



NEVADA
LEAGUE OF CITIES AND MUNICIPALITIES

2017 Legislative Session Report

The 79th session of the Nevada Legislature began as scheduled on February 6th and adjourned sine die shortly before midnight on June 5th. The legislature considered over 1000 bills and passed around 650 measures. Governor Sandoval vetoed over 40 of the bills passed by the legislature. Overall, local governments did fairly well though there were bills passed that will have an impact on local government operations or placed new requirements on them. This brief highlights some of the measures that will affect municipal governments in the state.

The League was successful in getting one of our bills passed this session. AB8, which was signed into law by Governor Sandoval on May 23rd and will become effective October 1st. This bill expands the existing authority for incorporated cities to place delinquent sewer bills on the property tax roll for collection to include water and storm drainage delinquencies. The other League bills did not make it through for various reasons. Our bill to create a vacant property registry had opposition from many stake holder groups. The opposition has agreed to work over the interim to try and come up with an acceptable framework for a blighted property registry. The bill that we brought to include towns that have the responsibility for the maintenance of county roads in the distribution of revenue derived from motor fuel taxes was not heard at our request. We were able to reach an agreement that our town members would work on an MOU with the county to receive funds without having to put it in statute. Our last bill, regarding Private Activity Bond cap was heard in the Senate Government Affairs committee and re-referred to Finance but was not acted on by that committee.

Other bills of note are detailed below.

Main Street Program – AB417 – This bill creates a Nevada Main Street Program within GOED. The League had a similar measure in the 2015 session. Assemblywoman Swank brought the bill and was successful in getting it passed. The creation of a Main Street Coordinating agency will allow “Main Street” programs in Nevada to be recognized by the National Main Street Center of the National Trust for Historic Preservation. The creation of the coordinating agency also allows Nevada programs to apply for certain grants that they were not eligible for.

Law Enforcement Body Cameras – SB176 – This measure requires that all uniformed law enforcement personnel that routinely interact with the public wear body cameras no later than July

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1, 2018. The bill contains a provision that allows a board of county commissioners to impose or increase the fee charged for the enhancement of the 911 system up to \$1 from the current max of 25 cents and expands the use of the proceeds from the fee to include body cameras and related costs. There was another bill, SB88, that would have created an opportunity for local governments to apply to the Interim Finance Committee for a grant to purchase body cameras and other costs associated with them. This bill could have been useful for cities with police departments located in a county that, for some reason, does not increase the 911 fee. However, the bill died without getting a hearing in the Assembly Ways and Means Committee despite having passed the Senate 21 – 0.

Marijuana

AB135 – This bill revises provisions related to prohibited acts concerning the use of marijuana.

- Existing law provides that it is unlawful for a person to be in physical control of a vehicle if the person is under the influence of a controlled substance or has certain specified amount of a prohibited substance in his or her blood or urine, including marijuana and marijuana metabolite.
- Removes provisions that a specified amount of marijuana and marijuana metabolite in a person's urine thereby providing that the presence of marijuana and marijuana metabolite can only be measured through a test of the person's blood.
- Makes conforming changes to provisions related to the operation of a commercial motor vehicle.
- Makes conforming changes to provisions related to the operation of a vessel under power or sail on the waters of the State.

AB422 – This measure makes various changes to the statutes governing medical marijuana.

- Transfers responsibility for the regulation of medical marijuana establishments to the Department of Taxation.
- Makes various changes to registry identification cards and letters of approval.
- Prohibits the use of vending machines to sell marijuana.
- Enacts certain limitations on local governments regarding the licensing and regulation of marijuana.
 - Limits business license fees, either flat fee, percentage of gross revenue of the business or combination of flat fee and percentage to no more than 3% of the gross revenue of the business.
 - Provides that an incorporated city may impose any fees required pursuant to NRS 278.
 - Provides that an incorporated city may charge a one-time flat fee for the issuance of a business license that is similar to fees charged to alcohol businesses under NRS 369,
 - Allows the imposition of other licenses for ancillary business activity by a marijuana establishment pursuant to existing authority.
 - Prohibits an incorporated city from adopting any ordinances that are more restrictive than state law or regulation regarding;
 - the packaging, labeling, testing, dosage or potency of marijuana and marijuana products

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- the kinds of edible marijuana products, marijuana products and marijuana-infused products that may be sold
- the use of pesticides in the cultivation of marijuana, the tracking of marijuana from seed to sale
- the transportation of marijuana and marijuana products other than the direct transportation to the consumer and a city may require notification of transport
- the issuance or verification of a registry identification card, letter of approval or written documentation
- the training or certification of marijuana agents or employees
- the creation or maintenance of a registry or other system to track customers holding a medical marijuana registry card.
- Provides that a person obtains a business license from the state is subject to all other licensing and permitting requirements of the State and any other counties and cities in when the persons does business.

SB344 – This legislation makes various changes to the packaging and labeling of medical marijuana products. Establishes similar provisions for recreational marijuana. The bill also contains the same language regarding local government regulation and licensing of marijuana businesses that is in AB422.

- Prohibits the production of products that resemble lollipops or that may appeal to children
- Requires certain packaging and labeling
- Prohibits advertising that would appeal to children
- Requires marijuana establishments to offer certain containers for sale
- Requires certain notifications to be provided with each sale of marijuana

SB375 – This act authorizes the Governor to enter into agreements with Indian tribes relating to the regulation and use of marijuana.

- An agreement may include:
 - Criminal and civil law enforcement
 - Regulatory issues relating to the possession, delivery, production, processing or use of marijuana and marijuana products
 - Medical and pharmaceutical research involving marijuana
 - Administration of laws relating to taxation
 - Any immunity, preemption or conflict of law relating to the possession, delivery, production, processing or use of marijuana and marijuana products
 - The resolution of any disputes between a tribal government and the State which may include the use of mediation or other nonjudicial processes
- An agreement must:
 - Provide for the preservation of public health and safety
 - Ensure the security of marijuana establishments and corresponding facilities on tribal lands
 - Establish provisions regulating business involving marijuana which passes between tribal and non-tribal land in the State

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SB487 – This bill made changes to the tax structure on medical marijuana, established a 10% excise tax on retail marijuana, requiring certain reports be made by marijuana establishments, provide for the issuance of additional medical marijuana dispensary licenses. The bill also contains the same language regarding local government regulation and licensing of marijuana businesses that is in AB422.

- Changes tax structure on medical marijuana from 2% at cultivation, 2% at production and 2% at retail to a 15% excise tax imposed at cultivation. This aligns the tax structure with that of recreational marijuana and allows for single stream tracking of the product and eliminates the need to identify a plant as medical or recreational until the point of sale
- Provides that \$5M per annum from the proceeds of the 15% excise tax is “deemed sufficient” to cover local government costs for increased demands on public services related to marijuana
- Imposes a 10% excise tax imposed upon sale of recreational marijuana. Proceeds of the tax go to the state’s “rainy day” fund
- Provides that the Department of Taxation may issue an additional license for a medical marijuana dispensary to be established in an incorporated city located in a county whose population is under 100,000 if there is not an existing MMJ dispensary and the application is accompanied by a letter of support from the city.

Law Enforcement/Courts

AB28 – This bill authorizes the Commission on Judicial Discipline to order a justice of the peace or municipal judge to forfeit his or her office for failure to attend certain required instruction.

AB63 – This bill requires an applicant for the issuance of a certificate as a court interpreter or appointment as an alternate court interpreter to submit his or her fingerprints and give written permission for a criminal background check.

AB37 – This act revises provisions governing a motion to disqualify a justice of the peace or municipal judge. The bill also requires that in a township with more than one justice of the peace the justices choose a chief justice who will serve as the presiding judge and have duties to similar to the chief judge of a judicial district. The measure also requires the selection of a chief municipal judge in cities with more than one municipal judge justice who will serve as the presiding judge and have duties to similar to a chief justice of the peace and the chief judge of a judicial district.

AB102 – This bill provides that certain civil actions concerning domestic relations including divorce, child custody and child support may be authorized a change of venue after a trial is complete under certain circumstances.

AB125 – This legislation requires that adoption of regulations providing for the registration of court interpreters and governing the circumstances under which a court or juvenile court must proceed if a certified or registered court interpreter is not available.

AB132 – Existing law provides penalties for persons convicted of committing assault or battery against an officer. This bill revises the definition of “officer” to include certain civilian employees and volunteers of law enforcement agencies, fire-fighting agencies, the state and political subdivisions of the state.

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AB151 – This measure requires the Peace Officer’s Standards and Training Commission to provide by regulation for the volunteer training of law enforcement dispatchers.

AB180 – This bill enacts the Juvenile Justice Bill of Rights providing certain rights to children who are detained in a detention facility.

AB252 – This act authorizes a peace officer or retired peace officer to request the display of an alternate address on his or her drivers’ license.

AB286 – Existing law authorizes a district court to establish a program for the treatment of veterans and members of the military to which it may assign an eligible defendant. A justice or municipal court may, upon approval of the district court, transfer jurisdiction to the district court. This bill authorizes a justice or municipal court to establish such a program.

AB341 – This bill authorizes an attorney who represents a child in juvenile proceeding to consult with and seek appoint of certain persons including a social worker, mental health professional, educator and any other expert the attorney deems appropriate.

AB412 – Existing law provides that municipal courts have jurisdiction over all misdemeanors committed in violation of the ordinances of their respective cities. Existing law also provides that an indictment or information which is filed with a district court may include charges of two or more related felonies and gross misdemeanors. This bill requires that certain misdemeanors which would otherwise be under the jurisdiction of the municipal courts must be joined with related felonies and gross misdemeanors in the district courts. The bill also provides that a charge for any such misdemeanor which is erroneously included in a criminal complaint that is filed in a municipal court shall be deemed to be void ab initio and must be stricken.

AB470 – This measure authorizes a justice or municipal court to create a preprosecution program for eligible defendants charged with misdemeanors other than a violent crime, driving under the influence of intoxication liquor or a controlled substance, vehicular manslaughter or a minor traffic offense. The courts must establish the terms and conditions which a defendant must complete as part of such a preprosecution program.

SB29 – This act authorizes a justice court and a municipal court to transfer a criminal case to another such court or a district court in certain circumstances.

SB176 – This measure requires that all uniformed law enforcement personnel that routinely interact with the public wear body cameras no later than July 1, 2018. The bill contains a provision that allows a board of county commissioners to impose or increase the fee charged for the enhancement of the 911 system up to \$1 from the current max of 25 cents and expands the use of the proceeds from the fee to include body cameras and related costs. There was another bill, SB88, that would have created an opportunity for local governments to apply to the Interim Finance Committee for a grant to purchase body cameras and other costs associated with them. This bill could have been useful for cities with police departments located in a county that, for some reason,

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does not increase the 911 fee. However, the bill died without getting a hearing in the Assembly Ways and Means Committee despite having passed the Senate 21 – 0.

SB541 – This bill enhances the criminal penalty for certain crimes committed against first responders.

Elections

AB21 – This bill makes various changes regarding remedies and penalties in preelection challenges to the qualifications of a candidate, revises forms used for declaration of candidacy and acceptances of candidacy and makes other changes regarding actual residency and political action committees sponsored by a political party.

AB392 – Existing law requires that certain elections-related communications contain disclosures to provide the public with information relating to the source or purpose of the communication. This bill provides that if an elections-related communication is published in support of or in opposition to a candidate and the communication includes the official name and address or other official contact information of a governmental entity of the State of Nevada or any political subdivision, the communication must disclose in a clear and conspicuous manner that the communication is not an official publication of the State of Nevada or the political subdivision.

AB418 – This measure provides that a voter may not be compelled to reveal under oath how he or she voted at any election, adds records printed on paper of ballots voted by using a mechanical recording device to other ballot materials that are not subject to inspection by anyone except in contested elections, requires that all ballots be recounted in the case of a contested election and not just a sample percentage.

AB478 – This bill changes the deadline to register to vote by mail from the fifth Saturday before a primary election, primary city election, general election or general city election to the fourth Tuesday preceding the election, changes the deadline to register to vote by computer from the third Tuesday preceding any primary or general election to the Thursday before the period for early voting begins and provides a limited exemption from the requirement for a city or county clerk to provide a sample ballots for persons that register to vote less than 20 days before the election.

AB519 – This legislation makes an appropriation to the Secretary of State to provide grants of money to the counties for the purchase of voting machines.

SB117 – Existing law requires that each polling place be accessible to a voter who is elderly or a voter with a disability and to have a voting booth designed for such voters. This bill provides that, in addition, each polling place have a separate line for voters with disabilities or who are not physically able to wait in line and allow such voters to vote before any able-bodied voters or have an election board officer at the polling place who must allow such voters to move to the head of the line.

SB144 – This measure requires the Secretary of State to ensure that a person may use a mobile device to access certain information regarding elections. The bill also requires that a person be able to submit any information or form relating to elections to the Secretary of State using a mobile

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device. The bill authorizes persons who are at least 17 years of age but less than 18 years old to preregister to vote. The bill also provides for a voter to sign a signature rather than a roster. The bill also makes changes regarding the use of federal postcards to request a military-overseas ballot.

SB447 – Existing law allows any registered voter who provides sufficient notice to the city or county clerk may vote an absent ballot for an election but a registered voter who has a physical disability may request an absent ballot for all elections that are overseen by a county clerk that are held during the year the request was made. This bill provides that any registered voter to request an absent ballot for all elections that are overseen by a city or county clerk held during the year of the request. The bill further provides that a registered voter with a physical disability or who is at least 65 years of age to submit a written statement to the appropriate city or county clerk requesting that the registered voter receive an absent ballot for all elections at which the registered voter is eligible to vote.

SB491 – This bill prohibits the use of mechanical voting systems and mechanical recording devices unless the systems or devices are approved by the Secretary of State. Authorizes the Secretary of State and certain counties to enter into an agreement to lease approved mechanical voting systems and mechanical recording devices without an option to purchase. The bill also changes the use of rental payments restricting them to pay the costs of replacing aging and outdated mechanical voting systems and mechanical recording devices.

SB492 – This measure requires, under certain circumstances, city and county clerks to establish at least one polling place for the day of a primary election, general election, primary city election or general election within the boundaries of an Indian reservation or Indian colony. The bill also allows a voter to sign a signature card instead of a roster. The bill allows a city or county clerk to provide voting materials in additional languages if the clerk determines there is significant and substantial need. Clerks are also required to establish at least one permanent polling place for early voting in person. This provision also requires the establishment of a temporary polling place within the boundaries of an Indian reservation or Indian colony in certain circumstances.

Workplace Accommodations

AB113 – This bill requires that all public employers and private employers with over 50 employees provide a clean private area where a woman can express breast milk. This bill became effective July 1st.

AB241 – This measure requires that cities include a provision in their building codes, or adopt an ordinance if the city does not have building codes, requiring that baby changing tables be installed in all buildings or facilities constructed after October 1, 2017 that are used by the public and have public restrooms. Buildings or facilities that restrict admission of children on the basis of age are exempted from this requirement.

SB253 – This bill establishes the Nevada Pregnant Workers' Fairness Act to provide protections to female employees and applicants for employment who are affected by a condition of the employee or applicant relating to pregnancy, childbirth or a related medical condition.

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Districts

AB5 – This bills authorizes a municipality to create a district to finance energy efficiency improvement or renewable energy projects.

AB246 – This legislation revises provisions relating to the creation of local improvement districts and tax increment areas. The bill provides that two or more contiguous municipalities may enter into an interlocal agreement for the creation and operation of an improvement district.

AB379 – This bill authorizes local governments to create a parks, trails and open space district.

SB138 – This bill authorizes a city, unincorporated town or county to create a local improvement district for a waterfront maintenance project.

SB462 – This measure authorized a board of county commissioners to create a committee to review general improvement districts.

Economic Development

AB170 – This act extends the requirement that GOED submit quarterly reports concerning the qualified projects for which the Office has granted partial abatements of taxes to the Governor and Legislature to June 30, 2020 for projects with a capital investment of at least \$1 billion. Semiannual reports are required from July 1, 2020 until June 30, 2025. Semiannual reports are also required concerning projects with a capital investment of at least \$3.5 billion beginning July 1, 2017 until June 30m 2025.

AB231 – This legislation changes the date on which GOED must submit a report regarding whether the goals for participation of the local emerging small businesses certified by the Office in certain purchasing and public works contracts are being met from September 15 to December 1.

AB417 – This bill creates a Nevada Main Street Program within GOED. The League had a similar measure in the 2015 session. Assemblywoman Swank brought the bill and was successful in getting it passed. The creation of a Main Street Coordinating agency will allow “Main Street” programs in Nevada to be recognized by the National Main Street Center of the National Trust for Historic Preservation. The creation of the coordinating agency also allows Nevada programs to apply for certain grants that they were not eligible for.

SB422 – This measure revised the requirements that a business must satisfy to obtain partial abatements of taxes and certain transferable tax credits, provides that a project located at multiple sites in the state may qualify for tax abatements if certain conditions are met, authorizes a municipality to create an improvement district to acquire, improve, equip, operate and maintain a rail project for a qualified project and makes other changes to tax increment area and the repayment of bonds used to finance infrastructure projects.

Health Care/Medicaid

AB108 – This act requires the Division of Health Care Financing and Policy of the Department of Health and Human Services to periodically review Medicaid reimbursement rates.

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AB214 – Existing law requires the Division of Public and Behavioral Health of the Department of Health and Human Services to establish various programs relating to the provision of health care and the improvement of public health in the state. This bill requires the Division to establish a program to encourage participation in clinical trials of drugs and medical devices by persons who are members of demographic groups that are underrepresented in such trials. The bill also requires each state or local government entity that conducts such trials to adopt a policy concerning the identification and recruitment of such persons to participate in those trials.

AB249 – This act requires the State Plan for Medicaid to provide certain benefits relating to contraception and requires all health insurance plans to provide certain benefits relating to contraception. The bill requires all public and private health insurance plans made available in this state to provide coverage for certain benefits relating to contraception without any copay, coinsurance or a higher deductible.

AB397 – This measure appropriated money to the Division of Public and Behavioral Health of the Department of Health and Human Services to provide grants of money to local government entities and nonprofit organizations for certain family planning services. (See SB122 below)

SB2 – This legislation prohibits a provider of emergency services from transferring identifying information about the parent who delivers a child to a provider of emergency services under the “Safe Haven Law”, allowing the parent to retain anonymity, except when reasonable cause exists to believe that the child has been abused or neglected.

SB60 – This bill authorizes the Director of the Department of Health and Human Services to include in Medicaid managed care plans a voluntary program through which certain governmental entities and Indian tribes may obtain supplemental payments for providing ground emergency medical transportation services to recipients of Medicaid.

SB122 – This act established a program to award grants to local government entities and nonprofit organizations for the purpose of providing certain services relating to family planning. (Funded by AB397)

SB192 – Existing law establishes certain facilities through which the Division of Public and Behavioral Health of the Department of Health and Human Services provides mental health services. This measure requires that if a division facility provides mental health services using a mobile unit in a county whose population is 100,000 or more, the mobile unit must be available to provide such services from 8 a.m. or earlier to 12 a.m. or later 7 days a week including holidays.

SB233 – This bill requires the State Plan for Medicaid and certain health insurance plans to provide certain benefits relating to reproductive health care, hormone replacement therapy and preventative health care and revised provisions relating to dispensing of contraceptives.

SB366 – This measure requires the Director of the Department of Health and Human Services to prepare a report annually which lists all employers in the state which have 50 or more employees and the number of full-time employees of such an employer who are enrolled in Medicaid. The

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bill also creates the Advisory Committee on Medicaid innovation within the Division of Health Care Financing and Policy of the Department.

Public Works/Bidders Preference

AB280 – Existing law grants a preference of 5 percent for a bid or proposal for a state purchasing contract which is submitted by a local business owned and operated by a veteran with a service-connected disability. This bill creates a preference of 5 percent for a bid or proposal for a state purchasing contract which is submitted by a Nevada-based business.

SB246 – This act makes various changes regarding the provisions governing a contract for a public work involving a construction manager at risk and relating to the authority of public bodies to enter into a contract with a design-build team for the construction of a public work.

Employment/Employee Relations

AB276 – This measure prohibits an employer, employment agency or labor organization from discriminating against certain persons for inquiring about, discussing or voluntarily disclosing information about wages. This provision does not apply to any person who has access to information about the wages of other persons as part of his or her essential job functions and discloses the information to a person who does not have access to that information except as ordered by the Labor Commissioner or a court of competent jurisdiction.

AB384 – This act provides, with certain exceptions, that a local government cannot consider the criminal history of an applicant until after the earliest of the final interview conducted in person, the applicant has been certified by the appropriate official or a conditional offer of employment has been made.

SB460 – This bill changes the membership of the Local Government Employee-Management Relations Board from 3 to 5 members. The bill also provides that by a majority vote of entire board the board may adjust the fee charged to local governments.

Special Designations

AB435 – This bill designates October 16 as “Sarah Winnemucca Day” in Nevada.

AB449/SB413 – This measure establishes the last Saturday of September as “Public Lands Day” in the State of Nevada.

AB461 – This legislation designates the week in January that begins with Martin Luther King, Jr. Day and concludes the following Saturday as “Peace Week” in Nevada.

SB105 – This bill authorizes and requests the Governor to annually proclaim August 9 as “Indigenous Peoples Day” in Nevada.

SB175 – This act designates May 18 as “Asian Culture Day” in Nevada.

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Studies

AB203 – This legislation requires an interim study concerning the cost and affordability of higher education in the state.

AB299 – This bill requires the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs to conduct a study concerning training standards for unlicensed persons providing care at certain facilities or homes or through certain agencies or providers.

AB452 – This act directs the Legislative Committee on Energy to conduct an interim study concerning energy choice.

SB118 – This bill creates the interim Nevada Task Force on Financial Security.

SB121 – This measure directs the Legislative Commission to appoint a committee to conduct an interim study concerning the issues regarding the behavioral and cognitive care needs of older persons.

Miscellaneous

AB32 – This bill requires all persons, including governmental agencies that use pesticides to obtain a certificate from the Department of Agriculture. Governmental agencies are only required to obtain one “governmental agency certificate”.

AB297 – This act requires the governing body of each city, town or county to designate at least one police station or sheriff’s office as applicable as a site for the completion of the sale of personal property initiated on the Internet. The bill also provides immunity from liability to cities, towns, counties, police departments, sheriffs and officers and employees thereof for any incident that occurs when two or more persons meet at that location.

AB321 – This bill authorizes the city council or governing body of an incorporated city or the board of county commissioners of a county to adopt an ordinance requiring certain hosting platforms and owners and lessees of property who use hosting platforms to facilitate such rentals. The report must include certain information concerning the rentals facilitated by the hosting platform and the revenue from such rentals. The ordinance must authorize an agency or the city or county to issue subpoena requiring a hosting platform, owner or lessee to produce documents, records or other materials necessary for determining whether a rental of a residential unit violated the laws of the state or a city or county ordinance.

AB464 – This measure eliminates the requirements that a copy of the capital improvement plan that is submitted by each local government to the Department of Taxation and the appropriate debt management commission also be submitted to the Legislature. The bill also eliminated the requirement that a report concerning capital improvements of local governments that is submitted to the Department of Taxation. The Department is required to provide a copy of the plan or report to the Director of the Legislative Counsel Bureau upon request.

SB279 – This legislation authorizes the mayors of general law cities to perform marriage ceremonies. Mayors of charter cities may perform marriage ceremonies if the city council adopts

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an ordinance authorizing the mayor to do so. Mayors may not be compensated for performing marriages.

SB429 – This measure authorizes a governing body of a city or county to establish an urban agriculture zone and provides that a master plan may include an urban agriculture element. The bill further authorizes the governing body or a city or a board of county commissioners to allow the use of vacant city- or county-owned land for community gardening.

SB540 – This bill directs the Legislative Commission to authorize the construction or installation of a memorial to Nevada firefighters on the Capital Complex.