



Nevada League of Cities & Municipalities
78th Legislative Session Report

July 2015





Nevada League of Cities and Municipalities

Session Recap

The 78th session of the Nevada Legislature began on February 1st with the normal pomp and circumstances. The session began with new leadership in both chambers. For the first time since 1985 the Republican Party had the majority in the Assembly. The Republican Party was also in the majority in the Senate. In fact, this was the first time since 1929 that the Republican Party was in control of the Governor's office and both houses of the Legislature. They had plenty of bills to consider in the 120 days allotted for a legislative session by the Nevada Constitution. There were 498 bills introduced in the Assembly. In addition, there were 5 Assembly Concurrent Resolutions and 10 Assembly Joint Resolutions introduced. Members of the Senate introduced 515 bills, 8 Senate Concurrent Resolutions and 21 Senate Joint Resolutions. Governor Sandoval signed 549 bills into law and vetoed 7 measures. The 2015 session adjourned sine die on-time at midnight on June 1.

League Bills

The Nevada League of Cities and Municipalities is authorized by statute (NRS 281D.210) to submit five Bill Draft Requests each session. The League's Board of Directors authorized the filing of five BDRs for the 2015 session. These bills are discussed below.

AB19 – Revises the provisions governing the annual public hearing on a local government's tentative budget. Existing law required that local governments submit their tentative budget to the Department of Taxation on or before April 15. The local governments were then required to hold a public hearing on the tentative budget on a specific date. For example, cities were required to hold the budget hearing on the third Tuesday in May. AB19 eliminated the requirement to hold the budget hearing on a specific date and instead creates a window during which the budget hearing must be held. The window begins on the third Monday in May and ends the last day of May. This will eliminate the need for many local governments to hold a special meeting of the governing body for the annual budget hearing. The bill was signed by the Governor on May 11 and became effective on approval.

AB25 – Clarified that improvements to existing parks and park facilities are allowable uses of revenue derived from the Residential Construction Tax. The bill includes a definition of "improvements", specifies that the improvement is attributable to new construction and that the revenue must be expended within the park district from which it was collected and contains a provision that disallows use of money derived from the RCT on maintenance and operations of parks and park facilities. This bill was signed by the Governor on May 14th and became effective on approval.

SB22 – Revised provisions governing state licenses required for liquor importers, wholesale dealers of wines and liquors, wholesale dealers of beer, wine makers, instructional wine-making facilities, breweries, brew pubs and craft distilleries to require approval of governing body of city instead of county if principal place of business is located in a city. Existing law (NRS 369.180) required that persons that wish to engage in certain businesses obtain a license or permit from the State Department of Taxation. The law further required that applicants obtain the approval of the county commission even if the business is wholly located within a city. This was duplicative and required the applicant to seek approval from both the city and county. This bill changed the final approval required before the Department of Taxation could issue a license or permit to applicants for businesses wholly within the confines of a city to the governing body of the city. Signed by the Governor on March 30th and becomes effective on October 1, 2015.

SB28 – This bill sought to clarify provisions governing the fees that may be charged for providing copies of public records. Current law (NRS 239) governs public records. Chapter 239 further governs the provision of copies of public records and the fees that may be charged by the custodian of the public record (NRS 239.0107, NRS 239.052 – NRS 239.055). NRS 239.055 allows a governmental entity to impose an additional fee if complying with a request for a public document requires the entity “to make extraordinary use of its personnel or technological resources.” This bill would add a definition of what constitutes an extraordinary use of its personnel or technological resources” to the statute. SB28 received a lot of opposition and failed to make it out of committee. Most of the opposition came from the press.

SB51 – This measure would have established a state coordinating agency for the "Main Streets" program of the National Main Street Center of the National Trust for Historic Preservation. Nevada does not currently have a coordinating agency for the “Main Streets” program under the National Main Street Center, a subsidiary of the National Trust for Historic Preservation. As a result, any of Nevada’s cities or towns cannot be recognized as an official “Main Street” program. According to their website, For the past 34 years, the Main Street Four Point Approach® has been used successfully in approximately 2,000 communities, producing \$59.6 billion in investment, creating 502,728 jobs and resulting in the rehabilitation of more than 246,158 buildings (see more on our reinvestment statistics). Building on this successful foundation, the National Main Street Center is committed to expanding the impact of Main Street by providing a new generation of research and resources to existing Main Street programs and extending our reach to older commercial districts that are not yet part of the Main Street Network. This bill would establish a state coordinating agency for the program to be housed in the Executive branch and fund its operations. SB51. Patrice Frey, President and CEO of the National Main Street Center, testified in support of this bill and noted that for every public dollar invested in the program twenty-two private dollars are generated. The bill did not make it out of committee.

City Sponsored Bills

AB64 – This City of North Las Vegas bill would have allowed the governing bodies of certain cities to take actions otherwise reserved to the board of county commissioners if the board of county commissioners fails to act. The bill did not pass out of committee.

AB88 – This bill made various changes to the charter of the City of Reno. The bill was signed by the governor and becomes effective October 1, 2015.

SB47 – The City of Henderson submitted this bill that makes various changes relating to the Consolidated Local Improvements Law (NRS Chapter 271). The bill removed the restriction limiting certain improvement districts created for commercial area vitalization projects to areas zoned commercial and renamed such projects as neighborhood improvement projects with no zoning restrictions. The bill also added a provision allowing the creation of an improvement district to acquire, operate and maintain a waterfront project. The bill was signed by the Governor on May 6th and became effective July 1, 2015.

SB56 – This City of Reno bill revised provisions governing graffiti. The bill expanded the list of items that are considered graffiti implements, clarified that a governmental entity may bring a civil action for damages to public property, authorizes the governing body of a city to adopt ordinances addressing covering and removal of graffiti on residential and nonresidential property and revising provisions governing resources in a city's graffiti reward and abatement fund. The bill was signed by the Governor and becomes effective October 1, 2015.

SB66 – This measure brought by the City of Henderson revised provisions governing local governmental agreements for the development of land. The bill defines “undeveloped land”, revises the definitions of the terms “infrastructure” and “Public facilities” for the purposes of such agreements. The bill requires that a local government must, in certain circumstances give a party to an agreement notice and an opportunity to for a party to cure a breach the agreement. The bill further requires that a local government hold a public hearing before taking unilateral action to amend or cancel an agreement. This bill was signed by Governor Sandoval on May 14th and became effective July 1, 2015.

SB71 – This bill by the City of North Las Vegas sought to revise provisions relating to the amendment of city charters. The bill would have allowed the governing body of a city to amend their city charter by a super-majority vote. The bill failed to pass out of committee.

SB118 – Senator Debbie Smith introduced this bill on behalf of the City of Sparks. The bill changed the charter of the city to conform to a ruling by the Nevada Supreme Court regarding municipal court employees. The bill was signed by the Governor and became effective May 6, 2015.

Dillon’s Rule Modified

AB493 – This bill enacts language in chapter 268 of NRS that modifies Dillon’s Rule as it pertains to matters of local concern. The bill provides that Dillon’s Rule is modified as applied to the governing body of an incorporated city so that if there is any fail or reasonable doubt concerning the existence of a power of the governing body to address a matter of local concern, it must be presumed that the governing body has the power unless the presumption is rebutted by evidence of a contrary intent of the Legislature. The bill contains a list of matters of local concern but includes a provision that the list is intended to be illustrative and is not intended to be exhaustive or exclusive. The bill further provides that certain actions require specific authority granted by statute or city charter provision before a local government can take those actions. The bill became effective on July 1, 2015.

Other Bills of Interest

AB54 – This measure revises provisions relating to local governments existing in a severe financial emergency. The bill provides that the Department of Taxation may place a local government on a “Fiscal Watch” status if the department determines that one or more of the conditions identified in paragraphs (a) to (aa) of subsection 2 of NRS 354.685 exist in the local government. A local government placed on “Fiscal Watch” may adopt a resolution requesting the department to provide technical financial assistance. The bill also adds a provision to paragraph (z) of the subsection providing that an ending fund balance of less than 4 percent of the actual expenditures from the general fund for the immediately fiscal year to the conditions that are used to determine if a local government is in a severe financial emergency. The bill also provides for the withholding of certain funds if a local government fails to submit certain reports or PERS payments. The bill became effective on the signature of the Governor on May 25th.

AB90 – This legislation establishes the Nevada Intrastate Mutual Aid System and requires all public agencies in the state to participate unless they choose to opt out. The bill further enacts procedures for one entity to request aid from another and for the compensation for services rendered. The bill became effective July 1, 2015.

AB106 – This bill prohibits a local government from including a “duty to defend” clause in a contract with a third-party design professional. The bill became effective May 25th.

AB159 – This measure disallows a public body from requiring or prohibiting a contractor from entering into or adhering to an agreement with labor organizations in any advertisement or contractual documents relating to public works. AB159 became effective July 1, 2015.

AB162 – This bill provides that a law enforcement agency may require uniformed police officers to wear body cameras. If body cameras are required, the law enforcement agency must adopt policies and procedures regarding the operation of the body cameras including instances in which the cameras must be turned off. This bill is effective January 1, 2016.

AB172 – This legislation raised the trigger for the payment of prevailing wages on a public works from \$100,000 to \$250,000. The bill also modified the method in which the Labor Commissioner sets the prevailing wage. AB172 became effective when the Governor signed the bill on June 9, 2015.

AB244 – This bill provides an enhanced penalty for committing certain repeat graffiti offenses. This bill provides that if a person has previously been convicted two or more times of placing graffiti on or otherwise defacing public or private property or has previously been convicted of a felony for such conduct, and the person commits another such violation, regardless of the value of the loss, the person is guilty of a category D felony. The bill becomes effective October 1, 2015.

AB332 – This measure makes various changes to governing purchasing. The bill prohibits a governmental entity, with certain exceptions, from entering into a public works project that requires that the governmental entity purchase the material required for the public works unless the contract provides for the payment of state and local taxes that would have been due for the purchase. These provisions do not apply to devices, equipment or hardware purchased in compliance with chapter 332 or 333 of NRS which are needed on a recurring basis and used to protect the health, safety or welfare of the public including, without limitations, official traffic control devices or specialized components which are specific to a particular project and are not commonly used in public works projects. The bill became effective July 1, 2015.

AB364 – This bill revised provisions relating to the state business portal. The bill allows a local government to determine when, and at what level, to participate in the state business portal. The bill does not require a local government to expend resources on any hardware or software required to facilitate participation with the state business portal. The bill became effective July 1, 2015.

AB422 – This bill revises provisions governing the operation and equipment of motorcycles and mopeds. Prohibits local governments from adopting ordinances regarding certain handlebars (ape hangers) on motorcycles and/or mopeds. AB422 becomes effective October 1, 2015.

SB70 – This legislation revises provision governing meetings of public bodies. The bill specifies that Fridays count as an official working day, except if a particular Friday is a holiday, for the purposes of complying with the posting requirements of the open meeting law. This applies to all public bodies including that are normally closed for business on Fridays. This bill became effective when signed by the Governor on May 27, 2015.

SB111 – This measure requires the use of portable event recording devices by certain peace officers employed by the Nevada Highway Patrol Division of the Department of Public Safety. Local governments were amended out of this bill. (See AB162, same topic but enabling.) This bill became effective for the adoption of regulations on June 11, 2015 and requires the use of portable event recording devices by January 1, 2017.

SB144 – This legislation revised governing traffic laws. Allows local governments to create Pedestrian Safety Zones. This bill becomes effective October 1, 2015.

SB147 – This measure requires law enforcement agencies to adopt certain policies relating to certain training for peace officers concerning dog behavior. “This bill takes effect October 1, 2015.

SB157 – This bill enacts the State and Local Government Cooperation Act. The stated purpose of the bill is to encourage communication, cooperation and coordinated working relationships between state agencies and local governments. SB157 becomes effective October 1, 2015.

SB158 – This measure revises provisions relating to collective bargaining by local governments. Requires that a proposed agreement and any supporting documentation be posted at least 3 days before the public hearing at which a governing body may take action to approve the proposed agreement. Provides that collective bargaining agreements expire on the date stated in the agreement regardless of any clause in the agreement that the agreement remain place until a successor agreement is reached (evergreen clause). This bill became effective July 1, 2015.

SB168 – This legislation revises provisions relating to collective bargaining by local government employers. Provides parameters for the reopening of collective bargaining agreements by a local government experiencing a fiscal emergency. Defines fiscal emergency. Provides that twenty-five percent of a local government’s (except for a school district) general fund is not subject to negotiations with an employee organization and cannot be considered by an arbitrator in determining a local government’s ability to pay compensation or monetary benefits. SB168 became effective when signed by the Governor on June 9, 2015.

SB214 – This measure creates the Nevada Advisory Council on Federal Assistance. One member of the council to be appointed by the Governor will be a representative of a local government. This measure became effective July 1, 2015.

SB241 – This legislation revises provisions relating to collective bargaining. Allows a local government to provide leave to an employee for time spent in performing duties or services to an employee organization if the full cost of such leave is paid or reimbursed by the employee organization or is offset by concessions made by the employee organization in the negotiation of a collective bargaining agreement. Provides that collective bargaining agreements expire on the date contained in the agreement regardless of any clause in the agreement that the agreement remain place until a successor agreement is reached (evergreen clause). This bill became effective when signed by the Governor on June 1, 2015.

SB276 – This bill revises provisions governing medical marijuana establishments. Provides for the transfer of a MME license, allows for the relocation of MME facilities and provides additional MME licenses to local governments in certain counties. The bill became effective June 9, 2015 for the adoption of regulations and October 1, 2015 for all other purposes.

SB310 – This act revised provisions relating to local government financing and changed provisions relating to Tourism Improvement Districts. The bill extended the termination date of certain Tourism Improvement Districts and revised provisions governing the use of certain proceeds from the local school support tax to finance or reimburse a Tourism Improvement District. This bill became effective when signed by the Governor on May 27, 2015.

SB340 – This legislation revises provisions governing public works. Provides that individuals that have been debarred from receiving contracts from the federal government may not be awarded a contract for a public work in Nevada during the term of the debarment. This act becomes effective on October 1, 2015.

SB481 – This measure revises provisions relating to certain local governments. Prohibits a local government from creating, maintaining or displaying a comprehensive model or map of the physical location of all or a substantial portion of the facilities of a public utility, public water system or video service provider. This bill became effective on July 1, 2015.