

LEGISLATIVE REPORT

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

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PAGE 46

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 and click on "Session Information – 2017".

TAXES

Excise

NTA General Position on Marijuana Taxation. Extreme Caution. Earmarking should be used when there is a user/benefits relationship. Using the projected revenue from the sales of Marijuana can be very risky, since federal law (under the former President) was not followed, now has the potential of being followed with the current President, which would leave a hole in the DSA revenue which is used to fund K-12

AB 463 – Marijuana Excise Taxes and License Fees – Requires 2/3 vote

Assemblyman Araujo and referred to Committee on Taxation. (BDR 32-982)

Eliminates the 2 percent excise tax on wholesale sales by a facility for the production of edible marijuana products or marijuana-infused products and on retail sales by a medical marijuana dispensary. Revises the excise tax on wholesale sales by a cultivation facility to a rate of 15 percent of the fair market value at wholesale of the marijuana, consistent with the excise tax imposed on a marijuana cultivation facility. Limits local license tax to an amount not to exceed 5 percent of gross revenue.

NTA Comment: Sales tax will also be imposed on the total price (including the excise tax) of recreational marijuana. See also AB 422 under TAXES:Administration; SB 487 and SB 508 under TAXES:Excise, all in this issue.

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB463.pdf

SB 487 - Marijuana Excise Tax at Retail – Requires 2/3 vote

Senate Committee on Revenue and Economic Development and referred to same (BDR 32-818)

Imposes a 15 percent excise tax on the retail sale of marijuana and marijuana products. Distributes the proceeds of this tax as follows: 20 percent to the Increased Access to Mental Health and Substance Abuse Treatment Account and 30 percent to the Distributive School Account. The remaining 50 percent is distributed to the county if the marijuana facility is located in the unincorporated area of a county or if it is located in an incorporated city, 15 percent to the city and 35 percent to the county. The counties are required to establish an advisory committee on mental health and substance abuse issues. They are also limited to expend the money to increased mental health treatment, access to substance abuse treatment and to establish one or more specialty courts. They are also allowed to establish positive alternative programs for youth and for enforcement of laws prohibiting driving under the influence, regardless of substance.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB487.pdf>

NTA Comment: See also AB 422 under TAXES:Administration; SB487 and SB 508 under TAXES:Excise, all in this issue.

SB 508 - Marijuana Excise Tax at Retail – Requires 2/3 vote

On behalf of the Governor's Office of Finance, Senate Committee on Revenue and Economic Development and referred to same. (BDR 32-976)

Imposes a 10 percent excise tax on the retail sale of marijuana and marijuana products. Distributes the proceeds of this tax to the Distributive School Account.

NTA Comment: See also AB 422 under TAXES:Administration; SB 487 and SB 508 under TAXES:Excise, all in this issue.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB508.pdf>

Property

AB 414 – Personal Property Exemption Clarification (Not Previously Reported)

Clarifies that personal property used in Nevada not owned by a resident and used for the purposes of “a display, exhibition or convention” is exempt for personal property taxation.

NTA Position: Support. Nevada is known for its conventions and exhibitions. This will clarify that businesses that bring in personal property for such purposes as enumerated in the bill remain exempt.

SJR14 - Property Tax Constitutional Change

Committee on Revenue and Economic Development and referred to same (BDR C-1123)

Proposes to amend the Nevada Constitution to eliminate, after the first year the property is sold, the partial property tax cap and accrued depreciation. In addition, this Resolution requires the Legislature to enact a “Senior and Disabled Taxpayers Protection Act” to provide to property tax assistance to senior citizens and persons with disabilities.

NTA Comment: If passed this session and because this is a change to Nevada’s constitution, this will have to be returned to the 2019 Legislative session and approved with the same language. It would then appear on the 2020 general election ballot.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SJR/SJR14.pdf>

Sales

AB 439 – Veterinarian Tax Liability Assemblymen Araujo, Brooks, Diaz, et al (2 co-sponsors); Senators Kieckhefer, Cannizzaro, Parks, Manendo, et al (4 co-sponsors) Referred to Committee on Taxation. (BDR 32-1017)

Classifies veterinarians as consumers, rather than retailers, of tangible personal property used, furnished or dispensed in performance of veterinary service. This applies to Sales and Local School Support Tax application.

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB439.pdf

Abatements & Credits

SB 442 - Abatement Criteria & Rail Improvement District

Committee on Revenue and Economic Development and referred to same (BDR 32-1001)

Authorizes a municipality to create a tax increment area to reimburse a property owner within the district who undertakes a rail project. The bill also changes eligibility requirements for abatements including workers paid at least equal to the average statewide hourly rate. The bill also allows the Office of Economic Development to partially reduce the abatement if these wage targets are not met. Additionally, the bill provides a revised definition of “project” so that it includes a common business purpose for projects which contain multiple parties. It also requires the lead participant of a project to contract with the impacted local government to pay for an engineering study which determines the cost of infrastructure for the project and then to reimburse the local government for those costs. The bill extends the minimum capital requirements permanently but lowers the minimum thresholds. For industrial or manufacturing businesses, the threshold would be \$5 million and other businesses would be \$1 million for counties over 100,000 population (currently Clark and Washoe) and \$1 million for industrial or manufacturing businesses and \$250,000 for other businesses in counties under 100,000 (the remaining 15 counties).

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB442.pdf>

SB 455 - Child Care Tax Credits

Senators Farley, Cannizzaro, Spearman, Woodhouse and Parks (and 3 co-sponsors) and referred to the Committee on Revenue and Economic Development (BDR 32-1006)

Provides an employer which assists its employees with child care expenses a credit against its modified business tax at 50 percent of the tax paid. The credit is limited to \$2,500 per employee per year and the tax credit can be carried forward for five years. The bill includes a \$25 million appropriation to the Program for Child Care and Development to be operated by the Division of Welfare and Supportive Services.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB455.pdf>

NTA Comment: See Also SB 147 on page 2, Issue 1 and AB 266 on page 17, Issue 3.

Administration

AB 422 Medical Marijuana Administration

Assemblyman Araujo and referred to Committee on Health and Human Services. (BDR 40-983)

Moves regulation of medical marijuana to the Department of Taxation from DHHS. Addresses several administrative issues such as issuance of registration cards and tracking purchase amounts.

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB422.pdf

AB 441 – Adoption of Tax Forms; LET definitions

Committee on Taxation, referred to same. (BDR 32-710)

Forms and instructions to be used by Department of Taxation to compute taxes payable to Department must be adopted by a regulation of the Tax Commission, according to procedures of the Nevada Administrative Procedures Act. Clarifies taxable fees and other charges in connection with applicability of the Live Entertainment Tax.

NTA Comment: The subject of taxing nonprofit events has been problematic. Some events booked by nonprofits were bookings of for-profit events that escaped taxation. The prior changes made during the 2013 session were to try to correct this inequity. Unfortunately, the changes made at that time have created some interpretation problems which this bill tries to correct.

NTA Position: Support. An agency should not be able to use reporting forms for taxes and the related instructions as de facto regulations as has happened on occasion. This is an important clarification for the business community.

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB441.pdf

AB 486 – Governmental Services Tax Distribution

On behalf of the Governor's Office of Finance, Committee on Transportation and referred to Committee on Taxation. (BDR 43-978)

As of July 1, 2017, deposits of revenue from the basic governmental services tax, net of mandatory amounts to the Department, will be 75 percent to the Highway Trust Fund and 25 percent to the General Fund.

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB486.pdf

Vehicle & Fuel

SB 439 - Local Government Diesel Taxes

Senate Committee on Revenue and Economic Development and referred to same (BDR 32-1002)

Authorizes the County Commissions in smaller counties (those with populations under 100,000) to by ordinance to impose a county based diesel or special fuels tax. The tax is limited to 5 cents per gallon. Additionally, the bill provides changes to the Department of Motor Vehicles existing program that provides refunds for fuel taxes that are used outside the state as allowed by the International Fuel Tax Agreement.

NTA Comment: Only the voters in Washoe and Clark Counties have approved the indexing of their fuel taxes, including diesel and special. In 2013 the Legislature allowed Clark County to index fuel taxes until the general election of 2016. In 2015, AB 191 required the remaining counties to place a question on the 2016 general election ballot asking voters to approve indexing fuel taxes. None of the voters in those counties approved those questions, leaving Clark and Washoe as the only counties with indexed fuel taxes. This bill would allow imposition an additional tax on diesel and special fuels in the remaining counties but not index it.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB439.pdf>

Miscellaneous

SB 448 - Public Private Partnerships & User Fees – Requires 2/3 vote

Committee on Transportation and referred to same (BDR 28-603)

Allows a public/private partnership to collect user fees (tolls, etc.) that may be used to develop and build a facility including sharing the costs and revenue of the project. Extends the provisions of public/private partnerships for transportation facilities to tourism improvement projects. Also provides for the acquisition of rights of way including their development. Provides the requirements for funding including uses of the monies. Also extends the use of eminent domain to these partnership projects. Exempts these projects from all state and local ad valorem and property taxes.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB448.pdf>

FEES, FINES, PENALTIES

AB 413 – Electronic Documents – Requires 2/3 Vote

Judiciary Committee and referred to same. (BDR 12-597)

Expands the use of electronic notary public services for wills and raises the fees for electronic notary public services from \$10 to \$25. Makes other changes regarding legally acceptable means of electronic communication, including electronic wills and other documents.

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB413.pdf

AB 420 – Teleconferencing Fees for Offenders – Requires 2/3 vote

Assemblyman Ohrenschall and referred to Committee on Corrections, Parole and Probation. (BDR 16-1073)

Allows the Director and Board of Corrections, by regulation, to establish fees for the use of teleconferencing and other electronic communication equipment by offenders. Fees are to be set to offset the costs of operating and maintaining the equipment.

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB420.pdf

AB 425 – Alcohol and Drug Abuse Counselors – Requires 2/3 vote

Assemblyman Sprinkle and referred to Committee on Commerce and Labor. (BDR 54-1031)

Creates an inactive status for holders of drug and alcohol abuse counselor licenses, except interns, if certain conditions are met. The fee for renewal of inactive status is to be set by the Board by regulation.

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB425.pdf

AB 442 – Special License Plate Redesign – Requires 2/3 vote

On behalf of Commission on Special License Plates, Committee on Transportation and referred to same. (BDR 43-476)

Makes provisions for redesign of special license plates after at least 5 years and not more than every 5 years thereafter upon application by the organization. Holders of special license plates that have been redesigned may retain the original design upon payment of the regular \$10 renewal fee plus an additional fee of \$20. Or, they may obtain the redesigned plate for those fees plus a \$25 replacement fee. Obtaining the redesigned plate in this case is not considered initial issuance.

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB442.pdf

AB 463 – Marijuana Excise Taxes and License Fees – Requires 2/3 vote

See under TAXES:Excise, on page 46 of this issue.

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB463.pdf

AB 480 – Purchasing Division Contract Fees – Requires 2/3 vote

On behalf of the Governor's Office of Finance, Committee on Government Affairs and referred to same. (BDR 27-899)

Authorizes the Purchasing Division to assess an administrative fee on vendors from which supplies and services have been secured for more than one agency under a single contract. The fee is not to exceed 4 percent of the total cost of supplies and is to be used to offset operating costs, including implementation and maintenance of an on-line bidding system.

NTA Comment: This fee should be periodically reviewed to see if it offsets operating costs or is generating additional funds. If the fee is generating more revenue than required it should be reduced.

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB480.pdf

SB 428 - Special License Plate for Tule Springs Fossil Beds National Monument – Requires 2/3 vote

Committee on Transportation and referred to same (BDR 43-1015)

Allows the issuance of a special license plate to support the Tule Springs Fossil Beds National Monument. The initial plate would include a \$35 fee for the plate. A renewal plate would be an additional \$20.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB428.pdf>

SB 433 - Guardianships – Requires 2/3 vote

Committee on Judiciary and referred to same (BDR 13-487)

Increases recording fees by \$3 to assist in the provision of legal services for adults wards or proposed adult wards in guardianship proceedings.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB433.pdf>

SB 471 - Douglas County Sewer District – Requires 2/3 vote

Committee on Government Affairs and referred to same (on behalf of the Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System) (BDR 25-495)

Repeals the Nevada Improvement District Act under which one entity exists, Douglas County Sewer Improvement District No. 1. This bill abolishes this district and establishes the Douglas County Lake Tahoe Sewer Authority. The bill also provides for consolidation of services by merger of other entities providing sanitary services, collection and disposal of garbage or refuse and the supply, storage and distribution of water. The question of merger must be submitted to the Boards of Trustees of the other entity or entities and be approved. If they are not approved, the merger may not take place.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB471.pdf>

SB 490 - Foreclosure Mediation Program – Requires 2/3 vote

Committee on Judiciary and referred to same (BDR 9-488)

Moves the Foreclosure Mediation Program from the Nevada Supreme Court to the Nevada Housing Division. Requires a person who wishes to participate in the Foreclosure Mediation Program to pay a \$25 filing fee and a share of the mediation fee which is increased from \$400 to \$600. The bill also removes the program's expiration and makes it a permanent program.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB490.pdf>

SB 500 Manufactured Housing Parks – Requires 2/3 vote

Committee on Government Affairs and referred to same (BDR 18-909)

Requires the owner of a manufactured housing park to pay a fee, to be determined by the Housing Division. The current fee is \$12 for each lot within the park. The bill provides that the Division may spend up to \$75,000 annually from the Account for Low Income Housing to assist low-income persons with their monthly rents. The bill also moves administrative fines for persons involved in the manufactured housing industry from the state general fund to the Account for Low Income Housing.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB500.pdf>

SB 509 - Healthcare Provider Assessment – Requires 2/3 vote

Committee on Health and Human Services and referred to same (on behalf of the Governor's Office of Finance) (BDR 38-980)

Authorizes the Department of Health and Human Services to impose an assessment on each person who is required to obtain a license under Title 54 of NRS Chapter 449. The assessment would be based on a percentage of the net revenue of a provider group and the provider group would agree by affirmative vote from the majority of the providers in that group. The assessments would be deposited to the Account to Improve Health Care Quality and Access to provide supplemental payments or enhanced rates of reimbursement to providers of healthcare within the provider group upon whom an assessment was imposed by 42 CFR 447.272 (Inpatient Upper Payment Limits) or 42 CFR 447.321 (Outpatient Upper Payment Limits). It would also provide supplemental payments to providers who furnish care to Medicaid recipients.

Effective on passage and approval.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB509.pdf>

SB 511 - Boating and Wildlife – Requires 2/3 vote

Committee on Natural Resources and referred to same (on behalf of the Governor's Office of Finance) (BDR 45-896)

Provides for a \$15 fee for the issuance of an apprentice hunting license for those over 12 years old. Changes the date for a regular license to 18 years of age and provides the fees by category for hunting and fishing licenses and stamps.

Effective on passage and approval for regulation adoption and January 1, 2018 for all other purposes.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB511.pdf>

SB 512 - Fees to Use State Lands – Requires 2/3 vote

Committee on Natural Resources and referred to same (on behalf of the Governor's Office of Finance) (BDR 26-906)

Provides fees for use of state lands for any commercial use and requires the State Land Registrar to adopt them by regulation. Provides that any revenue in excess of \$50,000 annually be used to carry out programs to protect, preserve, restore and enhance the natural environment at Lake Tahoe.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB512.pdf>

SB 513 - Assessment for Water Distribution – Requires 2/3 vote

Committee on Natural Resources and referred to same (on behalf of the Governor's Office of Finance) (BDR 48-905)

Increases the fee for irrigation distribution from 30 cents per acre-foot decreed to \$1 per acre-foot of water decreed.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB513.pdf>

BUSINESS**AB 423 – Gender Equality Survey**

Assemblywoman Miller, referred to Committee on Government Affairs. (BDR 18-1047)

Requires Nevada Commission for Women, working with Department of Administration, to design and conduct an annual survey to collect data on gender equality in the workplace. A gender equality index is to be created and applied to responses. The index scores are to be published on the Department of Administration website. The survey will include employers with 100 or more employees.

NTA Comment: See also SB343 and SB335, both at page 38, Issue 5

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB423.pdf

SB 455 - Child Care Tax Credits

See description under TAXES:Abatements & Credits, p.47 in this Issue.

SB 463 - Business Licenses Based on Facility Size

Committee on Government Affairs and referred to same (BDR 31-93)

Disallows a local government from charging business license fees that are based on square footage or facility size without certain findings that the property size will require additional services that would require that basis.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB463.pdf>

SB 495 - Wage and Benefit Lawsuits

Committee on Government Affairs and referred to Committee on Commerce, Labor and Energy (BDR 53-1153)

Provides employees and their labor unions to bring lawsuits against their employers for violations of law concerning public works. These have been enforced by the Labor Commissioner.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB495.pdf>

EDUCATION

K-12

AB 409 – Read by 3 Program Penalties

Committee on Education and referred to same. (BDR 34-988)

Removes the provision – currently scheduled to take effect July 1, 2019 – that requires students in grade 3 to be held back if reading proficiency standards are not met. Stipulates plans to be developed by school districts to address the issue.

NTA Comment: Reading is the most fundamental of learning skills for students. Removing the consequences risks sentencing children to a lifetime of reduced opportunities.

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB409.pdf

AB 428 – Opioid Antagonists – Contains an unfunded mandate

Committee on Health and Human Services and referred to same. (BDR 40-620)

Requires public and private schools to obtain and maintain opioid antagonists and training of designated employees in the use and application of the treatment.

Effective upon passage and approval for regulations and July 1, 2017 for all other purposes.

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB428.pdf

AB 432 – Achievement School District

Assemblyman Thompson, referred to Committee on Education. (BDR 34-1036)

Delays implementation of the Achievement School District to July 1, 2019. New schools will be selected at that time for conversion for the 2020 school year.

Effective upon passage and approval.

NTA Comment: See also SB 430, in this section.

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB432.pdf

AB 434 – New Teacher Incentives at Underperforming Schools

Assemblymen Frierson, Araujo, Benitez-Thompson and referred to Committee on Education. (BDR S-1033)

Appropriates \$2.5 million to the Department of Education to provide incentives for new teachers in Title I and underperforming schools. Remaining balances not be committed after June 30, 2019 and returned to the State by September 30, 2019.

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB434.pdf

AB 447 – Victory Schools

Committee on Education and referred to same. (BDR S-717)

Extends the Victory School program through the 2017-19 biennium. Mandates that 25 percent of victory schools funds received by each school must be spent on wrap-around services.

Effective upon passage and approval for administrative tasks and July 1, 2017 for all other purposes.

NTA Comment: See also SB 505, in this section.

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB447.pdf

AB 469 – Reorganization of Clark County School District – Contains unfunded mandate

Assemblymen Frierson and Paul Anderson, Senators Ford and Roberson; referred to Committee on Education. (BDR 34-986)

Nullifies actions taken to reorganize the Clark County School District (CCSD) based on AB 394 of the 2015 Session and requiring Clark County to reimburse the cost of the consultant used. Reimbursement is to be made as a deduction from the appropriation for the next biennium. Places requirement to reorganize a “large school district” (100,000 or more pupils) in statute.

Effective upon passage and approval.

NTA Comment: Passage of this bill would effectively render moot the lawsuit filed by the Clark County School District Trustees.

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB469.pdf

SB 430 - Achievement District Repeal

Committee on Education and referred to same (BDR 34-793)

Repeals the Achievement School District law that was passed by the 2015 Legislature.

Effective on passage and approval.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB430.pdf>

SB 459 - Class Size in Charter Schools

On behalf of the Legislative Education Committee, Committee on Finance and referred to the Committee on Education (BDR 34-330)

Extends the ratios for class sizes to charter schools and requires quarterly reports by the charter school to the Department of Education.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB459.pdf>

SB 493 - Collective Bargaining and School Administrators

Senators Parks, Ford, Segerblom and Woodhouse and referred to the Committee on Government Affairs (BDR 23-1081)

Removes the prohibition for administrators making more than \$120,000 annually to collectively bargain and instead excludes administrators who are above the rank of principal, regardless of salary.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB493.pdf>

SB 504 Zoom Schools Extension

On behalf of the Governor’s Office of Finance, Committee on Finance and referred to the Committee on Education (BDR S-1098)

Extends the Zoom Schools program to June 30, 2019 which focuses on schools with larger populations of (formerly known as Limited English Proficient) to English Language Learners (ELL).

NTA Comment: See also SB 390 on page 38, Issue 5.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB504.pdf>

SB 505 - Victory School Extension

On behalf of the Governor’s Office of Finance, Committee on Finance and referred to the Committee on Education (BDR S-1100)

Extends the Victory Schools program to June 30, 2019 which focuses on underperforming schools. The bill removes the expansion of full-day kindergarten to the mandatory uses of money.

Effective upon passage and approval for performing administrative tasks and July 1, 2017 for all other purposes.

NTA Comment: See also AB 447 in this section

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB505.pdf>

SB 506 - Education Savings Accounts

Committee on Education and referred to same (on behalf of the Governor’s Office) (BDR 34-1101)

This is the Governor’s bill that provides funding for Education Savings Accounts. It creates the Office of Educational Choice within the Department of Education which is tasked with administering the ESA program. Appropriates \$723,646 in FY 17/18 and \$891,444 in FY 18/19 to administer the Nevada Educational Choice Scholarship program and provides funding to the program of \$24,276,354 in FY 17/18 and \$34,108,556 for FY 18/19.

NTA Comment: See also SB 359 on page 44 of Issue 6.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB506.pdf>

GOVERNMENT**State****AB 437 – Statewide Non-Emergency Reporting System**

Committee on Government Affairs and referred to same. (BDR 19-755)

Requires the Department of Administration's Division of Enterprise Information Technology Services to establish and maintain a statewide system for citizens to report non-emergency situations. A plan is due by May 1, 2018 and a contract for design and implementation is due by June 30, 2019.

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB437.pdf

AB 488 – DMV System Modernization

On behalf of the Governor's Office of Finance, Committee on Ways and Means and referred to same. (BDR S-910)

Carries forward the \$811,183 of unexpended appropriation balance for the DMV system modernization project from the 2015-2017 biennium to the 2017-2019 biennium. Any unexpended funds to revert to the State Highway Fund on September 30, 2019.

Effective upon passage and approval.

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB488.pdf

SB 465 - State Employee Arbitration

Committee on Government Affairs and referred to the Committee on Legislative Operations and Elections (BDR 23-1042)

Provides a process for binding arbitration for state employees who have a grievance that is not otherwise subject to federal law or other specific statutes. Requires the Personnel Commission to adopt regulations for this process. The employee selects the arbitrator and is also given judicial enforcement of the binding finding.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB465.pdf>

SB 486 - State Employee Collective Bargaining

Committee on Government Affairs and referred to same (BDR 23-1040)

Provides a system of collective bargaining for state employees with the Executive Branch. Includes the subjects of bargaining, the appeals process, conforming the Employee-Management Relations Board to include state employees and allows formation of bargaining units within state employment.

NTA Comment: Currently local governments are assessed fees to support the local government committee. Collective bargaining for state employees has been approved in two previous sessions. In 1991, the bill was vetoed by Governor Bob Miller and the veto was sustained. In 2009, the bill was vetoed by Governor Jim Gibbons. The 2011 session took no further action on the bill.

NTA Position: Oppose. Unlike their counterparts in local government where County Commissioners and City Councils act as both the Executive and Legislative branches of local government, state employees fall under the jurisdiction of two separate branches of government – Executive and Legislative. This difference creates circumstances that tend to be problematic. However, there are a number of issues identified that would impact the expenditure side of an agency/department's budget that do not necessarily require an appropriation but could result in a shift of expenditure categories that might require approval of the Interim Finance Committee depending on the size of the categorical fund transfer. Additionally, this bill makes no provision for the state to share in the cost of funding the expanded duties of the newly titled board.

NTA Comment: See also SB 460, at page 54, this issue. Expands membership of the EMRB.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB486.pdf>

SB 515 - Secretary of State Securities Division

Committee on Judiciary and referred to same (on behalf of the Governor's Office of Finance) (BDR 7-894)

Moves receipts from enforcement actions by the Secretary of State's Securities Office from a fund dedicated to the Secretary of State's office to the general fund.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB515.pdf>

SB 517 - Nevada Transportation Infrastructure Bank

Committee on Transportation and referred to same (BDR 35-602)

Establishes the Nevada Transportation Infrastructure Bank including its governance by a Board of Directors. Authorizes financing of certain transportation facilities. The Bank is given the authority to issue bonds and accept monies. Authorizes the Bank to act as insurer and reinsurer. Specifically denotes that the Bank supplements other transportation activity and, if a conflict arises between those and the Bank, the provisions of the bill control.

Continued on next page

SB 517 – continued

Effective on passage and approval for administrative functions and upon the NDOT Director providing notice to the Governor that sufficient money is available to capitalize and carry on the business of the Bank.

NTA Comment: Also see SB 407, at page 37, Issue 5 and AB 399, at page 40, Issue 6

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB517.pdf>

Local**AB 479 – Retention of Records**

On behalf of the Governor's Office of Finance, Committee on Government Affairs and referred to same. (BDR 19-900)

Removes the mandate, but maintaining the authority, of the State Library Administrator to adopt regulations regarding retention of records by local governments.

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB479.pdf

SB 439 - Local Government Diesel Taxes

See TAXES: *Vehicle & Fuel*, p. 48 in this issue.

SB 442 - Abatement Criteria & Rail Improvement District

See TAXES: *Abatements & Credits*, p 47 in this issue.

SB 460 - Employee-Management Relations Board

Committee on Government Affairs and referred to same (on behalf of the Sunset Subcommittee) (BDR 23-556)

Increases the size of the Local Government-Management Relations Board from three members to five members and requires that at least three of them reside in southern Nevada. Also changes the Board's quorum requirement to three members.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB460.pdf>

SB 462 - General Improvement Districts

Committee on Government Affairs and referred to same (on behalf of the Committee for Review and Oversight of the TRPA and Marlette Lake Water System) (BDR 20-496)

Provides a review process for county commissions of general improvement districts within the county. Allows the commission to appoint a five-member committee to conduct the review. Requires a GID to cooperate and provide information as requested. The committee may make recommendations to the commission within its report about the efficacy of the GID and whether it should be continued, modified, merged or dissolved.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB462.pdf>

SB 463 - Business Licenses Based on Facility Size

See BUSINESS on page 51 of this issue.

SB 469 - Local Government Collective Bargaining

Committee on Government Affairs and referred to same (BDR 23-685)

Provides a different method to determine whether a financial emergency exists and a contract should be reopened. The new method includes a determination of revenue shortfalls or other criteria that are included in a collectively bargained agreement. The bill also eliminates the limitation on the amount of money that may be considered by an arbitrator and allows the arbitrator to consider the entirety of a local government's financial position without any exclusion.

NTA Position: Oppose. This is another bill that undoes provisions relating to fiscal emergencies that were experienced by many local governments during the "great recession." While it is hoped this type of fiscal emergency will not occur again, history has proved it does periodically occur. The provisions in current law will be needed during those periods.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB469.pdf>

NTA Comment: Also see SB 486 on p. 53, this Issue; SB 356 on p. 42, Issue 6; AB 290 on p. 29, Issue 4; AB 271 on p. 21, Issue 3; and AB 121 p. 12, Issue 2.

SB 471 - Douglas County Sewer District – Requires 2/3 vote

See under FEES, FINES & PENALTIES on page 49 of this issue.

State/Local**SB 448 - Public Private Partnerships & User Fees – Requires 2/3 vote**

See under TAXES: *Miscellaneous* on page 48 of this issue.

STATE BUDGET**In Executive Budget****AB 471 – Office of Cyber Defense Coordination**

On behalf of the Governor, Committee on Judiciary and referred to same. (BDR 43-917)

Creates the Office of Cyber Defense Coordination within the Department of Public Safety. An administrator is to be appointed by the Director of Public Safety.

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB471.pdf

SB 503 - Channel Clearance Appropriation

Committee on Finance and referred to same (on behalf of the Governor's Office of Finance) (BDR S-904)

Makes a \$250,000 appropriation to replenish the balance of the Account for the Channel Clearance, Maintenance, Restoration, Surveying and Monumenting Program. This program assists local governments in the maintenance of navigable rivers.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB503.pdf>

SB 506 - Education Savings Accounts

Appropriates \$723,646 in FY 17/18 and \$891,444 in FY 18/19 to administer the Nevada Educational Choice Scholarship program and provides funding to the program of \$24,276,354 in FY 17/18 and \$34,108,556 for FY 18/19.

NTA Comment: Also see SB 506 under EDUCATION:K-12 on page 52 of this Issue and SB 359 on page 44 of Issue 6.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB506.pdf>

Not Included in Executive Budget**AB 434 – New Teacher Incentives at Underperforming Schools**

See under EDUCATION on page 51 of this issue.

AB 446 – Committee to Evaluate Higher Education Programs

See under STUDIES on page 56 of this issue.

AB 488 – DMV System Modernization

See under State Government, page 53 of this issue.

SB 445 – 8th Judicial District: Veteran's Court Administrator

Committee on Finance and referred to same (on behalf of the Committee on Senior Citizens, Veterans and Adults with Special Needs) (BDR S-148)

Makes a \$200,222 appropriation to the Eighth Judicial Court for a Veteran's Court Administrator

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB445.pdf>

SB 446 - Meals on Wheels

Committee on Finance and referred to same (on behalf of the Committee on Senior Citizens, Veterans and Adults with Special Needs) (BDR S-152)

Makes a \$1,060,000 appropriation to the Meals on Wheels program.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB446.pdf>

SB 455 - Child Care Tax Credits

See under TAXES:Abatements & Credits, p.47 in this issue. Include a \$25 million appropriation.

ELECTIONS**SB 492 - County Wide Voting**

Committee on Legislative Operations and Elections and referred to same (BDR 24-450)

Provides for voting in Clark and Washoe Counties by allowing the county clerk to designate one or more polling places where any person eligible to vote in the county can vote on the day of a primary or general election at the polling place without regard to his precinct voting location.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB492.pdf>

NTA Comment: Also see AB 293 on p.31, Issue 4; AB 257 on p.23, Issue 3; and AB 104 on p. 14, Issue 2.

LEGISLATURE**SB 507 - Legislative Interim Committee Structure**

Committee on Legislative Operations and Elections and referred to same (BDR 17-1126)

This bill revised the structure of the Legislature during the interim by creating a Joint Interim Standing Committees that include Commerce, Labor and Energy; Education; Government Affairs; Health and Human Services; Judiciary; Legislative Operations and Elections; Natural Resources, Agriculture and Mining; Revenue and Taxation; and Transportation. These essentially mirror the committees which operate during the Legislative Session. The committees would be tasked with reviewing the issues under their specific jurisdiction during the Legislative session as well as conducting the interim studies as determined by the Legislative Commission. The bill also repeals the Advisory Committee on the Administration of Justice; the Committee on Industrial Programs; the Legislative Commission's standing committee to meet with the Director of the Legislative Counsel Bureau; the Interim Retirement and Benefits Committee, the Legislative Committee on Public Lands, the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System, the Legislative Committee on Education, the Legislative Committee on Child Welfare and Juvenile Justice, the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs, the Legislative Committee on Energy, the Legislative Committee on Health Care and the Committee on High-Level Radioactive Waste.

Effective on passage and approval.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SB/SB507.pdf>

SJR 11 - Annual Legislative Sessions

Senators Woodhouse, Segerblom, Ford, Farley and Parks (2 co-sponsors) and referred to the Legislative Operations and Elections (BDR C-1082)

Proposes to amend the Nevada Constitution to provide for annual legislative sessions. The new session, held in even numbered years, would convene on the first Monday in March and last no more than 45 calendar days or 30 legislative days. The bill also proposes to remove the 60-day restriction on legislator compensation.

NTA Comment: This resolution, if passed, would need to be passed by the next Legislature and then approved and ratified by the voters in a general election.

<https://www.leg.state.nv.us/Session/79th2017/Bills/SJR/SJR11.pdf>

STUDIES**AB 430 – Task Force on Retirement Security**

Assemblywoman Bustamante-Adams, referred to Committee on Legislative Operations and Elections. (BDR S-1035)

A nine-member task force to study the retirement security of Nevadans, including the causes, extent and consequences of retirement insecurity in the State. The task force is to partner with a non-profit organization and have that entity act as its fiscal agent. Gifts, grants, donations from private persons and entities may be accepted.

Effective upon passage and approval and expires by limitation on June 30, 2019,

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB430.pdf

AB 446 – Committee to Evaluate Higher Education Programs

Assemblywoman Cohen, referred to Committee on Legislative Operations and Elections. (BDR S-1030)

The 16-member (4 non-voting) committee is to study the need for higher education programs to be more responsive to citizens and workforce development needs and make recommendations to the Board of Regents for efficient and effective operation of NSHE. An appropriation of \$250,000 is made to the Legislative Commission for the study. Unexpended funds are to revert on September 20, 2019. This appropriation is not included in the Executive Budget.

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB446.pdf

AB 452 – Energy Choice

Committee on Commerce and Labor and referred to same. (BDR S-1113)

Requires the Legislative Committee on Energy to conduct a study during the 2017-18 interim concerning energy choice, including elements included in the Energy Choice Initiative approved by voters in the 2016 general election and the work of the Governor's Committee on Energy Choice, created after passage of the initiative. Findings and recommendations are to be submitted to the Legislative Council Bureau for the 2019 legislative session.

www.leg.state.nv.us/Session/79th2017/Bills/AB/AB452.pdf

ACR 7 – Property Taxes

Assemblywoman Neal, referred to Committee on Legislative Operations and Elections. (BDR R-1049)

A committee of six legislators appointed by the Legislative Commission is to do a thorough study of property taxes and make its report and recommendations to the LCB for the 2019 legislative session.

www.leg.state.nv.us/Session/79th2017/Bills/ACR/ACR7.pdf

ACR 8 – Public Education Reports

On behalf of Legislative Committee on Education, Committee on Legislative Operations and Elections and referred to same. (BDR R-337)

A committee of 6 members, appointed as directed in the resolution, are to review reports required of public and charter schools, school districts and the State Board of Education regarding pupils, performance, personnel and other matters. The committee is to make recommendations for modernization of data collection, the reporting process and accessibility of reports.

www.leg.state.nv.us/Session/79th2017/Bills/ACR/ACR8.pdf

ACR 9 – Traffic Violations as Civil Offenses

Assemblyman Yeager, referred to Committee on Legislative Operations and Elections. (BDR R-1064)

The Legislative Commission is to appoint a 6-member committee of legislators to review traffic, registration and driver license laws and consider the impact of making such infractions civil rather than criminal, including the fiscal effects of such a change. The report to the Legislative Commission is to be delivered to the 80th Legislative Session in 2019.

www.leg.state.nv.us/Session/79th2017/Bills/ACR/ACR9.pdf

SB 456 – Property Tax Assistance for Senior Citizens

Senator Woodhouse, referred to Committee on Legislative Operations and Elections. (BDR S-1048)

Requires the Legislative Commission on Senior Citizens, Veterans and Adults with Special Needs to conduct a study of property tax relief for Nevada Seniors, including possible re-enactment of the Senior Citizens Property Tax Relief Program that was repealed by the 2011 Legislature.

www.leg.state.nv.us/Session/79th2017/Bills/SB/SB456.pdf

SB 489 – Property Tax Study

Committee on Revenue and Economic Development, referred to Committee on Legislative Operations and Elections. (BDR S-1164)

Directs the Legislative Commission to appoint a 6-member committee to study property taxes.

NTA Comment: Also see ACR 7 in this section of this issue.

www.leg.state.nv.us/Session/79th2017/Bills/SB/SB489.pdf

SB 497 – Task Force on School Leader Management

On behalf of the Legislative Committee on Education, Committee on Legislative Operations and Elections and referred to same. (BDR S-332)

Creates the 7-member Advisory Task Force on School Leader Management to conduct a study of the statewide performance evaluation system for administrators. Specifically, the study is to review: school leader preparation; administrator certification, recruitment and professional development for administrators; and evaluation and compensation of administrators. The first meeting is to be held no later than August 31, 2017 and at least four meetings must be held before June 30, 2018. On or before May 31, 2018 a report is to be delivered to the Governor and the LCB Director for delivery to the next regular session of the Legislature.

Effective July 1, 2017 and expires by limitation on June 30, 2018.

NTA Comment: The committee must meet at least four times prior to June 30, 2018; however, its report is due to the Governor no later than May 31, 2018.

www.leg.state.nv.us/Session/79th2017/Bills/SB/SB497.pdf

SCR 5 – Controlled Substance Laws Study

On Behalf of the Advisory Commission on The Administration Of Justice, Committee on Judiciary and referred to Committee on Legislative Operations and Elections. (BDR R-1069)

A committee of six legislators is to review existing controlled substance schedules, penalties and offenses vis à vis current national trends of amending such laws and make recommendations. The report is to be delivered to the 80th Legislative Session by the Legislative Commission.

www.leg.state.nv.us/Session/79th2017/Bills/SCR/SCR5.pdf

SCR 6 – State Worker Salaries

Committee on Finance, referred to Committee on Legislative Operations and Elections. (BDR R-998)

A 7-member committee is to study the salaries of certain unclassified and non-classified positions in State government, including reviewing against comparable private sector positions. The study must include any position in the Judicial Department, Commission on Ethics, Gaming Control Board, Public Utilities Commission and any other department, agency or commission as determined by the Committee. The report is to be delivered to the Legislative Commission for transmittal to the 80th Legislative Session.

www.leg.state.nv.us/Session/79th2017/Bills/SCR/SCR6.pdf