

# LEGISLATIVE REPORT

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

ISSUE 3-17

THROUGH MARCH 9, 2017

PAGE 17

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/EXCISE TAXES

#### **AB263 Commerce Tax**

Assemblyman Hansen and referred to the Committee on Taxation (BDR 32-317)

Repeals the Commerce Tax.

**NTA Comment:** This might be nice to consider; however, the reality is in order to make up the lost revenue, another tax would be enacted or rates would be increased.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB263.pdf>

### MISCELLANEOUS TAXES - TOBACCO TAXES

#### **AB269 Vapor Products**

Assemblywoman Bustamante Adams and referred to the Committee on Taxation (BDR 32-873)

Assesses a 5 cent per fluid milliliter tax on vapor products. Defines vapor product within "other tobacco products."

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB269.pdf>

### SALES TAX

#### **SJR 5 Marketplace Fairness Act**

Senator Woodhouse and referred to the Committee on Revenue and Economic Development (BDR R-890)

Urges Congress to enact the Marketplace Fairness Act.

NTA Position: Support. This will provide collection of sales tax on remote sellers and level the playing field for Nevada retailers.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SJR/SJR5.pdf>

### TAX ABATEMENTS & CREDITS

#### **AB266 Paid Family Medical Leave**

Committee on Taxation and referred to the same (BDR 32-709)

Provides an employer credit against the Modified Business Tax for the amount an employer pays its employees for family medical leave. It also can apply against the Commerce Tax so long as it was not also used against the MBT.

The credit is capped at \$500 per week per employee and for a period of no longer than 12 weeks. The credit may be carried forward for future tax obligations for a period of 5 years.

NTA Comment: All abatements, credits, deductions and exemptions should ultimately be referred to the money committees. These bills need to be reviewed to determine the fiscal impact on the state's budget because they can potentially require revenue from another resource in the future.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB266.pdf>

<b>FEES, FINES &amp; ASSESSMENTS</b>
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**NTA General Comment on Fees: Fees should only cover the costs of the regulated activity and should not be used to support other activity within governmental budgets.**

**SB199 Craft Distilleries 2/3s vote required**

Senator Settelmeyer and referred to the Committee on Commerce, Labor and Energy (BDR 52-519)

Increases the number of cases of liquor a craft distillery can sell and transport. Defines "estate" distillery as one at which at least 75% of its materials originate in this state. Assesses a \$75 fee for estate distillery licensing.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB199.pdf>

**SB210 Anesthesiologist Assistants 2/3s vote required**

Senators Kieckhefer, Ford and Gansert and referred to the Committee on Commerce, Labor and Energy (BDR 54-155)

Provides licensure for anesthesiologist assistants within the State Board of Medical Examiners and allows the board to set the fees.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB210.pdf>

**SB215 Name Changes on Driver's License or Identification Card 2/3s vote required**

Senators Woodhouse, Manendo, Parks, Spearman, Cancela, Cannizzaro, Denis, Ford, Ratti and Segerblom and referred to the Committee on Transportation (BDR 43-673)

Provides the circumstances under which a person must report his name has changed to the Department of Motor Vehicle and allows the DMV to determine and assess fees.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB215.pdf>

**SB219 Non-Iodizing Radiation Source Regulation 2/3s vote required**

Senators Woodhouse and Denis and referred to the Committee on Natural Resources (BDR 40-889)

Requires the State Board of Health to adopt regulations for the control and licensure of sources of non-iodizing radiation such as ultraviolet light from tanning equipment or light from medical lasers. The fees and penalties would be determined by the Board.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB219.pdf>

**SB229 Guardianship Nominations 2/3s vote required**

Senator Harris and referred to the Committee on Judiciary (BDR 13-87)

Provides a person can nominate a non-resident guardian. That guardian is required to pay a \$500 fee to the Secretary of State. The form that is used for the nomination is one that may be entered into the Nevada Lockbox registry kept by the Secretary of State.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB229.pdf>

**SB234 Unmanned Aerial Vehicle Seizure 2/3s vote required**

Senator Hammond and referred to the Committee on Transportation (BDR 44-75)

Allows a police officer to seize an unmanned aerial vehicle (UAV), without warrant, if he believes the UAV has been used in the commission of a crime. Provides for licensure of a storage facility for these UAVs by the Department of Motor Vehicles.

The fee for licensure is \$100. There are minimum square footage requirements for the storage facility.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB234.pdf>

<b>BUSINESS ISSUES</b>
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**AB235 Uniform Commercial Real Estate Receivership Act**

Assemblymen Monroe-Moreno, Cohen, Ohrenschall, Watkins, Carrillo, Jauregui, and Yeager and Senator Segerblom and referred to the Committee on Judiciary (BDR 3-714)

Adopts the Uniform Commercial Real Estate Receivership and details the conditions governing the appointment of a receiver for real property used for certain commercial purposes.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB235.pdf>

**AB241 Baby Changing Facilities**

Assemblymen Frierson, Watkins, Araujo, and Bilbray-Axelrod and referred to the Committee on Government Affairs (BDR 22-861)

Requires local governments which regulate construction of building and adopt building codes to require buildings constructed after the effective date of the bill which is upon passage and approval to include baby changing facilities in every public restroom.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB241.pdf>

**AB242 Beneficial Interest in Real Property**

Assemblymen Frierson, Jauregui and Bilbray-Axelrod and referred to the Committee on Commerce and Labor (BDR 54-857)

Provides that the holders of 51 percent or more of the outstanding principal balance or 51 percent or more of the ownership interest in the real property may act on behalf of all holders of the beneficial interests of record.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB242.pdf>

**SB196 Paid Sick Leave**

Senators Ford, Woodhouse, Spearman, Ratti, Farley, Atkinson, Cancela, Cannizzaro, Denis, Manendo, Parks and Segerblom and Assemblymen Frierson, Benitez-Thompson, Yeager, Carrillo, Elliot Anderson, Araujo, Bilbray-Axelrod, Cohen, Daly, Flores, Fumo, Jauregui, Joiner, Neal, Diaz, Spiegel, Sprinkle, Swank and Thompson and referred to the Committee on Commerce and Labor (BDR 53-682)

Requires a private employer to provide paid sick leave to his employees which is earned at the rate of 1 hour per 30 hours worked. Use may be limited to 24 hours per year and accrual may be limited to 48 hours per year. Provides a penalty and enforcement by the Labor Commissioner.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB196.pdf>

**SB222 Non-compete Provisions**

Senator Kieckhefer and referred to the Committee on Commerce, Labor and Energy (BDR 53-799)

Disallows a non-compete condition in an employment agreement unless the provision is reasonable and in compliance with the Nevada Supreme Court standards for enforceability.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB222.pdf>

**SB230 Collection of Judgements**

Committee on Judiciary and referred to same (BDR 2-512)

Increases the weekly earnings that are exempt from collection of debts and judgements to 82% of disposable earnings if \$770 or less, 70% of earnings if more than \$770.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB230.pdf>

**SJR6 Minimum Wage**

Commerce on Commerce, Labor and Energy and referred to same (BDR C-867)

Proposes to amend the Nevada Constitution to increase minimum wage immediately to \$9.00 and then by \$.75 per year until the wage reaches at least \$12/hour. If the federal minimum wage should ever be higher, Nevada's minimum wage would be increased to match the federal wage.

This amendment would also provide class action status for an action against an employer and would provide treble damages should an employee prevail in the action.

See also AB175 and SB106, both in Issue 2 at page 10.

**NTA COMMENT: Legislative bills that seek to amend the Nevada Constitution must receive a majority affirmative vote at two subsequent general elections after the Legislature approves the measure. The ballot questions must be identically numbered on the ballot and receive majority approval at both.**

<https://www.leg.state.nv.us/Session/79th2017/Bills/SJR/SJR6.pdf>

<b>EDUCATION</b>
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K-12

**SB200 Computer Education and Technology Instruction**

Senators Woodhouse, Denis, Ford, Spearman, Cancela, Atkinson, Cannizzaro, Gansert, Manendo, Parks, Ratti and Segerblom and Assemblymen Carlton, Frierson and Fumo. (BDR 34-266)

Requires every public school student to receive computer education and technology instruction before beginning 6<sup>th</sup> grade. High school students would receive at least 50% of their computer education dedicated to computer science and computational thinking.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB200.pdf>

**SB212 Safe to Tell Program Unfunded Mandate**

Senators Gansert, Ratti, Woodhouse, Hammond, Parks, Cancela, Ford, Hardy, Kieckhefer, Manendo, Roberson and Settlemeyer and Assemblywomen Benitez-Thompson, Joiner and Tolles and referred to the Committee on Education (BDR 34-674)

Requires each school in every district to establish a committee of three staff members to receive notifications of any dangerous, violent or unlawful activity which is being conducted or threatened at the school. The committee is required to take appropriate action.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB212.pdf>

**SB243 Washoe and Clark County School District Boards**

Senators Kieckhefer and Roberson and referred to the Committee on Education (BDR 34-104)

Eliminates election districts for the Washoe and Clark County School Districts. Requires that three members be elected at large and the remaining members be appointed by the Governor (one member), the County Commissioners (one member), and the two most populous incorporated cities (two members).

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB243.pdf>

**SB249 Financial Literacy and Economics**

Senators Woodhouse, Ratti, Cannizzaro, Cancela, Parks, Atkinson, Denis, Farley, Ford, Manendo, Segerblom and Spearman and Assemblymen Monroe-Moreno, Cohen, Diaz, Neal, Flores, Fumo and Joiner and referred to the Committee on Education (BDR 34-62)

Requires a course of study in financial literacy and provides a half-credit requirement in economics.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB249.pdf>

<b>GOVERNMENT</b>
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## STATE GOVERNMENT

**AB231 Economic Development**

Assemblywoman Bustamante Adams and referred to the Committee on Taxation (BDR 18-294)

Allows the Director of the Office of Economic Development to form a nonprofit corporation to promote, aid and encourage economic development. Allows the corporation to make investments in businesses in this state.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB231.pdf>

**SB217 Public Employees Retirement Board**

Senator Roberson and referred to the Committee on Government Affairs (BDR 23-842)

Adds two members to the PERS Board for a total of nine members. Requires that three members of the Board must come from the private sector and have experience in retirement plan design as well as actuarial principles for such plans.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB217.pdf>

## LOCAL GOVERNMENT

**AB246 Interlocal Improvement Districts**

Assemblymen Kramer, Benitez-Thompson, Daly, Hansen and Titus and referred to the Committee on Government Affairs (BDR 22-705)

Allows two or more counties to create an interlocal agreement under which an improvement district including a tax increment area could be formed for projects of regional significance.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB246.pdf>

**AB267 Firefighter Industrial Insurance**

Assemblymen Araujo, Carlton, Frierson, Daly, Fumo, Jauregui, Monroe-Moreno and Spiegel and referred to the Committee on Commerce and Labor. (BDR 53-650)

Provides additional confidentiality for some physical examinations for firefighters, arson investigators and police officers for insurance coverage of cancer, lung and heart disease. Provides for attorney fees if the employee prevails in a contested matter.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB267.pdf>

**AB271 Local Government Collective Bargaining**

Assemblyman Carrillo and referred to the Committee on Government Affairs (BDR 23-290)

Includes time spent by employee performing duties or services for an employee organization to those that are subject to mandatory collective bargaining. Provides that a fact finder (arbitrator) may review the last best offers from each party and decide an award (formerly a recommendation) which is final and binding on the parties.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB271.pdf>

**SB197 Lake Tahoe Basin Bonding**

Committee on Government Affairs and referred to same (on behalf of the Tahoe Regional Planning Agency and the Marlette Lake Water System) (BDR S-493)

Extends the period for bonding for the Environmental Improvement Program in the Lake Tahoe Basin by 10 years to June 30, 2030.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB197.pdf>

**SB198 Natural Resources Bonding Extension**

Committee on Government Affairs and referred to same (on behalf of the Tahoe Regional Planning Agency and the Marlette Lake Water System) (BDR S-494)

Extends the deadline for issuance of bonding for natural resources, voter approved in 2002, by 5 years to June 30, 2024.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB198.pdf>

**SB220 School District Reports on Collective Bargaining**

Senator Kieckhefer and referred to the Committee on Finance (BDR 23-618)

Requires a local school district to report its approved collective bargaining agreements to the legislature within 30 days of its approval.

NTA Position: Support. Taxpayers will be served by adding this layer of transparency as well as having a single place to review the impacts of these agreements.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB220.pdf>

**SB236 Marijuana Consumption in Public Places**

Senator Segerblom and referred to the Committee on Judiciary (BDR 20-43)

Allows a local government, by ordinance, to license places where marijuana may be publicly consumed including venues for this consumption and special events at which marijuana may be consumed. Each of these would require a 21 and up age limit.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB236.pdf>

**SB245 County Treasurers and Technology**

Senators Parks and Ratti and Assemblyman Kramer and referred to Committee on Government Affairs (BDR 20-599)

Requires a portion of the commission that county treasurers are allowed to reserve and pay into the county treasury be segregated for purchase of technology upgrades.

**NTA Position: Support.** The collection of taxes requires enhanced technology to assist taxpayers in timely payment and obtaining information and assistance. Because this requires an annual report to the County Commission, it may also want a reauthorization after ten years to ensure the technology upgrades are effective.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB245.pdf>

## STATE AND LOCAL GOVERNMENT

**SB218 Public Notices**

Senator Ford and referred to the Committee on Government Affairs (BDR 19-981)

Allows public notifications to be posted by a broadcaster on its website or the website of an association of broadcasters. This is in addition to the requirements for newspaper publication and for the same length of time as required for newspapers.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB218.pdf>

**ELECTIONS****AB257 Same Day Voter Registration**

Committee on Legislative Operations and Elections and referred to same (BDR 24-749)

Requires each county clerk to establish one or more polling places where voters may register and vote on the same day.

NTA Comment: See AB272, below

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB257.pdf>

**AB272 Elections**

Assemblyman Frierson, Benitez-Thompson, Diaz, Carlton, Flores, Araujo, Bilbray-Axelrod, Brooks, Bustamante Adams, Carrillo, Cohen, Daly, Fumo, Joiner, McCurdy II, Miller, Monroe-Moreno, Neal, Ohrenschall, Spiegel, Sprinkle, Swank, Thompson, Watkins and Yeager and referred to Committee on Legislative Operations and Elections (BDR 24-851) Requires each county clerk to provide one or more in-person voting locations in their county and to provide a roll of voters to each polling place. Requires an in-person polling location within each Indian colony or reservation at a location approved by the tribe. Adds Mandarin and Cantonese to the prescribed languages for election materials. Moves the closing time on election day to 9:00pm.

NTA Comment: See AB257, above

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB272.pdf>

**SB211 Presidential Preference Primary Election**

Committee on Legislative Operations & Elections and referred to same (BDR 24-58)

Provides for a primary preference election each presidential election year to determine the preferences of the registered voters of a major political party.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB211.pdf>

**LEGISLATURE****SB207 Legislative Interim Transportation Committee**

Committee on Transportation and referred to same (BDR 17-529)

Creates the Legislative Committee on Transportation and prescribes its membership as well as powers and duties.

**NTA Position: AMEND.** Require a reauthorization in six years (three legislative sessions). Add non-voting members from Nevada Association of Counties and the Nevada League of Cities to leverage existing experience and resources. Allow a technical advisory committee for finance.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB207.pdf>

**GENERAL INTEREST****AB264 Paper Conservation**

Assemblymen Swank, Elliot Anderson, Bilbray-Axelrod, Brooks, Carrillo, Cohen and Joiner and Senators Ratti, Manendo and Parks and referred to the Committee on Government Affairs (BDR 18-565)

Requires all the state's printers to be duplex-printing, two-sided printing capable.

NTA Comment: Fiscal notes pending.

<https://www.leg.state.nv.us/Session/79th2017/Bills/AB/AB264.pdf>

**SB235 Ticket Resellers and Brokers**

Senators Woodhouse, Parks, Cancela, Spearman, Atkinson, Cannizzaro, Denis, Farley, Manendo and Segerblom and referred to the Committee on Commerce, Labor and Energy (BDR 52-672)

Adds ticket resellers and brokers who fail to clearly notify purchasers if the tickets they are selling are priced higher than originally purchased and that they are legitimate tickets to the list of deceptive trade practices in Nevada.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB235.pdf>

<b>BALLOT QUESTIONS</b>
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**NTA COMMENT:** Legislative Resolutions that seek to amend the Nevada Constitution require a vote at two subsequent legislative sessions and then submission to the voters for approval at the next general election.

**SJR6 Minimum Wage Increase**

Commerce on Commerce, Labor and Energy and referred to same (BDR C-867)

**NTA Comment:** See discussion on this bill under Business Issues, page 20 of this issue.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SJR/SJR6.pdf>

<b>STUDIES &amp; STUDY COMMITTEES</b>
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**SB207 Interim Legislative Transportation Committee**

**NTA Comment:** Transportation is an issue that requires study over a longer period of time than a legislative session allows. This committee will provide the venue for consideration of the various inputs to transportation that ensure Nevada's infrastructure continues to be a focus.

See further discussion in this issue at page 23.