



**ARGENTUM**  **PARTNERS**



## SESSION OVERVIEW

The 81st session of the Nevada Legislature started virtually on Feb. 1, 2021, due to the COVID-19 pandemic. Initial conversations with legislative leadership suggested a fiscally focused session, addressing issues caused by the pandemic, rather than a session focused on heavy policy debates. Going into the session, it was clear that this session would be unprecedented and in order to be successful, legislators and lobbyists were forced to adapt to the new environment.

Despite the direction from leadership, it turned out that the 81st legislative session would address some of the largest policy issues considered for the last decade. From comprehensive energy infrastructure, to a healthcare public option, and even the nation's first innovation zone, the last 120 days were full of policy firsts for Nevada.

Lastly, due to the changes brought on by the pandemic, we can expect to see lasting impacts on how we receive legislative information, interact with legislators and continue to shape policy in the state.



# SESSION LANDSCAPE: SENATE CHAMBER

The 2020 election resulted in the Democrats holding the majority, Sen. Nicole Cannizzaro was re-elected and retained her position as majority leader.

Sen. Cannizzaro was elected majority leader by her caucus during the 2019 regular session, after the resignation and subsequent conviction of Sen. Kelvin Atkinson. She was voted back to the position by her caucus for the 2021 session. Rounding out her leadership team was President Pro Tempore Mo Denis, chief majority whip, Sen. Pat Spearman, and co-majority whips Sen. Chris Brooks and Sen. Marilyn Dondero Loop.

On the minority side of the chamber were longtime senators James Settlemeyer as minority leader and Joe Hardy as assistant minority leader who are both termed out in 2022. Sen. Scott Hammond and Sen. Heidi Seevers-Gansert share responsibility as co-minority whips.

In the waning hours of the 2019 session, Democrats sought to extend the sunset of the modified business tax and extend the Nevada Department of Motor Vehicles technology fee. The bills however, required a 2/3 majority vote, instead of a simple majority, as it would mean an increase in revenue to the state. When SB 551 (MBT) came up for its initial vote on the floor, it did not receive 2/3, as no Republicans voted for the measure. Upon its failure, an immediate recess was called, amending the bill to remove ESAs (the Republican compromise for bill passage) and the 2/3 requirement, and it was brought to the floor once more for reconsideration. Asserting they no longer needed the 2/3 requirement, and bolstered by an LCB opinion stating the same, the bill passed with a simple majority and was signed by the Governor, as was SB 542 (DMV fees).

Two years, and multiple court cases later, the case was heard before the Nevada Supreme Court, who in a unanimous decision made on May 13, 2021, opined the Democrats and LCB were wrong in their assessment and had in fact violated the constitutional provision, upholding the lower court's decision. No longer having the roughly \$100,000,000.00 in education funding, and \$7,000,000.00 in DMV technology fees, Democrats were left to find another revenue source.



## SESSION LANDSCAPE: ASSEMBLY CHAMBER

As with the Senate, the Democrats also held the majority in the Assembly after the 2020 election, where every seat was up for re-election. They did not, however, secure a super majority. Republicans picked up 4 seats which put the split at 26 Democrats and 16 Republicans.

Speaker Jason Frierson and Majority Leader Teresa Benitez-Thompson worked to align fellow Democrats with varying long-term policy initiatives and, as the session continued, rifts within the caucus proved difficult to overcome leaving some major legislative priorities unachieved. Majority Leader Teresa Benitez-Thompson is termed out as of 2022 which leaves the position open for another Democrat.

Lead by Minority Leader Robin Titus, the Republicans faced similar rifts within their caucus and the Freedom caucus, an unofficial sub-caucus formed. Their goal was to ensure that nearly all tax-related legislation was voted against while also operating separately from the rest of their peers. The Freedom members unexpectedly were the 'X' factor and provided the leverage needed to pass 2/3 majority bills not passed by the Republican caucus as a whole.



# SESSION POLICY DEBATES

- Healthcare Affordability
- Innovation Zones
- Energy Efficiency and Infrastructure
- COVID-19
- Expanded Voter Rights
- Evictions
- Mining Tax



# SIGNIFICANT BILLS & RESOLUTIONS

## SENATE BILLS & RESOLUTIONS

- SB 420 – Healthcare Public Option
- SB 430 – State Infrastructure Bank Funding
- SB 448 – Comprehensive Energy Bill
- SB 452 – Covered Premises Gun Bill
- SCR 11 – Innovation Zones

## ASSEMBLY BILLS & RESOLUTIONS

- AB 126 – Primary Elections
- AB 321 – All Mail Elections
- AB 495 – Mining Tax Bill

# COMMERCIAL REAL ESTATE SPECIFIC LEGISLATION: ASSEMBLY BILLS & RESOLUTIONS

- AB 3 – Electronic Transmission of Documents for Submittal
- AB 139 – Enterprise Funds for Capital Improvements
- AB 173 – Licensure of Engineers and Surveyors
- AB 211 – NDOW Review of Subdivided Tentative Maps (Northern Nevada and Rurals)
- AB 280 – Single Stall Restroom Signage
- AB 335 – Additional Layer of Review for City of Las Vegas Economic Development Incentives
- AB 378 – Changes to Handling of Federal Lands
- AJR 7 – Resolution Encouraging Congress to Pass the National Infrastructure Bank
- ACR 4 – Resolution to Appoint a Committee to Study General Improvement Districts

# COMMERCIAL REAL ESTATE SPECIFIC LEGISLATION: ASSEMBLY BILL 3

- AB 3 – Electronic Transmission of Documents for Submittal, Sponsored by the Committee on Government Affairs
  - Allows a County Recorder to accept various documents electronically. AB 3 gives county recorders the option to determine what they feel is appropriate to be submitted and outlines what would be considered acceptable online.
  - Moving towards an online platform only seems natural given the fact that state government is slowly modernizing with the public's needs.

# COMMERCIAL REAL ESTATE SPECIFIC LEGISLATION: ASSEMBLY BILL 139

- AB 139 – Enterprise Funds for Capital Improvements, Sponsored by Assemblymen Yeager and Gorelow; Senator Scheible
  - The bill authorizes the use of Enterprise Fund dollars if:
    - The expenditure would not cause the balance of unreserved dollars in the fund to dip below 50% of annual operating costs
    - It was deemed necessary in an infrastructure study dated between January 1, 2020, and December 31, 2021. The measure sunsets on December 31, 2021, and any eligible commitments made during the effective dates of this statute must be completed by 2024. Moving towards an online platform only seems natural given the fact that state government is slowly modernizing with the public's needs.
  - This bill was brought by the Southern Nevada Homebuilders for the purpose of building two fire stations in the Southwest part of the valley, where exponential growth has occurred, and citizens are left with slower than normal response times.

# COMMERCIAL REAL ESTATE SPECIFIC LEGISLATION: ASSEMBLY BILL 173

- AB 173 – Licensure of Engineers and Surveyors, Sponsored by Assemblywoman Jauregui
  - This bill requires professional engineers working for a natural gas utility to become licensed as professional engineers.
  - This bill removes the requirement that land surveyors have a minimum of 4 years working experience prior to taking the licensure examination. The requirement remains as a precursor to licensure.

# COMMERCIAL REAL ESTATE SPECIFIC LEGISLATION: ASSEMBLY BILL 211

- AB 211 – NDOW Review of Subdivided Tentative Maps, Sponsored by Assemblywoman Jauregui
  - AB 211 amends the current tentative map process by requiring a local planning commission to submit the tentative map application brought by a subdivider of land to the Department of Wildlife. The Department of Wildlife can charge the applicant a fee of \$250, plus \$5 per acre. Upon receipt of the application, the Department will comment upon the application within 15 days, and submit those comments to the local planning commission, which “shall” take those comments into consideration in its evaluation of the tentative map. The bill contains an exemption for a local government which has adopted a conservation plan which has been federally approved.
  - Usually a recommending body, like a planning commission has final action authority on a tentative map item, unless it is called up at the discretion of the governing body. That said, the planning commission still must comply with local ordinances in its approval process, and such would include environmental considerations specific to the jurisdiction which are adopted by the local body. This bill would add a layer of recommending authority at the state level, over and above the planning commission, regarding statewide environmental issues, and at substantial cost. From a procedure standpoint, such could complicate the approval process of the local governing body and would also complicate the appeal process by adding an additional factor to the traditional “abuse of discretion” standard, beyond what is already authorized by ordinance.

COMMERCIAL REAL  
ESTATE SPECIFIC  
LEGISLATION:  
ASSEMBLY BILL 280

- AB 280 – Single Stall Restroom Signage, Sponsored by Assemblywoman Peters
  - AB 280 at its core is nothing more than a signage bill, which requires that all existing single stall restrooms, or any single stall restrooms going into a new build must have signage declaring them “all access” or “gender neutral.”
  - This bill does not change existing code requirements, nor require any retrofitting to create single stall restrooms.

# COMMERCIAL REAL ESTATE SPECIFIC LEGISLATION: ASSEMBLY BILL 335

- AB 335 – Additional Layer of Review for Municipal Economic Development Incentives, Sponsored by Assemblywoman Summers-Armstrong
  - Limited to incorporated cities in excess of 500,000, which is currently only the City of Las Vegas, this bill seeks to implement state-level oversight on the City of Las Vegas Redevelopment Authority. Although the bill does not set forth any further authority than to receive and “analyze” the employment plans and progress reports, and perhaps to require the developer itself to make a presentation before the Enterprise Board, this bill is somewhat superficial in its applicability in that it does not authorize an audit of funding, etc. More, that the employment plans and progress reports are classified as “public records” is also superficial, given they are also public records at the local level. To that end, the bill truly only requires the City RDA to make reports to a state-level authority.

# COMMERCIAL REAL ESTATE SPECIFIC LEGISLATION: ASSEMBLY BILL 378

- AB 378 – Changes to Handling of Federal Lands, Sponsored by the Committee on Natural Resources
  - This bill revises the duties of the Administrator of the Division of State Lands with respect to the State Land Use Planning Agency to require that the Administrator provide assistance to counties in developing plans and policies, in addition to programs, to increase the involvement of local governments in the coordinated management of lands in the State that are under federal management.
  - This bill repeals various provisions relating to public lands, including provisions: (1) creating the Board of Review to review regulations, decisions and plans or statements of policy of the State Registrar and State Land Use Planning Agency; (2) directing the management of certain public lands; (3) creating the Public Land Trust Fund; (4) authorizing the State Land Use Planning Agency to represent interests of certain entities that are affected by policies and activities involving the use of federal law; and (5) setting forth procedures for state consent to the federal use of public lands.

# COMMERCIAL REAL ESTATE SPECIFIC LEGISLATION: ASSEMBLY JOINT RESOLUTION 7

- AJR 7 – Resolution Encouraging Congress to Pass the National Infrastructure Bank, Sponsored by Assemblymen Bilbray-Axelrod, Peters, Anderson, Brown-May, Carlton Considine, Duran, Flores, Frierson, González, Gorelow, Kasama, Krasner, Martinez, Marzola, Cameron, Miller, Monroe-Moreno, Nguyen, O’Neill, Orentlicher, Summers-Armstrong, Thomas, Torres, Watts and Yeager; Senators Brooks, Ohrenschall, Buck, Denis, Donate, Harris, Lange, Ratti, Scheible, and Seevers Gansert
  - This resolution simply encourages the federal government to pass the National Infrastructure Bank legislation that is before them.

COMMERCIAL REAL  
ESTATE SPECIFIC  
LEGISLATION: ASSEMBLY  
CONCURRENT  
RESOLUTION 4

- ACR 4 – Resolution to Appoint a Committee to Study General Improvement Districts, Sponsored by Assemblymen Krasner, Matthews and Torres; Senator Settlemeyer
  - This resolution appoints a committee to study GIDs and identify and combat abuses happening within them.

# COMMERCIAL REAL ESTATE SPECIFIC LEGISLATION: SENATE BILLS & RESOLUTIONS

- SB 276 – Technology Fees Related to Licensure for Real Estate Agents and Brokers
- SB 386 – Right to Go Back to Work Bill
- SB 442 – Sunset and End of Green Building Tax Abatement

# COMMERCIAL REAL ESTATE SPECIFIC LEGISLATION: SENATE BILL 276

- SB 276 – Technology Fees Related to Licensure for Real Estate Agents and Brokers, Sponsored by Senator Denis
  - This bill requires an applicant for the issuance or renewal of certain licenses, certificates, permits, and registrations issued by the Real Estate Division to pay a technology fee of \$15 in addition to any other fee assessed for any such issuance or renewal.
  - This bill also requires that the money collected from the technology fee be deposited in a separate account in the State General Fund and not revert at the end of a fiscal year and used only to acquire technology for or improve the technology used by the Division.

# COMMERCIAL REAL ESTATE SPECIFIC LEGISLATION: SENATE BILL 386

- SB 386 – Right to Go Back to Work Bill, Sponsored by the Committee on Commerce and Labor
  - This bill requires an employer to offer a laid-off employee certain job positions lost due to the COVID-19 pandemic, sets forth an order of preference for job offers if multiple eligible employees were laid off, requires the employer to afford a laid-off employee not less than 24 hours within which to accept or decline an offer, requires an employer to provide a laid-off employee with notice of the reasons for declining to recall the laid-off employee under certain circumstances, and sets forth certain circumstances under which an employer is not required to extend additional offers of employment to a laid-off employee.
  - SB 386 also authorizes the enforcement of the provisions of this bill by an aggrieved employee through the Labor Commissioner or in a civil action, establishing the requirements which must be met before an aggrieved employee may file a complaint, and authorizes the granting of certain awards and imposition of penalties to a prevailing plaintiff.

COMMERCIAL REAL  
ESTATE SPECIFIC  
LEGISLATION:  
SENATE BILL 442

- SB 442 – Sunset and End of Green Building Tax Abatement, Sponsored by the Committee on Finance
  - This bill ends the Green Building Tax Abatement program. Any applications submitted before July 1, 2021, will still be considered for the abatement, and if granted it would be in place until July 1, 2035. Any applicant already participating in this program will continue to receive the abatement until that July date as well.

# COMMERCIAL & RESIDENTIAL REAL ESTATE SPECIFIC LEGISLATION: SENATE BILL 448

- SB 448 – Omnibus Energy Bill, Sponsored by Senator Brooks
  - Requires a public utility to amend its resource plan by filing a transportation electrification plan by September 1, 2022. This transportation electrification plan is intended to accelerate the use of electric vehicles by providing electric infrastructure in residential communities (including historically underserved), and public facilities.
  - Requires a public utility to invest in various transportation electrification programs, which will provide charging infrastructure throughout the state.
  - Allows owners of net-metered facilities to recover the cost of providing electricity to spaces within the development if the net-metered electricity is used entirely within the development, the spaces are not separately metered, and the spaces are not charged for electricity based on consumption.

COMMERCIAL &  
RESIDENTIAL REAL  
ESTATE SPECIFIC  
LEGISLATION:  
STUDY BILLS

- AB 90 – Interim Study on Projects of Intercounty Significance (Impact Fees)
- AB 161 – Interim Study on Summary Eviction Actions (Abolishment of Summary Eviction)

# COMMERCIAL & RESIDENTIAL ESTATE SPECIFIC LEGISLATION: DEAD BILLS & RESOLUTIONS

- AB 331 – Linkage Fees and Linkage Fees in lieu of Inclusionary Zoning for Affordable Housing
- AB 334 – Linkage Fees for Affordable Housing
- AB 380 – Phasing out Natural Gas in Favor of Electrification
- SB 10 – NACO Property Tax Bill Imposing a Floor of 3%
- SB 64 – League of Cities Property Tax Bill Addressing Depreciation
- SJR 8 – Revival of initiative for a constitutional amendment authorizing “reset on sale.”



# LOOKING FORWARD

Aside from the legislative session, this year will also bring redistricting which could strike a blow to the Republicans if certain senate districts are lost. While elections always create the possibility of turnover, other members may seek new opportunities outside the Nevada State Legislature.

The upcoming 2022 election, however, is expected to greatly change the Senate's makeup. The Republicans will lose 3 seats to term limits - minority leader James Settelmeyer, Sen. Joe Hardy and Sen. Ben Kieckhefer. The Democrats, on the other hand, will only lose one termed-out legislator, Sen. Mo Denis.

# LOOKING FORWARD: SENATE CHAMBER

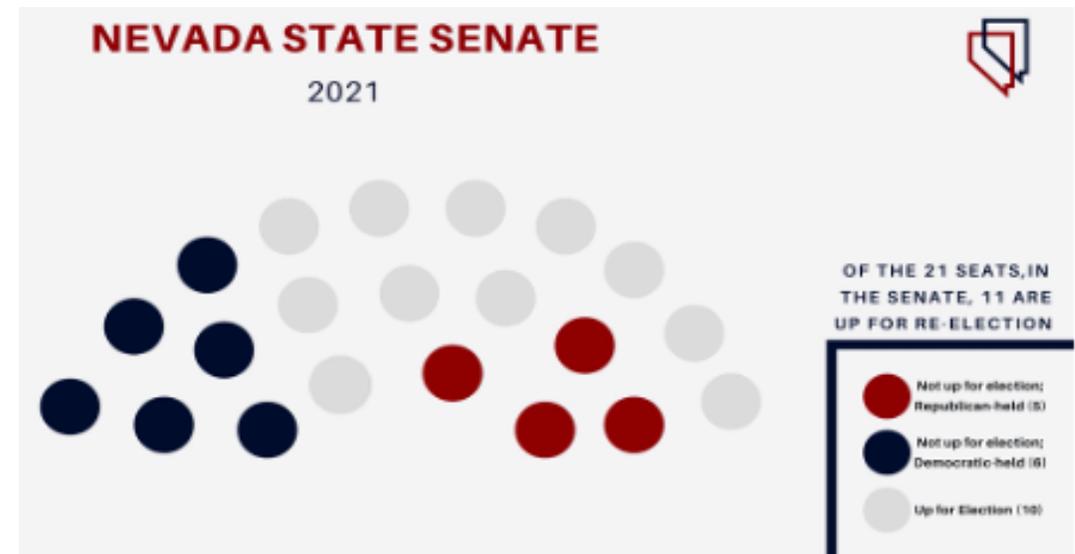
Of the 11 seats open for re-election, 6 are held by Democrats and 5 are held by Republicans.

## Democrat Seats:

- Senate Dist. 2 – Mo Denis (Termed Out)
- Senate Dist. 8 – Marilyn Dondero Loop
- Senate Dist. 9 – Melanie Scheible
- Senate Dist. 10 – Fabian Donate (Appointed)
- Senate Dist. 13 – Julia Ratti
- Senate Dist. 21 – James Ohrenschall

## Republican Seats:

- Senate Dist. 12 – Dr. Joe Hardy (Termed Out)
- Senate Dist. 14 – Ira Hansen
- Senate Dist. 16 – Ben Kieckhefer (Termed Out)
- Senate Dist. 17 – James Settlemeyer (Termed Out)
- Senate Dist. 20 – Keith Pickard





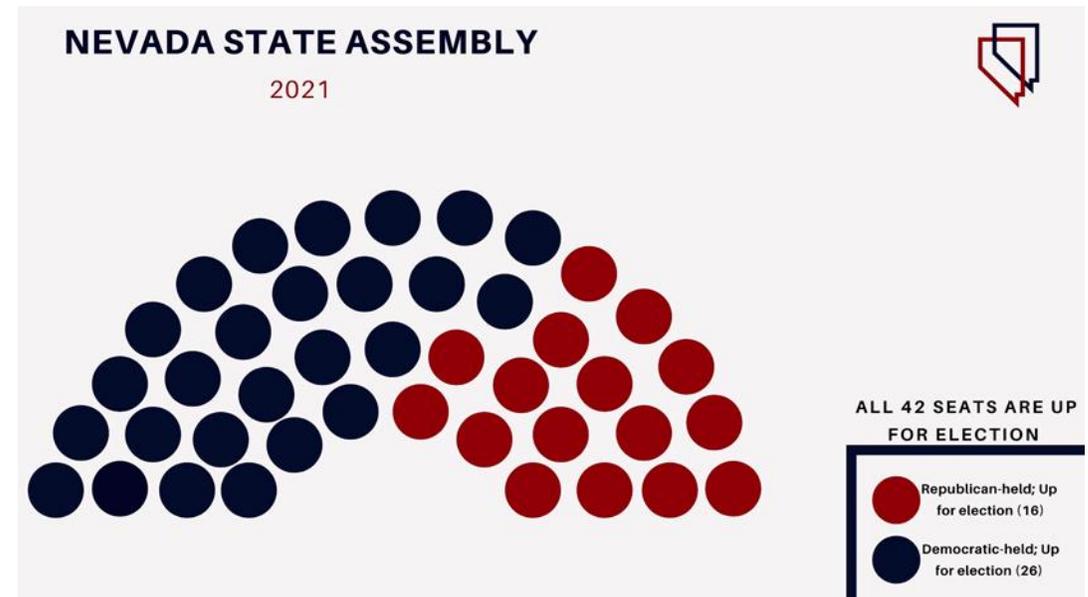
# LOOKING FORWARD: ASSEMBLY CHAMBER

The Assembly will see minimal turnover after the 2022 election because of term limits. Democrats will lose 2 seats, including majority leader Teresa Benitez-Thompson and longtime chairwoman of the Ways and Means Committee, Maggie Carlton, with Republicans losing John Ellison.

As in the Senate, the Assembly also faces redistricting challenges and there are several rumors of members leaving the legislature for other political opportunities. The outcome of both will potentially affect key districts and races.

# LOOKING FORWARD: ASSEMBLY CHAMBER

With all 42 seats up for re-election, there is ample opportunity for change in the make-up of the body. With an impending special session addressing redistricting and the rumor mill swirling regarding legislators moving on, we expect to see somewhere in the ballpark of ~11 seats turning over between the two parties.





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