

LEGISLATIVE REPORT

An electronic publication of the Nevada Taxpayers Association ♦ Serving the citizens of Nevada since 1922

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May 21, 2019

This issue of Legislative Report contains a summary of bills and amendments, 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, 2019. (The Legislative default date is October 1).
- ♦ Some bills have a fiscal note, which is not indicated in the summary, as specific fiscal information is not currently provided.
- ♦ To review all bills introduced to date or the BDR list, click [here](#) or go to www.leg.state.nv.us and click on “Session Information – 80th (2019) Session.”

TAXES: Administration

SB 545 – Marijuana Tax Distribution

Introduced by Committee on Finance on behalf of the Governor’s Office of Finance. Referred to Committee on Finance. (BDR 32-1241)

Deposit of the proceeds from the 10 percent tax on retail marijuana is redirected to the Distributive School Account from the Rainy Day Fund.

<https://www.leg.state.nv.us/Session/80th2019/Bills/SB/SB545.pdf>

TAXES: Fuel and Vehicle

AB 485, 2nd Reprint, Electric Scooters (Issue 11, page 88) (Issue 14, page 117) – Maintains 2/3 Majority Requirement

Excludes “electric bicycles” from certain definitions related to motor vehicles and includes electric bicycles and electric scooters in violations against pedestrians and non-electric bicycles. Changes the effective date to upon passage and approval.

https://www.leg.state.nv.us/Session/80th2019/Bills/AB/AB485_R2.pdf

SB 546 – DMV Fuel Tax Collection Commission

Introduced by Committee on Finance on behalf of the Governor’s Office of Finance. Referred to Committee on Finance. (BDR 32-1212)

Clarifies that the “charge” paid to the DMV by counties for collection of certain fuel taxes is a commission.

<https://www.leg.state.nv.us/Session/80th2019/Bills/SB/SB546.pdf>

TAXES: Marijuana

AB 533 – Marijuana Control Board - Requires 2/3 Majority

Introduced by Committee on Judiciary on behalf of the Governor’s Office. Referred to Committee on Judiciary. (BDR 60-1217)

An extensive bill that creates a new title, title 60 in Nevada statutes adding multiple chapters governing the use of marijuana/cannabis. This bill declares legislative intent and provides definitions. Creates the Cannabis Advisory Commission, specifies membership and duties which includes the study of issues and making recommendations to the Cannabis Compliance Board. The Executive Director of the Board serves as the chair of the Commission. Provides the designation of ex-officio Commission members, qualifications for appointed members, and terms of office. Creates the Cannabis Compliance Board consisting of five members appointed by the Governor. Establishes Board qualifications, duties and salaries. Transfers cannabis licensing and regulation from the Department of Taxation to the Board. Provides for the adoption of regulations, investigative and enforcement mechanisms, applications and licensing, fees and fines structure, perform audits, licensing violations and legal proceedings. Provides for an Executive Director, defines duties and provides for an annual salary. Provides maximum dispensary licensing provisions on Counties of over 100,000 population, allows county commissioners to petition Board for an increase. Provides licensing for cannabis consumption lounges and provisions the Board must consider. Authorizes a dispensary and retail store to contract with a third party business to deliver cannabis or cannabis products. Authorizes a dual licensee to combine the inventory of its establishments for inventory control purposes. Divides the responsibility for the adoption of hemp regulations between the Department of Agriculture and the Cannabis Compliance Board. Repeals the provisions of NRS 453A, the Medical Use of Marijuana and NRS 453D, the Regulation and Taxation of Marijuana. As applicable, the repealed sections incorporate the repealed provisions into the new NRS sections, including the prior licensing fees.

(continued on page 144)

AB 533 – Marijuana Control Board (continued)

Effective: Upon passage and approval for adopting regulations and performing preparatory tasks and January 2, 2020 for all other purposes.

NTA Comment: The board and commission in this bill are similar to many of the provisions governing the Gaming Commission and Gaming Control Board.

<https://www.leg.state.nv.us/Session/80th2019/Bills/AB/AB533.pdf>

TAXES: Sales**SB 447, 1st Reprint – Medical Equipment Exemption (Issue 11, page 89)**

Adds clarifying language related to the specifics of which equipment is included in the exemption.

https://www.leg.state.nv.us/Session/80th2019/Bills/SB/SB447_R1.pdf

FEES, FINES & PENALTIES

(See Issue 19-1, page 5, NTA's position on fees.)

AB 316, 2nd Reprint – Sobriety and Drug Monitoring Program (Issue 10, page 70) (Issue 14, page 118) – Maintains 2/3 Majority Requirement

Adds additional sponsors to bill.

https://www.leg.state.nv.us/Session/80th2019/Bills/AB/AB316_R2.pdf

AB 404, 2nd Reprint – Transfer of Hunting Tags (Issue 10, page 72) (Issue 13, page 107)

Includes step-child as a family member.

https://www.leg.state.nv.us/Session/80th2019/Bills/AB/AB404_R2.pdf

BUSINESS ISSUES**SB 30, 1st Reprint – Employment of Offenders (Issue 2, page 10)**

Changes the amount of the personal guarantee or surety bond that must be obtained from a private employer who contracts with the Department of Corrections to employ offenders from 10 percent to 100 percent for construction related work and not more than 100 percent of the prorated annual amount of the contract for all other work.

https://www.leg.state.nv.us/Session/80th2019/Bills/SB/SB30_R1.pdf

SB 30, 2nd Reprint – Employment of Offenders (Issue 2, page 10)

Changes the amount of the surety bond or personal guarantee to not less than 25 percent and not more than 100 percent of the contract for a non-construction related contract and maintains the existing 100 percent amount for a construction-related contract.

https://www.leg.state.nv.us/Session/80th2019/Bills/SB/SB30_R2.pdf

SB 312, 2nd Reprint – Mandatory Paid Sick Leave (Issue 10, page 74) (Issue 13, page 108)

Changes “40 hours per year” to “0.01923 hours...for each hour worked” and January 1 of each year to benefit year which is a period of 365 days.

https://www.leg.state.nv.us/Session/80th2019/Bills/SB/SB312_R2.pdf

EDUCATION: K-12**AB 462, 2nd Reprint – Charter Schools (Issue 11, page 94) (Issue 14, page 120)**

Revises considerations of growth plans and geographic evaluations submitted by charter schools. Changes the date the State Public Charter School shall conduct the first evaluation from “...not later than January 1, 2020.” to July 30, 2019.”

https://www.leg.state.nv.us/Session/80th2019/Bills/AB/AB462_R2.pdf

SB 543 – K-12 Education Funding

Introduced by Committee on Finance and referred to same. (BDR 34-1263)

This extensive bill creates the State Education Fund to receive all state and local revenue designated for K-12. It also creates the Education Stabilization Account (a.k.a. Rainy Day Fund) in the Education Fund to receive excess funds, above 16.6 percent of budgeted expenditures, from each county school district at the end of each fiscal year. The 16.6 percent cannot be used for collective bargaining or for an arbitrator's award. The Commission on School Funding is created with specific qualifications for its 11 members. Members are eligible to receive per diem and travel expenses. The Commission is responsible for reviewing the base per pupil funding as well as the amounts and number of categories for the weighted funding per pupil and making recommendations regarding changes that might be needed to the new funding formula. Recommendations are first to go before the Legislative Committee on Education. The Legislative appropriation into the Education Fund is based on the per pupil basis for the projected enrollment, to be known as the Pupil-Centered Funding Plan. The appropriation is to include operational expenses for the administration and oversight of public schools. An adjusted base per pupil "weighted" funding is to be made for special needs pupils such as English learners, profoundly gifted and disabled. This approach will be used beginning with the 2021 school year.

Effective: Dates vary by sections from upon passage and approval and July 1, 2019 to July 1, 2021.

NTA Comment: This approach erases the Distributive School Account (DSA) which provides for categorical funding and replaces it with pupil based funding.

<https://www.leg.state.nv.us/Session/80th2019/Bills/SB/SB543.pdf>

GOVERNMENT: State**AB 534 – State Plan for Victims of Crime**

Introduced by Committee on Judiciary on behalf of the Governor's Office. Referred to Committee on Judiciary. (BDR 16-1220)

Requires Department of Health and Human Services to create a plan to ensure agencies that provide compensation to victims to use the same data, have forms available online, develop surveys for effectiveness, and work with stakeholders to accomplish all provisions. Requires any state of emergency plan developed by the state or local government coordinate with other persons and organizations that advocate for the needs of victims of emergencies and disasters and provides for the contents of the plan. Also requires various medical boards to keep records regarding medical professionals who are certified in emotional and physical trauma treatment and those that are willing to assist in an emergency.

Effective: Dates vary from upon passage and approval to July 1, 2020.

NTA Comment: Why wouldn't the Director of Administration just follow the procedures established for the adoption of regulations in the Administrative Procedures Act, NRS 233B, instead of paralleling most of provisions in NRS 217.130?

<https://www.leg.state.nv.us/Session/80th2019/Bills/AB/AB534.pdf>

SB 544 – Patient Protection Commission

Introduced by Committee on Health and Human Services on behalf of the Governor's Office. Referred to Committee on Health and Human Services. (BDR 40-1221)

Creates the Patient Protection Commission to systematically review health care needs and health care quality and availability. The members serve without pay but are entitled to travel expenses in line with state employees. The Executive Director is appointed by the Governor.

Effective: Upon passage and approval.

<https://www.leg.state.nv.us/Session/80th2019/Bills/SB/SB544.pdf>

STATE BUDGET: Appropriations IN Executive Budget**SB 520, 1st Reprint – Distributive School Account: K-12 (Issue 15, page 135)**

Decreases amount of appropriation from \$36,492,628 to \$8,246,261.

https://www.leg.state.nv.us/Session/80th2019/Bills/SB/SB520_R1.pdf

STATE BUDGET: Appropriations NOT in Executive Budget

AB 76, 1st Reprint – Regional Behavioral Health Policy Boards (Issue 1, page 8)

Removes the appropriation. Revises composition of regional behavioral health policy boards and appointments. Authorizes Commission to employ personnel, rather than requires.

https://www.leg.state.nv.us/Session/80th2019/Bills/AB/AB76_R1.pdf

AB 76, 2nd Reprint – Regional Behavioral Health Policy Boards (Issue 1, page 8)

Revises compositions of regional behavioral health policy boards, membership and appointments.

Fiscal Impact: The Department of Health and Human Services, Public and Behavioral Health, submitted an unsolicited fiscal note estimating additional personnel, operating, and information systems expenses for FY 2019-20 at \$154,765, FY 2020-21 at \$197,357, and future biennia at \$394,714.

https://www.leg.state.nv.us/Session/80th2019/Bills/AB/AB76_R2.pdf

AB 76, 3rd Reprint – Regional Behavioral Health Policy Boards (Issue 1, page 8)

Moves Lincoln, Mineral and Northern Nye Counties to the southern Region and adds back Esmeralda County. Creates the Clark Behavioral Health Region consisting of Clark County and Southern Nye County. Further revises the membership and appointment of the boards.

https://www.leg.state.nv.us/Session/80th2019/Bills/AB/AB76_R3.pdf

STUDIES

SCR 3, 1st Reprint – Electric Vehicles (Issue 6, page 48)

Changes the focus to identifying alternative funding for the maintenance of roads and highways from a means to assess electric vehicle owners in lieu of fuel taxes. Study to be conducted by Committee on Energy. The report is due by February 1, 2021 for the 81st Legislature.

https://www.leg.state.nv.us/Session/80th2019/Bills/SCR/SCR3_R1.pdf

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