

# LEGISLATIVE REPORT

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

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This issue of Legislative Report contains a summary of bills which directly or indirectly will have an impact on our members or be of interest to our members. It does not include industry specific bills.

Notes:

Page numbers continue in sequence from the last issue.

To access the full text of the bills reported in this issue, use the link which appears at the end of the bill summary.

Unless otherwise shown, the effective date of bills reported is July 1, 2017.

To review all bills introduced to date or the BDR list, go to [www.leg.state.nv.us](http://www.leg.state.nv.us) and click on "Session Information – 2017".

## TAXES

### **Business and Excise Taxes**

#### **AB281 Commerce Tax**

Assemblymen Kramer and Titus, et al.; Senators Gustavson and Roberson, et al. and referred to the Committee on Taxation (BDR 32-922)

Allows a business to file an affidavit with its annual business filing to the Secretary of State if it does not have revenue above the \$4 million threshold for taxes due under the Commerce Tax.

**NTA Position: Support.** This streamlines filing for smaller businesses and eases compliance costs. It is important that the affidavit portion of these filings be made confidential as revenue is a proprietary concern.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB281.pdf>

#### **SB302 Early Implementation of Retail Marijuana — 2/3s vote required**

Senators Segerblom, Farley, Spearman, Cancela; Assemblymen Yeager and Brooks and referred to the Committee on Judiciary (BDR 40-545)

Provides for temporary authorization of marijuana while permanent regulations are promulgated for recreational (retail) marijuana. Imposes 15% excise taxes at both retail and production/distribution facilities and apportions these funds to the Distributive School Account and to Local Governments.

Effective on passage and approval.

**NTA Comment:** The bifurcated regulation of marijuana will likely result in unintended consequences. For those areas where regulation overlaps between medical and retail marijuana, rulemaking should be concurrently done with both agencies participating.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB302.pdf>

### **Miscellaneous Taxes**

#### **AB294 Transient Rental Platform Taxation**

Assemblywoman Bustamante Adams and referred to the Committee on Taxation (BDR 20-874)

Requires a local government that authorizes online platforms for short term transient lodging (residential rental units) to collect and remit the taxes imposed for the rental of transient housing in that locality.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB294.pdf>

#### **SB316 Clark County Room Tax Increase**

Senator Segerblom and referred to the Committee on Government Affairs (BDR 20-443)

Increases room taxes in Clark County by 2% and directs the proceeds to the county's school district fund for capital improvements.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB316.pdf>

### Abatements

#### **AB289 Abatements for Mining Related Facilities**

Assemblymen Wheeler, Ellison, Kramer, Oscarson and Hambrick, et al.; Senator Spearman et al. and referred to the Committee on Taxation (BDR 32-201)

Provides partial abatements of personal property and local sales and use taxes in addition to the reimbursement of permit fees upon the approval of an application submitted to the Office of Economic Development for a new or expanded facility for smelting, processing or refining ores. Also provides for an expedited review and approval process by the State Environmental Commission.

**NTA Comment:** Abatements should be reviewed by the money committees and possibly Government Affairs Committees so that their impact on local government finance is transparent to taxpayers within the jurisdictions.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB289.pdf>

### Administration

#### **AB 311 Distribution of Consolidated Tax (Fernley)**

Assemblywoman Titus; Senator Settlemeyer and referred to the Committee on Taxation (BDR 32-647)

Changes the number of services to be provided by a city from the current three (3) to two (2) and allows a special district that provides police or fire to request an additional distribution from the Consolidated Tax Distribution.

**NTA Comment:** This is not the first attempt to alter the distribution formula by the City of Fernley.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB311.pdf>

#### **SB281 Delinquent Taxes/Conveyance of Real Property**

Senator Manendo and referred to the Committee on Revenue and Economic Development (BDR 32-99)

Adds a homeowners association or a condominium hotel association to those organizations to which a property may be conveyed, so long as the association has recorded a notice of default and election to see the property which has not been rescinded.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB281.pdf>

## FEES, FINES & ASSESSMENTS

#### **AB279 Financial Institution Regulation — 2/3s vote required**

Committee on Commerce and Labor and referred to the Committee on Government Affairs (BDR 52-1085)

Changes the methods for determining fees for audits, investigations, etc. to require the Commissioner of Financial Institutions to set the fee for supervision of banks and other financial institutions and to publish the fee by December 31 for the following year. The fee is aligned to the percentage of increase to the Financial Institutions Division's budget.

**NTA Position: Amend.** Fees for supervision should be assessed to cover the costs of the supervision and not any larger. This bill could assess costs to licensees that are not attributable to them.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB279.pdf>

#### **AB315 Mobile Barbering — 2/3s vote required**

Assemblymen Thompson, Carrillo, Frierson, McCurdy II and Neal and referred to the Committee on Commerce and Labor (BDR 54-510)

Allows a currently licensed barber or barber school to operate a mobile unit for a fee with the location and permission from the property owner as well as notification to the Barber's Health and Sanitation Board of the number of customers served as well as, if a barbering school, the number of students serving customers at the mobile location. Each customer of a mobile location must be offered a satisfaction survey and these must be submitted to the Board.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB315.pdf>

#### **SB266 Home Healthcare Provider Licensure — 2/3s vote required**

Committee on Health and Human Services and referred to same (BDR 39-370)

Provides for certification and regulation of Community Based Living Arrangement Services and Supported Living (Continued on next page)

(SB266 continued)

Arrangement Services and authorizes the Division of Aging and Disability Services to charge a fee.

**NTA Comment:** The fee for this licensure should only cover the cost of oversight of these facilities.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB266.pdf>

### **SB296 Birth Certificates — 2/3s vote required**

Senators Hammond, Harris and Gansert, et al.; Assemblymen Titus and Paul Anderson, et al. and referred to the Committee on Health and Human Services (BDR 40-73)

Requires a certificate of still birth be filed in blank for each stillbirth in Nevada. Imposes a \$1 fee for this certificate.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB296.pdf>

## **BUSINESS**

### **AB276 Employment Discrimination**

Assemblymen Spiegel, Joiner and Diaz, et al.; Senators Parks, et al. and referred to the Committee on Judiciary (BDR 53-289)

Makes discrimination against an employee for discussing wages an unlawful employment practice.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB276.pdf>

### **AB280 State Purchasing Bidders Preference**

Assemblymen Frierson, Carrillo, Monroe-Moreno, Sprinkle and Neal, et al.; Senator Ford, et al. and referred to the Committee on Government Affairs (BDR 27-1060)

Provides a 5% bidders preference for state contracts to Nevada-based businesses and defines the criteria for meeting this threshold. Provides 10% bidders preference for contractors in design-build and construction manager at risk contracts. Also provides a misdemeanor penalty for violations including a 1% penalty paid to State Purchasing for willful non-compliance.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB280.pdf>

### **AB282 Service Member Contracts**

Assemblyman Elliot Anderson and referred to the Committee on Commerce and Labor (BDR 52-625)

Allows a service member who is deploying for more than 90 days to terminate, suspend or reinstate certain contracts including cellular telephone service, Internet service, video service and health club memberships without penalty.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB282.pdf>

### **AB300 Vocational Rehabilitation**

Assemblywoman Cohen and referred to the Committee on Commerce and Labor (BDR 53-759)

Doubles the time allowed for vocational rehabilitation programs based on disability rating. For disability ratings less than 11%, the time would go from 2 years to 4 years and for rating over 11%, from 2 ½ years to 5 years.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB300.pdf>

### **SB264 Business Entity Statute Update**

Committee on Judiciary and referred to same. (BDR 7-479)

This bill proposes substantial changes to business entities subject to NRS 78, NRS 83, NRS 86 and NRS 92A which are all administered by the Secretary of State.

**NTA Comment:** Section 1 (NRS 75) of the bill provides a statement of legislative intent. Further discussion will follow in a later issue of Legislative Report.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB264.pdf>

### **SB276 Workers Compensation Claims Administration**

Senator Settelmeyer and referred to the Committee on Commerce, Labor and Energy (BDR 53-888)

Allows processing claims for workers compensation by claims servicers out of state and provides for their accessibility to employers and employees.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB276.pdf>

**SB289 Out of Network Insurance Claims — Contains an Unfunded Mandate**

Senator Hardy and referred to the Committee on Commerce, Labor and Energy (BDR 57-675)

Requires an insurer which offers a policy of insurance that includes a network plan to compensate and out-of-network physician for services provided at either the amount billed by the physician or at the 80<sup>th</sup> percentile for the service within the geographic area where it was provided. Requires the Commissioner of Insurance to adopt a database containing benchmarks for charges for services.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB289.pdf>

**EDUCATION****K-12****AB312 Teacher Evaluations**

Assemblymen Miller, Spiegel, Ohrenschall and Carrillo, et al.; Senator Segerblom and referred to the Committee on Education (BDR 34-960)

Requires a teacher in a classroom whose student numbers exceed the teacher/student ratio for that grade to automatically receive the highest score for various criteria of measurement including learning environment, collaboration, classroom structure and cooperation between students.

**NTA Comment:** See also AB212 at page 11, issue 2; AB320 below and SB 303 below

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB312.pdf>

**AB320 Teacher Evaluations**

Assemblymen Frierson and Fumo and referred to the Committee on Education (BDR 34-1016)

Provides that no more than 20% of a teacher evaluation may be based on student achievement data. Reduces the number of evaluations a teacher who is rated effective receives.

**NTA Comment:** See also AB212 at page 11, issue 2; AB312 above and SB 303 below

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB320.pdf>

**SB301 Education Administration**

Committee on Education and referred to same (on behalf of the Legislative Sunset Subcommittee) (BDR 34-550)

Consolidates several freestanding education commissions into the Department of Education. These include the Commission on Educational Technology and the State Board for Career and Technical Education. The duties of these bodies become the responsibility of the Department and the Superintendent. The bill requires that one of the members of the state board be a teacher in a program that includes Career and Technical Education.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB301.pdf>

**SB303 Performance Assessment Audits — Contains an Unfunded Mandate**

Senators Woodhouse, Ford, Manendo, Denis and Parks, et al.; Assemblywoman Carlton, et al. and referred to the Committee on Education. (BDR S-306)

Requires the Department of Education to develop a method of auditing performance evaluations in accordance with the provisions of Every Student Succeeds Act of 2015, Public Law No. 114-95 (ESSA).

**NTA Comment:** See also AB212 at page 11, issue 2; AB312 and AB320 above

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB303.pdf>

**Higher Education****SB310 Silver State Opportunity Grant Program Eligibility**

Senator Kieckhefer and referred to the Committee on Education (BDR 34-878)

Revises the eligibility for Silver State Opportunity Grants for students in their last semester of study as well as for students for whom classes are not available and who elect to take those courses at another NSHE institution. Credit hours would be aggregated.

**NTA Comment:** See also AB188 at page 11, Issue 2 and AB202 at page 12, Issue 2

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB310.pdf>

**GOVERNMENT****State****AB318 State Purchasing**

Assemblywoman Tolles and referred to the Committee on Government Affairs (BDR 27-741)

Adds a company's connections to Nevada to those factors considered when state contracts are bid. These connections include state and local taxes paid, the number of offices maintained in Nevada, the number of employed or contracted persons in Nevada and the goods or commodities produced here. This connectedness factor is to be weighted higher than at least one other factor considered.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB318.pdf>

**Local****AB277 Land Use Planning**

Assemblymen Yeager, Frierson, Ohrenschall, Watkins and Oscarson, et al; Senators Segerblom, Parks, Cancela and Harris, et al. and referred to Committee on Government Affairs (BDR 22-954)

Restricts local government planning activities in or near two areas, Red Rock Canyon Conservation Area and Spring Mountains National Recreation Area including restrictions on new development.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB277.pdf>

**AB290 Collective Bargaining**

Assemblymen Wheeler, Kramer, Hambrick and Ellison and referred to the Committee on Government Affairs (BDR 23-35)

Allows the Employee Management Relations Board to hire a Deputy Commissioner and provides a \$300,000 appropriation to fund the position. Requires contracts be posted at least 21 business days before their adoption by a local government. Adds a sustainability review to both the negotiation, arbitration processes. Removes the exemption for school districts from the ending fund balance requirement.

**NTA Comment:** See also AB271, at page 21, Issue 3

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB290.pdf>

**AB297 Public Places for Online Buyers and Sellers to Meet**

Assemblymen Jauregui and Ohrenschall and referred to Committee on Government Affairs (BDR 20-765)

Requires each county to establish a public meeting place adjoining a fire station or police station for online buyers and sellers to meet and transact their business.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB297.pdf>

**AB306 Washoe County Tourism District**

Committee on Government Affairs and referred to same (BDR 20-731)

Requires at least 90% of the funds raised from the \$2/night assessment on lodging to be spent within the tourism district and for advertising and marketing the district.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB306.pdf>

**AB310 Public Administrators — Contains an Unfunded Mandate**

Assemblywoman Titus and referred to the Committee on Government Affairs (BDR 20-103)

Provides a fixed annual compensation for a public administrator for intestate decedents of at least \$12,000 as set by the county commission and allows the public administrator to also keep all fees as authorized in law.

**NTA Comment:** See SB304, below

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB310.pdf>

**SB304 Public Administrators — Contains an Unfunded Mandate**

Senators Settlemeyer and Roberson, et al.; Assemblywoman Titus, et al. and referred to the Committee on Government Affairs (BDR 20-1131)

Requires public administrators for intestate decedents to deposit any money received from the administration of an estate into the local county general fund. Requires the payment of a salary to the public administrator.

**NTA Comment:** See AB310, above

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB304.pdf>

**SB305 Court Appointed Child Advocates — Contains an Unfunded Mandate**

Senators Ratti, Ford, Segerblom, Manendo and Parks, et al. and referred to the Committee on Health and Human Services (BDR 38-926)

Requires a court to appoint an attorney to represent the interests of a child who has been abused or neglected in any proceeding in which the child is considered.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB305.pdf>

**SB313 Library Foundations**

Senator Denis and referred to the Committee on Education (BDR 33-804)

Provides that a public library may transfer money to a private library foundation to support the library for which the money is intended and may also enter into lease, lease purchase agreements or convey property to the foundation. Requires the public library foundation to comply with the Open Meeting Law but provides the library foundation does not have to disclose donors.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB313.pdf>

**SB315 Waste Management and Recycling — Contains an Unfunded Mandate**

Senators Farley, Denis, Parks and Woodhouse, et al.; Assemblyman Flores and referred to the Committee on Natural Resources (BDR 40-989)

Requires the State Environmental Commission to increase goals for recycling and creates the Nevada Council on Recycling and Materials Management. Disallows higher pricing to competitors of the operator of a disposal site. Prohibits exclusive agreements for collection and disposal/recycling of commercial and construction waste materials. Prohibits a local government from limiting competition for recycling materials.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB315.pdf>

**State and Local Government****SB297 Hybrid Public Employees Retirement Plans**

Senators Roberson and Settlemeyer, et al. and referred to the Committee on Government Affairs (BDR 23-843)

Creates a hybrid retirement plan for new employees and allows existing employees to opt into the program voluntarily.

**NTA Comment:** See AB71, at page 14, Issue 2

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB297.pdf>

**STATE BUDGET****Appropriations Not Included in Executive Budget****SB257 Foster Care of Children**

Senators Farley, Cannizzaro, Spearman, Ratti and Ford, et al. and referred to the Committee on Health and Human Services (BDR 38-662)

Requires the State Plan for Temporary Assistance to Needy Families (TANF) to include child-only assistance for children in foster care by a non-family member. Provides access to extracurricular activities for foster youth and appropriates \$200,000 to assist with those efforts. Appropriates \$53 million to the IT upgrade to the Case Management System. Appropriates \$200,000 to a TANF to study the child welfare system in Nevada.

**NTA Comment:** A careful review of these appropriations by the money committees is needed. This \$53 million appropriation outside the Executive Budget requires detailed review.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB257.pdf>



**SB300 Peer Assistance and Teacher Review**

Committee on Education and referred to Committee on Finance (BDR S-4)  
Appropriates \$4 million for Clark County School District to provide peer observations and mentoring for teachers to meet standards for effective teaching.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB300.pdf>

**SB306 Prisoner Communications**

Senators Ford, Parks, Cancela, Atkinson and Farley, et al. and referred to the Committee on Judiciary (BDR 16-298)  
Appropriates \$300,000 and creates a pilot program to provide prisoners with communications to appropriate family, etc. via technologies like Skype. Additionally, the prisoners would be able to use the devices to connect to education and training provided in an effort to ease reentry into the general population. Effective July 1, 2017 and expires on June 30, 2021.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB306.pdf>

**ELECTIONS****AB274 National Popular Vote**

Assemblymen Araujo, Joiner, Yeager, Diaz, Frierson, et al.; Senators Atkinson, Spearman and Manendo and referred to the Committee on Legislative Operations and Elections (BDR 24-1021)

Enacts the Agreement Among the States to Elect the President by National Popular Vote.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB274.pdf>

**AB293 Presidential Preference Primary Elections**

Assemblymen Araujo, Yeager, Flores, Diaz and Spiegel, et al.; Senators Segerblom and Manendo and referred to Committee on Legislative Operations and Elections (BDR 24-875)

Creates a county-run presidential preference primary election for major party candidates with two or more candidates on the ballot. Allows same day selection of party affiliation.

**NTA Comment:** See SB211, at page 23, Issue 3

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB293.pdf>

**LEGISLATURE****AB296 Legislative Drafting**

Assemblyman Elliot Anderson and referred to the Committee on Legislative Operations and Elections (BDR 17-956)  
Eliminates the restrictions on numbers of legislative measures as well as dates for requesting and introducing bills for legislators and legislative committees. **Effective July 1, 2019.**

**NTA Comment:** Removing the dates for requesting and introducing bills would present problems for the LCB staff based on the limitations of a 120 day session. Unlimited bill requests could present a similar problem.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB296.pdf>

**AB308 Legislative Fiscal Notes — Contains an Unfunded Mandate**

Assemblymen Frierson, Araujo, Thompson, Diaz and Bustamante Adams, et al. and referred to the Committee on Legislative Operations and Elections (BDR 17-854)

Allows a fiscal note, by request of the bill sponsor or another senator/assemblyman with the agreement of his leadership, that examines the disparate impact of legislation on race, ethnicity, gender, status as a senior citizen or status as a veteran. Provides the criteria for methodology of these reviews. Allows the Legislative Counsel Bureau Director to retain consultants to prepare and analyze these impact statements.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB308.pdf>

**GENERAL INTEREST****AB297 Public Places for Online Buyers and Sellers to Meet**

**NTA Comment:** See description under Local Government at page 29, this issue.

**AB317 Fictitious Firm Names**

Assemblywoman Spiegel and referred to the Committee on Government Affairs (BDR 52-1019)  
Prohibits the use of a fictitious firm name that imitates a governmental agency or entity from this state or any other state.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB317.pdf>

**SB288 Seatbelt Use**

Senators Parks, Segerblom, Manendo, Woodhouse, Cannizzaro, et al.; Assemblymen Tolles, et al. and referred to the Committee on Transportation (BDR 43-968)

Makes not wearing a seatbelt a primary cause for a traffic stop and citation.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB288.pdf>

**SB308 Auto Insurance Minimums**

Senators Harris, Ford, Cancela, Settelmeyer and Roberson, et al.; Assemblymen Watkins, Pickard, Frierson, Yeager, et al. and referred to Committee on Transportation (BDR 43-938)

Increases the minimum liability insurance an automobile policy must include. The limits would be \$25,000/\$50,000 bodily injury and \$20,000 property damage.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB308.pdf>

**STUDIES****SB257 Foster Care of Children**

**NTA Comment:** See further description under State Budget, at page 31, this issue.