



STAFF REPORT

Report To: Board of Supervisors

Meeting Date: July 6, 2017

Staff Contact: Nick Marano, nmarano@carson.org

Agenda Title: For Presentation Only: Presentation and final report of the 2017 Legislative Session.

Staff Summary: Mary Walker, Government Affairs Consultant will provide a recap and final report of the 2017 Legislative Session.

Agenda Action: Other/Presentation

Time Requested: 15 mins

Proposed Motion

No action, presentation only.

Board's Strategic Goal

N/A

Previous Action

N/A

Background/Issues & Analysis

N/A

Applicable Statute, Code, Policy, Rule or Regulation

Financial Information

Is there a fiscal impact? Yes No

If yes, account name/number:

Is it currently budgeted? Yes No

Explanation of Fiscal Impact:

Alternatives

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)



Walker & Associates

661 Genoa Lane, Minden, Nevada 89423

MEMO TO: Nick Marano
Larry Werner
Jeff Page
Pat Whitten

FROM: Mary Walker
Steve Walker

DATE: June 15, 2017

RE: Legislative Update

Overview

The 2017 Legislative Session has ended. There were 515 bills Walker & Associates monitored and worked on this Legislative Session on behalf of the 4 Counties. Overall, in the final analysis, we ended better than when we started the Legislative Session which we can't say for certain past Legislative Sessions. There were no major bills passed which negatively affected our Counties while some helpful bills passed. Most of the bills we opposed are either dead or have been amended. Many of the bills we have supported were passed, but not all of them.

This was a Legislative Session of a lot of challenges. The collective bargaining bills and problematic public works and prevailing wage bills were all either killed in Committee or vetoed by the Governor or amended to address concerns. These bills include AB 271 general employees receiving binding factfinding, SB 469 25% Fund Balance to 16.6%, SB 356 regarding allowing CBAs to continue past their expiration all these bills were either vetoed or killed in Committee. Public Works and Prevailing Wage bills were either killed, amended or vetoed. Therefore, we find NRS 288 collective bargaining and prevailing wage laws pretty much untouched this Legislative Session.

Other challenges included AB 153 Daly's Economic Development Bill and Study which were both killed, AB 311 CTax which would have taken \$4 million from Lyon County's local governments and given it to Fernley was killed, SB 179 Airplane Tax Abatements taking existing taxes away from local governments was killed, SB 236 Marijuana at Events was killed, AB 407 Cooperative Extension geographic regions was killed, SB 289 Out of Network Insurance Bill was killed. SB 245 Treasurer's Bill and AB 310 Public Administrators Bills were amended to eliminate the negative fiscal impact on the counties. Overall, most of the bills which would have had negative consequences to our counties were either killed or were amended to alleviate our concerns.

The positive bills which passed include SB 54 Lyon County's Infrastructure Tax Expansion of Use Bill, SB 57 Storey County's V&T Bill, SB 519 50% grants to replace voting machines, SB 503 river clearing funding, AB 417 Mainstreet, SB 199 Distilleries, SB 491 allowing for

purchase or leasing voting machines, various sound water bills, SB 486 providing \$5 million each year to local governments for fiscal effects of marijuana establishments plus 3% of gross revenue of marijuana establishments and SB 176 Body Cameras which provided funding for body cameras as well as 911.

Overall, we did end better than when we started the 2017 Nevada Legislative Session.

State Budget

The Governor's budget for Child Protective Services has passed and as we requested, the assessments to the counties will basically be a flat assessment in the next biennium in comparison to this biennium after much work to eliminate the error in the CPS budget. The China Springs budget has passed and is as we requested for operations but there was an error in the CIP which has been corrected by an amendment from the Governor's office. The \$250,000 river clearing funding was approved in SB 503. SB 519 passed and it provided 50% of the funding to replace rural voting machines. Overall, counties fared fairly well regarding the State's budget.

Bills of Importance

Our 4 County Bills

SB 54 Lyon County Infrastructure Expansion of Use Bill- BILL PASSED, APPROVED BY GOVERNOR. Bill will expand the use of the NRS 377B Infrastructure Tax to include operations and maintenance (no personnel costs) and include health and welfare costs. EFFECTIVE JULY 1, 2017.

SB 57 Storey County V&T Bill- BILL PASSED, APPROVED BY THE GOVERNOR. Bill will change make up of V&T Commission to only include Carson and Storey folks. EFFECTIVE OCTOBER 1, 2017.

SB 8 State Grants for Body Cams- Bill DEAD. Passed out of Senate 21-0. Killed in Assembly Ways & Means. Bill will provide State grants to rural counties and cities for implementation of body cameras.

SB 439 5 Cent Diesel Tax County Option- Bill DEAD. Passed out of Senate 21-0. Passed Assembly Tax Committee but killed on Assembly Floor. Allowed rural county commissions the ability to enact up to a 5 cent diesel tax with vote of people.

Assembly Bills

AB 16 NACO Ag Extension- Bill DEAD. Required State to pay 1 cent prop tax amount and half of admin costs.

AB 43 NACO Property Tax Cap Fix Bill- Bill DEAD. Would have provided a 3% floor to the tax cap.

AB 140 Carson-Washoe Boundary Bill. Bill DEAD. Would have shifted Duck Hill area to Carson City from Washoe County.

AB 153 Impact fees on Regional Economic Development Projects- Bill and Study DEAD. Would have allowed adjacent counties, cities, school districts, RTCs to charge impact fees to neighboring counties.

AB 154 Prevailing wage to \$100,000- BILL DEAD, VETOED BY GOVERNOR.

AB 203 Cemeteries- BILL IS LAW. Restricts disinterment in cemeteries. Amendment addresses our concerns. EFFECTIVE MAY 23, 1017.

AB 211 Employee Treble Wages for Unpaid Wages- BILL DEAD. Has amendment requiring employer action has to be willful.

AB 246 Clear Creek GID- BILL IS LAW. Bill would allow GIDs within two counties. EFFECTIVE JULY 1, 2017.

AB 267 Workers' Comp- BILL IS LAW. Amendment provides \$200 per day benefit penalty each day claim is under appeal, changes to disability and medical benefits. EFFECTIVE OCTOBER 1, 2017.

AB 271 Collective Bargaining- BILL DEAD, VETOED BY GOVERNOR. Bill would require binding fact finding for general employees (not public safety).

AB 280 Bidders Preference- BILL IS LAW. Requires 10% bidders preference on construction managers or design build but was amended to only include State purchasing...locals out of it. EFFECTIVE JULY 1, 2017.

AB 285 Clear Creek Road Construction- Bill DEAD.

AB 290 Wheeler's Financial Stabilization Collective Bargaining Bill- Bill DEAD with Governor Veto. Passed Assembly Gov't Affairs with amendment gutting the bill and only giving the unions the right to be paid for hours worked negotiating.

AB 300 Vocational Rehabilitation- Bill DEAD. Would have increased the amount of voc rehab.

AB 310 Titus' Public Administrator Bill- BILL IS LAW. Has amendment eliminating the mandate of \$12,000 annual salary per our request. Mandate of salary in the bill, but no amount which is left up to the County to decide. EFFECTIVE JULY 1, 2018.

AB 311 Fernley CTax Bill- Bill DEAD. Would have taken \$4 Million of CTax revenue from other Lyon County local governments and shifted it to Fernley.

AB 366 Behavioral Health Regions- BILL IS LAW. Bill is based on our 4 county regional mental health coalition. EFFECTIVE JULY 1, 2017.

AB 379 Recreational Taxing Districts – BILL IS LAW. Original bill used NRS 318 as basis, new bill creates new chapter and is liberal in implementation of districts – Section 7 & 8 have enabling language. EFFECTIVE JULY 1, 2017.

AB 384 Employment Criminal History- BILL IS LAW. Amended to clarify and not to apply to public safety. Counties ok with final language. EFFECTIVE JULY 1, 2018.

AB 386 Access to public lands thru private property- Bill DEAD.

AB 398 Electric Car Road Tax- Bill DEAD.

AB 404 Inspector General- Bill DEAD. Bill requires Inspector General to review waste, corruption in State and local governments.

AB 406 Prevailing Wage to \$100,000 and Public Works- Bill DEAD. Bill would have originally taken prevailing wage to \$25,000 then amended to \$100,000. Bill also has negative public works provisions.

AB 407 Cooperative Extension Geographical Regions/Audit- Bill DEAD. Vetoed by Governor. Established geographic regions for Coop Ext. Amended to require audit and designation of State land grant institutions.

AB 417 Mainstreet- BILL IS LAW. Establishes a State program for Mainstreet. EFFECTIVE JULY 1, 2017.

AB 458 Workers' Comp- BILL IS LAW. Changes voc rehab, permanent partial disability. Ok for the most part with amendment. EFFECTIVE JULY 1, 2017.

AB 519 Grants for Voting Machines- BILL IS LAW. Bill grants \$1.8 million to rural counties to replace voting machines which is approximately 50% of the cost of the machines. EFFECTIVE JULY 1, 2017.

Senate Bills

SB 8 NACO Pre-Sentence Investigation Bill- Bill is DEAD. Bill would require State to pay 70% and Counties to pay 30%. Today Counties pay 70%.

SB 60 Medicaid for EMS- BILL IS LAW. Bill would allow EMS to charge Medicaid for services. EFFECTIVE JUNE 4, 2017.

SB 63 League of Cities-Town Fuel Tax Bill- Bill DEAD. Bill would have required counties to pay towns for county roads within their town boundary or maintain them. Negotiations between Douglas and towns leading to interlocal agreement.

SB 157 Overtime/Meal Period- Bill DEAD. Would change payment of overtime/meal periods.

SB 176 Body Camera Bill/Surcharge- BILL IS LAW. Bill would mandate body cameras for public safety but allows an up to \$1 9-1-1 fee to pay for it and 9-1-1 services. EFFECTIVE upon passage and approval for administrative functions, body cam mandate is effective JULY 1, 2018.

SB 179 Airplane Tax Abatements- Bill DEAD. Allows for sales and personal property tax abatements for manufacturing airplanes or parts for companies in existence for more than 10 years.

SB 193 Employment Separation Payments- Bill DEAD. Restricts amount of separation payments to less than Governor's current salary.

SB 199 Distilleries- BILL IS LAW. Increases amount of gallons sold by distilleries to 75,000 cases each year within State and 400,000 to out of state sales. EFFECTIVE OCTOBER 1, 2017.

SB 236 Marijuana at Events- BILL DEAD. Counties/Cities may pass ordinances to allow/regulate such events – requires event sponsors to be licensed and must be 300 feet from a public facility.

SB 244 Digging in Historical Areas- BILL IS LAW. Pertains to Indian remains and disposition of remains. EFFECTIVE JULY 1, 2017.

SB 245 Treasurer's Bill- BILL IS LAW. Amended to take out the fiscal impact to counties and only deals with facsimiles. EFFECTIVE JULY 1, 2017.

SB 254 Use of Force- Bill DEAD. Bill removed provision granting immunity from civil liability in actions involving use of force.

SB 268 Prisoner ID- BILL IS LAW. Original bill would have required Sheriffs to provide IDs for prisoners leaving prison but amendment makes it only enabling. Sheriff's may do this. EFFECTIVE DATE OCTOBER 1, 2017.

SB 282 Peace Officers- Bill DEAD. Amendment eliminates award of attorney fees and there has to be willful and intentional violation of law.

SB 289 In/Out of Network-Insurance- Bill DEAD. Had large State and local government fiscal note. Would have eliminated in and out of network insurance.

SB 304 Settlemeyer's Public Administrator Bill- Bill DEAD. Bill would have required compensation but allowed BOCC to set the level of compensation. Bill would have taken fees away from PAs.

SB 314 Settlemeyer's Windmill Bill- BILL IS LAW. Amendment by Clark County which we concurred with includes the county being able to deny the windmill if it does not conform to the character of the area. EFFECTIVE OCTOBER 1, 2017.

SB 315 Waste Disposal- Bill DEAD. Original concern was this bill would impact local waste disposal, however, it only relates to So. Nevada.

SB 330 Regulation Review- Bill DEAD. Would have required review of regulations affecting business.

SB 345 Economic Development Regional Impact Study- Bill DEAD. Would have required businesses to file economic development regional impact studies.

SB 352 Natural Disasters/Property Tax bill- BILL IS LAW. Would retain depreciation on rebuild of homes after natural disaster. EFFECTIVE JULY 1, 2017.

SB 356 CBA Continues after Expiration- Bill DEAD. VETO BY GOVERNOR. Requires collective bargaining agreements to continue after expiration. Republicans opposed.

SB 357 Apprentice Bill. Bill DEAD. VETO BY GOVERNOR. Requires contractor to ensure % of apprentice work, we are ok with amendments.

SB 377 Public Defender Study- BILL IS LAW. Bill amended to only establish the Nevada Right to Counsel Commission. Requires Interim Study regarding legal representation of indigent persons and recommendations of minimum standards. EFFECTIVE JULY 1, 2017.

SB 462 GID Review Bill. BILL IS LAW. Authorizes County Commissions to create a committee to review GIDs. Limited to 6 reviews a year. EFFECTIVE JULY 1, 2017, EXPIRES JUNE 30, 2021.

SB 469 25% Fund Balance/Reopener- Bill DEAD. VETO BY GOVERNOR. Had amendment to 16.67% fund balance set aside from negotiations and retains automatic reopener during recessions. We supported the amendment in Senate, but was vetoed.

SB 471 Eliminates 309 Improvement District. BILL IS LAW. Repeals 309 District and establishes a special district. EFFECTIVE OCTOBER 1, 2017.

SB 477 Residential Homes for disabled- BILL IS LAW. Relates to zoning and requires fire sprinklers. EFFECTIVE JULY 1, 2017.

SB 491 Leasing Voting Machines- BILL IS LAW. Allows the Secretary of State to lease or sell voting machines to counties. EFFECTIVE MAY 25, 2017.

SB 495 Actions against Employers- Bill DEAD. Expanded lawsuits against employers.

SJR 14 Constitutional Amendment on Property Taxes- Passed Legislature. Needs to pass 2019 Legislature and 2020 Vote of the People. Bill would eliminate depreciation and all abatements the first year after the sale of a residence.

Water Bills

AB 8 – City Utility Collections – BILL IS LAW – allows delinquent utility bills to be collected on property tax – Counties already have that ability. EFFECTIVE DATE OCTOBER 1, 2017.

AB 50 State Fees/Penalties on Water System Violations – BILL IS LAW – significantly raises penalties for out of compliance water utilities by an order of magnitude. EFFECTIVE DATE MAY 22, 2017.

AB 138 – Di minimus Water Use – BILL IS LAW- Carlton bill that is already captured in SB 74. EFFECTIVE DATE JULY 1, 2017.

AB 209 Time Extension – BILL IS LAW - Oscarson’s bill that allows more flexibility in drought periods in over pumped basins to prove beneficial use. EFFECTIVE DATE JULY 1, 2017.

AB 231 – Basin Water Budgets – Chair Cancela’s bill – Bill DEAD.

AB 269 Groundwater Management Plans – Bill DEAD.

AB 298 – 3 M Planning - Bill DEAD. SNWA bill to address management, monitoring and mitigation plans for inter-basin transfers and large allocation that could affect existing rights.

SB 47 Interbasin Transfer Clean-up – BILL IS LAW. Passed committee with significant amendment that requires State Engineer to send out 4 year warning letter before starting forfeiture of a permit at the 5 year beneficial use deadline and kept exemption to inter-basin transfer at 250 acre feet. – EFFECTIVE JUNE 8, 2017.

SB 51 Update on Adjudication/Calls for Proofs – BILL IS LAW – Humboldt River/surface water oriented. EFFECTIVE MAY 22, 2017.

SB 73 – Critical Management Area/Groundwater Management Plans – Bill DEAD.

SB 74 –BILL IS LAW. Governor’s Drought Taskforce Recommendations – amendments included changing potential committee duties from water planning to water conservation orientation. Major amendment to just focus on water plan requirement criteria for utilities – EFFECTIVE JUNE 9, 2017.

SB 134 – 3M Planning – Goicoechea/Ford – Bill DEAD.

SB 270 Proofs on Vested-BILL IS LAW– requires proofs be filed on all vested rights by 2025. Heard ANR 4/6 - EFFECTIVE JULY 1, 2017 & JANUARY 1, 2025

SB 271 Domestic Well/Curtailment– Bill DEAD. Allows domestic well owners to keep indoor use or be limited to 0.5 acre feet if metered in basin where the State Engineer is curtailing junior rights due to over-pumping.

SB 272 Domestic Wells in Critical Management Areas – Bill DEAD.

SB 494 Cloud Seeding Grants - Bill DEAD.

SB 503 Channel Clearing – BILL IS LAW – exempt - 250K re-allocation to existing river channel clearing program. 2/3 majority – EFFECTIVE JUNE 8, 2017.

Marijuana Bills

SB 236 – Event marijuana use – Bill DEAD. License/permit for on-site used issued by local govt. Gives tourists a place to use marijuana as existing law allows in personal residence only.

SB 302 – Early start sales –Bill DEAD. Allows early start of recreational marijuana sales at existing medical marijuana sales location – Exempt – not heard – 2/3 majority.

SB 329 – Marijuana medical use research – low income subsidy - Bill DEAD. Moves jurisdiction from HHS to Taxation and creates non-profit dispensary to study medical benefits – Exempt – not heard – 2/3 majority.

SB 341 – Marijuana research licensing provision, et. al. Bill DEAD. Very similar to SB 329 – also authorizes UNR/UNLV to apply for marijuana research grants – Exempt – passed Sen Jud – 2/3 required. **Dead**

SB 344 – Labeling edibles - BILL IS LAW. requires edible products to be packaged in prescription type packaging – no children attractive label use. EFFECTIVE JULY 1, 2017.

SB 374 – Use of marijuana for opioid addiction – Bill DEAD. VETO BY GOVERNOR. Also allows industrial hemp oil to be used by massage therapist. – Approved by Senate on partisan vote -

SB 375 – Authorizes Governor to develop agreements with Tribes on recreational sales – BILL IS LAW. Tribes on trust lands can sell recreational marijuana following State rules and taxation – Passed Senate unanimously. EFFECTIVE JUNE 2, 2017.

SB 396 – Industrial Hemp – BILL IS LAW - allows cultivation of industrial hemp and hemp seed regulated by Dept of Agriculture – THC content regulated – Approved by Senate unanimously – 2/3 majority – EFFECTIVE JULY 1, 2017.

SB 416 – Apprenticeship programs for marijuana production – Bill DEAD. VETO BY GOVERNOR - labor organizations or coalition of marijuana producers may develop apprenticeship programs.

SB 487 – Excise Tax on sales of marijuana – BILL IS LAW. Senator Ratti’s bill that adds 10% excise tax with distribution to state and local governments. Heard – no action – Exempt – 2/3 majority. EFFECTIVE JULY 1, 2017.

SB 508 – Excise Tax on sales of marijuana – Bill DEAD. Governor’s bill for 10% tax to go to schools – heard – no action – exempt – 2/3 majority.

AB 135 – Marijuana DUI criteria – BILL IS LAW. Establishes blood test levels of THC to determine impairment for operation of vehicle/boat – Passed Assembly – heard 5/3 – Sen Jud – EFFECTIVE JULY1, 2017.

AB 259 – Marijuana conviction forgiveness – Bill DEAD. VETO BY GOVERNOR. - allows misdemeanor marijuana conviction to vacate judgment and seal record – Passed Assembly on partisan vote.

AB 422 – Jurisdictional transfer of marijuana regulation – BILL IS LAW. Transfers from HHS to Taxation – no vending machine sales, limits medical purchase to 1 ounce. Juvenile medical marijuana purchases more strictly administered - Passed committee – exempt. – EFFECTIVE JULY 1, 2017.

AB 463 – Taxation on production facility – Bill DEAD - exempts medical marijuana and adds 15% tax on sales from production facility to retail – Limits local govt license tax on production facility to 5%. Passed committee – exempt – 2/3 majority.

2017-18 INTERIM LEGISLATIVE STUDY COMMITTEES:

During the Interim Legislative Sessions, the Legislature continues with several Committees and studies of issues in Nevada. These are typically issues that are more complicated and take a longer time to gain consensus than through a 120 day Legislative Session. If someone is not participating in the Interim Committees working to gain consensus prior to the next Legislative Session and then tries to participate during the 120 day Legislative Session, it is seen as

circumventing the Legislative process. It is very important to be involved in the Interim Legislative Studies and Committees. The Interim Legislative Committees and Statewide Committees include:

Legislative Committee on Health Care.
Legislative Committee on Public Lands (and Water)
Legislative Committee of the Review and Oversight of TRPA and Marlette Water System
Legislative Committee on Child Welfare and Juvenile Justice
Legislative Interim Study on Housing Affordability
Committee on Local Government Finance

That's it for now. Please let us know if you have any further direction.