (13 co-sponsors); Joint Sponsor: Senator Segerblom, et al (2 co-sponsors); referred to Committee on Legislative Operations and Elections. (BDR 17-1027)

Establishes in existing law both voluntary and mandatory codes of ethics for lobbyists and requires the Director to provide training on the Nevada Ethics in Lobbying Act, and other matters, before each regular and special Session. Prescribes periods of lobbyist registration suspension for certain violations of the Act.

Fiscal effect: Yes, on State.

**AB 350 – Reports to the Legislature**

Sponsors: Assemblywomen Benitez-Thompson and Kirkpatrick; referred to Committee on Legislative Operations and Elections. (BDR 17-794)

Revises NRS 220, “The Revisions of Statutes” to requires legislation with a provision for a report to the Legislature must either include a 5-year sunset on that provision or include a statement justifying the need for a report. The Legislative Commission is to review all report requirements that are more than 4 years old and particularly those enacted in the 2007, 2009 and 2011 Sessions and report to the Legislature on whether there is continued need for the reports. *See SB 405 on page 67 of this issue.*

Fiscal effect: Yes, on State.

Effective: July 1, 2013

NTA Position: **Support.** Many reports outlive their usefulness; this would solve that problem.

**AB 383 – Sunset Subcommittee**

Sponsor: Assemblywoman Bustamante Adams; Joint Sponsor: Senator Kieckhefer; referred to Committee on Government Affairs. (BDR 18-160)

Amends existing law to require the Sunset Subcommittee of the Legislative Commission to review not less than 10 boards and commissions (rather than 20) during each legislative interim. A list of proposed entities to be reviewed is to be submitted to the Legislative Commission for consideration, possible revision and approval. Removes the provision requiring written assessments be submitted to the Commission. Authorizes the Sunset Subcommittee to recommend to the Legislative Commission that an audit be conducted of any board or commission, and a maximum of four such audits may be conducted during any one interim. Specifies that the general public members of the Subcommittee non-voting members.

Fiscal effect: Yes, on State.

Effective: Upon passage and approval.

**SB 405 – Reports to Legislature**

Sponsor: Senator Smith, et al (5 co-sponsors); Joint Sponsor: Assembly members Kirkpatrick and Sprinkle; referred to Committee on Legislative Operations and Elections. (BDR 17-541)

Revises NRS 218D “Legislative Measures and Procedures” to eliminate the requirement for submission of obsolete and redundant reports to the Legislative Counsel Bureau. The Director is to develop recommendations to eliminate or revise the requirement for submission of other obsolete and redundant reports. The recommendations are to be presented to the Legislative Commission by July 1 in an even-numbered year.

Fiscal effect: Yes, on State.

Effective: July 1, 2013

**NTA Position: Support.** This should be a no-brainer.

**APPROPRIATIONS**

**NOT Included in Executive Budget**

**AB 398 – DMV Las Vegas Branch Office**

Sponsor: Assemblyman Munford, et al (6 co-sponsors); referred to Committee on Ways and Means. (BDR S-1018)

Appropriates \$135,000 in each of fiscal years 2013-2014 and 2014-2015 to the Department of Motor Vehicles from the State Highway Fund for creation and maintenance of a DMV branch office in Assembly District 6 in Clark County. Any funds not committed by June 30 of the respective fiscal years must revert to the State Highway Fund.

Fiscal effect: Yes, on State.

Effective: Upon passage and approval.

**AB 410 – Business Development Pilot Program**

Sponsor: Assemblywoman Neal; referred to Committee on Taxation. (BDR S-33)

Makes an appropriation of \$250,000 to the Center for Business and Economic Research at UNLV to buy software, hire personnel and provide services to the pilot program. See AB 409 under “Business Issues” on page 59 of this issue.

**SB 291 – Prekindergarten Program**

Sponsor: Senator Roberson, et al (6 co-sponsors); referred to Committee on Education. (BDR 34-857)

Requires the Clark County School District to establish a prekindergarten program for limited English proficient children and outlines the program content. Requires the school board to annually evaluate the program using nationally recognized assessment methods and report to the Department of Education. Makes an appropriation of \$20 million for each of fiscal years 2013-2014 and 2014-2015 to the Clark County School District to establish and run the program.

Fiscal effect: On State.

Effective: July 1, 2013

**SB 292 – After School Programs**

Sponsor: Senator Woodhouse, et al (2 co-sponsors); referred to Committee on Finance.

An appropriation of \$1 million is made to the Greater Las Vegas After-School All-Stars for the implementation and operation of after-school programs in certain at-risk schools within the Clark County School District (CCSD).

Fiscal effect: On State.

Effective: July 1, 2013

*See SB 292 under “Education” heading on page 62 of this issue for additional description.*

**SB 293 - Education of Dependent Children Trust Account**

Sponsor: Senator Smith; referred to Committee on Finance. (BDR S-140)

Makes an appropriation from the State General Fund to the Trust Account for the Education of Dependent Children.

For the Fiscal Year 2013-2014 ..... \$20,000

For the Fiscal Year 2014-2015 ..... \$20,000

Fiscal effect: On State: Contains appropriation not included in Executive Budget.

Effective: July 1, 2013



**SB 345 – Advisory Council on Science, Technology, Engineering and Mathematics**

Sponsor: Senator Woodhouse, et al (9 co-sponsors); Joint Sponsors: Assemblywomen Dondero Loop and Swank; referred to Committee on Education. (BDR S-700)

Creates the 15-member Advisory Council on Science, Technology, Engineering and Mathematics (STEM) to devise a strategic plan for developing education resources and recognizing exemplary student and schools in these fields. The Council, which expires by limitation on June 30, 2015, is to study STEM programs in Nevada and other states and make recommendations on instruction and curriculum to the Legislature. Makes an appropriation of \$50,000 from the General Fund to the Council to hire a person with experience in writing grant proposals and in developing strategic plans to assist the Council in carrying out its duties. Fiscal effect: Yes, on State. Contains appropriation not included in Executive Budget.

Effective: July 1, 2013

**SB 394 – Intermediate Sanction Facilities**

Sponsor: Senators Segerblom and Parks; referred to Committee on Judiciary. (BDR S-498)

An appropriation of \$1 million in each of the fiscal years 2013-2014 and 2014-2015 is made to the Department of Health and Human Services to pay for the evaluation and treatment of probation violators and offenders. Makes the intermediate sanction facility pilot program of Department of Corrections enacted by the 2011 Legislature into a permanent program through June 30, 2017, to be operated in both the north and south of the state, and makes provisions for its operation and coverage..

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

**SB 398 – Boys and Girls Club Program**

Sponsor: Senator Kihuen; Joint Sponsors: Assembly members Diaz and Carrillo; referred to Committee on Finance. (BDR S-1053)

An appropriation of \$2 million is made from the General Fund to the Nevada Alliance of Boys and Girls Clubs, Inc., for the establishment and operation of the "AfterSchool KidzLit" program. Any balance not committed on June 30, 2015 must revert to the General Fund.

Fiscal effect: Yes, on State.

Effective: July 1, 2013

**SB 412 – Senior Citizen Education Subsidy**

Sponsor: Senator Woodhouse, et al (6 co-sponsors); referred to Committee on Finance. (BDR S-1048)

Makes an appropriation of \$50,000 to the Nevada System of Higher Education to allow senior citizens who are 62 years of age or older to audit a class for a nominal fee, provided that space is available in that class. Any remaining balance on June 30, 2015 must be reverted to the General Fund.

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

Effective: Upon passage and approval.

**BUDGET****AB 333 – Executive Budget: Tax Abatement Analyses**

Sponsor: Assemblyman Healey, et al (6 co-sponsors); Joint Sponsor: Senator Jones; referred to Committee on Government Affairs. (BDR 31-811)

Requires the Executive Budget to include information on the analyses of costs and benefits of any tax abatements in effect during the previous two fiscal years by each agency that approves such incentives. The Chief of the Budget Division is to prescribe the methodology for such analyses and all reports are to be public records.

Fiscal effect: Yes, on State.

Effective: July 1, 2013

**SB 372 – State General Fund Expenditure Cap Updated**

Requested by Senator Kieckhefer, referred to the Committee on Government Affairs (BDR 31-181)

The formula for the expenditure cap is revised to an immediately preceding 60-month rolling average of total general fund expenditures, less any expenditure that has been removed from the general fund. The calculation of the limit (population and CPI) of increase in the budget is changed. The determination of population and CPI years is changed to the period or periods preceding the budget preparation for the ensuing biennium. In preparing the proposed biennium budget, the Chief of the Budget Division within the Department of Administration must compare the revenues of general fund under the expenditure cap the most recent forecast of the Economic Forum. If the revenue forecast of the Economic Forum exceeds the expenditure limits, 60 percent of the excess is transferred to the state's rainy day fund and 40 percent is restricted for use to the following purposes: capital expenditures; reducing the state's unfunded liabilities; providing one-time matching grant funds; employee training and education; and acquisition or improvement of technology supplemental appropriations. If the revenues are less than expenditures the amount of the proposed budget cannot exceed the smaller of the amount authorized by the legislature for the current biennium or the most recent forecast of the Economic Forum plus the amount available for appropriation from the rainy day fund.

Effective: July 1, 2013. The current provision (NRS 353.185 which specifies the powers and duties of the Chief of the Budget Division expires by limitation on June 30, 2017.

*Continued on next page*

***SB 372 – State General Fund Expenditure Cap Updated, continued***

**Comments:** The original expenditure cap was approved by the 1979 Legislature which established the expenditure cap base year for the biennium beginning in 1975. The rainy day fund referenced in the above description is referred to in statute as the Fund to Stabilize the Operation of State Government.

**Position: Support.** This update of the expenditure cap is long overdue. The rolling 5-year average of expenditures will smooth out the highs and lows of the economy. Another stabilizing feature of the updated cap is the provision that specifies the use of excess revenue.

**SB 408 – Privatization**

Sponsor: Senator Smith, et al (5 co-sponsors); Joint Sponsor: Assemblywoman Kirkpatrick, et al (2 co-sponsors); referred to Committee on Government Affairs (BDR 31-828)

Requires state agencies to develop a privatization plan for any proposal to privatize a governmental service through the execution of a privatization contract if the proposal has an expected cost to the agency of at least \$100,000 during a biennium. Requires performance reviews be conducted on contracts at that level and the results, along with privatization plans, be sent to the Budget Director for inclusion in the next proposed budget. Certain reports are to be sent to the Interim Finance Committee.

**Fiscal effect:** Yes, on State.

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

**Position: Pending.**

**GENERAL INTEREST****AB 316 – Medical Records Privacy**

Sponsor: Assemblywoman Dondero Loop, et al (2 co-sponsors); referred to Assembly Health and Human Services. (BDR 40-233)

Expands existing law to stipulate that any person who receives health records from a person or entity subject to the Health Insurance Portability and Accountability Act of 1996 (HIPAA) is prohibited from disclosing any of that information. Nevadans who are harmed by any such sharing or disclosure are authorized to bring action and recover civil damages from the entity that provided the health care records.

**Effective:** July 1, 2013

**AB 329 – Taxicab Authority: Flat Rates**

Sponsor: Assemblyman Martin, et al (7 co-sponsors); referred to Committee on Transportation. (BDR 58-555)

Requires the Taxicab Authority to establish flat rate fares from an international airport and any destination or origin in that county that the Authority determines has had a substantial history of “long hauling.” Requires the Authority to establish a hot line for passenger complaints. Doubles the fines to be imposed on taxi drivers who violate certain standards of conduct, including long hauling, and requires a third offense is punishable by a 12-month license revocation. Requires the Taxicab and Nevada Transportation Authorities to initiate a pilot program of electronic monitoring of movement to determine if such a system is feasible and desirable for the agencies in carrying out their duties.

**Fiscal effect:** Yes, on State.

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

**AB 330 – Labeling for Genetically Engineered Food**

Sponsor: Assemblyman Aizley, et al (4 co-sponsors); referred to Assembly Committee on Health and Human Services. (BDR 51-955)

Provides, with certain exceptions, that genetically engineered foods, agricultural products and seeds must carry the label advice “Genetically Engineered” or the producer will suffer a penalty of not more than \$1,000 per violation.

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

**Effective:** Upon passage and approval for regulations and January 1, 2015 for all other purposes.

**AB 355 – Vehicle Insurance Verification**

Sponsor: Assemblyman Livermore, et al (8 co-sponsors); referred to Committee on Transportation. (BDR 43-53)

Creates a grace period for vehicle insurance coverage of 24 hours and requires the DMV to create an administrative appeal process a lapse in coverage penalty. Requires liability insurance policies to carry an expiration date of the last minute of the last hour of the policy expiration date.

**Fiscal effect:** Yes, on State.

**Effective:** July 1, 2013

**SB 296 – Damage Recovery Limits**

Sponsor: Senator Roberson; referred to Committee on Judiciary. (BDR 3-825)

Limits, under certain circumstances, the amount and nature of damages a plaintiff or claimant may recover in a civil action arising from a motor vehicle accident if the claimant or plaintiff did not have such insurance themselves at the time of the accident. Does not apply if the motorist was operating under the influence of drugs or alcohol.

**SB 387 – Motor Vehicle Registration, Insurance**

Sponsor: Senator Parks; referred to Committee on Transportation. (BDR 43-452)

Returns to 60 days from 30 days the deadline for a new resident to register a vehicle and eliminates the requirement that a nonresident register his or her motor vehicle in this State unless it is used in this State for a gainful purpose. Provides that any penalty imposed by DMV for a lapse in insurance coverage is on a per policy rather than per vehicle basis and forgives the lapse if it is for 24 hours or less. Requires coverage of insurance policies expire at 11:59 pm of the last day.

Fiscal effect: Yes, on State.

Effective: Upon passage and approval.

<b>STUDIES</b>
----------------

**AB 361 – Community Paramedicine Programs Study**

Sponsor: Assemblyman Oscarson, et al (6 co-sponsors); referred to Committee on Legislative Operations and Elections. (BDR S-1040)

Directs the Legislative Committee on Health Care to conduct an interim study to determine the benefits and feasibility of providing community paramedicine programs. Such a program is an organized system of services based on local needs provided by emergency medical technicians and paramedics acting in expanded roles under physician supervision.

**SB 298 – Senior Citizens Property Tax Assistance Study**

Sponsor: Senator Woodhouse, et al (3 co-sponsors); Joint Sponsor: Assemblyman Stewart; referred to Committee on Legislative Operations and Elections. (BDR S-735)

Requires the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs to conduct a study concerning property tax relief for senior citizens in this State, including the feasibility of reenacting the Senior Citizens Property Tax Assistance Program, which was repealed in the 2011 Session of the Legislature, and to submit a report with the results of the study and any recommendations for legislation to the 78th Session of the Nevada Legislature.

Effective: July 1, 2013

**SB 318 – Health Insurance Claims and Payments Study**

Sponsor: Senator Hardy; referred to Committee on Health and Human Services. (BDR S-1061)

Requires the Legislative Committee on Health Care to conduct an interim study on claims, coverage and payments under policies of dental and health insurance. The study is to include issues relating to the coordination of benefits for coverage of procedures, including, without limitation, oral surgery, where the patient has multiple dental or medical plans which may provide coverage. A report and recommendations are to be submitted to the 2015 (78<sup>th</sup>) Legislature.

Effective: July 1, 2013

---