

**City of Carson City
Agenda Report**

Date Submitted: June 8, 2015

Agenda Date Requested: June 18, 2015

Time Requested: 20 minutes

To: Mayor and Board of Supervisors

From: City Manager

Subject Title: For Possible Action: Discussion and possible action to accept the 2015 Legislative Summary as prepared by Walker and Associates. (*Mary Walker, Walker and Associates*)

Staff Summary: Per the Consultant Agreement with the City, the Legislative Lobbyist is to monitor and provide updates of pending and completed legislation during the current Legislative Session. The attached summary report will provide an end of session report.

Type of Action Requested:

Resolution

Formal Action/Motion

Ordinance

Other (Specify)

Does This Action Require A Business Impact Statement: () Yes (X) No

Recommended Board Action: I move to accept the 2015 Legislative Report prepared by Walker and Associates and direct Staff to ensure full compliance with legal and statutory changes based on the 2015 Legislative Session

Explanation for Recommended Board Action: None

Applicable Statute, Code, Policy, Rule or Regulation: Consultant Agreement with Walker and Associates, LLC.

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: None

Supporting Material:

- 1) County Legislative Update

Prepared By: Nick Marano

Reviewed By: _____

Date: _____

Nick Marano

(City Manager)

Date: 6/9/15

[Signature]

(District Attorney)

Date: 6/9/15

[Signature]

(Finance Director)

Date: 6/9/15

Board Action Taken:

Motion: _____

1) _____

Aye/Nay

2) _____

(Vote Recorded By)



Walker & Associates

661 Genoa Lane, Minden, Nevada 89423

MEMO TO: Nick Marano
Jim Nichols
Jeff Page
Pat Whitten

FROM: Mary Walker
Steve Walker

DATE: June 8, 2015

RE: Legislative Update

Overview

The 2015 Legislature is over. The Legislature has introduced over 1,000 bills. We monitored over 500 bills for the 4 counties.

Overall, I think we had an excellent Legislative Session for the counties with many bills being passed which we have been trying to pass for several decades or which were bills detrimental to the counties which were either amended or killed including:

- 1) SB 168 Collective Bargaining-first collective bargaining reform to pass the Legislature in my 30 years of working at the Legislature. It allows for a reopener when there is a fiscal emergency and a 3 month General Fund balance not available for negotiations.
- 2) AB 172 Prevailing Wage-increased prevailing wage from \$100,000 to \$250,000
- 3) SB 95 Publishing Tax Rolls-Ends publishing the tax rolls as of July 1, 2015, however, there is an ad required for FY 15-16 only.
- 4) SB 153 Presumptive Eligibility-Limits Heart and Lung workers comp to a more reasonable level for public safety
- 5) SB 29 NACO Home Rule-Got it through for operations only
- 6) SB 482 Elected Officials Salary Bill-got it through with 3% per year increase for all elected officials.
- 7) AB 191 Fuel Tax Indexing-passed and will be put on the 2016 ballot
- 8) AB 364 Portal Bill-passed with amendment from our counties for it not to cost local governments and it is enabling only
- 9) SB 30 NACO Longevity Bill-passed with enabling language an elected official may choose not to take longevity
- 10) SB 241 Collective Bargaining-requires unions to reimburse cost of employee time off to do union business or to decrease amount of negotiated award to reimburse cost of employee time off doing union business.
- 11) SB 170 Data Center Abatement passed.
- 12) SB 353 bidding professional services, sole source items was killed due much to our efforts.
- 13) AB 170 Bonding was amended due to our efforts to make it amenable to the local governments.

- 14) AB 417 Storey boundary bill was killed.
- 15) AB 427 Mining Restriction bill killed.
- 16) SB 111 Police Recording Devices was amended to only affect the Highway Patrol.
- 17) SB 122 Recycling Construction Materials was amended to only affect Clark County then was killed.
- 18) SB 487 Lakes Crossing cost shift to the counties was killed.
- 19) Consolidated Taxes-no change which is a positive for our counties.
- 20) AB 366 Right of Way Maintenance was amended by our counties to address our concerns.
- 21) AB 163 Rangeland Fire Associations was amended by our counties to address our concerns.
- 22) AB 281 Traffic Laws affecting our court fees was killed.
- 23) AB 454 Manufacture Home Park was amended by our counties to address our concerns.
- 24) SB 146 Sleeping Periods was amended by our counties to address our concerns.
- 25) SB 421 Presidential Primary Bill which would have cost the counties was killed.
- 26) SB 433 Election Bill which would have cost the counties was killed.

There were three bills/issues which we did not win on, neither did the State, schools and/or other local governments which are:

- 1) AB 106 Design Professionals-this shifts some liability from engineers/architects to the State, local governments and schools.
- 2) AB 332 Public Works-requires sales tax to be paid on public works materials and which affects State, local governments and schools.
- 3) Child Protective Services-the Legislature did not pass the amendment the Governor submitted to help us correct the CPS assessment to the rural counties. There was a disconnect between LCB staff and State DHHS staff. It affects the 15 rural counties.

A complete listing of each bill we monitored and links to the final bill language will be submitted to the County Managers and staff by the end of next week.

**Bills of Importance:
Assembly Bills**

AB 10 NACO Indigent Defense Bill. DEAD This bill would shift indigent defense costs for capital cases to the State. It was heard very favorably in the Judiciary Committee and referred to Ways and Means for funding consideration.

AB 19 Tentative Budget Dates. APPROVED. Allows the final budget to go to elected boards in the last 2 weeks of May instead of set at the 3rd Monday in May.

AB 25 Residential Construction Tax Bill. APPROVED Bill would allow additional uses for the residential construction tax to include existing park facility improvements but not maintenance.

AB 41 Indigent Care. APPROVED Bill eliminates the ability for the State to take remaining County IAF/SUP funds at year end.

AB 90 Nevada Mutual Aid. APPROVED It establishes a Nevada Intrastate mutual aid system.

AB 106 Design Professionals. APPROVED Bill would shift liability of engineers and architects professional liability onto local governments. Our counties testified against the bill. Doug Ritchie from Douglas County DA and Darren Schulz did a great job!

AB 163 Rangeland Fire Association. APPROVED One of the Governor's top priorities. Bill heard very favorably. I submitted amendments on behalf of our counties and fire districts to insure 474 fire districts had control over the program within their jurisdictions. All parties now agree. State Forester Firewarden was very good to work with and he agreed to all our amendments.

AB 170 Bonding Restrictions. APPROVED This bill originally would limit rural bonding to \$2.5 million and urban bonding to \$5 million. All local governments were against this bill. For the past 2 months, I have been working with sponsors, Assemblymen Dickman and Wheeler to amend the bill to take out the bonding limits. They have agreed. The bill now will only pertain to requiring the bond proceeds to be spent in accordance with the bond covenants and additional notification.

AB 172 Prevailing Wage. APPROVED Prevailing wage changed from \$100,000 to \$250,000.

AB 182 Collective Bargaining Reform. DEAD This bill is very controversial and it has a lot of opposition from unions. It is an omnibus bill which eliminates supervisors from unions, was amended to put in a 3 month fund balance not available for negotiations (to match our bill has a 3 month fund balance not available for negotiations in SB 168), prohibits employer from providing paid leave or paying compensation for union members doing union business, requires notification of certain offers made in collective bargaining, eliminates final and binding factfinding, eliminates arbitration, etc.

AB 190 PERS Reform. DEAD This bill is very controversial and it had a lot of opposition. It had an \$800 million fiscal note. The bill would eliminate the current PERS system for new hires after 7-1-16. The new system would be a mixture of a defined benefit plan and a defined contribution plan. It is complicated and PERS testified it would increase our rates because the current system would be closed with no younger employees coming into the system which lowers the cost.

AB 191 Fuel Tax Indexing. APPROVED The bill would allow for fuel tax indexing with vote of people. Was heard very favorably.

AB 249 Our Collective Bargaining Bill. DEAD The bill would require factfinders and arbitrators find any monetary award be financially sustainable as well as the ability to pay. Puts in a 25% fund balance reserve not available for collective bargaining in the General Fund, etc.

AB 281 Traffic Laws. DEAD The bill would have decriminalized traffic citations thereby eliminating local government's ability to collect court fees. Bill was amended to put the criminalization back in to not affect the court fees.

AB 289 Study of Mental Health Regionalization. DEAD The bill requires the Legislature to study regional mental health governance.

AB 332 Public Works Sales Tax on Materials Bill. APPROVED Bill originally required sales tax on public works purchase of materials in-house. Bill has several amendments, so not as bad, but still a problem.

AB 353 Bidding on Professional Services, Sole Source, etc. DEAD This bill would have required bidding for professional services, sole source and many other items.

AB 364 Portal Bill. APPROVED Includes our amendment to insure there would be no cost incurred by local governments and it is enabling.

AB 366 Right of Way Maintenance Bill. APPROVED Passed Assembly Transportation with our amendment to allow fuel tax to be used not only for rights of way but also for administrative costs associated with the project.

AB 377 Nevada State Prison. APPROVED Provides for preservation and development of Nevada State Prison as cultural resource.

AB 401 Courts of Inquiry. DEAD. Bill would have cost local governments by requiring them to have courts of inquiry for convicted criminal review of their innocence, etc.

AB 410 State Boards. APPROVED Bill originally would have changed the make-up of State Boards including the Transportation Board, but it was amended to only include the Real Estate Commission.

AB 417 Storey/Washoe Boundary Bill. DEAD. Would have extended the date of 2013 Legislation regarding changing the Storey/Washoe boundaries.

AB 427 Mining Restrictions Bill. DEAD. Would have eliminating local government planning over mining.

AB 454 Manufacture Home Park. APPROVED Bill passed Commerce and Labor with amendment to eliminate our concerns.

AB 460 Reapportionment. DEAD Bill states Legislative intent to expand the number of Assembly and Senate seats in the next reapportionment cycle.

Senate Bills:

SB 11/29 NACO Home Rule Bill. SB 11 DEAD, SB 29 APPROVED NACO and all the counties have done a great job getting this bill passed the Senate. NACO was great on this one! They left no stone unturned!

SB 16 NACO PSI Bill. DEAD. Bill would require counties to pay 30% for Pre-Sentence Investigations instead of 70%. Heard very favorably in Senate Finance. Discussion amongst Committee members to go to 50%-50%.

SB 30 NACO Longevity Bill. APPROVED. Bill was amended to make it permissive if an elected official wanted to forgo their longevity pay, they could.

SB 59 Sec of State Business Portal Bill. APPROVED Original bill had unfunded mandate of local governments paying for system upgrades to integrate with Sec of State's system. Sec of State has accepted our amendments to make it enabling only and providing it won't cost local governments anything.

SB 66 Henderson Development Agreement Bill. APPROVED Original bill had lots of problems. Mimi Moss and Cynthia Gregory from Douglas County did a great job working with Henderson to come to agreement where now they are neutral on the bill.

SB 93 Aircraft Abatements Bill. DEAD Bill provides aircraft abatements and is supported by all airports in State. Heard very favorably in committees.

SB 95 Publication of Tax Rolls. APPROVED Bill eliminates the requirement to publish the tax rolls, instead allowing it to go onto website. However, for FY 15-16, counties have to publish alternative advertisement.

SB 108 Prevailing Wage Reform. DEAD This bill raises the prevailing wage limit from \$100,000 to \$1 million.

SB 111 Police Video Cameras. APPROVED The bill was amended to only require the Nevada Highway Patrol to wear video cameras. The local governments were kept out of the bill.

SB122 Recycling Construction Debris. DEAD This bill requires contractors whose project is within 30 miles of a recycling center to transport construction debris to the recycling center. Amendment put in to only affect Clark County.

SB 146 Sleeping Periods. APPROVED This bill would have required no payment for sleeping periods for those who work 24 hour shifts. Meant for home health care workers. The sponsor has agreed to an amendment which will specify it does not affect firefighters.

SB 149 Public Works Grants. DEAD Bill would provide \$6.5 million to Carson, Douglas and Lyon each for public works projects. Smaller counties, such as Storey would receive a lesser amount not yet defined in bill.

SB 153 Presumptive Eligibility. APPROVED Important bill which will put some reasonable parameters around current lifetime benefit for heart/lung workers' comp benefits for public safety. Senator Settlemeyer has been working very hard with unions on crafting an agreement to accomplish this. The agreed to language includes eliminating smokers and people who do not follow their doctors orders from presumptive eligibility. It limits presumptive eligibility for those employees with 20 years or less service on a year to year basis. For example, if someone had 5 years of service, they only get 5 years of presumptive eligibility once they leave service. Those over 20 years keep their lifetime benefit.

SB158 Publishing CBAs. APPROVED This bill would require local governments to publish the collective bargaining agreements 10 days on their website prior to local government ratifying an agreement. Amendment was presented to reduce it to 3 days.

SB 168 Our Collective Bargaining Bill. TO ENROLLMENT UNIONS WANT GOVERNOR TO VETO BILL. 25% fund balance and reopener. This is a bill I have been working on for over several months with Senator Settlemeyer. It was heard in committee very favorably. Lots of support and the usual opposition from some of the unions, but not all of them. Bill allows for a reopener if a local government is in a fiscal emergency. I took Carson City's CBA language for the reopener and wrote it into this bill with some modifications. There is also a 25% or 3 month fund balance not available for negotiations in the bill. The Senate and Assembly have made this bill a priority.

SB 170 Data Center Abatement. APPROVED Heard very favorably. It is on a fast track.

SB 246 Craft Distilleries. APPROVED Doubled amount to be sold and consumed on site.

SB 421 Presidential Primary Bill. DEAD Bill would have required a presidential primary instead of a caucus vote.

SB 433 Election Bill. DEAD Bill would have extended early voting hours to include Sundays, etc.

SB 451 Public Defenders. DEAD Bill would establish Public Defender Commission and would limit county public defender costs to 2014 level. Spoke with Fontaine and requested it not include any capital cases regarding 2014 cost cap.

SB 481 Public Utility. APPROVED Passed Senate Government Affairs with amendments to fix problems.

SB 482 County Officials Salary Bill. APPROVED Bill gives all elected officials including County Commissioners 3% raises.

SB 487 Lakes Crossing Payment. DEAD Bill would require Counties to pay for criminally insane sent to Lakes Crossing by local judges.

Water and Natural Resources Bills:

SB 65 Water Rights Adjudication . DEAD - This bill and its companion SB 81 was sponsored by the Division of Water Resources. After the initial hearing in Senate Government Affairs, the Chair asked the State Engineer to convene a working group to hammer out issues on both (SB 81) bills. The working group, after meeting 3 times, finished their input on 3/6.

SB 81 Active Management Areas. DEAD - See discussion above on SB 65.

AB 169 Gray Water. DEAD The bill was one of the last bills on the Assembly's agenda as the clock struck midnight and the amendment from the Senate was not concurred with.

AB 198 Water Study. APPROVED It requires the interim Public Lands Committee develop a water study to address a variety of issues including a statewide estimate of water use by specific categories, an analysis of water conservation programs and alternative supply options – eg desalinization. Since the study has no funding a cut and paste effort by LCB staff from existing (and very available) data will likely be the final product.

SB 173 Mining Regulation – DEAD. It had requirements of mine reclamation to include a groundwater right be dedicated to the evaporation loss coming from pit lakes.

SJR1 Public Lands Transfer. EFFECTIVE 5/21 This resolution is the outcome of a bill from last sessions that required NACO convene a task force of County Commissioners to develop a strategy to convert federal lands into state lands. The resolution focuses on Phase 1 of the task force recommendation to convert 7.3 million acres to state administration. All these lands are now administered by BLM and consist of checkerboard lands along the historic Central Pacific railroad across Northern Nevada, dedicated right of ways, geothermal leased land and land already designated for disposal. Phase 2 would be implemented in 10 years following phase 1 and would include transfer of the majority of public lands to the State. The resolution was heard on March 2 and attracted a large number of people/entities in opposition.

SB 45 Conservation Districts – APPROVED. This bill allows grant funding and other state allocations to Conservation Districts no longer has to be distributed equally to all the 28 districts in the state as current law requires. In the governor's budget there will be additional funds added to provide grants to CDs to address sage grouse habitat issues. This bill makes competitive grant funding possible.

AB 283 Federal Lands Law Enforcement – DEAD passed committee - Clarifies that state and county law enforcement officials have jurisdiction on all private lands and right of ways and federal law enforcement officials can only enforce state law if an agreement with local/state officials exists.

AB 408 Public Lands DEAD – original bill was declared unconstitutional by LCB based upon assumption the state and counties controlled all public lands in Nevada.

AB 430 Clearing & Snagging DEAD - re-establishes funding in a state program for clearing debris from rivers and streams.

AB 431 Feral Horses – **DEAD**– tasked the State Dept. of Agriculture to provide a management and population control plan for unbranded horses not occupying federal lands.

SB 476 Conservation Districts -**APPROVED**– bill recognizes expertise of conservation districts allows them to participate in the federal EIS review process. Also enables County Commissions to establish up to \$25 per parcel within a conservation district if approved by the voters by mail-in ballot, in the general election or special election after BCC approves a petition by the effected entities.

AB 455 Water Study **DEAD** requests the legislature conduct an interim study on allocation and use of water in the state.

SB 456 Accessory Roads – **APPROVED** requires Attorney General to force recognition by federal agencies of certain roads over public lands that were established between 1866 and 1976. Termed accessory roads established to serve activities on federal lands prior to federal ownership or were recognized in certain federal acts - \$500,000 fiscal note/yr by Attorney Generals Office.

SB 485 Vested Water Rights - **DEAD** – bill requires holders of vested water rights – water rights claimed prior to establishment of State water law – to file proofs of ownership and beneficial use by 2025.