



NACO 2013 Legislative Recap

June 14, 2013

- *Italics indicate a change that a county will have to make*
- Indicated in (parenthesis) if the bill has not yet been approved by the Governor

SUCSESSES

[SB 452](#) Indigent Accident Fund

Authorizes the Board for the Fund for Hospital Care to Indigent Persons (a.k.a. Indigent Accident/Supp Fund) to use the 1.5 cent levy for the Indigent Accident Account to match additional federal Medicaid dollars for enhanced rates or supplemental payments to hospitals, authorizes the Board to use the Fund to pay a portion of the counties share of the Medicaid Match program for long term care. The bill redirects the 1 cent levy for the supplemental account to reduce the amount Clark and Washoe Counties pay for the Disproportionate Share of Hospitals (DSH) payments and authorizes the Board to assess hospitals up to \$8 million per year to pay indigent accident claims.

[AB 2](#) NACO's SLUPAC Bill (State Land Use Planning Advisory Council)

Allows Commissioners who serve on SLUPAC to also serve on one other Governor-appointed board or commission. *Also adds a non-voting NACO representative to the Board.*

[AB 33](#) Abatements for Green Buildings (Office of Energy)

Requires county approval of any abatement for green buildings (added upon the insistence of the speaker) – a county can deny an application for abatement but only if they can show that the services provided to the property will cost the local government more than the revenues received after the abatement, or that the financial benefits gained from the building will not exceed the loss in tax revenue. *A county has 30 days to approve the application or it is deemed approved.* Expands the abatement to include renovations to buildings in addition to new buildings, but limits the duration to 5 years. Expands the systems that can be used to measure “green” building improvements, and increases the rating needed to get the abatement; amends the percentages of taxes abated in relation to the levels of LEED certification. (Enrolled, not yet approved)

[AB 138](#) Abatements for Investments in Higher Ed

Businesses that invest \$1 million in research or development at UNR/UNLV/DRI, or \$500,000 in NV State College or another institution in NSHE are eligible for property tax abatements (up to 50%) over 5 years. *Requires approval of the abatement by the county.*

[AB 227](#) Public Lands Study Bill

Creates the Nevada Land Management Task Force to conduct a study during the 2013/14 interim, regarding the transfer of public lands from the Federal Government to the State of Nevada. *Each county is required to appoint a member of the Task force by July 1, 2013.* The Task Force is required to submit a report to the Committee on Public Lands on September 1, 2014. NACO will provide administrative support.

[AB 239](#) Speaker Kirkpatrick's Renewable Energy Bill

Removes abatements for building transmission lines. Gives counties authority over all renewable energy abatements: *A county has 30 days to approve the application or it is deemed approved.* The county can only deny an application if they can show that the services provided to the project will cost the local government more than the revenues received after the abatement, or that the financial benefits gained from the building will not exceed the loss in tax revenue. This bill also returns to counties a portion of local property taxes from renewable energy projects that were going to fund the state Renewable Energy Fund. And finally, *this bill requires that each local governing body that is required to adopt a master plan establish an "above ground utility plan" designating corridors for transmission lines. Each local entity must create a process for permitting transmission projects within corridors, as well as a special use permit process to approve transmission projects that are outside of designated transmission corridors and that has certain provisions. Each local governing body must also establish, by ordinance, a process for issuing an SUP for renewable energy projects, which must include certain provisions. Each governing body, if applicable, should also create a process for issuing an expedited SUP for renewable energy projects that are in isolated rural areas and away from residential or inhabited areas.* This bill also creates an appeal process to the PUC for any SUP that has been denied for either transmission or renewable energy projects if the applicant believes that the process was either not timely or that the conditions are unreasonable. This is the bill that initially took away all county authority to permit large scale transmission projects, also, the language regarding permitting was a solution for renewable energy developers who wanted no county oversight for either abatements, or permits for energy projects on federal land.

[AB 286](#) Assemblywoman Flores' Bill on Emergency Medical Services at Special Events

This bill initially required all counties to provide certain emergency medical personal and services at special events. The bill was amended so that for counties smaller than 100,000 population, a specified number of first aid stations, physicians, medical technicians, and ambulances are only required at events larger than 50,000 people.

[AB 374](#) Burning Man Bill

This bill originally removed the authority of a county to regulate any events on public lands. NACO worked with Burning Man and Senator Spearman to come up with compromise language that gives a county the authority to waive their special event ordinance, in perpetuity, if the event coordinator satisfies certain requirements including compensation for county services.

[AB 388](#) Assemblyman Bobzien's Energy Bill

Makes changes to the renewable energy portfolio standard. Importantly, the speaker insisted that the language on county oversight over abatements for renewables also be included in this bill: *A county has 30 days to approve the application or it is deemed approved.* The county can only deny an application for abatement if the county can show that the services provided to the project will cost the local government more than the revenues received after the abatement, or that the financial benefits gained from the building will not exceed the loss in tax revenue. (Enrolled, not yet approved)

[AB 423](#) PSI Bill

Requires that Pre-Sentence Investigation Reports be disclosed to the defendant 7 days before sentencing (by Oct 2013); by March 2014 PSI reports shall be given to defendant 14 days before sentencing; and by October 2014 21 days. There was initially a \$1 million annual fiscal note to counties on this bill, however, the staggered implementation was added and supposedly will address all additional costs to Parole and Probation (70% of which are assessed to counties)

[SB 3](#) Mineral County – 8 Cent Cap for Long Term Care

For all counties besides Washoe and Clark – caps at 8 cents the amount the county shall pay to the State for the Medicaid Match Program for long term care.

[SB 66](#) Esmeralda County Bill

Authorizes counties under 15,000 population to use any county equipment on any local government property within the county. Also authorizes, under certain circumstances, the Board of County Commissioners of some counties to use county equipment on private roads and allows county to assess the owner of the road for the costs to the county. (There was significant additional language that was unfortunately amended out of this bill).

[SB 90](#) Confidentiality of Geothermal Project Info (Senator Settelmeyer's Bill)

Exploration or subsurface information obtained in connection with the application for a geothermal project must be kept confidential by a local government entity for 5 years.

[SB 121](#) Belmont Courthouse – Nye County's Bill

Authorizes the state to transfer ownership of the Belmont Courthouse to Nye County.

[SB 165](#) Tax Credits for Movies

A movie or film producer may be granted credits against the taxes that they would otherwise pay to the state. These credits can then be sold to others to help finance the project and incentivize shooting movies in Nevada. We worked with the bill sponsor to ensure that all of the taxes abated for movies are state taxes and not local; however the bill sponsor did add a provision to give local governments the option to create an ordinance that grants the project exemptions from local permitting and licensing fees.

Cost Shifts/Assessments

No new cost shifts or assessments for Health and Human Services (HHS) were proposed in the Governor's budget. The estimated assessments enacted in 2011 for the Department of Health and Human Services which are continued in the next biennium are attached as a separate document. We are still analyzing the approved budget to determine the final amounts for all assessments, including Parole and Probation pre-sentence investigations. However, based on our preliminary analysis it appears that the total amounts for all counties, which are based mostly on caseload projections, are slightly higher for some services and slightly lower for others, but overall about the same.

Other Budget Items:

The Governor's recommended addition of \$ 550,000 per year as a line item in the University of Nevada Cooperative Extension budget was approved by the Legislature. The additional funding will prevent a significant reduction in UNCE services.

DISAPPOINTMENTS

AB49 NACO's Indigent Defense Bill

This bill would increase the statewide sales tax and authorize the counties to impose an additional increase in their local sales tax to pay for public defenders was heard in Assembly Taxation but did not receive a vote.

AB 75 Electronic Publishing of Property Tax Rolls

This bill was defeated by the press lobby. It did make it through the first house and died in committee in the Senate. This bill would have allowed property tax rolls to be published online instead of in newspapers – would have provided a significant savings to counties.

SB 2 Home Rule

Passed the Senate 18 – 2; did not get out of committee in the Assembly. Legislators and the Speaker on the Assembly side had concerns, though we did make some headway with them.

SB 202 ACIR – Senator Roberson

This bill established the Advisory Committee on Intergovernmental as a statutory Committee. This bill passed out of the Senate as well as Assembly Legislative Operations Committee. It did not come up for a vote on the Assembly floor because of concerns about including legislators on the Committee.

Budget Items:

The Governor had recommended the addition of \$650,000 per year that counties could use to reduce their assessments for the China Springs/Aurora Pines Youth Camps, or reinvest in these facilities or other juvenile justice programs. The Legislature decided to use the additional funds to help the China Springs Youth Camp comply with federally mandated staffing ratios.

OTHER BILLS WE FOLLOWED, INCLUDING THOSE WITH CHANGES TO BE AWARE OF

[AB 18](#) Relinquishment of Roads (NDOT)

Creates additional criteria for NDOT to relinquish a state-owned road to a county and vice-versa. In addition to a consenting resolution from the county, the parties have to agree in writing to the relinquishment, and the road has to be either in good repair or compensation has to be agreed upon. *Also requires NDOT to work with local governments to adopt procedural documents for this process.* Does contain a provision (based on existing NRS) that if a state highway is abandoned it can relinquish full title to the county, and nothing “limits the power” of the NDOT Board to do so (408.527, Sect 5 & 6). Removes a provision that if the road is an easement the county may abandon without revision to NDOT.

[AB 25](#) Nuisance Abatements

Regarding a county’s authority to abate nuisances - any civil penalties imposed for abatements may be assessed against the property after 180 days (was 12 months). If a county appoints a designee to assess fees for abatements then that designee has to report details on all assessments to the board each quarter. *Requires counties to amend their ordinance to include a hearing and appeal process relating to civil penalties.*

[AB 1](#) (was **AB 38** became AB 1 in Special Session) Abatements for New and Existing Businesses (Governors Office on Economic Development)

Reduces the number of employees required to receive an abatement but adds language throughout the abatement statute that the investments must be retained in the city/county of origin for 5 years; increases some requirements that existing recipients of abatements have to meet; decreases the required investment amount for industrial or manufacturing businesses that receive investments; changes requirements for abatements in designated “foreign trade zones”; eliminates deferrals of sales tax for all but investments over \$1million and specifies that they cannot be on mining or gaming equipment, equipment used by a medical facility or a public utility; establishes abatements on gross receipts in designated underutilized business zones, redevelopment areas, or areas eligible for CDBG grants, and for data centers in these areas up to 15 years; establishes abatements for data centers in underutilized business zones or redevelopment areas for property taxes up to 75% with a required investment of \$1 million. (Enrolled, not yet approved)

[AB 50](#) Redevelopment Areas

Clark only – extends the life of redevelopment areas

[AB 54](#) County Fees for Justice Court

Allows counties to collect filing fees for proceedings in justice court in order to use them to pay for a law library established in the county or other expenses related to justice court.

[AB 61](#) Economic Development/Tax Abatements

Adds a requirement that any business seeking a tax abatement over \$250,000 must seek approval of the Board of Economic Development; abatements below \$250,000 are approved by the GOED Executive Director. Changes the makeup of the Board and laws governing regional economic development authorities. Allows only counties and incorporated cities to be able to apply for money from the state's Catalyst Fund.

[AB 65](#) Open Meeting Law

Prohibits members of a body from having a proxy unless specifically allowed in statute or ordinance. Provides a remedy to correct a violation of the open meeting law within 30 days in some circumstances. Defines "deliberate" to be used in the determination of whether discussion by a quorum of the members of a body is in violation of the open meeting law. A quorum may be present via electronic communication. Adds additional requirements for noticing a public meeting. *Requires counties over 45,000 population to post supporting materials for a meeting to their website within a certain timeframe. Counties under 45,000 population are expected to work towards being able to post supporting documents on their website.*

[AB 68](#) C-Tax Bill

Revises allocation and distribution of the C-Tax. NACO and the counties supported this bill which was the product of an interim Legislative Study.

[AB 85](#) Purchasing

Prohibits a local government from entering into a joint purchasing agreement if a contractor's license is required for any portion of the agreement.

[AB 87](#)

Washoe County only – changes standards and specifications in zoning ordinances relating to schools.

[AB 168](#) County Wildlife Advisory Boards

Changes the requirement for membership so that *one person on the board shall represent the general public; and that for members who are appointed to represent hunters, trappers, or anglers: those who are engaged in ranching and farming should provide recommendations on appointments.*

[AB 172](#) In-State Bidders Preferences

Clarifies and changes some of the requirements regarding contractors, materials, and penalties.

[AB 192](#) Bonds of Notary Publics

Repeals the expiration of the authority of County Clerks to charge a fee for recording a bond of a notary public. The authority to charge this fee was set to expire on July 1.

[AB 200](#) Farm to Fork Bill

Excludes "farm to fork" events from the requirement that they obtain a permit to operate a "food establishment". A farm to fork event is an event where prepared food from a farm is provided for immediate consumption by paying guests.

[AB 206](#) Search and Rescue

Volunteer members of a search and rescue organization are deemed at the wage of \$2,000/month, so that they may receive corresponding benefits.

[AB 212](#) Cell Phones Prohibited in County Jails

Authorizes county or local jails to prohibit the use of cell phones by prisoners in county jails. (home rule example)

[AB 231](#) Town Boards

Amends how vacancies on town boards and improvement districts are filled. These shall now be filled by county commissions.

[AB 249](#) Filling Vacancies for DA's

Makes revisions to the rules for counties to appoint a new District Attorney.

[AB 255](#) Audits of Assessments Paid by Counties to the Department of Health and Human Services.

Assemblyman Livermore's bill requires the Legislative Auditor to audit the Department of Health and Human Services' use of assessments paid by counties.

[AB 333](#) Cost/Benefit Analysis of Abatements

This bill requires GOED and the Office of Energy to periodically assess and report the costs and benefits of abatements that are in place. These should be reported as part of the proposed state budget for each biennium.

[AB 345](#) Funding and Research for Sage Grouse- Assemblyman Bobzien

(VETOED) Required that wildlife in this state be managed according to the "best science available." Also required the use of at least 50% of the money that the state collects in the Wildlife Fund Account (from the fee for processing game tags) to be used for management and control of predatory wildlife. And required the Commission to develop a program for predatory wildlife, including control and research.

[AB 363](#) Nuisance Abatements

Adds litter, garbage, and abandoned or junk vehicles and appliances to the list of conditions that may constitute a nuisance in a county ordinance.

[AB 408](#) Business Impact Statement Rules

Existing law requires all local governments to notify businesses of any proposed rule that may affect them. This bill adds the requirement that *a local government "must make a concerted effort" to determine whether an economic burden will result on business from any rulemaking. Also requires that the Business Impact Statement must be prepared and heard one meeting prior to the hearing on the proposed rule. This legislation includes other changes to the Business Impact Statement including requiring the county manager to certify it.*

[AB 413](#) Clark County Motor Vehicle Fuel Tax Indexing Bill

Authorizes Clark County, with a 2/3 vote of their commission, to impose additional taxes on fuel – based on increases in the highway and street inflation index. Also puts on the ballot in 2016: an increase in state taxes on fuel with additional annual increases; and an increase in fuel taxes for all counties. (Enrolled not yet signed)

[AB 428](#) Energy Bill that includes creation of the Legislative Committee on Energy - Amongst other energy policy issues, this bill creates the Interim Committee on Energy, which has the power to review anything energy related in the state. The Committee also has the power to conduct hearings, hold investigations, give oaths, and issue subpoenas.

[AB 461](#) Sage Grouse

Authorizes the Department of Conservation and Natural Resources to create programs for Sagebrush Ecosystem Conservation, fund for doing the same, and creation of the Sagebrush Ecosystem Council.

[SB 19](#) Penalties for Misdemeanor DUIs

Allows counties to enact an ordinance adopting penalties for misdemeanor DUI. The same penalties that the state has in place for misdemeanor DUI still apply. (Home Rule Example)

[SB 37](#) More Penalties for Scrap Metal

Increases penalties for stealing scrap metal from local government to include damage or theft to any other property connected to stealing scrap metal, and adds restitution and community service.

[SB 55](#) Master Plans

Rewrites criteria for creating master plans. Mainly affects Clark and Washoe unless other counties choose to adopt master plans and specific elements of master plans.

[SB 100](#) Emergency Medical Technicians

Changes to training and certification requirements.

[SB 133](#) County Participation in Appropriation of Water Plans

Requires the State Engineer to allow a county to participate in an advisory capacity in the development and implementation of a plan required by the State Engineer relating to the appropriation of water for beneficial use.

[SB 142](#) Local Government Performance Contracts regarding Energy

This bill requires the Office of Energy to provide local governments with info relating to operational cost saving measures and energy efficiency performance contracts. Also, the Office of Energy can provide support to local governments on implementing efficiency measures and charge local governments for this service. Local governments may also enter in to a contract for these services with the Office.

[SB 171](#) Senator Atkinson's Bill to Take a Portion of the Governmental Services Tax. (DEAD) This bill would have put a portion of the governmental services tax towards bonds for counties to pay for repairs to schools, roads, and public works.

[SB 206](#) Cottage Food Industry Bill

Revises the definition of "Food Establishment" to exclude cottage food establishments (out of one's home). *Creates requirements for cottage food establishments but excludes them from the permitting required of a Food Establishment.*

[SB 216](#) Electronic Tax Bills

At the property owner's request, *tax bills can now be mailed electronically.* This bill also extends the period for a person who is delinquent on taxes to pay, before the county sells the property. Noticing requirements for the sale of property repossessed by the county are also adjusted to accommodate counties that have newspapers published weekly instead of daily.

[SB 217](#) Authority for Counties to Perform Their Own Road Work

In counties with population under 100,000: if the construction of a road or bridge is less than \$100,000 the county may perform the work themselves with employees or day labor as opposed to putting it out to bid. In a county whose population is less than 45,000, and for jobs between \$100,000 and \$250,000, those counties may determine, at a hearing, that they can self perform the work as opposed to putting it out to bid.

[SB 233](#) Distance Requirements for Halfway Houses

In order to comply with federal fair housing laws, distance requirements between halfway houses are removed from state statute. (Applies to Washoe and Clark only)

[SB 273](#) Senator Settlemeyer's Bill For Removal of Deputies in Small Counties

In counties smaller than 45,000, cause for termination now includes failure to become certified within the required time, loss of certification, or failure to maintain a valid driver's license.

[SB 278](#) Expedited Foreclosure Process (Senator Ford)

Establishes an expedited foreclosure process including: new criteria for determining whether property is abandoned; *a county can certify, and must designate an agency or contractor to certify, that the property is abandoned;* the county may change a fee of max \$300 for certification; the notice of sale can be 60 days rather than 3 months; also authorizes each county to create a registry of abandoned property; valid until 2017.

[SB 301](#) Tax Liens

Requires the consent of the owner to sell a tax lien and makes other changes concerning how a county treasurer handles delinquent taxes.

[SB 342](#) Simplified Procedures for Street Abandonment

Allows a county to establish by ordinance a simplified procedure for abandoning streets – in order to more easily conform to the recorded surveys or maps of an area. (Requested by Senator Goicoechea due to some of the older towns having streets that don't conform to the legal map/survey.)

[SB 343](#) OHVs

Creates registration for “large all-terrain vehicles” so that they can be used on either highways or off-road. These vehicles must be insured if they are used on highways. Authorizes counties to create an ordinance allowing use of these vehicles on county roads.

[SJR 15](#) Net Proceeds of Mines

Proposes to amend the NV Constitution to repeal the provision establishing a separate tax rate for mines, and disbursing the tax on the net proceeds of mines. This passed through the legislature for a second time. It will now go to a vote of the people in November 2014 and if it passes it will then become law.

[SB400](#) Mining Tax

Puts in place a revised tax structure for minerals in the event that SJR15 is approved. The new taxing structure holds counties harmless with regard to the amount of revenue they receive from the extraction of minerals.

[AB 139](#) Secretary of State’s Business Portal Bill

(DEAD) Expanded the language and the requirements (somewhat) of the NV business portal – the streamlined website with all business licenses and permits. Requires local governments to use the state Business ID Number and to begin to integrate with the portal “as practicable”. Required all entities to have a state Business ID Number.

[AB 150](#) Governmental Oversight Committee

Creates the Legislative Committee on Governmental Oversight made up of 10 legislators whose purpose is to oversee ANY governmental entity or division of the state regarding accountability, oversight, financing, and anything else. The Committee may conduct investigations, administer oaths, and issue subpoenas. If subpoenas are not met the Committee may petition the district court to order a witness to appear.

[AB6](#) NACO’s Diesel Tax Bill

Required the State Treasurer to return 20 percent of diesel and other special fuel tax revenues to the county where it was purchased. NACO withdrew the bill following a hearing in Assembly Taxation and requested that the rural counties be included in the inflation indexing for motor vehicle fuels in AB413.

[AB32](#) NACO’s Bill governing certain tax abatements for new or expanded businesses and renewable energy facilities was heard but did not receive a vote in Assembly Taxation. The key provision in this bill, requiring county approval for the abatement of county tax revenues, was included in other tax abatement bills . See AB239, AB33, AB338 and AB138.

[SB 74](#) Public Records

Requires that any request for public records must be prepared (copied) by the local government and not the individual, and that requests must be granted immediately if the records are immediately available. Limits cost of copies per page at law libraries to 50 cents. Requires audio recordings of public meetings to be made available at no charge. Reduces fees that county clerks may charge for preparing copies or searching files.