

# LEGISLATIVE REPORT

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

ISSUE 21-3

Through February 5, 2021

February 10, 2021

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, 2021. (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](http://www.leg.state.nv.us) and click on "Session Information – 81<sup>st</sup> (2021) Session.

## TAXES

(See Issue 21-1, Page 1, NTA's Policy for Evaluating Taxes.)

## TAXES: Mining

NTA Notes: The Net Proceeds of Mineral Tax was originally a local government revenue source. A voter approved ballot question in 1989 changed the rate to allow the state to also receive net proceeds. The three following resolutions propose to amend the constitution regarding the taxation of minerals. These resolutions do not require a 2/3s vote as they will appear on the next general election ballot.

### **AJR 1 \*\* – Constitutional Amendment Governing the Taxation of Mines, Minerals, Oil, Gas, and Hydrocarbons**

Of the 32<sup>nd</sup> (2020) Special Session. (BDR C-25)

Changes the application of taxation on minerals from net proceeds of minerals to gross proceeds. Changes the rate of taxation from "not to exceed 5 percent of the net" to "7.75 percent of the gross proceeds". Provides for the collection and distribution of gross proceeds, with twenty-five percent segregated in an account for educational purposes, health care of state residents, and economic assistance to state residents. Requires a majority vote for any provision that creates, generates, or increases the rate of tax, requires a two-thirds majority vote for any provision that exempts or reduces the rate of tax.

Effective: If approved will be placed on 2022 general election ballot for consideration by voters.

<https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7338/Overview>

### **AJR 2 \*\* - Constitutional Amendment Governing the Taxation of Mines, Minerals, Oil, Gas, and Hydrocarbons**

Of the 32<sup>nd</sup> (2020) Special Session. (BDR C-29)

Proposes to amend the Constitutional provisions of the Net Proceeds of Mineral Tax to a rate no less than the rate of tax levied upon the assessed valuation of real property in the taxing district in which the extractive operation is located and not to exceed 12 percent (currently 5 percent). Also requires the legislature to apportion among the local governmental entities including the school districts the same proportion they share on the property tax collected in the county.

Effective: If approved will be placed on 2022 general election ballot for consideration by voters.

<https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7339/Overview>

### **SJR 1 \*\* – Constitutional Amendment Governing the Taxation of Mines, Minerals, Oil, Gas, and Hydrocarbons**

Of the 32<sup>nd</sup> (2020) Special Session. (BDR C-27)

Changes the application of taxation on minerals from net proceeds of minerals to gross proceeds. Changes the rate of taxation from "not to exceed 5 percent of the net" to "7.75 percent of the gross proceeds". Provides for the collection and distribution of gross proceeds, with fifty percent segregated in an account to make payments to Nevada residents on a yearly basis. Requires a majority vote for any provision that creates, generates, or increases the rate of tax, requires a two-thirds majority vote for any provision that exempts or reduces the rate of the tax.

Effective: If approved will be placed on 2022 general election ballot for consideration by voters.

<https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7337/Overview>

### FEES, FINES & PENALTIES

*(See Issue 21-1, Page 4, NTA's Policy for Evaluating Fees.)*

#### **SB 100 – Physical Therapy Licensure: Interstate Compact Commission – Requires 2/3s Majority**

Introduced by Senator Seevers Gansert and referred to Committee on Commerce and Labor. (BDR 54-153)

Creates the Physical Therapy Compact Commission, allows member states to create bylaws, make rules and establish fees, hold meetings, develop and use a coordinated database and reporting system, and resolve disputes related to the Compact among states that are members of the Compact. The Commission is authorized to levy and collect an annual assessment from each state that is a member of the Compact. Replaces the term “registered physical therapist” with the term “licensed physical therapist” to comply with current terminology in existing law.

<https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7393/Overview>

### BUSINESS ISSUES

#### **AJR 10 \* - Minimum Wage Constitutional Amendment of the 80<sup>th</sup> Session**

Sponsored by Senate Democratic Caucus. Introduced by Committee on Commerce and Labor. (BDR C-1273)

Returned from Secretary of State. Proposes to amend the Nevada Constitution to set the minimum wage at \$12 per hour worked beginning July 1, 2024, regardless of whether the employer provides health benefits to employees.

Effective: July 1, 2024

*NTA Comment:* If this bill is passed by this legislature, it will appear on the next general election ballot.

<https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7335/Overview>

#### **SB 95 – Filings with Secretary of State**

Introduced by Senator Ohrenschall and referred to Committee on Judiciary. (BDR 7-493)

This bill makes a number of changes regarding filings with the Secretary of State's office from authorizing a corporation to include a federal forum selection clause in its articles of incorporation to bylaw changes to revising and adding definitions.

<https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7385/Overview>

### GOVERNMENT: State and Local

#### **SB 97 – COVID 19: Vaccination Events**

Introduced by Senators Settelmeyer, Hardy, et al (4). Joint Sponsors Assemblymen Titus and Wheeler. Referred to Committee on Government Affairs. (BDR S-897)

Provides exemption for limitations on gatherings where purpose is to administer COVID-19 vaccine.

Effective: Upon passage and approval.

<https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7387/Overview>

### GOVERNMENT: State

#### **AB 93 – Emergency and Disaster Declarations**

Introduced by Assemblymen Wheeler, Dickman, et al (12) and referred to Committee on Government Affairs. (BDR 36-41)

Provides that a state of emergency or declaration of disaster proclaimed by the Governor which imposes or restricts operation of the State's business is not effective until a regulation is submitted and approved by the Legislative Commission or by the Legislature by resolution.

Effective: Upon passage and approval.

*NTA Comment:* See Also SB88, GOVERNMENT: State this issue.

<https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7384/Overview>

**AB 444 \* - Creates Committee on Tax Expenditures and Incentives for Economic Development of the 80th Session**

Notice of Exemption. Sponsored by Committee on Taxation. Referred to Committee on Legislative Operations and Elections. (BDR 17-767)

Returned from Secretary of State. Read with Governor's veto message. Creates the Legislative Committee on Tax Expenditures and Incentives for Economic Development and prescribes the appointment of its membership.

Effective. Upon passage and approval.

NTA Comment: This is the only bill from the 2019 session that was vetoed after the session adjourned, which is why it was returned to this session.

<https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7334/Overview>

**SB 88 – Emergency and Disaster Declarations**

Introduced by Senator Pickard and referred to Committee on Government Affairs. (BDR 36-51)

Provides that a state of emergency or declaration of disaster may continue beyond that 30-day period if the Legislature approves a continuance through the adoption of resolution that is approved by a two-thirds vote of each House of the Legislature.

Effective: Upon passage and approval.

NTA Comment: See Also AB93, GOVERNMENT: State this issue.

<https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7374/Overview>

**SB 99 – Fiscal Notes: Expands Provisions**

Introduced by Senators Seevers Gansert, Goicoechea, et al (3) and referred to Committee on Legislative Operations and Elections. (BDR 17-700)

Requires each bill or joint resolution introduced in the Legislature to include a statement concerning whether the bill or resolution creates, generates or increases any public revenue of the State or a local government.

NTA Comment: This bill contains an unfunded mandate not requested by the affected local government. It provides the statutory provision (NRS 354.599) that prohibits unfunded mandates to local government does not apply to this bill.

<https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7389/Overview>

**GOVERNMENT: Local****AB 90 – Impact Fees: Intercounty**

Introduced by Assemblywoman Benitez-Thompson and referred to Committee on Government Affairs. (BDR 22-883)

Creates a process for a county to pay an impact fee to local governments that are impacted by a project of intercounty significance. Defines "Project of intercounty significance" for purpose of paying a share of the impact.

NTA Comment: This bill contains an unfunded mandate not requested by the affected local government. It provides the statutory provision (NRS 354.599) that prohibits unfunded mandates to local government does not apply to this bill.

<https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7379/Overview>

**EDUCATION: K-12****SB 92 – Career and Technical Education**

Sponsored by Senator Denis and referred to Committee on Education. (BDR 34-184)

Requires the State Board of Education to include robotics as a subject in which career and technical education may be provided by the Board of Trustees of a school district.

<https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7378/Overview>

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<https://www.leg.state.nv.us/App/NELIS/REL/81st2021/Bill/7374/Overview>

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Contact Us: [www.nevadataxpayers.org](http://www.nevadataxpayers.org) ❖ [info@nevadataxpayers.org](mailto:info@nevadataxpayers.org)

**CARSON CITY OFFICE**  
116 East 7<sup>th</sup> Street, Suite 202  
Carson City, NV 89701-5293  
(775) 882-2697

**LAS VEGAS OFFICE**  
2303 East Sahara Avenue, Suite 102  
Las Vegas, NV 89104-4138  
(702) 457-8442