



## 2019 Session of the Nevada Legislature SUMMARY OF BILLS THAT REQUIRE COUNTY ACTION

*(Please see NACO's final bill tracker for a comprehensive list of bills that affect counties)*

**June 2019**

*(Italics indicate actions that counties must take; text in purple indicate actions that county elected officials must take)*

**AB21** – This legislation allows for small county boards, including most GIDs, to become appointed if they are unable to reach a quorum. ***A county must pass an ordinance to enact this change for any board.***

**AB43** – This bill increases the number of judges in the Second, Fourth and Eight Judicial Districts. There is an addition of one family judge in the Second Judicial District (Washoe). There is one additional district judge in the Fourth Judicial District (Elko). And in the Eighth Judicial District (Clark) there are six additional Family Court Judges that will be added.

**AB70** – This legislation addresses reforms to Nevada's Open Meeting Law (OML). Some of the significant updates to the OML allow for use of available technology to help meet a quorum and enable local governing bodies to address meeting size constraints and allow for training on the OML. There are minor additional requirements on agenda postings and approval. *(note: counties should coordinate with their D.A.'s or Clerks to assure that they are conforming to some of the updates. Many of the changes are enabling.)*

**AB73** – ***This bill requires Clark County to create an interjurisdictional working group to address homeless issues.***

**AB81** – This bill overhauls indigent defense in Nevada. A new state office was created, along with the Board of Indigent Defense Services. They will establish new standards and work with counties for implementation.

**AB86** – This bill makes changes to governmental purchasing. ***Counties will be required to maintain records of all bids regardless of amount.*** Previously, counties were only responsible for maintaining records of bids that exceeded \$25,000.

**AB129** – *Requires first responders to have specialized training on dealing with individuals who might have developmental disabilities. This includes new hires, where proof of the training is required before employment.*

**AB132** – Under this legislation, *counties are now prohibited from testing employees for marijuana use, but only for some types of employees.* Also, if the county submits an employee to a drug test within 30 days of employment, and an employee tests positive for marijuana use, an employee must be allowed to pay for a second test that may show the drug use occurred prior to date of hire.

**AB136** – Changes to prevailing wage. *Counties will need to apply prevailing wage to all public works jobs that cost \$100,000 or more.* The prior threshold, which was updated in 2015, was \$250,000.

**AB137** – This bill makes updates to current law allowing for election polling places to be located on tribal land. *If requested by a tribe, counties will be required to maintain polling places on tribal land. If a county establishes a polling place upon the request of an Indian tribe, the county shall continue to establish such a polling place within the boundaries of the Indian reservation or Indian colony for future elections or early voting, unless otherwise requested by the Indian tribe.*

**AB139** – **County Clerks** are prohibited from issuing marriage licenses for individuals under the age of 17. If either individual is 17, sworn affidavits and testimony must be provided from both living parents or legal guardians.

**AB164** – This legislation makes changes to state laws regarding the advertising of cannabis. *If a county has an ordinance regulating advertising of cannabis then content can be regulated, but only if the county ordinance sets forth specific prohibited content.*

**AB183** – This bill prohibits the operation of jails by private contractors. *Counties must operate the “core” services of the jail.* This bill still allows for some contracted services to occur within the county operated facility.

**AB212** – Allows for the redaction of personal information for county code enforcement officers that interact with the public. **County Clerks and Recorders** are required to redact the individual’s personal information, if requested.

**AB240** – *Requires the counties of Carson City, Douglas, Lyon and Washoe to collaborate with cities in those counties and to prepare a report that addresses orderly management of growth in those regions at the end of each calendar year for the periods between July 1, 2019 and December 31, 2022. Additionally, this legislation requires meetings at least twice a year during January 1, 2020 and December 31, 2023 and prepare a joint report on growth management.*

**AB274** – This bill addresses retaliation against whistleblowers. *Counties must pass ordinances that enact procedures that provide at least the same level of protection for local government officers and employees against reprisal and retaliation as provided*

in [NRS 281.611](#) and [NRS 281.671](#). *The ordinance must also include procedures for hearing an appeal from a local government officer or employee who alleges a violation of [NRS 281.631](#), and include authority for the hearing officer to recommend termination.*

[AB301](#) – Addresses deaths in county jails. Currently, the counties of Clark and Washoe are required to report jail deaths to the Board of County Commissioners. Under this law, that requirement would be expanded to all counties. *All deaths that occur in jails are required to be reported to the B.O.C.C.; in addition a bi-annual report will be submitted to the B.O.C.C which will provide information on deaths that occur, regardless of cause, and the conditions of county jails.*

[AB344](#) – This legislation addresses the licensing and regulation of 5G technology. *Counties are no longer able to unilaterally restrict a video service provider from installing micro wireless facilities on existing infrastructure.* Through the ordinance process counties are still able to regulate other installation features, and exercise enforcement.

[AB345](#) – Provides for same-day voter registration. *Counties will be required to provide certain procedures to allow for same-day voter registration.* (note: County Clerks and registrars worked extensively on this legislation during session and should be aware.)

[AB362](#) – Allows for the redaction of personal information for some county personnel, including social workers, child services workers and county managers. **County Clerks, Recorders and Assessors will be required to redact this information if an individual request this through a court order.**

[AB370](#) – Allows for an automatic increase for dependents that are entitled to survivor death benefits under workers' compensation claims. *Counties will be required to pay a 2.3% increase to widows, widowers, surviving children or surviving dependent parents to offset inflation costs.*

[AB397](#) – Creates a new mechanism for removing county elected officials from office for employment violations including sexual harassment and discrimination.

[AB413](#) – *Counties will be required to consider and include a business impact statement on any ordinance.* If a county fails to provide this information, an affected person can sue to null and void the ordinance action taken by the county.

[AB448](#) – This bill adds a residency requirement for individual's interested in filling vacancies for legislative seats. *Counties are required to create a process to ensure adherence to residency requirements for individuals applying for appointment.*

[AB485](#) – Addresses the regulation of electric scooters. *Counties are enabled to regulate electric scooters, including the collection of a fee from an electric scooter operator, and provide for further rules and requirements of operating electric scooters through the county ordinance process.*

**SB12** – Counties are able to utilize e911-Surcharge revenue to fund audits of the e911 fee collection system.

**SB13** – Counties are able to create non-profit corporations in times of emergency to benefit victims.

**SB20** – Addresses provisions related to guardianships. **County Recorders** will be required to raise recording fees relating to legal services provided for protected persons from \$5 to \$7. Under current law, \$3 out of the initial levy goes to legal services. With this increase the total will now be \$5 that is provided to legal services.

**SB36** – Makes changes to the process for disposing of real property by local governments. ***Counties may: use the average of two appraisals; utilize internet auctions for certain land and property types; utilize one appraisal under a public auction process; or sell land at below market rate under certain circumstances.***

**SB67** – This bill addresses local emergency management. ***Counties are required to establish local emergency management organizations but may do so under regional organizations with other counties.***

**SB69** – Under current law, counties are required to create an emergency response plan, ***counties will now be required to review their plan annually and file it with the State Emergency Management Division and the agency that provides services in their jurisdiction. Counties are also required to prepare a cybersecurity incident response plan, in accordance with regulations of the Nevada Office of Cyber Defense Coordination. The Cybersecurity plan must also be reviewed annually.***

**SB103** – A county may now create incentives for affordable housing. ***The entity is required do this through the ordinance process. If these incentives are implemented, counties must adhere to the requirements of [N.R.S. 278.160](#).***

**SB111** – This bill addresses the portion of the ending fund balance that is subject to collective bargaining negotiations. Prior to the 2019 legislative session, 25% of the ending fund balance was not subject to collective bargaining. This legislation lowers that percentage to 16.67%.

**SB117** – This bill makes changes to the recording of certain information on titles and deeds that include discriminatory information. **County Recorders** will be required to make a document void under a process allowed in the bill.

**SB150** – ***Counties will be required to include water resource plans in all county master plans.*** The bill also created a grant program to assist smaller jurisdictions to pay for the planning. Also, the legislation provides that counties with water districts can utilize the water district's water resource plan.

**[SB153](#)** – This bill reverts some reforms made to collective bargaining. This legislation reinstates the “evergreen” provision allowing union contracts to remain in place, including COLA and bonus structure until a new contract is negotiated.

**[SB158](#)** – Additional changes to collective bargaining were passed under this legislation. This bill revises who may be deemed a supervisory employee. With the passage of this legislation, an individual may not be deemed a supervisory employee for the purpose of collective bargaining simply because they perform some, not all, of the duties of a supervisory employee defined in [NRS 288.075](#). This new provision will apply to firefighters, peace officers and law enforcement personnel.

**[SB162](#)** – This bill addresses blockchain and electronic records of local governments. The legislation adds blockchain to the definition of an electronic record or signature. ***Counties are required to accept electronic records if that is the only form of record available.*** When purchasing or updating new software or equipment, ***counties are required to explore options that can create electronic copies and signatures.*** (note: ***County Recorders*** were engaged on this bill, counties should work with their Recorders to implement this legislation).

**[SB172](#)** – ***Counties are required to prepare an annual accounting of the funds and uses for assessment districts.*** (refer to [NRS 271](#) for additional information). ***A final report must be submitted to the Legislature, once the assessment district has finalized and paid off all bond debt.***

**[SB175](#)** – This bill removes the two-project limit for design/build public works projects that are under 5million dollars.

**[SB197](#)** – ***Counties are prohibited from creating ordinances that would allow facilities to operate that test cosmetic products on animals.***

**[SB199](#)** – ***County Assessors*** will be required to provide a monthly report of all properties that changed ownership during that month to the County Treasurer.

**[SB207](#)** – This bill requires the use of apprentices on public works projects. ***Counties will be required to employ, where available, one or more apprentices for a percentage of hours on public works jobs.*** There is a waiver process if an apprentice is unavailable, the local government will have to file for the waiver through the labor commissioner. The legislation enables the labor commissioner to establish such a process.

**[SB215](#)** – This legislation expands workers’ compensation claims for cancer claims for first responders. The bill adds arson or fire investigators and hazardous materials officers to the list of covered employee categories, and expands the list of carcinogens. The bill limits the number of years needed to work for a benefit to be considered under this program, from 5 years to 1 year. Also adds a lifetime benefit for any individual who has minimum 20 years of service. ***This will increase county worker’s compensation costs.***

**SB243** – This bill creates four distinct geographic regions for prevailing wage: Washoe Region, Clark Region, Northern Rural and Southern Rural. Updates the reporting requirement on prevailing wage from annually to biennially.

**SB245** – Existing law provides that the limitation on the amount of damages that may be awarded in a tort action against a governmental entity or its officers or employees is \$100,000 this bill would increase that cap to \$150,000 in 2020 and to \$200,000 in 2022. ***This will increase insurance costs for counties.***

**SB250** – ***Counties will be required to develop ordinances or development rules that determine water right dedication based on available data.***

**SB287** – This bill makes numerous changes to Nevada’s Public Records Law. Public agencies can now be levied fines for knowingly violating the public records law. ***Counties, and other governmental entities, must provide a requested public record, or denial of the request, within five business days. If the requested public record is not available within the five-day period, a public agency must provide a reasonable timeline as to when the public record will be provided.*** Under existing law, public entities are still enabled to seek cost recovery for a voluminous records request. (Note: Please make sure your ***Clerks, Recorders***, and other county employees who deal with public records are aware of these changes).

**SB298** – A renewable energy company who receives a tax abatement is required to submit pay roll records to the Board of County Commissioners in the county in which the taxes are abated.

**SB302** – ***Counties are required to adhere to the Standards of the Center for Internet Security Inc. regarding the collection, dissemination and maintenance of records that contain personnel information.*** (Note: counties should work with ***Clerks*** and ***Recorders*** to understand and comply with the new standards)

**SB342** – This bill addresses the sheltering of animals for individuals who are detained in county jails. ***Counties will be required to display information at the jail notifying incarcerated individuals about the sheltering of their animals.*** The State will create and provide templates for the informational signage that counties ***are required to post.*** Additionally, the bill outlines appropriate legal action by the county in recovering the reasonable cost of housing the animal.

**SB377** – Worker’s Compensation benefits and COLA’s are increased under this legislation for claims filed prior to January 1, 2004. The COLA increases are effective January 1, 2020 and will reflect a 2.3% increase to cover inflationary costs. ***County administrative assessments for these claims will increase.***

**SB460** – This bill enables rural counties to abolish the Office of Public Administrator. If the office is abolished, ***the Board of County Commissioners, through the ordinance process, must appoint someone to that office or contract with an individual to fill the duties of the office.***

**SB480** – This bill requires the Justice of the Peace in a township to consult with the Board of County Commissioners before determining if caseload, population and other factors warrant an increase in Judges.

## **State Budget Impacts to Counties (County Assessments)**

Counties are assessed for a number of services that the State provides, most of these are for “county responsibilities”, i.e., for those things that counties are mandated to do in Nevada State law. The preponderance of these is through the NV Department of Health and Human Services (DHHS), for costs related to indigent residents. The largest of the DHHS assessments on counties is for the Medicaid match for the nonfederal share of the cost of long-term care for the indigent.

We saw two significant increases to DHHS assessments on counties in the 2019 Legislative Session. One of these was an increase to the Medicaid match assessments. At the start of Session the Medicaid match assessments were projected to increase by 10% in FY20/21, due to growing caseloads, as well as the cost for expanding the population for which counties were responsible. However, in May, the Medicaid Division of DHHS determined that caseloads had increased more than they had projected, and, as a result they notified counties of an additional proposed increase to the amount of the assessment on all counties by up to 34%. NACO and others expressed opposition to this unexpected increase and tried to make our case to Legislative leadership. These continually increasing Medicaid costs are especially concerning, as are the uncertainty and variability of the Department’s numbers. We have also been working closely with Medicaid to try and understand the reasons for the increases and have requested more transparency. In the end, the proposed increase was decreased somewhat in the first year of the biennium and will be approximately 20% in FY20, and 34% in FY21. For rural counties these assessments are capped at the equivalent of 8 cents of property tax revenue. Mineral, Pershing and Carson are at that cap, and so their costs cannot increase; and Lyon County is close to meeting the cap. For other counties the Medicaid match assessment increase may be substantial, especially for the urban counties, who already pay a disproportionate share of these costs.

The second substantial increase to DHHS Assessments was to rural counties, for Child Protective Services (CPS) provided by the State. Though those assessments were not initially projected to increase, when the Legislature heard the budget, they saw that the State was paying the costs for an updated intake system for rural CPS. The Legislature decided that rural counties, and not the State, should bear the costs for that new system, and as a result that assessment will increase by an average of 22% for FY20/21.

DHHS is working on a final list, for FY20/21 of all the county assessments. NACO will distribute that list to all counties. There are also assessments based on caseload from the NV Commission on Ethics, and the Division of Parole and Probation (PNP), however, neither of those increased substantially.

*Please don't hesitate to contact NACO if you would like additional information or assistance with any of the information contained in this document.*

