



## 2021 SESSION OF THE NEVADA LEGISLATURE

### Summary of Legislative Outcomes

NACO staff worked hard to advocate for the interests of counties during the 2021 Legislative Session. Both Dagny and Vince monitored and engaged in the Legislative process on a full-time basis; Colby analyzed all natural resources related legislation, including proposed policies related to county roads, SLUPAC, water and land use; Amanda helped monitor hearings and spent numerous hours preparing the NACO bill tracker each week; and NACO's Legislative public policy intern, David, monitored hearings and floor sessions and provided daily updates to the team. The NACO Legislative Committee met weekly and provided critical input to NACO staff and NACO also worked closely with County Commissioners, county staff, as well as individual county lobbyists throughout the session. This session NACO reviewed over 1000 bills and actively tracked approximately half of those – tracked bills were ones that had a nexus to county operations, administration, authority, finances, or other county priorities. As directed by the Board and the Legislative Committee, NACO took support, neutral, and opposition positions on bills, and monitored others. A lot of the bills the NACO team worked on throughout the session were ones that counties initially opposed, however, based on work done and amendments added many of those were moved to the neutral or monitor position.

Overall, many critical issues were resolved that would have impacted all or most counties negatively; however, bills that remained a concern to counties as the session closed, and that will have negative fiscal or operational impacts, are [AB424](#) and [AB116](#), justice reform bills, as well as a few others related to employment. NACO worked with others on amendments on these bills, and, though they were improved, they will still cause counties to spend more or make onerous administrative changes to comply.

NACO successfully worked on amendments to bills related to: land use and development, county roads, employment, short term rentals, broadband infrastructure, collective bargaining, and marijuana, to make sure that county authority was preserved and fiscal impacts were minimized. NACO was also involved in the [bill](#) giving land grant status to UNLV and DRI, to ensure that the county-funded University of Nevada Extension program will remain statewide and retain existing funding sources. Finally, NACO followed the [mining tax bill](#) closely and kept in communication with mining industry representatives – ultimately that bill included an industry agreed upon tax that will not affect county net proceeds. The constitutional resolutions that would have stripped county revenues and impacted local communities with mining operations did not move forward.

NACO sponsored four bills this session and three were successfully passed and signed by the Governor:

[AB1](#) mandates that all new Legislators receive training on county government including finances, administration, and authority.

[AB2](#) removes the prohibition on an individual serving on more than one Governor-appointed board or commission.

[AB33](#) clarifies the process for determining paternity in adoption proceedings.

## **Budget**

Finally, the State budget impacts counties in a number of ways, mainly through assessments to counties for various State functions. For Clark and Washoe, the Governor's budget initially proposed significant cuts to important child welfare funding, however those cuts were restored by the Legislature prior to the end of the Session. As expected, County Medicaid Match assessments were increased, but not dramatically as in 2021. For the rural counties there was a surprise increase of \$500,000 to rural child welfare assessments, above what the Governor had proposed. The State funding for China Spring (county youth alternative placement), was hotly contested during session and in May a portion of a proposed 71% cut was restored. Finally, the Legislature approved budget restorations for county indigent defense services and for the University of Nevada Extension Program. \$1.2 million will go to the Department of Indigent Services for distribution to counties for new costs associated with reforms, and an additional \$213,000 annually will go to Extension, over what was initially proposed in the Governor's budget.

The Department of Health and Human Services is working on the final list of their county assessments for the 22/23 biennium – NACO will distribute that list to all counties when it is available. There are also assessments based on caseload from the Nevada Commission on Ethics, and the Division of Parole and Probation (PNP), however, neither of those increased substantially.

***Below is a summary of all the actions that counties must take as a result of legislation passed, and key bills that may impact county operations. Also attached is the NACO bill tracker, which includes the final outcome of each bill that NACO tracked.***

~~~~~

## BILLS THAT REQUIRE COUNTY ACTION

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

**AB3** – This legislation allows for counties to accept the electronic submission of parcel maps.

**AB21** – Requires **County Clerks, Assessors** and **Recorders** to keep personal information confidential for individuals who are enrolled in the fictitious name and address program at the Nevada Division of Child and Family Services.

**AB63** – Expands the allowable uses of local government stabilization funds (“rainy day funds”) to include mitigating the effects from a declared emergency.

**AB87** – Allows for a local governing body to vacate an easement without a public hearing, under certain circumstances – *if they choose to do so, counties must pass an ordinance that outlines the circumstances under which a public hearing for abandoning an easement would not be required.*

**AB116** – Decriminalizes most traffic fines, changing them from criminal to civil penalties. *Depending on needed technology infrastructure upgrades this may have a minimal to significant fiscal impact on court administration costs. The full implementation of this bill is effective January 1, 2023. NACO is asking counties to track the costs for implementation and ongoing compliance with this legislation.*

**AB121** – This bill makes changes to election procedures, in addition to requiring the Secretary of State to create a system for a person with a disability to register to vote and cast a ballot remotely, changes to forms and deadlines for overseas and military ballots. **County Election Officials** are required to date and time stamp registration forms and extend the deadline for accepting these forms.

**AB126** – Establishes a Presidential Primary Election Process in lieu of Nevada’s current caucus system. **County Election Officials** are required to maintain a minimum number of early voting and polling locations if such a primary election is conducted.

**AB196** – This requires (as funding and space permit) dedicated lactation rooms for members of the public to be provided in County courts. *The bill provides for an appropriation of \$50,000 through the Administrative Office of the Court (AOC) to assist with the cost of any necessary improvements to provide these rooms. NACO encourages counties to work with your courts if facility upgrades are needed to comply. The law is effective January 1, 2022, but the funds are available July 1, 2021.*

**AB211** – *Counties must consider impacts to wildlife when approving subdivision maps for most development.* The Nevada Department of Wildlife (NDOW) will be required to review all subdivision maps. The bill authorizes NDOW to create regulations authorizing a fee of up to \$250 per map, and up to \$5 per acre on any reviewed map. *All counties except*

*those with multi-species habitat conservation plans must consider impacts to wildlife when approving subdivision maps and are required to provide maps to NDOW for review.*

**AB249** – This legislation governs construction start times. Under the provisions of this law, common interest communities may no longer further restrict the hours of construction, during the dates of May 1 - September 30, outside of what is in the locally approved ordinance.

**AB253** – This bill modernizes the open meeting law (OML) for local governing bodies. As a result of the COVID-19 pandemic and the public expectation of virtual meetings, this bill provides for the participation by members of the public body, as well as the public via virtual means. ***Public bodies can conduct meetings entirely remotely but must provide a physical posting location on their agenda. Members of the public body can participate remotely for public meetings, and public bodies must make a reasonable attempt to assist members of the public to facilitate virtual public participation. Instructions on how to access the meeting virtually must be included on any posted agenda.***

**AB280** – Requires single stall public restrooms to be gender neutral, in certain circumstances. ***Counties must adopt a building code or ordinance that requires all buildings built after 2021 with single-stall bathrooms to be gender neutral.*** The Attorney General is authorized to bring cases against counties (and other entities that are required to adhere to this law) for non-compliance. ***Also, counties (and public accommodations) must no longer have gender specific signage on single-stall restrooms.***

**AB315** – ***Counties must provide information on PTSD and various mental health illnesses during employment for firefighters, correctional officers, and law enforcement personnel. Further, within three months after retirement, firefighters, correctional officers, and members of law enforcement must be provided two hours of mental health counseling.***

**AB321** – This bill makes many provisions of the election reform passed during the special session permanent. There will be impacts to the administration of elections. The bill requires the mailing of ballots to every active registered voter, mandates the number of in person polling places for both early and election day voting, and requires an increased number of voter ballot drop boxes. **County Election Officials** worked extensively on this bill and NACO suggests coordinating with their offices on fiscal and operational impacts.

**AB341** – Enables cannabis consumption lounges and the requirements for owning and operating such establishments. ***Local authority was preserved in this legislation to allow counties to zone out consumption lounges.***

**AB349** – Makes changes to the classic vehicle license plate program and changes to the smog program (which currently applies to counties over 100,000 in population). This bill authorizes ***Counties (applicable only to Clark and Washoe) to enact by ordinance an***

***additional fee of up to \$6 on vehicle smog checks to be used for voluntary programs to address environmental impacts or reduce greenhouse gas emissions.***

***AB363*** – Addresses short-term rentals (i.e., Airbnb; VRBO, etc.). ***Counties over 700,000 in population are required to draft an ordinance to allow for the use of short-term rentals.***

***AB385*** – This bill addresses employment contracts approved by public bodies. Several provisions of this legislation attempt to address excessive fringe benefits that are negotiated in employee contracts. ***A public body is prohibited from providing fringe benefits, unless the public body has adopted a policy, in a public meeting, that authorizes all similar persons such a benefit. The awarding of bonuses must now be done in a public meeting. Under provisions of this legislation an employee, upon termination, is entitled to certain unpaid sick and vacation leave. However, this bill limits bonus, administrative pay, or other compensation if an employee resigns or is terminated while an investigation is pending.***

***AB388*** – This legislation looks to expand Broadband Access – especially in underserved communities in Nevada. It creates a grant program for broadband infrastructure and the “Broadband Ready” Community Certification program to encourage deployment of broadband. The Office of Science, Innovation and Technology ***shall work with local governments, industry, and other stakeholders to develop the criteria for the program.***

***AB397*** – Makes changes to the technology fee charged by **County Clerks**. ***Counties must have, or pass, an ordinance that charges the fee. County Clerks must transmit these collected fees to the County Treasurer by the 5<sup>th</sup> day of each month.***

***AB410*** – This bill makes changes to the usage of Construction Manager at Risk (CMAR), pertaining to Construction Manager as Agent for public works jobs that exceed \$100,000. ***Under the provisions of this bill, construction manager as agents are to be selected based on qualifications and expertise, as opposed to competitive bidding. Further, the legislation prohibits a CMAR from acting as a construction manager as agent for up to 4 years after being awarded a CMAR contract. Additionally, the bill lifts the sunset on using CMAR.***

***AB414*** – This bill exempts real estate transfer tax from being charged when a deed upon death is filed with a **County Recorder or Clerk** to transfer the real property.

***AB422*** – Centralizes all voter registration information with the Secretary of State’s office, creating a “top down” system. The bill mandates that all **County Election Officials** must use this system once available. The bill is effective immediately to allow the Secretary of State’s office to begin work on the system and January 1, 2024, for implementation.

***AB424*** – Requires a defendant to be provided a pre-trial release hearing within 48-hours after being taken into custody. There are provisions in the bill that allow for virtual hearings, regionalization of services, as well as flexibility for continuances. ***The effective date is July***

**1, 2022, to allow for planning and compliance. *NACO is asking counties to track the costs for implementation and ongoing compliance with this legislation.***

**SB4** – Allows for the enforcement of illegal fireworks - enables counties to levy civil and criminal penalties, under a tiered penalty system. ***If they choose to enact these penalties, counties must pass an ordinance to do so.***

**SB14** – Under this legislation, wastewater facilities are included in the list of utilities that are required to annually submit, review, or update a vulnerability assessment and an emergency response plan with the Division of Emergency Management. ***For counties that operate or own wastewater facilities, submitting the required documentation will now be required. The bill is effective June1, 2021.***

**SB43** – This bill makes various changes to the Advisory Board on Outdoor Recreation. Adding a NACO-appointed member, which must be from a county with a population under 100,000 (*providing for rural representation*) who has professional expertise or possesses demonstrated knowledge in outdoor recreation, natural resources management and economic development.

**SB46** – Allows certain employees of the Attorney General’s office to request that **County Clerks, Recorders and Assessors** keep their personal information confidential.

**SB77** – Provides for an exemption from Nevada’s Open Meeting Law (OML). This exemption applies when a County is involved in pre-decisional discussions with a federal agency as part of the NEPA process. ***Counties must have agreed to be a cooperating agency.***

**SB94** – This bill addresses gates across public roads. ***In a County with a population of less than 100k, the Board of County Highway Commissioners (or similar body) may enact rules that meet minimum standards regarding the building of gates across public roads. In Counties with a population of more than 100k, the county may enact an ordinance or enter into an agreement with an individual, authorizing a person to erect and maintain a gate across a public road - the agreement or ordinance must meet certain minimum criteria.***

**SB107**– This bill makes changes to the statute of limitations on wrongful termination cases - the bill provides for 2-years, or 93 days after the conclusion of an administrative hearing with a federal or state agency.

**SB109**– Makes changes to the collection of sexual orientation or gender expression data. ***If counties currently collect data on race and ethnicity, they will be required to collect information on sexual orientation or gender expression.*** This bill prohibits any individual from being required to provide this information.

**SB138**– Makes changes to planned unit developments (PUD’s). ***Counties can regulate PUD’s, but must pass an ordinance to do so, local authority is no longer implied.***



**SB141** – Eliminates the sunset for local governments to utilize Construction Managers at Risk (CMAR), on public works jobs.

**SB150** – *Requires counties larger than 100k to pass an ordinance allowing tiny houses in one single family zoning district, one "tiny home park" and as an accessory dwelling unit (ADU) in one zoning district; counties under 100k have to pass an ordinance allowing tiny homes in one district/area only (either SF, tiny home park (mobile home park), or as an accessory dwelling unit); before adopting an ordinance re tiny homes, a county or city must consider whether the locations of tiny houses in the designated zoning districts will have disproportionately high and adverse human health and environmental effects on minority populations and low-income populations.*

**SB177** – Increases the fee on marriage license from \$25 to \$50. The increased fee revenue will be used to fund domestic violence programs. **County Clerks.**

**SB267** – This bill authorizes UNLV to conduct a study to determine diversity and equality in the workplace. *Counties will be receiving surveys from UNLV.*

**SB283** – Authorizes PACE (property assessed clean energy projects) in Nevada, with the goal of financing private projects that pertain to energy efficiency, renewable energy, and water efficiency projects. *Counties are enabled to allow PACE projects and issue bonds to finance these projects.* Under the provisions outlined in this legislation, all the property owners are voluntarily assessed.

**SB292** – This bill makes various changes to appointments of vacancies for Federal and State office. Under the provisions of this legislation, vacancies in the office of Legislators are filled in the following way: *a list of nominations will be provided by the Majority, or Minority leader (dependent on party affiliation of the vacancy), of the respective house to the Board of County Commissioners who need to appoint to the vacancy. The Board of County Commissioners are allowed to vote to reject the list of submitted nominations or vote to accept an individual provided by the respective leadership.*

**SB293** – *Prohibits the use of prior historical salary information when considering an application for employment, after an offer is made, the county is required to disclose to applicant the range and promotion salary range.*

**SB297** – *If a county does an urban ag element of their master plan, they may include an inventory of vacant/blighted buildings; also allows local govt to provide a 10% property tax abatement for any property that is used for urban ag or a community garden.*

**SB327** – *Under the provisions of this bill, it is category E felony to tamper with tests and scores that an entity, including a county, may use for promotions. Counties are now required to use a third-party service to administer tests for vertical promotion in departments larger than 200 employees. This bill allows an employee to appeal test scores and can require documentation of how the scores were determined.* The bill also prohibits discrimination against certain racial and ethnic hairstyles.

**SB341** – A provision in this bill requires all *public employers to provide training on racial bias to their employees, to the extent funding is available.*

**SB344** – With some exceptions, makes the breeding, sale, and possession of wild and/or dangerous animals (as defined in the bill) illegal. *County animal services officers (and local law enforcement) are enabled to enforce these laws, cite owners, and seize animals.*

**SB390** – This bill establishes the Nevada system to implement 9-8-8, which is a federally mandated National Suicide Hotline. *(Similar to 9-1-1, but for those experiencing thoughts of suicide, this will go live on July 16, 2022, per federal law.)* This legislation also establishes the Fund for a Resilient Nevada, funded by opioid settlement dollars, and an advisory committee to oversee expenditures of the fund. Implementation of the system may impact counties, both directly and indirectly.

**SB423** – Allows the Department of Taxation to collect a commission as compensation for collecting taxes on centrally assessed properties.

**SB430** – Creates the State Infrastructure Bank, which was funded by an initial \$75 million dollar appropriation. *Counties are eligible to apply for grants from this program to fund local infrastructure projects.*

**SB442** – This bill effectively eliminates the “green building” program, which provided local property tax abatements to buildings that met certain energy efficiency standards. The program will no longer accept new applications effective July 1, 2021, and existing property tax abatements will expire July 1, 2035.

**SCR11** – This resolution creates a joint special legislative committee to conduct a study regarding Innovation Zones.

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

~~~~~