



# STAFF REPORT

**Report To:** Board of Supervisors **Meeting Date:** June 17, 2021

**Staff Contact:** Nancy Paulson, City Manager

**Agenda Title:** For Discussion Only: Discussion and presentation on the final report from Walker and Associates concerning the 81st (2021) legislative session of the Nevada Legislature. (Nancy Paulson, npaulson@carson.org)

Staff Summary: Mary and Steve Walker of Walker and Associates, Government Affairs Consultants for Carson City, will provide a recap and final report on the recently concluded legislative session of the Nevada Legislature.

**Agenda Action:** Other / Presentation **Time Requested:** 15 mins

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**Proposed Motion**

N/A

**Board's Strategic Goal**

Efficient Government

**Previous Action**

N/A

**Background/Issues & Analysis**

N/A

**Applicable Statute, Code, Policy, Rule or Regulation**

N/A

**Financial Information**

Is there a fiscal impact? No

If yes, account name/number:

Is it currently budgeted?

Explanation of Fiscal Impact:

**Alternatives**

N/A

**Attachments:**

[WNLCLegislativeUpdateJune2021.doc](#)

**Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_

2) \_\_\_\_\_

*Aye/Nay*

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(Vote Recorded By)



# Walker & Associates

661 Genoa Lane, Minden, Nevada 89423

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MEMO TO: Carson City Manager Nancy Paulson  
Douglas County Manager Patrick Cates  
Lyon County Manager Jeff Page  
Storey County Manager Austin Osborne

FROM: Mary Walker  
Steve Walker

DATE: June 1, 2021

RE: 2021 Nevada Legislature - Final Update

As you are aware, the 2021 Nevada Legislative Session is over. Each Legislative Session has its own flavor. This Session is one we would describe as a defensive session. There were 454 bills which we monitored for our 4 counties out of 1,033 bills introduced. There were several bills through the Session which would have had large fiscal impacts to counties, particularly the Justice Reform bills. We provided several amendments to the sponsors of the bills and generally received acceptance for our amendments which limited or eliminated the fiscal impact to our counties. While we did not get everything we needed, in the end, the bills were amended to be much more moderate and reasonable than when we started.

County staff did a great job getting back to us on the counties' positions on the 454 bills. We know it takes a lot of work and we appreciate all the information and feedback. It really makes a difference.

We will be getting to County staff in mid-June a listing by department of all the bills we monitored, their disposition and final bill language so they have a complete record by department of the bills which will impact them.

### **State Budget**

There were some significant fiscal impacts to our counties due to the State budget including a \$1.2 million decrease in annual State funding for China Springs which was eventually spread over three years. Also at the last minute, a recalculation of the Child Protective Services budget by LCB staff increased the cost to the counties. Dagny Stapleton and I will be meeting with DHHS staff to make sure this recalculation was appropriate and to also work with DHHS to prepare legislation for 2023 to clarify how the Child Protective Services costs will be allocated to the counties in the future and to insure any unspent funds are refunded to the counties. This will eliminate potential misinterpretations of how the costs are allocated to the counties.

### **Bills of Importance:**

**AB 83 Nevada Day.** BILL IS DEAD. Bill would have changed the date for the Nevada Day celebration to October 31<sup>st</sup> instead of the last Friday of the month of October.

**AB 84 Wildfire Cooperation.** BILL PASSED - Allows State Forester, with approval of the Director of Conservation and Natural Resources, to approve public/private agreement to do pre-suppression or suppress wildfires.

**AB 86 Wildfire - Recovery of Expenses.** BILL PASSED - Removes the requirement that a fire “threatens human life” as a requirement to collect fire suppression expenses.

**AB 90 Study of Impacts of Projects with Intercounty Significance.** BILL IS DEAD. This bill would have required a study of the regional impacts of the Tesla economic development project.

**AB 116 Court Fines/Fees.** BILL PASSED. Originally, this bill would have cost cities and counties over \$30 million statewide because it required all court fines and fees to go to schools. We were able to negotiate with the sponsor and she accepted an amendment written by Carson City to eliminate the provision that the fines and fees go to schools. The sponsor also accepted additional amendments from us making the bill more moderate and palatable.

**AB 131 Portable Recording Device.** BILL IS DEAD. This bill would have required any peace officer to wear a portable event recording device if they interact with any public. The bill was opposed by the Sheriff’s and Chief’s Association.

**AB 133 Peace Officer Training.** BILL IS DEAD. This bill would have required all peace officers to receive extensive training, even when it is not related to their duties. Bill was opposed by the Sheriff’s and Chief’s Association.

**AB 170 Animal Control.** BILL IS DEAD. Allowed animal control officer who is an employee of a shelter to enforce laws.

**AB 196 Lactation Rooms in Courthouses.** BILL PASSED. The bill requires a lactation room in courthouses, however, these requirements do not apply in certain circumstances. There is also a \$50,000 appropriation from the State to help local jurisdictions enact the law.

**AB 211 Subdivision Impact on Wildlife.** BILL PASSED. Originally, the bill would have required a 30 day review by the State Dept of Wildlife on all subdivisions. The bill was amended to include “reasonable fees” by the State and require the local government to consider the potential impacts to wildlife and wildlife habitat when reviewing tentative maps.

**AB 249 Construction Hours.** BILL PASSED. The bill originally would require local governments to enact hours of construction statewide, however, we were able to negotiate with the sponsor and she amended the bill to only affect HOAs.

**AB 253 Open Meeting Law.** BILL PASSED - Clarifies open meeting law requirements when public bodies do remote electronic meetings.

**AB 270 Preservation of Nevada State Prison and Stewart Indian School.** BILL PASSED. Provides funding mechanisms for the preservation of the Nevada State Prison and Stewart Indian School.

**AB 276 Public Records Request.** BILL IS DEAD - Would have allowed petitioners for public record who had to pursue legal means for release of records to recover 200% of legal costs.

**AB 279 Heavy Equipment Taxation.** BILL IS DEAD. The bill originally would have established a separate taxation for a particular business. The Assessors were opposed to the bill and it died.

**AB 322 Cannabis Events.** BILL IS DEAD - Would have allowed cannabis use at events where single use sale of products would have occurred.

**AB 341 Cannabis Consumption Lounges.** BILL PASSED – The bill passed with Carson City amendment to clarify local control over cannabis. The bill will allow up to 20 cannabis consumption lounges, either as adjacent buildings to existing cannabis retail facility or as an independent lounge to sell single use products for consumption within the facility. Ten of the 20 lounge licenses have to be given at a reduced application fee to “social equity applicant.” The Cannabis Compliance Board will issue licenses and define social equity applicant per person/persons affected by previous laws relating to cannabis. Lounges could only be located in Counties that have **operating**, licensed facilities and would be required to follow local zoning laws and ordinances per final amendment of the bill requested by Carson City.

**AB 363 - Transient Lodging.** BILL PASSED – Bill originally would have limited local government ordinances on transient lodging statewide. Through negotiations, the bill is now only specific to Clark County and sets licensing rules and fee collection requirement for short term rentals.

**AB 378 Public Lands.** BILL PASSED - Bill better defines the roll of the Division of State Lands concerning participation with counties in development of public land policies and reduces the participation of the State Land Use Planning Agency by the Director of State Lands.

**AB 385 Compensation of Officers.** BILL PASSED. The bill originally was of concern, but we were able to negotiation with the sponsor and amend the bill to where it is palatable. The bill will stem overcompensation of officers particularly when there is an investigation of its officer.

**AB 495 Mining Tax** - BILL PASSED - A compromise between gold/silver mining companies and education interest to avoid referendum proposed during last summer’s special session to remove mining tax exemption in the Nevada Constitution or greatly reduce exemptions. Bill enacts a 0.75% excise tax on the gross revenue of gold/silver mines that gross over 20 million to 150 million and a 1.10% gross revenue tax on mines generating over 150 million in gross revenue. To get the 2/3s vote necessary to pass taxes, amendments to replace money removed from support of charter schools in the 2019 session (14 million) was added and a requirement to do a study by the Education Committee on how schools boards are selected.

**SCR 11 Innovation Zone Study.** BILL PASSED. Originally, the Innovation Zone legislation would have allowed a private business to have its own county including police powers, judicial powers, taxation powers, building and safety powers, etc. The bill met with significant opposition from Legislators, Storey County, NACO, environmentalists, progressives, the Paiute Tribe and many others. The bill was turned into a study which is set to be completed by December 31, 2021.

**SB 13 and SB 142 Regarding Fund Balance Not Available for Negotiations.** BOTH BILLS DIED WITHOUT HEARING. The bills would have changed the % not available for negotiations. The 16.67% Fund Balance not available for negotiations for local governments still stands.

**SB 94 Public Roads through Private Land.** BILL PASSED - In counties under 100,000 population an unlocked gate may be constructed where the public road crosses private lands. In all counties, based upon approval by the federal land management agency, an unlocked gate may be constructed where the public road crosses private land.

**SB 98 - Storey County Joining Carson Water Subconserancy District.** BILL PASSED - Allows portion of Storey County that lies within the Carson River Watershed to become a member of the CWSD. In lieu of ad valorem fees, membership payments will be made via the general fund.

**SB 113 Arson** - BILL IS DEAD - Attempted to better define “maliciously” to the crime of arson.

**SB 150 Tiny Houses** - BILL PASSED - Requires counties with populations under 100,000 or cities with populations under 150,000 to allow for Tiny Houses (400 sq. ft or less) to be allowed as an accessory unit in at least one zoning district and as a stand-alone unit in a single-family residential zoning area or a tiny house park. The tiny park must have community water and wastewater system. For counties over 100,000, they have to allow Tiny Houses as an accessory unit in three zoning districts.

**SB 107 Wrongful Termination.** BILL PASSED. Original bill would have allowed wrongful termination suits to be able to be filed years after the person was terminated. Our counties and many others opposed. The bill was amended to eliminate our concerns.

**SB 156 Crisis Intervention Centers.** BILL PASSED. Bill will allow rural hospitals the ability to provide crisis intervention services with a higher Medicaid crisis rate which will provide financial incentive for hospitals to provide this service rather than the mentally ill being kept in our hospitals or jails.

**SB 183 Bikes on Roadway.** BILL IS DEAD. Bill would have interfered with areas where bikes are allowed on State highways, such as in Carson City.

**SB 191 Electric Vehicle Surcharge.** BILL IS DEAD. We asked Senator Settlemeyer if local governments could get part of this revenue, if enacted. He agreed, but the bill died.

**SB 278 Cannabis Taxation** - BILL PASSED - Excludes the 15% excise tax when cannabis is transferred from a cultivation facility to another cultivation facility under the same ownership.

**SB 295 Workers' Compensation**. BILL PASSED. If an injured employee has filed a claim, the insurer may not terminate, suspend, withhold, reduce or halt the payment of compensation for a permanent total disability on the basis that the injured employee earns income.

**SB 322 - Short Term Rentals** - BILL IS DEAD - Prohibited a County Commission or City Council from specifically enacting ordinances concerning short term rentals.

**SB 327 Discriminatory Practices**. BILL PASSED. Bill was amended, at our request, to not pertain to rural local governments. The sponsor agreed and the provisions of the bill dealing with promotions does not affect departments which have 200 or less employees.

**SB 390 Suicide Hot Line**. BILL PASSED. Bill enacts the 988 national suicide hot line required by Federal law. It also includes grants from the opioid lawsuits to go to jurisdictions, including counties, for drug addiction programs, mental health programs. Nevada currently has \$45 million in opioid monies to be distributed.

### **Public Works Bills**

**AB 87 Easement Abandonment**. BILL PASSED - Allows local government to abandon certain easements through an administrative process in lieu of an ordinance. Requires all adjacent property owners to sign a certified letter that they agree with the abandonment.

**AB 99 Prevailing Wage**. BILL IS DEAD - Bill attempted to raise the threshold where public works projects did not have to use prevailing wage criteria in projects costing less than 250K. Current limit is 100K.

**AB 162 Apprentices**. BILL IS DEAD - Would have allowed counties under 100,000 population to limit the requirement of apprentice participation in public works projects without requesting exemption for the Labor Commissioner.

**AB 410 CMAR Engineering**. BILL PASSED - Requires that selection of a Construction Manager at Risk be based on qualification not on bid amount. Additionally, limits application for public works jobs by a CMAR to once every 4 years.

**SB 67 Clark County's Public Works Job Order Contracts**. BILL PASSED - Creates a pilot program in Clark County to gather data on certain job order contracts on public works.

**SB 141 – CMAR**. BILL PASSED - Removes the expiration of using Construction Manager at Risk on public works jobs for smaller counties and better defines horizontal construction to include major remodel or renovation.

## Water Bills

**AB 5 Judicial Reviews.** BILL IS DEAD - State Engineer's bill attempting to restrict protesting of a ruling until publication and limiting persons to protest to those materially affected.

**AB 6 Temporary Changes.** BILL PASSED - State Engineer's bill that allows individuals to protest a temporary change of a water right and gives the State Engineer the discretion to hold a hearing on that protest.

**AB 146 Diffuse Water Source Monitoring.** BILL PASSED - The bill requires coordination between the Environmental Commission and State Board of Health on septic system regulation and additionally on drinking water quality requirements. Additionally, the Department of Conservation and Natural Resource **may** develop programs to monitor water quality of diffuse source water and develop programs to reduce any diffuse source pollution.

**AB 333 Storm Water Retention.** BILL PASSED - The bill clarifies the judicial review process of land use planning decision made by local governments. Additionally, the bill clarifies that storm water detention from impervious areas as required by local governments as a matter of approval of development would not be subject to Chapter 533, implying that the retained water does not require a water right.

**AB 354 Water Banks.** BILL IS DEAD - A State Engineer's bill that would allow the banking of agricultural water rights that could be used for municipal/residential use.

**AB 356 Water Conservation.** BILL PASSED - Another State Engineer's bill that was gutted and used by SNWA to restrict the use of non-functional turf (turf used mostly in commercial areas) irrigated by Colorado River water and provide a program to remove non-function turf.

**SB 149 Groundwater Board.** BILL IS DEAD - Bill would have allowed County Commission to form Groundwater Managing Boards.

**SB 155 State Engineer.** BILL IS DEAD - the bill would have removed the requirement that the State Engineer would have to be a Professional Engineer.

**SB 216 Community Water Systems** - BILL IS DEAD - Would make exception to the development of emergency response plans on certain smaller water systems that are governed by Federal Statues.

**SB 238 Public Water Systems** - BILL IS DEAD - Would have required that local governments assume the responsibility of operation out of compliance local water systems if the State Engineer ruled that the system had sufficient water rights to meet existing demand.

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