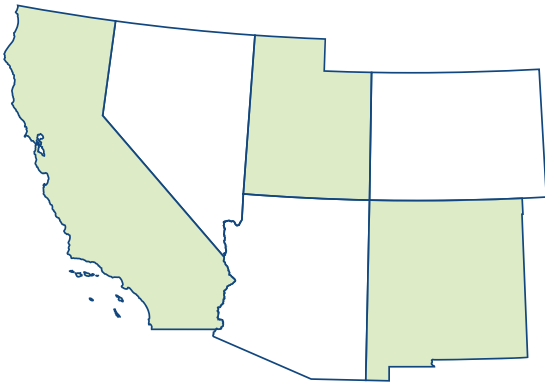




2013 Legislative Review of Arizona, Colorado, and Nevada

Search By State: Please select a state below, to view all bills relevant to that state.

Search By Practice Group: Please select a practice group below, to view bills in all states relevant to that practice group.



How can your practice benefit from this report?

This report is designed to be a resource to help you more effectively communicate with your clients when it comes to legislative matters addressed in the 2013 Legislatures for Arizona, Colorado and Nevada.

Specifically, this report provides:

1. Ready-to-go content for client alerts, reports, and general communications.
2. On-hand reference to help you define legislation for future sessions and identify issues related to future legislation.
3. Online access to the Arizona, Colorado and Nevada State Legislatures' website for vital information on each and every piece of legislation, including: descriptions, full-body text, indexing, and staff prepared fact sheets.
4. Background on relevant vetoed bills, which may resurface in a different form in later legislative sessions.

Also, the Government Relations practice team is available to assist should your client need information about vetoed bills or session laws, bill interpretation, explanation of the benefits/pitfalls created by legislation, or suggestions for legislative changes to pursue.

If you have any questions, please contact:

Arizona	Colorado	Nevada
Yvonne R. Hunter at x5386	Troy Rackham at x3209	James Wadhams at x8039
	Rachel Carnaggio at x3208	John Sande IV at x8200



2013 Arizona, Colorado, and Nevada Legislative Sessions



Arizona's 2013 51st Legislative, 1st Regular Session was one of the most interesting in Arizona history. The Republican dominated Arizona Legislature faced significant structural budget deficits, the implementation of the federal Affordable Care Act and Governor Jan Brewer's commitment to institute transaction privilege tax (TPT) reform. Arizona's legislature has majority Republican leadership in the House and Senate, and Executive Branch. Arizonans now have to manage changes in TPT reform, the new education standards called Common Core and the implementation of Medicaid expansion.

As has become usual in the last few years, the Arizona Legislature introduced 1,158 bills, and 76 Memorandums and Resolutions. Of the bills reviewed, only 282 made it to the Governor's desk, and the Governor vetoed 26 bills. Arizonans now have to deal with 256 new laws. In addition, 20 Memorandums and Resolutions were sent to the Secretary of State's office for further action. Arizona laws signed by the Governor will go into effect on September 13, 2013, unless the language in the bill specifies a different effective date. ► www.azleg.gov



Colorado's 2013 1st Regular Session of the 69th General Assembly also started with a robust legislative agenda from the Democratic majority leadership in the Assembly, Senate and Executive Branch. The session started following the theater shooting and other high profile gun violence, the passage of Amendment 64 (retail sale of marijuana) and other significant events in 2012. The Colorado Assembly passed legislation addressing gun control, regulating marijuana, in-state tuition to undocumented students, same-sex civil unions, election reform and immigration reform. The Governor and the Assembly seemed to be in concert since Governor John Hickenlooper did not exercise his right to veto any legislation.

The Colorado Assembly introduced 613 bills, and 98 Resolutions and Memorials. The 440 bills that received the Governor's signature are now in affect unless a bill specifically identified an effective date. ► www.leg.state.co.us



Nevada's 2013 77th Legislature was a historic session, but not necessarily for the legislation that was considered. When historians reflect on the 2013 session, it will likely be defined by the removal of Assemblyman, Steven Brooks, and the relatively inexperienced leaders for the Senate and Assembly.

Over the course of the 120-day session, the legislature, which is controlled by a Democratic majority in each house, considered significant legislation ranging from the authorization of intrastate-online gaming to the creation of medical marijuana dispensaries. During the session, the Legislature issued 1,034 bills, and sent 572 to Republican Governor Brian Sandoval for signature. The Governor vetoed 17 bills. The remaining 555 bills that Nevadans now have on the books go into effect on the date indicated in the newly enacted law. ► nelis.leg.state.nv.us



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2013 Arizona Legislative Review

The Arizona Legislative Session started on January 14, 2013 and ended June 24, 2013. The special session began and ended on June 13, 2013.

Below is a recap of the legislation followed by Fennemore Craig, P.C.:



BUSINESS AND FINANCE

HB2188 (Chap. 107) Procurement; Construction Manager At Risk –

Provides a two-step competition process for procurements of agents that are cities or separate legal entities.

HB2260 (Chap. 136) Certified Public Accountants –

Reorganizes and further amends current laws relating to certified public accountants.

HB2267 (Chap. 40) Public Consignment Auction Dealer; Requirements –

Amends the requirements for public consignment auction dealers and the Department of Revenue, and mirrors the penalties for a vehicle dealer as outlined in statute.

HB2272 (Chap. 138) Burial Duties; Designated Person –

Amends the power of attorney specifications and requirements, allows a responsible cremationist to open a container holding human remains and alters the requirements of a crematory and responsible cremationist.

HB2277 (Chap. 121) Uniform Commercial Code; Funds Transfers –

Specifies that the provisions of the Electronic Fund Transfer Act governs the transaction when there is an inconsistency between laws.

HB2619 (Chap. 157) Public Deposits; Pooled Collateral –

Establishes the statewide collateral pool administrator and subsequent regulations regarding collateral for public deposits.

SB1238 (Chap. 165) Benefit Corporations –

Provides various regulations for a new type of corporation called a benefit corporation.



COMMERCIAL LITIGATION

HB2164 (Chap. 6) DHS; Food Inspection; Exception –

Specifies that all locations rather than just locations that have a display area less than 10 linear feet that sell only commercially prepackaged food or drink that is not potentially hazardous are exempt from the rules relating to food and drink.

HB2170 (Chap. 71) Stopped School Buses; Lights –

Requires a school bus to display a stop signal and alternately flashing lights on private roads, driveways, or property when passengers are being received or discharged.

HB2176 (Chap. 187) Registrar of Contractors; Alarm Agents –

Amends the statutes relating to accessing the Registrar of Contractors (ROC) Recovery Fund, contractors' surety bonds and proper licensure; modifies the definition of alarm agent and provides a limited exemption from licensure by the ROC if an alarm agent is already licensed by the Arizona Board of Technical Registration (BTR).

HB2240 (Chap. 208) Small Claims Division; Jurisdiction; Limits –

Raises the jurisdictional limit for cases within the small claims division of the justice courts from \$2,500 to \$3,500.

HB2262 (Chap. 137) Scrap Metal Dealers; Registration –

Requires a person to register with the Arizona Department of Public Safety (DPS) in order to conduct business as a scrap metal dealer and establishes related requirements and penalties.

HB2325 (Chap. 123) Personal Property Exemptions –

Makes several changes to the statutes governing exemptions to personal property.

HB2372 (Chap. 73) Motor Vehicle Dealers –

Makes various changes to statute in relation to dealer license plates, wholesale auction dealers, and wholesale motor vehicle dealers.

HB2392 (Chap. 172) Confidential Information; Protective Orders; Injunctions –

Requires that a supplemental information form utilized by the court or law enforcement agency for the purpose of service of process, be provided in a petition for an injunction prohibiting harassment or workplace harassment or for a petition for an order of protection.

HB2482 (Chap. 176) Public Service Corporations; Assets Transfer –

Allows competitive telecommunications corporations to sell or transfer equipment necessary for supplying public services.

HB2489 (Chap. 228) Bonds; Financing; Student Loans –

Enables a corporation to issue bonds to finance student loans made in a student loan program.

HB2619 (Chap. 157) Public Deposits; Pooled Collateral –

Establishes the statewide collateral pool administrator and subsequent regulations regarding collateral for public deposits.

SB1177 (Chap. 35) Insurance; Accreditation; Receivership Liquidation Fund –

Conforms statutory provisions governing insurance accreditation to include requirements adopted by the National Association of Insurance Commissioners.

SB1231 (Chap. 238) Public Buildings; Construction; Indemnity –

Allows a contracting agent to require a contractor, subcontractor or design professional to indemnify and hold harmless the agent from liabilities caused by negligence, recklessness or intentional wrongful conduct in the performance of the contract.

SB1233 (Chap. 198) Limited Liability Companies; Ownership Interests –

Amends the Arizona Limited Liability Company Act by adding a new provision to the section of statute governing members as it relates to forms of ownership.

SB1238 (Chap. 165) Benefit Corporations –

Provides various regulations for a new type of corporation called a benefit corporation.

SB1243 (Chap. 181) Insurance Regulation; Exemption –

Exempts associations and orders from Title 20 of the Arizona Revised Statutes (A.R.S.), defines associations and orders, requires policies to contain a printed disclosure, and requires associations and orders to file specific information annually with the Department of Insurance (DOI).

SB1346 (Chap. 241) Class Action; Reform –

Adds an article of law governing class actions and delineates court requirements.



ELECTION LAW

HB2156 (Chap. 88) Elections; Public Resources Prohibited –

Prohibits the state and all its political subdivisions from spending or using public resources to influence an election.

HB2157 (Chap. 159) Public Declaration; Resign to Run –

Allows an incumbent elected official to make a formal declaration of candidacy for another office without having been deemed to have offered himself up for nomination.

HB2305 (Chap. 209) Election Revisions; Violations –

Requires a political committee that files petitions with the Secretary of State to organize and group the signature sheets and affords a heightened evidentiary standard for any challenger to the petition circulators if the political committee conducts an arm's length background check on its circulators.

HB2593 (Chap. 98) Campaign Finance; Contribution Limit –

Increases the amount of money individuals and political committees may contribute to a candidate and removes the aggregate contribution limit for individuals and political committees.

SB1454 (Chap. 254) Elections; Campaign Finance; HOAs –

Makes numerous changes to statutes governing elections and homeowners' associations.



EMPLOYMENT AND LABOR

HB2076 (Chap. 85) Military Applicants; License Requirements –

Establishes guidelines for the Arizona Department of Transportation and the Arizona State Board of Nursing to issue licenses to military veterans' who meet requirements.

HB2147 (Chap. 17) Unemployment Benefits; Proof; Eligibility –

Outlines requirements for the claimants and the employers during the process of filing a claim for unemployment benefits.

HB2173 (Chap. 204) Unemployment Insurance; Omnibus –

Makes administrative and conforming changes to statutes governing unemployment insurance, including provisions governing the Shared Work Plan and an emergency measure establishing Unemployment Insurance Tax Anticipation Notes.

HB2182 (Chap. 119) DUI; Ignition Interlock Devices –

Removes the ability of a person to be placed in a continuous alcohol monitoring program in lieu of getting an ignition interlock device, and updates Arizona law to conform to federal regulations.

HB2260 (Chap. 136) Certified Public Accountants –

Reorganizes and further amends current laws relating to certified public accountants.

HB2279 (Chap. 18) Employer; Exception; Officiating Services –

Excludes sports officials from the definition of employee, under statutes governing employment security.

HB2280 (Chap. 130) Employee Benefits; State Preemption –

Asserts the state's preemption authority over employee benefits.

HB2317 (Chap. 7) Fingerprint Clearance Card; Expired Use –

An emergency measure that authorizes the use of expired fingerprint clearance cards with the appropriate affidavit signed by the holder of the card.

[HB2327](#) (Chap. 28) Dangerous Drugs; Definition –
An emergency measure that expands the definition of dangerous drugs to include specific chemical configurations that typically compose synthetic cannabinoids and bath salts.

[HB2485](#) (Chap. 146) – Health and Safety Audit Privilege –

Outlines requirements for health and safety audit reports, privileges, and exceptions.

[HB2645](#) (Chap. 218) Unemployment; Exception; Religious Instruction –

Excludes from the statutory definition of employment, certain service providers working for churches or other religious organizations.

[SB1087](#) (Chap. 194) Drug Testing Records; Taxi Drivers –

Requires a driver of a livery vehicle, taxi, or limousine to submit to drug testing.

[SB1148](#) (Chap. 34) Workers' Comp; Reciprocity –

Establishes that a worker employed in Arizona, who leaves the state temporarily for work incidental to that employment, and receives a job-related injury, is entitled to Arizona workers' compensation benefits; exempts out-of-state workers and employers from Arizona workers' compensation statutes if certain requirements are met.

[SB1310](#) (Chap. 183) Special Fund; Workers' Comp –

Requires the publication of a report on the Special Fund for Workers' Compensation (Special Fund).



ENVIRONMENTAL AND NATURAL RESOURCES

[HB2011](#) (Chap. 12) Liquefied Petroleum Gas Containers; Penalties –

Increases the penalty for filling, refilling or tampering with a liquefied petroleum gas container without authorization.

[HB2087](#) (Chap. 106) Mining; Claim maintenance Fee Affidavit –

Revises current statute to recognize the federal maintenance fee requirement and provides a method of documenting payment in county record.

[HB2178](#) (Chap. 170) Flood Control Districts; Administrative Actions –

Allows persons who violate flood control district statutes or rules to receive a non-monetary penalty and changes the final decision review process.

[HB2485](#) (Chap. 146) Health and Safety Audit Privilege –

Outlines requirements for health and safety audit reports, privileges, and exceptions.

[HB2492](#) (Chap. 22) Municipalities; Wastewater Utility; Acquisition; Repeal –

Removes the authority of a city or town to acquire all or any portion of wastewater utilities owned or operated by the county.

[SB1080](#) (Chap. 244) Underground Storage Tank Program Changes –

Delays the repeal of the Underground Storage Tank Tax and the Underground Storage Tank Assurance Account for two years; extends the time period to submit claims for corrective action coverage.

[SB1092](#) (Chap. 161) Cotton Research and Protection Council –

Makes changes to the administration and enforcement roles of the Arizona Department of Agriculture and the Arizona Cotton Research and Protection Council in the abatement and plow up of nuisance cotton field.

[SB1143](#) (Chap. 64) Golf Course Pesticide License; Fee –

Transfers regulatory authority of golf course Not for Hire pesticide applications from the Office of Pest Management to the Arizona Department of Agriculture.

[SB1266](#) (Chap. 246) Illegal Dumping; Penalties –

Modifies requirements relating to illegal dumping in a city, town or county and establishes a new penalty for persons committing certain criminal littering or polluting offenses.

[SB1288](#) (Chap. 247) Arizona Water Protection Fund; commission –

Modifies the membership of the Arizona Water Protection Fund Commission and prohibits federal agencies from receiving funding through the Arizona Water Protection Fund.

[SB1290](#) (Chap. 125) Office of Pest Management –

Provides for the permanent transfer of administrative authority of the Office of Pest Management to the Arizona Department of Agriculture and makes various changes to pest management statutes.

[SB1322](#) (Chap. 248) Assured Water Supply Requirements; Exemption –

Extends the repeal date, from September 1, 2014, to September 1, 2024, for session law exempting certain subdivisions from the assured water supply requirement.

[SB1465](#) (Chap.116) Solid Waste Facilities; General Permit –

Provides an exemption from ADEQ statute and rules for waste facilities that obtain a general permit.

[SB1469](#) (Chap. 117) Applying Aquatic Poisons –

Provides \$635,226 in supplemental funding from the state General Fund (GF) in FY 2012-13 to the Independent Redistricting Committee (IRC).

**ESTATE PLANNING AND PROBATE****[HB2204](#) (Chap. 54) Law Enforcement; Surviving Spouse; Insurance –**

Rewrites eligibility requirements for receipt of health insurance payments by surviving spouses and dependents of law enforcement officers killed in the line of duty and expands the definition of law enforcement officer.

[HB2272](#) (Chap. 138) Burial Duties; Designated Person –

Amends the power of attorney specifications and requirements, allows a responsible cremationist to open a container holding human remains and alters the requirements of a crematory and responsible cremationist.

[HB2308](#) (Chap. 26) Probate; Omnibus –

Makes several changes to the laws governing probate proceedings.

[SB1175](#) (Chap. 67) Vulnerable Adult; Duty –

Creates a presumption against a petitioner in a position of trust and confidence bringing a civil action against a vulnerable adult regarding a governing instrument, unless shown otherwise by clear and convincing evidence and makes changes to legal proceedings.

[SB1232](#) (Chap. 112) Trusts and Estates –

Makes several changes to the laws governing trusts and estates.

[SB1237](#) (Chap. 36) Guardianships; Conservatorships; Transfer –

Modifies the procedure for Arizona courts to transfer a guardianship or conservatorship to another state.

SB1341 (Chap. 185) Vulnerable Adults; Financial Exploitation –

Specifies that a vulnerable adult is not exploited if the person's assets are transferred to obtain or maintain eligibility for benefits under the Arizona Health Care Cost Containment System (AHCCCS), Supplement Security Income (SSI), Medicaid, Medicare or Veterans' Administration Program.

**GOVERNMENT RELATIONS****HB2212 (Chap. 131) Legal Holiday; Counties; Courts –**

Clarifies that the Friday after Thanksgiving may be designated as a legal county holiday in lieu of Columbus Day.

HB2294 (Chap. 122) Retirement; EORP Superior Court Commissioners –

Removes language specifying the eligibility of full time court commissioners in ASRS and EORP as being dependent upon their inclusion in the Arizona 218 Agreement.

HB2310 (Chap. 140) Courts; Evaluation; Mental Health; Report –

Requires the Administrative Office of the Courts (AOC) to establish methods and standards to evaluate the effectiveness, efficiency and accountability of the mental health courts.

HB2326 (Chap. 141) Firearms; Records; Prohibited Acts –

Prohibits political subdivisions from maintaining or requiring records containing certain types of identifying information relating to firearms.

HB2341 (Chap. 171) Board of Technical Registration; Exemptions –

Allows a non-registrant who designs, alters or adds not bearing walls, shear walls or firewalls to an individual unit in a multifamily dwelling to be exempt from the Board of Technical Registration's compliance requirements.

HB2345 (Chap. 142) Weights & Measures Dept; Continuation –

Continues the Department of Weights and Measures for eight years.

HB2393 (Chap. 58) State Agencies; Licensure; Time Frames –

Allows licensees or potential licensees to make recommendations to the Governor's Regulatory Review Council regarding agency licensing time frames.

HB2396 (Chap. 143) Attorney General; Compromises; Settlements; Deposit –

Mandates, with certain exemptions, that monies garnered as a result of compromises or settlements (arrangements) by the state be deposited into the state General Fund (GF) and prohibits the creation of a new fund without legislative approval. Additionally, it establishes a new fund with two subaccounts and makes changes to the Consumer Protection-Consumer Fraud Revolving Fund.

HB2401 (Chap. 59) Service Animal; Definition –

Updates the definition of service animal.

HB2443 (Chap. 74) Cities; Counties; Regulatory Review –

Modifies provisions of the municipal, county and flood control district Regulatory Bill of Rights.

HB2455 (Chap. 145) Unclaimed Property; Firearms Disposition –

Requires agencies, rather than courts, to sell unclaimed or forfeited firearms and prevents a firearm from being returned to the person who found it.

HB2459 (Chap. 212) **Justice of the Peace Courts –**
Updates the sections of statute related to justice and municipal courts.

HB2562 (Chap. 216) **Public Retirement Systems; Ineligible Employees –**
Relieves ASRS and PSPRS of liability for misenrolled ineligible members, modifies the definition of PSPRS member, and provides coverage under the ASRS Defined Contribution Plan for employees who are ineligible for a state retirement system.

HB2599 (Chap. 190) **Procurement Code; Amendments –**
Makes various changes to the Arizona Procurement Code (APC).

HB2600 (Chap. 62) **Judicial Nominees; Minimum Requirements; Records –**
Establishes a new section of statute which stipulates that the judicial nominating commissions (Commissions) are required to submit at least five nominees to the Governor.

SB1081 (Chap. 100) **Special Audit; Info Tech Procurement –**
Requires a special audit of the procurement of Information Technology (IT) services and materials.

SB1093 (Chap. 162) **Disability Placards; Nonprofit Organization –**
Allows the Arizona Department of Transportation (ADOT) to issue up to three permanently disabled removable windshield placards to a non-profit organization that provides assistance to senior citizens, and requires the non-profit to maintain records on the volunteers who utilize these placards.

SB1094 (Chap. 77) **Notaries Public; Impersonation; Violation –**
Specifies that persons impersonating a notary public are guilty of impersonating a public servant and increases the penalty for a notary seal vendor illegally providing an official seal.

SB1170 (Chap. 110) **Retirement; ASRS; Amendments –**
Makes administrative changes to the statutes governing the Arizona State Retirement System.

SB1314 (Chap. 79) **Civil Judgments; State; Renewal –**
Expands the types of judgments that are exempted from the judgment renewal statute to include civil judgments obtained by the state.

SB1464 (Chap. 169) **Mining Advisory Council; Membership –**
Modifies the functions and membership of the Mining Advisory Council.



HEALTHCARE/MEDICAID EXPANSION

HB2045 (Chap. 202) **Health Care; Direct Pay; AHCCCS Rates –**
Outlines provisions related to direct pay prices for health care providers and facilities and requires the Arizona Health Care Cost Containment System (AHCCCS) to adopt a hospital reimbursement methodology consistent with Title XIX of the Social Security Act (SSA) effective October 1, 2013.

HB2445 (Chap. 144) **AHCCCS; Collection Action; Limitation –**
Tolls the time for AHCCCS to file a collection action for fraudulent claims under specified circumstance.

HB2550 (Chap. 215) **Health Insurance; Policies; Rating Areas –**
Authorizes state authority over health care insurers, establishes health care rating areas, and provides regulations in compliance with the Patient Protection and Affordable Care Act.



REAL ESTATE/LAND USE

HB2031 (Chap. 49) Federal Patent Easements; Counties; Abandonment –

Allows a county to abandon federal patent easements at the request of a property owner after notifying and obtaining the consent of all affected utilities and determining that the easement is no longer necessary or being used by the public and prescribes a procedure for the abandonment.

HB2118 (Chap. 38) Flood Protection Districts; Property Exclusion –

Repeals Arizona Revised Statutes § 48-2815, which allows flood protection districts to exclude lands.

HB2138 (Chap. 127) Municipalities; Right-of-Way; Transfer –

Allows a county roadway or right-of-way to be transferred by mutual consent of the county and city governing bodies.

HB2143 (Chap. 87) Joint Tenancy Severance –

Outlines the process for severing the right of survivorship in the case of real property owned as joint tenants with right of survivorship.

HB2154 (Chap. 118) Supplemental Approp; Mortgage Settlement Monies –

Appropriates, in FY 2012-13, the remaining monies received pursuant to the National Mortgage Settlement (NMS) to the Department of Law (DOL).

HB2209 (Chap. 130) Industrial Development Authorities –

Eliminates the requirement for a Department of Housing review and approval on selected types of industrial development authority financing.

HB2241 (Chap. 92) Telecommunications; Local Records; Nondisclosure –

Prohibits disclosure of records relating to construction of wireline telecommunications infrastructure by cities, towns and counties.

HB2242 (Chap. 134) Road Improvements & Maintenance Districts –

Permits petitioners to request that a road improvement and maintenance district allocate its assessments on a per-parcel basis.

HB2245 (Chap. 135) Trespass; Private Noncommercial Property –

Expands the duties of the Director of the Department of Administration (DOA) with regards to Government Information Technology (GIT).

HB2281 Chap. 224) Foreclosure; Tenant Notification –

States that if an owner receives notice of a trustee's sale or other notice of foreclosure on a property after a tenant has entered into a rental agreement, the owner must provide written notice to the tenant.

HB2297 (Chap. 225) Performance and Restoration Account –

Establishes the performance and restoration account. Specifies that proceeds of any security imposed by the commissioner as a condition of sale and the proceeds of a bond, collateral or security be deposited in the performance and restoration account.

HB2335 (Chap. 8) Mobile Homes; Recreational Vehicles; Parks –

Prohibits landlords from adopting rules that restrict tenants or tenant associations in mobile home and recreational vehicle parks from attending meetings in the park and restricts these meetings and any meeting notices from being deemed a solicitation.

HB2492 (Chap. 22) Municipalities; Wastewater Utility; Acquisition; Repeal –

Removes the authority of a city or town to acquire all or any portion of wastewater utilities owned or operated by the county.



TAXES

HB2525 (Chap. 61) Real Estate Licenses; Exempt Sales –

Allows the Arizona Department of Real Estate to cancel a person's real estate license upon request of the license.

SB1047 (Chap. 30) Mortgage Insurance; Repeal Coverage Limitation –

Removes the coverage limitation requirement for a mortgage guaranty insurance company.

SB1107 (Chap. 163) Theft; Scrap Metal –

Amends the classifications of theft as they relate to scrap metal.

SB1177 (Chap. 35) Insurance; Accreditation; Receivership Liquidation Fund –

Conforms statutory provisions governing insurance accreditation to include requirements adopted by the National Association of Insurance Commissioners.

SB1278 (Chap. 103) Homeowners' Associations; Public Roadways –

Prohibits homeowners' associations, whose declaration is recorded after December 31, 2014, from regulating any roadway owned or held by a government entity.

SB1302 (Chap. 166) Planned Communities; Design Review Process –

Clarifies statutory guidelines for new construction in a planned community that has architectural design guidelines or other similar rules.

SB1454 (Chap. 254) Elections; Campaign Finance; HOAs –

Makes numerous changes to statutes governing elections and homeowners' associations.

SB1466 (Chap. 82) Cities; Towns; Dilapidated Buildings –

Provides a definition of dilapidated building in the statutes governing cities and towns.

HB2056 (Chap. 203) – PSPRS; Amendments –

Makes administrative changes to the statutes governing the Public Safety Personnel Retirement System.

HB2111 (Chap. 255) – Transaction Privilege tax Changes –

Makes statutory changes with the legislative intent of simplifying administration of transaction privilege tax (TPT).

HB2259 (Chap. 120) Orthodontic Devices; Transaction Privilege Tax –

Exempts orthodontic devices from state and municipal transaction privilege tax (TPT).

HB2324 (Chap. 27) TPT Exemption; Leases; Affiliated Companies –

Provides a municipal transaction privilege tax (TPT) exemption for the leasing of real property between affiliated companies, businesses, persons, or reciprocal insurers.

HB2336 (Chap. 233) Taxation; Retail Classification; Cash Equivalents –

Exempts the sale of cash equivalents from tax under the retail classification.

HB2344 (Chap. 9) Property Tax Penalty Waiver –

Retroactive to July 1, 2012, allows a county treasurer, in consultation with the board of supervisors, to waive a penalty required for a property owner who fails to respond to a request for information about a property's use.

HB2347 (Chap. 188) Tax Levy; Bond Costs; Public Investments –

Prohibits property tax levies in excess of the net amount necessary to make the annual payment for bond principal and interest and expands the list of eligible investments for monies managed by treasurers of counties, non-charter cities, or towns (treasurers).

HB2531 (Chap. 256) Income Tax; Instant Depreciation –

Lifts the \$25,000 cap on deductions from Arizona adjusted gross income of the value of qualifying property purchased and placed in service after January 1, 2013.

HB2572 (Chap. 232) Fire Districts; Financial Standards –

Reorganizes statute relating to a fire district's (district) powers, duties and annual budget.

SB1168 (Chap. 65) Internal Revenue Code Conformity –

Conforms Arizona tax statutes to the Internal Revenue Code (IRC) as of January 3, 2013 and establishes a tax credit for TY 2013 in lieu of conforming to the retroactive provision of the Federal Aviation Administration (FAA) Modernization and Reform Act relating to rollover of amounts received in airline carrier bankruptcy.

SB1169 (Chap. 66) Prop 117; Conformity –

Makes changes to statute for purposes of conforming to the provisions of Proposition 117.

SB1170 (Chap. 110) Retirement; ASRS; Amendments –

Makes administrative changes to the statutes governing the Arizona State Retirement System.

SB1179 (Chap. 236) Tax Incentives; Omnibus –

Makes changes relating to the taxation of certified ignition interlock devices (IIDs); qualified destination management companies (QDMCs); sales of food; property used to manufacture biodiesel fuel; contributions to both college savings plans pursuant to Internal Revenue Code (IRC) § 529 as well as qualifying charitable organizations; multistate service providers; and enterprise zones.

SB1282 (Chap. 104) Countywide Fire Districts; Study Committee –

An emergency measure that establishes a study committee on countywide fire districts and outlines membership and responsibilities.

**UTILITIES****HB2011 (Chap. 12) Liquefied Petroleum Gas Containers; Penalties –**

Increases the penalty for filling, refilling or tampering with a liquefied petroleum gas container without authorization.

HB2034 (Chap. 13) Nuclear emergency Appropriations and Assessment –

An emergency measure that appropriates \$2,153,517 in FY 2013-14 and \$2,269,086 in FY 2014-15 from the state General Fund to the Nuclear Emergency Management Fund (NEMF); also levies an assessment against each consortium of public service corporations and municipal corporations operating a commercial nuclear generation station in an amount equal to that appropriated to the NEMF, plus any interest.

HB2231 (Chap. 92) Telecommunications; Local Records; Nondisclosure –

Prescribes conditions in which a surety is required to be relieved of liability on an appearance bond.

HB2241 (Chap. 92) Telecommunications; Local Records; Nondisclosure –

Prohibits disclosure of records relating to construction of wireline telecommunications infrastructure by cities, towns and counties.

HB2346 (Chap. 226) Rural Electric Cooperatives; Valuation –

Prescribes the process the Arizona Department of Revenue must use to determine a standard market value factor for the purposes of calculating the valuation of the property of electric distribution cooperatives.

HB2386 (Chap. 97) Utilities; Tampering –

Modifies the definition of tampering with utility property as it relates to the criminal and civil codes and raises the mental culpability standard to intentional.

HB2482 (Chap. 176) Public Service Corporations; Assets Transfer –

Allows competitive telecommunications corporations to sell or transfer equipment necessary for supplying public services.

HB2492 (Chap. 22) Municipalities; wastewater Utility; Acquisition; Repeal –

Removes the authority of a city or town to acquire all or any portion of wastewater utilities owned or operated by the county.

HB2535 (Chap. 153) Independent Functional Utility –

Retroactive to July 1, 1997, specifies that machinery or equipment that is exempt from taxation under the retail classification and that has independent functional utility is not considered taxable under the prime contracting classification.

HB2544 (Chap. 230) AZ Power Authority; Financing –

Adds the financing or refinancing of the costs of certain projects or works of the Hoover Dam facilities to the State Water and Power Plan.

SB1251 (Chap. 113) Irrigation Districts; Audit Requirements –

Modifies audit schedules for irrigation or water conservation districts based on the size of their annual budgets.

SB1324 (Chap. 69) Critical Infrastructure; Info Disclosure –

Expands the exemption from public disclosure to include certain critical infrastructure and key resource information.

SB1370 (Chap. 80) Municipal Franchise Elections; Rates; Estimate –

Requires the ballot of a proposed franchise election to include an estimate of any projected fees or taxes that are not related to franchise work or fees.

**RELEVANT RESOLUTIONS AND MEMORIALS****SCM1001 Clean Air Act –**

A concurrent Memorial Urging the United States Congress to amend the Clean Air Act.

SCR1012 EPA Actions; Haze –

A concurrent resolution supporting the state implementation plan to reduce regional haze.

SCR1013 Endangered Species Act –

A concurrent Resolution Supporting efforts to update the endangered species act.

SCR1016 Unconstitutional Federal Actions –

A concurrent resolution proposing an amendment to the Constitution of Arizona; amending article II, Section 3, Constitution of Arizona; relating to the rejection of unconstitutional federal actions.

**VETO!**

The following bills of interest were vetoed by Governor Brewer. The bills listed should be of interest since the nature of the issue is such that the legislation may be introduced in subsequent legislative efforts.

HB2125 Property Tax Levy; Community Colleges –

Authorizes a community college district to resubmit a primary property tax levy proposal to the voters if an initial proposal was approved between 20 and 35 years prior.

HB2322 Rule Making; Restrictions –

Prohibits state agencies from adopting new rules that restrain or burden the free exercise of vested rights.

HB2342 Increased Research; Tax Credit Refund –

Increases the annual maximum income tax refunds the Arizona Commerce Authority may award to taxpayers for increased research activities and modifies the payment process.

HB2439 Income Tax Brackets; Inflation Index –

Requires the Arizona Department of Revenue (DOR) to adjust the income dollar amounts for each tax bracket in accordance with the average annual change in the Metropolitan Phoenix Consumer Price Index, beginning in taxable year (TY) 2014.

HB2446 Property Tax; Religious Institution; Exemption –

Broadens the tax exemption for religious property to include any property held primarily for religious use, rather than religious worship.

HB2512 Trusts; Beneficiary Suits against Settlor –

Provides conditions that apply if a beneficiary files a civil action against a settlor regarding a trust or other governing instrument.

HB2578 Licensing; Accountability; Penalties; Exceeding Regulation –

Establishes civil penalties on municipal, county, state and district employees who knowingly base a licensing decision in whole or part on a requirement or condition that is not specifically authorized by law.

HB2591 Governmental Reporting; Websites; Budgets –

Requires a previous year's actual budget to be posted on its respective agency or state website homepage.

SB1178 Exercise of Religion; Protection –

Amends the definition of exercise of religion as it relates to the free exercise of religion, and allows persons to assert claims for impending violations of religious exercise, regardless of whether the government is a party to the proceeding.

SB1369 Unemployment Insurance; Reimbursable Employers –

Applies provisions governing unemployment insurance employer accounts to non-profits, state and local government.

SB1371 Municipal Elections; Ballot; Disclosure –

Prescribes ballot requirements for any municipal election to approve a bond, sales tax or property tax.

SB1439 Legal Tender –

Outlines the recognition and exchanges of legal tender in the state of Arizona.

**SPECIAL SESSION**

Note: The effective date for laws adopted in the special session is September 12, 2013

HB2001 General Appropriations –

Funding of state agencies from the General funds.

HB2002 Government; Budget Reconciliation –

Funding for Arizona Exposition and State Fair Board Permanent Revolving Fund; ACC; Museum Gift Shop; Department of Veterans Services; Secretary of State Professional employer Organization; Board of Massage Therapy; State Board of Technical Restoration Alarm Business Certificates; Department of Economic Security Temporary Assistance for Needy Families; Arizona Commerce Authority Loan; Department of Administration State Employee Benefits.

HB2004 Environment; Budget Reconciliation –

Addresses fund transfers for the Arizona Department of Environmental Quality; allows fees for Arizona Department of Water Resources (ADWR) and authorizes for the Arizona Water Protection Fund Commission to grant monies to ADWR; authorizes the continuation of the Arizona State Parks Board until January 1, 2024; allows for funds from the Arizona Department of Administration's Risk Management Revolving Fund to pay legal fees for Arizona Navigable Stream Adjudication Commission; and miscellaneous matters.

HB2006 Budget Procedures –

Describes the session law needed for the implementation of the state budget.

HB2009 Revenue; Budget Reconciliation –

Establishes Computer Data Centers; codifies the ability of the Registrar of Contractors to use Residential Contractor's Recovery Fund for administrative expenses; allows a technical college on an Indian reservation to receive SPS revenues received from sources on the reservation; allows the following agencies to increase fees without rulemaking procedures: Arizona Department of Racing, Office of Pest Management Radiation Regulatory Agency, Department of Agriculture; prohibits Arizona Department of Insurance from revising fees or assessments; allows counties with population of less than 200,000 persons to use any source of county revenue to meet its fiscal obligations; and allows the Department of Financial Institutions to use funds for an electronic licensing system, not to exceed \$850,000.

HB2010 Health; Welfare; Budget Reconciliation –

Expands the Arizona Health Care Cost Containment System to include a person whose household's income is more than 133 percent of the federal poverty level and makes other substantive changes to persons eligible for AHCCCS benefits.

ARIZONA STATISTICS

Bills Introduced:	1158
Bills Passed:	282
Bills Vetoed:	26
Bills Signed into Law:	256

2013 Colorado Legislative Review

The Colorado Legislative Session convened on January 9, 2013 and ended on May 8, 2013.

The following reflects the legislation to be of interest to Fennemore Craig, P.C. and its clients:



BUSINESS AND FINANCE

[HB13-1001](#) Advanced Industries Acceleration Act -

Establishes a grant program to promote commercialization of new technologies and growth among Colorado's small high-tech startups in specific industries.

[HB13-1022](#) Proof of Motor Vehicle Insurance -

Requires that a driver who provides false evidence of proof of motor vehicle insurance faces a class B traffic infraction punishable by a fine of \$500.

[HB13-1102](#) Gift Card Exemption from Unclaimed Prop Act -

Limits the "Unclaimed Property Act" to not apply to business associations with annual gross receipts from the sales of gift cards totaling \$200,000 or less.

[HB13-1167](#) Concerning the Collection of Business Information by the Secretary of State -

Requires the Secretary of State to request certain demographic information from business owners, which will be available to the public on the Secretary of State website.

[HB13-1193](#) Advanced Industries Export Acceleration Program -

Provides for training, access to consulting services, expense reimbursements for eligible companies to establish channels for international exports, and other business services.

[SB13-287](#) Amending Certain Provisions Relating to Telecommunications -

Allows for providers of telephone service to rural areas to receive reimbursement for some costs, and be exempt from providing other services.



COMMERCIAL LITIGATION

[SB13-023](#) Increase Damages Caps under Colorado Governmental Immunity Act -

Increases caps on lawsuits brought by a person suing a public entity or public employee for loss or injury caused by the entity or employee in any single occurrence from \$150,000 to \$350,000; and for an injury to 2 or more persons in any single occurrence, the increase is from \$600,000 to \$990,000.

[SB13-182](#) Resale Time Shares Deceptive Trade Practices -

Amends the "Colorado Consumer Protection Act" in reference to any time share transactions and requires entities that provide time share resale services to make certain disclosures, and prohibits certain acts.

[SB13-184](#) Discrimination in Public Accommodation Crime -

Changes penalties against facilities found liable for discriminating in providing access to places of public accommodation, to a civil penalty rather than the previous criminal penalty.



EMPLOYMENT AND LABOR

[HB13-1025](#) Concerning an Increase in the Amount of the Authorized Deductible for Workers' Compensation Insurance Policies -

Increases an employers' workers' compensation insurance policy deductibles and changes other workers' compensation laws.

HB13-1046 Employee User Name Password Privacy Protection –

Prohibits an employer from requiring an employee or applicant for employment to disclose a user name, password, or other means for accessing a personal account or service through an electronic communications device (i.e., social network).

HB13-1054 Lessen Unemployment Insurance Benefits Reduction Retirement –

Changes the way an unemployment claimant's benefits are calculated when a claimant has withdrawn monies from certain retirement plans.

HB13-1123 Waive Confidentiality Unemployment Benefits –

Allows the Department of Labor and Employment to offer job seekers the opportunity to waive confidentiality of otherwise protected information so that their personal information may be made available to bona fide employers seeking employees.

HB13-1124 Reduce Unemployment Insurance Overpayments –

Adds changes to the method for calculating unemployment benefits.

HB13-1136 Job Protection Civil Rights Enforcement Act 2013 –

Allows for additional remedies of compensatory and punitive damages in employment discrimination cases brought under state law against employers where an employee proves intentional discrimination.

HB13-1222 Family Care Act Family Medical Leave Eligibility –

Expands the FMLA benefits to include a family member with a serious health condition to include a person to whom the employee is related by blood, adoption, legal custody, marriage, or civil union or with whom the employee resides and is in a committed relationship.

SB13-018 Permissible Use of Credit Information by Employers –

Specifies in the "Employment Opportunity Act" the purposes for which consumer credit information (i.e., consumer credit reports and credit scores) can be used by an employer or potential employer.

SB13-285 Revising Certain Procedures for Resolution of Workers' Compensation Claim Disputes –

Provides substantive changes to the manner for calculating workers' compensation benefits and other related benefits.

**ENERGY, TELECOM,
UTILITIES****HB13-1091 Alternative Air Quality Testing Method for Heavy-Duty Diesel Vehicles Subject to the Heavy-Duty Diesel Fleet Inspection and Maintenance Program –**

Authorizes the air quality control commission to promulgate rules to determine eligibility for an alternative method for demonstrating compliance with opacity standards.

SB13-186 Updating Requirements New Building Technologies –

Allows a licensed master electrician, licensed journeyman electrician, or licensed residential wireman, along with other certified personnel are now able to supervise a photovoltaic installation.



ENVIRONMENT AND NATURAL RESOURCES

HB13-1013 Protect Water Right Ownership Rights –

Limits the remedies to a landowner under grant who demands as a condition of granting a right-of-way or special use permit, or in an order of eminent domain, that a water right or conditional water right owner assign to the landowner partial or joint ownership of the water right or limit the alienability of the water right; and any such condition is void and unenforceable as against public policy.

HB13-1044 Concerning the Authorization of the Use of Graywater -

Authorizes the Water Quality Control Commission to create standards for the use of graywater.

HB13-1168 Recognize Unincorporated Acequia Ditches –

Removes lot size or other configuration requirements for acequia ditch corporations, and now includes unincorporated associations to have the same rights.

HB13-1191 Grants for Domestic Wastewater Treatment Plants to Comply with the Water Quality Control Commission's Nutrients Management Control Regulation –

Allows the Department of Public Health and Environment to offer grants to wastewater treatment facilities to ensure compliance with recently-adopted nutrient management control regulations.

SB13-041 Protect Water Storage Long-term Use –

Clarifies Water Storage Long-term Use in response to recent litigation: *Upper Yampa Water Conservancy Dist. v. Wolfe*, 255 P.3d 1108 (Colo. 2011).

SB13-072 No Final Well Permit Req Denver Basin Designated -

Deletes the requirement for a final permit for all wells withdrawing designated ground water from the Denver basin aquifers.

SB13-073 General Permits Stormwater Rule-making –

Requires the department of public health and environment to provide a statement of basis and purpose, evidence, and a notice and comment process when the division proposes new or amended permit requirements with respect to general permits related to water quality control.

SB13-074 Irrigation Water Right Historical Use Acreage –

Provides a mechanism to determine the amount of acreage for an irrigation water right when the original water right decree predates 1937.

SB13-075 Promote Water Conservation of Designated Ground Water –

Defines the factors for the state engineer to issue a final permit for the withdrawal of designated ground water.

SB13-078 Erroneously Located Water Diversion Points -

Allows for the holder of a decreed water right with an erroneously located point of diversion to apply for a correction in the point of diversion if the point of diversion meets the definition of an "established point of diversion".

SB13-181 Concerning the Funding of Colorado Water Conservation Board Projects; and Making Appropriations in Connection Therewith –

Provides for an appropriation to the Colorado Water Conservation Board for certain water-related construction projects.



ESTATE PLANNING

HB13-1058 Determination of Spousal Maintenance upon Divorce –

Allows spousal maintenance awards, if granted, will be calculated based on new criteria.

HB13-1204 Enactment of the “Uniform Premarital and Marital Agreements Act” –

Subjects premarital and marital agreements to new criteria in determining enforceability.

SB13-011 Colorado Civil Union Act –

Allows any two unmarried adults, regardless of gender, may enter into a civil union, and the rights, benefits, protections, duties, obligations, responsibilities, and other incidents under law that are granted or imposed under the law to spouses, will be applied in like manner to parties to a civil union.

SB13-077 Probate Code Omnibus –

Allows a party in probate matters to testify regarding an oral statement of a person incapable of testifying, when such statement is sought to be admitted into evidence.



GOVERNMENT RELATIONS

HB13-1015 Disclose Mental Health Claims All-payer Database -

Enables small group carriers to report patients’ mental health claims data to the all-payer claims database.

HB13-1029 Define “Must” “Shall” In Colorado Revised Statutes -

Defines the word “must”, as it is used generally in the Colorado Revised Statutes, to mean that a person or thing is required to meet a condition for a consequence to apply.

HB13-1035 Add One Judge to 5th and 9th Judicial Districts -

Increases the number of judges in the 5th judicial district from 5 to 6 and in the 9th judicial district from 4 to 5, and appropriates money from the judicial stabilization cash fund to pay the costs associated with the change.

HB13-1052 Non-attorneys Representing Closely Held Entities –

Allows for certain closely held entities to be represented in court or before an administrative agency by an officer who is not an attorney if the amount at issue does not exceed \$15,000.

HB13-1053 Repeal District Court Clerk Bonds –

Repeals the requirement that the clerks of district courts execute surety bonds, and makes conforming changes.

HB13-1086 Preparation of the Record in Appeals from County Court Judgments -

Revises the process to require the record in civil or criminal actions appealed to district court to be completed within 42 days after the filing of notice of appeal rather than of the judgment, and requires the completed record to be certified by the clerk of the court, not by a county court judge.

HB13-1126 Seven-day Court Time Intervals -

Changes time periods in the appellate process to 7-day periods or periods that are multiples of 7 days to avoid actions being due on weekends.

HB13-1157 Uniform State Law Governs Remittance Transfers -

Specifies that state law applies to a remittance transfer that is not an electronic funds transfer under the federal act.

SB13-133 Distribution of State Share of Limited Gaming Revenues -

Changes the distribution of the state share of the Limited Gaming Fund to guarantee \$5.5 million to the Bioscience Discovery Evaluation Grant Program (BDEGP) Cash Fund.

SB13-288 Revising the Process by Which the General Assembly Approves Payments to Claimants in Excess of the Limits of the CGIA – Modifies the payment cap for claims arising out of the Colorado Governmental Immunity Act, if certain conditions are met, including claimants with claims or injuries arising out of the lower north fork wildlife fire in March 2012.

HEALTHCARE/MEDICAID EXPANSION

SB13-200 Concerning an Increase in the Income Eligibility for Certain Optional Groups in the Medicaid Program to One Hundred Thirty-Three Percent of the Federal Poverty Line and in Connection Therewith, Making and Reducing an Appropriation -

Brings Colorado's Medicaid program in line with the Patient Protection and Affordable Care Act of 2010 by expanding eligibility for Medicaid benefits.

SB13-222 Improve Access Childhood Immunizations -

Directs Colorado Department of Public Health and Environment (CDPHE) to engage in a stakeholder process to examine a vaccine financing and delivery system, inventory management, outbreak response, CIS linkage and an inventory and vaccine shortage response system, and requires the CDPHE to promulgate rules.

IMMIGRATION

HB13-1258 Concerning Local Government Involvement with Federal Immigration Issues – Repeals C.R.S. Title 29, Article 29, which required local law enforcement officers to report any suspected illegal immigrants to federal immigration officials.



REAL ESTATE

SB13-119 Concerning Clarification of the Requirement for a Certificate of Taxes Due in Connection with Title Insurance -

Clarifies that certificates of taxes due are only required for transfer of title to real property and not for refinance transactions.

SB13-126 HOA Condo Apt Electric Vehicle Charging Stations Real Estate -

Requires landlords and common interest communities to allow unit owners to install electric vehicle charging stations on their own property.



TAXES

HB13-1185 Low-income Energy Assistance Transfer from Sev Tax –

Repeals previous law that determined when transfers to 3 funds are made in a fiscal year from the operational account of the severance tax trust fund to provide energy-related assistance to low-income households.

SB13-119 Concerning Clarification of the Requirement for a Certificate of Taxes Due in Connection with Title Insurance -

Clarifies that certificates of taxes due are only required for transfer of title to real property and not for refinance transactions. It also allows the Commissions of Insurance to identify what documents may be substituted for certificates of taxes due when those certificates are unavailable.

SB13-286 Extending the Time that Renewable Energy Companies May Carry Over Excess Enterprise Zone Investment Tax Credits -

Gives renewable energy companies extended carryover periods for enterprise zone investment tax credits that such renewable energy companies have earned in the past and may earn in the future.

COLORADO STATISTICS

Bills Introduced:	613
Bills Passed:	440
Bills Vetoed:	0
Bills Signed into Law:	440

2013 Nevada Legislative Review

The Nevada Legislature convened on February 4, 2013. There was one special session that began on June 4, 2013. The legislative session ended on June 3, 2013.

The following is a list that reflects legislation of interest to Fennemore Craig, P.C. and its clients:



BUSINESS & FINANCE

AB50 Redevelopment Financing –

Revises provisions relating the redevelopment projects and redevelopment plans in Clark County. EFFECTIVE JUNE 6, 2013.

AB60 Non-profit Reporting –

Requires every nonprofit corporation that intends to solicit tax-deductible charitable contributions in this State to file information and financial reports with the Secretary of State at the time the corporation files its articles of incorporation or annual list. EFFECTIVE JANUARY 1, 2014.

AB89 Benefit Corporation –

Authorizes and provides for the governance of a new type of business entity known as a benefit corporation. The purpose of a benefit corporation is to create a general public benefit, which is defined as a material positive impact on society and the environment. EFFECTIVE JANUARY 1, 2014.

AB120 Insurance Information –

Requires an insurer that uses credit data in underwriting or rating an applicant to provide written disclosure that the insurer may obtain credit information in conjunction with application. EFFECTIVE OCTOBER 1, 2013.

AB153 Craft Distilleries –

Authorizes the establishment and licensing of craft distilleries. EFFECTIVE JULY 1, 2013.

AB167 Non-resident Registration of Motor Vehicle for Business Purposes –

Allows a nonresident who is not a natural person who owns a vehicle that is subject to registration, and uses the vehicle for business purposes within the State to obtain a nonresident business permit for the motor vehicle. The vehicle will be subject to emission testing, registration, and insurance requirements. EFFECTIVE JUNE 11, 2013.

AB226 Insurance Contracts –

Enacts provisions governing certain policies of insurance, annuities, benefit contracts and retained asset accounts. EFFECTIVE JULY 1, 2013.

AB252 Administrative Procedures –

Makes various changes to the Administrative Procedures Act for the adoption and promulgation of administrative rules. EFFECTIVE JULY 1, 2013.

AB354 Production of Goods –

Prohibits the manufacture, sale or distribution of certain consumer products that contain or come in direct physical contact with Bisphenol A. PRIMARILY EFFECTIVE JANUARY 1, 2014.

AB366 Non Profits –

Revises provisions governing nonprofit cooperative corporations. EFFECTIVE OCTOBER 1, 2013.

AB435 Insurance –

Revises provisions governing the Nevada Life and Health Insurance Guaranty Association, the Interstate Insurance Product Regulation Compact, insurance holding companies and requirements that certain groups submit information to the Commissioner. EFFECTIVE OCTOBER 1, 2013.

SB28 Sale of Securities –

Revises provisions relating to the sales of securities, clarifies breaches of unethical practices, and implements punishment for violations. EFFECTIVE JULY 1, 2013.

SB60 Penalty for Failing to Renew Business License –

Authorizes imposition of a fine on businesses failing to comply with the requirement to obtain or renew a state business license; Prohibits the formation or registration of a business entity for certain purposes, among other things. EFFECTIVE OCTOBER 1, 2013.

SB94 Late Charge for High Interest Loan –

Authorizes certain licensees to charge a late fee on a loan in default under certain circumstances. EFFECTIVE OCTOBER 1, 2013.

SB110 Uniform Commercial Code –

Enacts the amendment to Article 4A promulgated by the Uniform Law Commission and the American Law Institute to provide that (1) Article 4A applies to funds transfer that is a remittance transfer, if the remittance transfer is not an electronic fund transfer; and (2) the federal Electronic Fund Transfer Act applies to a funds transfer to which Article 4A applies if there is an inconsistency between Article 4A and the federal Act. EFFECTIVE OCTOBER 1, 2013.

SB114 Filing Rates of Insurance –

Requires that filing for change of insurance rate must include a proposed effective date and must be filed not less than 30 days before proposed effective date. EFFECTIVE OCTOBER 1, 2013.

SB267 Tanning Establishments –

Prohibits an owner or operator of a tanning establishment from allowing a person who is less than 18 years of age to use the tanning equipment of the establishment and requiring the posting of certain signs. EFFECTIVE JULY 1, 2013.

SB278 Foreclosure of Abandoned Property –

Permits a lender to establish an abandoned property and commence expedited foreclosure proceedings. EFFECTIVE JULY 1, 2013.

SB310 Derivative Transactions –

Permits a bank chartered by this State to engage in a derivative transaction under certain circumstances. EFFECTIVE MAY 27, 2013.

SB321 Homeowner's Bill of Rights –

Enacts additional requirements before a lender can initiate an action for foreclosure on an owner-occupied housing, codifies portions of the Settlement Term Sheet from *United States of America et al. v. Bank of America Corporation et al.*, and permits a homeowner to elect to enter the Foreclosure Mediation Program when a lender pursues judicial foreclosure. EFFECTIVE OCTOBER 1, 2013.

SB374 Medical Marijuana –

Establishes the registration and regulatory procedures for the legal operation of a medical marijuana establishment and provides the method for taxation of the medical marijuana. PRIMARILY EFFECTIVE JUNE 12, 2013.

AB408 Business Impact Statements –

Revises provisions governing business impact statements prepared by state agencies and governing bodies of local governments prior to implementing an administrative rule. EFFECTIVE JULY 1, 2013.

SB441 Electronic Participation in Board Meetings –

Existing law provides that, unless otherwise restricted by the articles of incorporation or bylaws, certain persons may participate in board or stockholder meetings through electronic communications, videoconferencing, teleconferencing or other available technology. This bill authorizes certain persons to participate in such meetings if the corporation has implemented reasonable measures to verify the identity of the persons and to provide an opportunity to participate in a substantially concurrent manner with such proceedings. EFFECTIVE OCTOBER 1, 2013.



COMMERCIAL LITIGATION

AB155 Report of Child Abuse –

Existing law requires an attorney to report the abuse or neglect of a child unless the attorney acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect. This bill provides that an attorney is not required to report the abuse or neglect of a child if the attorney acquired the knowledge of the abuse or neglect from a client during a privileged communication if the client: (1) has been or may be accused of committing the abuse or neglect; or (2) is the victim of the abuse or neglect and is in foster care, except that the attorney may report the abuse or neglect with the consent of the child. EFFECTIVE OCTOBER 1, 2013.

AB322 Casualty Insurance in Personal Injury Action –

Clarifies requirement for medical reports applies to policy covering “passenger car.” EFFECTIVE OCTOBER 1, 2013.

AB326 Arbitration Agreement –

Requires an agreement which includes a provision requiring a person to submit to arbitrate any dispute arising between the parties to include specific authorization. EFFECTIVE OCTOBER 1, 2013.

SJR14 from 2011, Establishes an Intermediate Court of Appeals –

Senate Joint Resolution 14 from 2011 was once again ratified. This measure will be placed on the 2014 ballot, and if approved by the voters will go into effect. The resolution proposes a court of appeals that will consist of three judges, which may be increased by the legislature. The initial three judges must be appointed by the Governor from among three nominees selected by the Commission on Judicial Selection. EFFECTIVE AFTER PASSAGE BY VOTERS.

SB22 Supreme Court Rulings to Attorney General –

Among other things, this bill requires the prevailing party in a proceeding where the a Nevada court holds a provision of the Nevada Constitution or the Nevada Revised Statutes violates a provision of the Nevada Constitution or United States Constitution to submit a copy of the ruling to the Office of the Attorney General. EFFECTIVE OCTOBER 1, 2013.

SB106 Civil Collection from Criminal or Juvenile Judgment –

Allows a civil judgment to be awarded and enforced for any unpaid fines, administrative assessments, fees and restitution imposed against a criminal defendant or an individual with outstanding payments owed from a juvenile court determination. EFFECTIVE MAY 25, 2013.

SB140 Attorney’s Liens –

Authorizes the attachment of a lien to client files and other property for attorney’s fees under certain circumstances. EFFECTIVE JULY 1, 2013.

SB286 SLAPP –

Provides immunity from civil action for certain claims based on the right to petition and the right to free speech under certain circumstances and establishes the burden of proof for a special motion to dismiss. EFFECTIVE OCTOBER 1, 2013.

SB314 Parenting –

Provides that the right of parents to make choices regarding the care, custody and management of their children is a fundamental right. EFFECTIVE OCTOBER 1, 2013.

SB441 Personal Jurisdiction of Corporate officers and Directors –

The Nevada Supreme Court recently addressed the issue of whether Nevada courts can properly exercise personal jurisdiction over nonresident officers and directors who directly harm a Nevada corporation in *Consipio Holding v. Carlberg*, 128 Nev. Adv. OP. 43, 282 P.3d 751 (2012). This bill provides that a director, officer, manager, managing member, general partner or trustee of certain business entities consents to personal jurisdiction, and allows for the service of legal process on such persons. EFFECTIVE OCTOBER 1, 2013.

SB463 Implementation of Court of Appeals –

If SJR 14 is adopted by a vote of the people, this bill address technical issues for implementation of a court of appeals, such as qualification for judges, replacement of vacancies, etc. EFFECTIVE JANUARY 1, 2015 IF RATIFIED BY VOTERS AT 2014 ELECTION.

AB132 Liability for Personal Care Employees –

Provides immunity from civil liability to persons employed by an agency to provide personal care services in the home in certain circumstances. EFFECTIVE JULY 1, 2013.

AB181 Social Media Bill –

Prohibits an employer from conditioning the employment of an employee or prospective employee on his or her consumer credit report or other credit information. This bill also prohibits an employer from conditioning the employment of an employee or prospective employee on his or her disclosure of the user name, password or any other information that provides access to the employee's or prospective employee's personal social media account. However, this bill provides an exemption for an employer to require an employee to disclose his or her user name, password or any other information to an account or service, for the purpose of accessing the employer's own internal computer or information systems. EFFECTIVE OCTOBER 1, 2013.

SB36 Unemployment Fraud –

Permits the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to enforce a court order for repayment of fraudulently obtained benefits by requiring an employer of the person liable to withhold income from the person's wages and pay it to the Division. EFFECTIVE JUNE 2, 2013.

SB127 Conditioning Employment on Consumer Credit –

Prohibits an employer from conditioning the employment of an employee or prospective employee on his or her consumer credit report or other credit information. The bill also establishes civil remedies for a person affected by a violation committed by an employer, including employment of a prospective employee, reinstatement or promotion of an employee, payment of lost wages and benefits and the award of reasonable costs and attorneys' fees. EFFECTIVE OCTOBER 1, 2013.


**EMPLOYMENT AND LABOR/
UNEMPLOYMENT INSURANCE**
AB12 Employee Complaints –

Removes the requirement that an employee notify his or her employer before filing certain complaints with the Division of Industrial Relations of the Department of Business and Industry. EFFECTIVE MAY 18, 2013.

AB13 Employee Hearings –

Revises provisions relating to hearings conducted by the Local Government Employee-Management Relations Board. EFFECTIVE MAY 18, 2013.

SB502 Employee Background Check –

Authorizes the Department of Health to establish a website that will allow certain employers to conduct criminal and personal history checks of potential employees. EFFECTIVE JULY 1, 2013.

SB506 Communist Party Bill –

Repeals an obsolete provision which excludes from the definition of the term “unlawful employment practice” any action or measure taken by an employer or certain entities against a person who is a member of the Communist Party or other organization required to register as a Communist organization under federal law. EFFECTIVE OCTOBER 1, 2013.

SB159 Gypsum Mine Property –

Declares the Legislature’s support for the transfer of title for the Gypsum Mine property to the federal Bureau of Land Management to be managed as part of the Red Rock Canyon National Conservation Area. EFFECTIVE MAY 23, 2013.

SB299 Tahoe Regional Planning Authority –

Amends and repeals the Tahoe Regional Planning Compact and the provisions of Senate Bill No. 271 of the 2011 Session. EFFECTIVE JUNE 6, 2013.

SB399 Special Fuels –

Creates new classes of special fuel, such as biomass-based diesel and biomass-based diesel blend. EFFECTIVE JUNE 1, 2013.

SB433 Manganese Disclosure –

Requires the Board of Agriculture to adopt regulations requiring a warning label to be affixed to any pump from which is drawn any motor vehicle fuel that is sold to a consumer if the motor vehicle fuel contains manganese or any manganese compound, including, without limitation, methylcyclopentadienyl manganese tricarbonyl, and was delivered to the vendor within the immediately preceding 6 months. EFFECTIVE MAY 28, 2013 FOR REGULATIONS AND JANUARY 1, 2013 FOR ALL OTHER PURPOSES.



ENVIRONMENT AND NATURAL RESOURCES

AB346 Pit Lake Access –

Requires certain plans for reclamation of an exploration project or mining operation to provide for public nonmotorized access to the water level of a pit lake. EFFECTIVE OCTOBER 1, 2013.

SB133 Appropriation of Water –

Requires the State Engineer to allow a county to participate in an advisory capacity in the development and implementation of a plan required by the State Engineer relating to the appropriation of water for beneficial use if the county where the State Engineer has approved the point of diversion requests to participate. The bill also requires the State Engineer to consider any comment, analysis or other information submitted to the State Engineer by the county before approving the plan and during the period in which the plan, if approved, is carried out. EFFECTIVE MAY 24, 2013.



ESTATE PLANNING

AB421 Gestational Agreements –

Adopts provisions regarding artificial insemination and surrogacy agreements and provides further clarity and guidance regarding parentage and presumptions for parentage. EFFECTIVE OCTOBER 1, 2013.

SB78 Guardianships –

Makes various changes concerning guardianships and powers of attorney. EFFECTIVE OCTOBER 1, 2013.

SB131 Decedent's Social Media –

Establishes provisions governing the disposition of a decedent's accounts on electronic mail, social networking, messaging and other web-based services. EFFECTIVE OCTOBER 1, 2013.


GAMING
AB7 Definition of Resort Hotel In Washoe County –

Existing law defines “resort hotels” as any building or group of buildings that is maintained as and held out to the public to be a hotel where sleeping accommodations are furnished to the transient public and that has: (1) more than 200 rooms available for sleeping accommodations; (2) at least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises; (3) at least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days a week; and (4) a gaming area within the building or group of buildings. This bill revises this definition for Washoe County to require more than 300 rooms available for sleeping accommodations. EFFECTIVE JULY 1, 2013.

AB114 Interactive Gaming Bill –

This bill permits certain qualified entities to engage in interactive gaming and allows the Governor, in conjunction with the Nevada Gaming Commission to enter into agreements with other states to allow patrons of those states to participate in interactive gaming. EFFECTIVE FEBRUARY 21, 2013.

AB360 Gaming Clean-Up Bill –

This bill, among other things, revises AB 114 and SB 416 adopted this Legislative Session to create additional requirements for the State to enter into compacts with other states or other governments. The bill also changes the effective date of some provisions adopted in SB 416, and authorizes a study to determine the impact of technology upon the regulation of gaming and upon the distinction between restricted and nonrestricted gaming licenses. EFFECTIVE JUNE 11, 2013.

SB9 Gaming Regulation Bill –

This bill makes various changes to gaming statutes, definitions, taxes, testing laboratories. The bill amends definition to include wagering credits (cleaning up the statute) and further amends 463.017 to include IT staff as registered gaming employees (not a bar back or a bartender); The bill also clarifies definition of gross revenue, any compensation from interactive poker tournaments would be taxed (land based poker tournaments are not taxed). EFFECTIVE JUNE 3, 2013.

SB17 Filing Deadlines –

This bill revises the deadlines for filing reports and paying license fees from the 24th to the 15th day of each month. EFFECTIVE JULY 1, 2013.

SB416 Gaming Kiosk Bill –

This legislation clarifies that restricted gaming license permits the operation of 15 gaming devices that does not include a device that may access a race or sports book. In addition, the bill requires, on a prospective basis, a restricted licensee to maintain 2,500 square feet of space for patrons, must operate a permanent bar, and operate a restaurant. EFFECTIVE JULY 1, 2013.

SB425 Pari-Mutuel Wagering –

This bill requires the Nevada Gaming Commission to study and review issues relating to the offering of rebates on pari-mutuel wagers, including the feasibility of: (1) accepting less than the full face value of an off-track pari-mutuel wager; (2) agreeing to refund or rebate a portion or percentage of the full face value of an off-track pari-mutuel wager; and (3) increasing the payoff of or paying a bonus on a winning off track pari-mutuel wager. EFFECTIVE JUNE 11, 2013.



HEALTHCARE

AB28 Sentinel Events –

Revises the definition of “sentinel event” for the purpose of provisions relating to the health and safety of patients at certain medical facilities. EFFECTIVE OCTOBER 1, 2013.

AB29 Suicide Fatalities –

Creates the Committee to Review Suicide Fatalities. EFFECTIVE OCTOBER 1, 2013.

AB39 Retail Sales of Ephedrine –

Provides restrictions on the retail sale of certain products that are ephedrine and pseudoephedrine based. EFFECTIVE OCTOBER 1, 2013.

AB53 Traumatic Brain Injuries –

Revises certain provisions relating to the review and reporting of traumatic brain injuries. EFFECTIVE MAY 23, 2013.

AB287 Mental Health Patients –

Authorizes the involuntary court-ordered admission of certain persons with mental illness to programs of community-based or outpatient services under certain circumstances. EFFECTIVE JULY 1, 2013.

AB331 Billing for Health Care –

Revises provisions governing the billing practices of certain providers of health care. EFFECTIVE OCTOBER 1, 2013.

AB344 Life-Sustaining Treatment –

Provides for the use of Physician Orders for Life-Sustaining Treatment in this State. EFFECTIVE OCTOBER 1, 2013.

SB3 Care for Indigents –

Revises provisions relating to payments by counties for certain medical assistance to indigent persons. EFFECTIVE JULY 1, 2013.

SB40 Qualifications for Medical Laboratories –

Revises provisions governing the application for the licensing of a medical laboratory and the requirements to qualify for certification as an assistant in a medical laboratory. EFFECTIVE JANUARY 1, 2014.

SB153 Occupational Therapy –

Provides that occupational therapists are providers of health care. EFFECTIVE OCTOBER 1, 2013.

SB199 Practice of Health Care –

Makes it a felony to perform certain health care procedures or surgical procedures without a license. EFFECTIVE OCTOBER 1, 2013.

SB285 Emergency Medical Services –

Revises provisions governing the exemption of certain air ambulances and attendants from the provisions governing emergency medical services. EFFECTIVE OCTOBER 1, 2013.

SB327 Telemedicine –

Revises provisions authorizing the performance of certain acts in this State by certain health care professionals without regard to whether the professionals are physically located in this State. EFFECTIVE JULY 1, 2013.



IMMIGRATION

SB303 Driver Authorization Cards –

Provides for the issuance of a driver authorization card and sets forth the requirements necessary for obtaining a driver authorization card. EFFECTIVE JANUARY 1, 2014.



REAL ESTATE

AB25 Public Nuisances –

Revises provisions governing special assessments for the abatement of public nuisances. EFFECTIVE MAY 24, 2013.

AB284 Lease Termination for Victims of Domestic Violence –

Allows for the early termination of a rental agreement if a tenant, cotenant or household member is a victim of domestic violence. The bill also provides the form of affidavit that the tenant seeking termination can use to provide notice of termination. EFFECTIVE JULY 1, 2013.

AB300 Affidavit for Notice of Default –

Provides that certain information provided in the affidavit required for recording of Notice of Default to be based on: (1) the information obtained by the affiant's review of the business records of the beneficiary of the deed of trust; and (2) the information contained in the records of the recorder of the county in which the property is located or the title guaranty or title insurance. EFFECTIVE JUNE 1, 2013.

AB417 Redevelopment –

Requires the legislative body of each community in which a redevelopment area has been established to create a revolving loan account administered by the redevelopment agency. EFFECTIVE MAY 28, 2013, expires by limitation DECEMBER 31, 2017.

SB55 Subject Matter of Master Plans –

Existing law sets forth the subject matter than may be included in a master plan and specifies 19 separate plans and other items that may be included. This bill reorganizes the 19 separate plans and other items into 8 different elements that may comprise a master plan. EFFECTIVE JUNE 1, 2013.

SB90 Confidential Information –

Requires a state or local governmental entity to keep confidential certain records which are submitted to the entity in connection with an application for special use permit or any other license, permit, or similar approval. EFFECTIVE JULY 1, 2013.

SB130 Common Interest Communities –

Revises provisions governing the imposition of a fine for a violation of the governing documents of an association of a common-interest community. EFFECTIVE JANUARY 1, 2014.

SB135 Redevelopment Agencies –

Revises requirements for the submission of an employment plan relating to certain redevelopment projects and requiring certain redevelopment agencies to withhold a portion of any incentive provided to a developer until the developer satisfies certain conditions. EFFECTIVE JULY 1, 2013.

SB280 HOA Foreclosure –

Provides revisions governing the foreclosure of an association's lien by sale, and creates obligations for owner's associations. EFFECTIVE OCTOBER 1, 2013.

SB342 Land Use –

Provides for certain local governments to establish simplified procedures for the vacation and abandonment of streets owned by the local governments under certain circumstances. EFFECTIVE MAY 27, 2013.

SB406 STAR Bonds –

Prohibiting, with limited exceptions, the pledge of the proceeds of certain taxes to finance a project within a tourism improvement district created after July 1, 2013. EFFECTIVE JULY 1, 2013.

SB493 Rules Governing Deeds of Trust –

Revises provisions governing loans secured by a lien on real property in which investors hold the beneficial interests and revises provisions governing the conveyance of a deed of trust. EFFECTIVE JULY 1, 2013.



TAXES

AB33 Energy Efficient Buildings –

Revises provisions governing the partial abatement of certain taxes for certain energy-efficient buildings. EFFECTIVE JUNE 11, 2013.

AB66 Increases in Valuation of Property –

Revises the manner in which the State Board of Equalization must provide certain notices concerning increases in the valuation of property. EFFECTIVE JUNE 1, 2013.

AB138 Tax Abatement –

Provides that a business which makes a capital investment of at least \$1,000,000 in a program at the University of Nevada, Reno, the University of Nevada, Las Vegas, or the Desert Research Institute for the support of research, development or training or related to the field of endeavor of the business and which meets certain other requirements is eligible to apply for a partial abatement of personal property taxes. EFFECTIVE JULY 1, 2013.

AB388 Tax Abatement for Renewable Energy –

Revises provisions governing the calculation of portfolio energy credits attributable to certain portfolio energy systems. EFFECTIVE OCTOBER 1, 2013.

AB506 Complimentary Meals –

Provides that consideration is not received for the complimentary portion of any food, meals or nonalcoholic drinks provided on a complimentary basis, in whole or in part, to the employees, patrons or guests of a retailer and, thus, the sales tax would not apply to the complimentary portion of such food, meals or nonalcoholic drinks. This bill further provides that the complimentary portion of any food, meals or nonalcoholic drinks provided on a complimentary basis, in whole or in part, to the employees, patrons or guests of a retailer does not lose its status as food for human consumption and, thus, is exempt from the use tax. EFFECTIVE JUNE 13, 2013.

SB7 Technical Bulletins –

Requires the Executive Director of the Department of Taxation to publish and periodically revise technical bulletins. EFFECTIVE MAY 22, 2013.

SB8 Tax on Tobacco –

Clarifies the wholesale price upon which the tax on certain tobacco products is calculated. EFFECTIVE JULY 1, 2013.

SB152 Sales and Use Tax Credits –

Provides that the right of a retailer to claim a deduction or refund under the Sales and Use Tax is not affected by the assignment of a debt by the retailer to an entity which is part of an affiliated group that includes the retailer. EFFECTIVE MAY 28, 2013.

SB165 Film Production Tax Credit –

Authorizes a producer that produces a film, television or other media production in this State to apply on or before December 31, 2017, to the Office of Economic Development for a certificate of transferable tax credits. To qualify, the production must expend at least 60 percent of the total qualified expenditures and production costs for the production in this State, and the total production costs must exceed \$500,000. The bill expires on June 30, 2023. EFFECTIVE JUNE 11, 2013 for the purpose of adopting regulations and JANUARY 1, 2014 for all other purposes.

SB215 Property Tax –

Revises the training requirements for appraisers and also permits the county assessor to waive monetary penalty for failure to report a purchase, among other things. EFFECTIVE JULY 1, 2013.

SB216 Property Tax Collection –

Revises certain procedures for the billing and collection of property taxes. EFFECTIVE JULY 1, 2013.

SB357 Economic Development –

Enacts the Nevada New Markets Jobs Act which provides for tax credits for certain business entities. EFFECTIVE OCTOBER 1, 2013.

SB400 Mining Excise Tax –

Imposes a new tax on mineral extraction and mineral royalties, and revising provisions relating to the taxation of certain uses of property otherwise exempted from taxation. EFFECTIVE IF VOTERS APPROVE SJR 15 ON BALLOT OF 2014 GENERAL ELECTION.

**UTILITIES****AB33 Green Energy Tax Abatement Bill –**

Revises the qualifications for tax abatements to standards and ratings equivalent to those provided to the Leadership in Energy and Environmental Design Green Building Rating System, or equivalent system. The bill also repeals provisions which authorize partial abatements of property taxes for certain manufacturers who renovate existing buildings. EFFECTIVE JUNE 11, 2013.

AB173 Utility Rates –

Prohibits a utility from imposing a rate that is based on the time during which the electricity is used unless the residential customer elects such a payment option. EFFECTIVE MAY 28, 2013.

AB239 Economic Development Electric Rate Rider Program –

Establishes the Economic Development Electric Rate Rider Program, a 5-year program to encourage the location or relocation of new commercial and industrial businesses in this State by providing discounted rates for electricity to eligible participants. The PUC and Office of Economic Development will administer the program. Each electric utility in this State will be required to generate, not more than 50 megawatts. EFFECTIVE JUNE 1 AND JULY 1, 2013.

AB413 Clark County Fuel Tax –

Among other things, this bill allows the board of county commissioners in Clark County to approve an additional tax on motor vehicle fuels to provide funding for road projects in the county. The county approval must be upon a 2/3 vote of the commissioners. PRIMARILY EFFECTIVE JUNE 12, 2013

AB428 Solar and Wind Energy Systems –

Revises provisions relating to the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program, the Wind Energy Systems Demonstration Program, and the Waterpower Energy Systems Demonstration program. This bill also creates the Legislative Committee on Energy. PRIMARILY EFFECTIVE JUNE 11, 2013 AND JANUARY 1, 2014.

AB486 Provider of Last Resort –

Authorizes certain telecommunication providers to apply to the PUC for relief from the obligations and status as a provider of last resort. The bill also, with certain exceptions, prohibits any state agency or political subdivision from regulating any Internet Protocol-enabled service or Voice over Internet Protocol service. EFFECTIVE JUNE 2, 2013.

SB15 Resource Planning –

Authorizes certain public utilities to request a waiver from the requirement to submit a resource plan to the Public Utilities Commission. EFFECTIVE APRIL 2, 2013.

SB41 Utility Regulations –

Revises certain provisions governing the regulation of certain providers of telecommunication services by the Public Utilities Commission. EFFECTIVE MAY 22, 2013.

SB123 NVision Bill –

Requires NV Energy to submit to the PUC, a comprehensive plan for the reduction of emissions from coal-fired electric generating plants and the replacement of the capacity from renewable energy facilities and other electric generating plants. EFFECTIVE JUNE 11, 2013.



SB142 Performance Contracts for Cost Saving Measures –

Under existing law, local governments may enter into performance contracts for the purchase and installation of operating cost-saving measures to reduce costs related to energy. This bill requires school boards to adopt a policy setting forth the process of evaluating these projects, and requires the Office of Energy to: (1) provide local governments with information and educational resources relating to operating costs saving measures; and(2) include on the Internet website, information and educational resources relating to cost saving measures. EFFECTIVE JULY 1, 2013.

SB252 Portfolio Standard Calculations –

Revises the way the renewable portfolio standard is calculated to reduce the credits that energy producers may receive from implementing energy efficiency measures. EFFECTIVE OCTOBER 1, 2013.

SB268 Call Location to Law Enforcement –

Requires a provider of wireless telecommunications to provide, upon the request of a law enforcement agency, the most accurate call location information readily available concerning the telecommunications device of a user to assist the law enforcement agency in certain emergency situations. EFFECTIVE MAY 23, 2013.



WORKERS' COMPENSATION

AB90 Representation of Injured Workers –

Revises provisions governing representation of injured workers in hearings or other meetings concerning industrial insurance claims. EFFECTIVE OCTOBER 1, 2013.



RELEVANT RESOLUTIONS

SJR8 of 2013: Limited Annual Legislative Sessions –

Proposes to amend the constitution to allow limited annual sessions of the Nevada legislature. MUST BE ADOPTED AGAIN IN 2015 BEFORE IT QUALIFIES TO BE PLACED ON BALLOT IN 2016.

SJR13 of 2013: Definition of Marriage –

Proposes to remove from the Nevada Constitution the definition of marriage and permit for the recognition of marriage, regardless of gender. MUST BE ADOPTED AGAIN IN 2015 BEFORE IT QUALIFIES TO BE PLACED ON BALLOT IN 2016.

SJR15 of 2011: Tax Rate on Mines –

Proposes to amend the Nevada Constitution to remove the separate tax rate and manner of assessing and distributing the tax on mines and the proceeds of mines. TO BE PLACED ON BALLOT IN GENERAL ELECTION OF 2014.

GENERAL STATISTICS

Bills Introduced:	1,034
Bills Passed:	572
Bills Vetoed:	17
Bills Signed into Law:	555



BUSINESS AND FINANCE

Arizona

[HB2188](#) (Chap. 107) Procurement; Construction Manager At Risk –

Provides a two-step competition process for procurements of agents that are cities or separate legal entities.

[HB2260](#) (Chap. 136) Certified Public Accountants –

Reorganizes and further amends current laws relating to certified public accountants.

[HB2267](#) (Chap. 40) Public Consignment Auction Dealer; Requirements –

Amends the requirements for public consignment auction dealers and the Department of Revenue, and mirrors the penalties for a vehicle dealer as outlined in statute.

[HB2272](#) (Chap. 138) Burial Duties; Designated Person –

Amends the power of attorney specifications and requirements, allows a responsible cremationist to open a container holding human remains and alters the requirements of a crematory and responsible cremationist.

[HB2277](#) (Chap. 121) Uniform Commercial Code; Funds Transfers –

Specifies that the provisions of the Electronic Fund Transfer Act governs the transaction when there is an inconsistency between laws.

[HB2619](#) (Chap. 157) Public Deposits; Pooled Collateral –

Establishes the statewide collateral pool administrator and subsequent regulations regarding collateral for public deposits.

[SB1238](#) (Chap. 165) Benefit Corporations –

Provides various regulations for a new type of corporation called a benefit corporation.

Colorado

[HB13-1001](#) Advanced Industries Acceleration Act -

Establishes a grant program to promote commercialization of new technologies and growth among Colorado's small high-tech startups in specific industries.

[HB13-1022](#) Proof of Motor Vehicle Insurance –

Requires that a driver who provides false evidence of proof of motor vehicle insurance faces a class B traffic infraction punishable by a fine of \$500.

[HB13-1102](#) Gift Card Exemption from Unclaimed Prop Act –

Limits the “Unclaimed Property Act” to not apply to business associations with annual gross receipts from the sales of gift cards totaling \$200,000 or less.

[HB13-1167](#) Concerning the Collection of Business Information by the Secretary of State –

Requires the Secretary of State to request certain demographic information from business owners, which will be available to the public on the Secretary of State website.

[HB13-1193](#) Advanced Industries Export Acceleration Program –

Provides for training, access to consulting services, expense reimbursements for eligible companies to establish channels for international exports, and other business services.

[SB13-287](#) Amending Certain Provisions Relating to Telecommunications –

Allows for providers of telephone service to rural areas to receive reimbursement for some costs, and be exempt from providing other services.



BUSINESS AND FINANCE

Nevada

AB50 Redevelopment Financing –

Revises provisions relating the redevelopment projects and redevelopment plans in Clark County. EFFECTIVE JUNE 6, 2013.

AB60 Non-profit Reporting –

Requires every nonprofit corporation that intends to solicit tax-deductible charitable contributions in this State to file information and financial reports with the Secretary of State at the time the corporation files its articles of incorporation or annual list. EFFECTIVE JANUARY 1, 2014.

AB89 Benefit Corporation –

Authorizes and provides for the governance of a new type of business entity known as a benefit corporation. The purpose of a benefit corporation is to create a general public benefit, which is defined as a material positive impact on society and the environment. EFFECTIVE JANUARY 1, 2014.

AB120 Insurance Information –

Requires an insurer that uses credit data in underwriting or rating an applicant to provide written disclosure that the insurer may obtain credit information in conjunction with application. EFFECTIVE OCTOBER 1, 2013.

AB153 Craft Distilleries –

Authorizes the establishment and licensing of craft distilleries. EFFECTIVE JULY 1, 2013.

AB167 Non-resident Registration of Motor Vehicle for Business Purposes –

Allows a nonresident who is not a natural person who owns a vehicle that is subject to registration, and uses the vehicle for business purposes within the State to obtain a nonresident business permit for the motor vehicle. The vehicle will be subject to emission testing, registration, and insurance requirements. EFFECTIVE JUNE 11, 2013.

AB226 Insurance Contracts –

Enacts provisions governing certain policies of insurance, annuities, benefit contracts and retained asset accounts. EFFECTIVE JULY 1, 2013.

AB252 Administrative Procedures –

Makes various changes to the Administrative Procedures Act for the adoption and promulgation of administrative rules. EFFECTIVE JULY 1, 2013.

AB354 Production of Goods –

Prohibits the manufacture, sale or distribution of certain consumer products that contain or come in direct physical contact with Bisphenol A. PRIMARILY EFFECTIVE JANUARY 1, 2014.

AB366 Non Profits –

Revises provisions governing nonprofit cooperative corporations. EFFECTIVE OCTOBER 1, 2013.

AB435 Insurance –

Revises provisions governing the Nevada Life and Health Insurance Guaranty Association, the Interstate Insurance Product Regulation Compact, insurance holding companies and requirements that certain groups submit information to the Commissioner. EFFECTIVE OCTOBER 1, 2013.



BUSINESS AND FINANCE

SB28 Sale of Securities –

Revises provisions relating to the sales of securities, clarifies breaches of unethical practices, and implements punishment for violations. EFFECTIVE JULY 1, 2013.

SB60 Penalty for Failing to Renew Business License –

Authorizes imposition of a fine on businesses failing to comply with the requirement to obtain or renew a state business license; Prohibits the formation or registration of a business entity for certain purposes, among other things. EFFECTIVE OCTOBER 1, 2013.

SB94 Late Charge for High Interest Loan –

Authorizes certain licensees to charge a late fee on a loan in default under certain circumstances. EFFECTIVE OCTOBER 1, 2013.

SB110 Uniform Commercial Code –

Enacts the amendment to Article 4A promulgated by the Uniform Law Commission and the American Law Institute to provide that (1) Article 4A applies to funds transfer that is a remittance transfer, if the remittance transfer is not an electronic fund transfer; and (2) the federal Electronic Fund Transfer Act applies to a funds transfer to which Article 4A applies if there is an inconsistency between Article 4A and the federal Act. EFFECTIVE OCTOBER 1, 2013.

SB114 Filing Rates of Insurance –

Requires that filing for change of insurance rate must include a proposed effective date and must be filed not less than 30 days before proposed effective date. EFFECTIVE OCTOBER 1, 2013.

SB267 Tanning Establishments –

Prohibits an owner or operator of a tanning establishment from allowing a person who is less than 18 years of age to use the tanning equipment of the establishment and requiring the posting of certain signs. EFFECTIVE JULY 1, 2013.

SB278 Foreclosure of Abandoned Property –

Permits a lender to establish an abandoned property and commence expedited foreclosure proceedings. EFFECTIVE JULY 1, 2013.

SB310 Derivative Transactions –

Permits a bank chartered by this State to engage in a derivative transaction under certain circumstances. EFFECTIVE MAY 27, 2013.

SB321 Homeowner's Bill of Rights –

Enacts additional requirements before a lender can initiate an action for foreclosure on an owner-occupied housing, codifies portions of the Settlement Term Sheet from *United States of America et al. v. Bank of America Corporation et al.*, and permits a homeowner to elect to enter the Foreclosure Mediation Program when a lender pursues judicial foreclosure. EFFECTIVE OCTOBER 1, 2013.

SB374 Medical Marijuana –

Establishes the registration and regulatory procedures for the legal operation of a medical marijuana establishment and provides the method for taxation of the medical marijuana. PRIMARILY EFFECTIVE JUNE 12, 2013.

AB408 Business Impact Statements –

Revises provisions governing business impact statements prepared by state agencies and governing bodies of local governments prior to implementing an administrative rule. EFFECTIVE JULY 1, 2013.



BUSINESS AND FINANCE

SB441 Electronic Participation in Board Meetings –

Existing law provides that, unless otherwise restricted by the articles of incorporation or bylaws, certain persons may participate in board or stockholder meetings through electronic communications, videoconferencing, teleconferencing or other available technology. This bill authorizes certain persons to participate in such meetings if the corporation has implemented reasonable measures to verify the identity of the persons and to provide an opportunity to participate in a substantially concurrent manner with such proceedings. EFFECTIVE OCTOBER 1, 2013.



COMMERCIAL LITIGATION

Arizona

HB2164 (Chap. 6) DHS; Food Inspection; Exception –

Specifies that all locations rather than just locations that have a display area less than 10 linear feet that sell only commercially prepackaged food or drink that is not potentially hazardous are exempt from the rules relating to food and drink.

HB2170 (Chap. 71) Stopped School Buses; Lights – Requires a school bus to display a stop signal and alternately flashing lights on private roads, driveways, or property when passengers are being received or discharged.

HB2176 (Chap. 187) Registrar of Contractors; Alarm Agents –

Amends the statutes relating to accessing the Registrar of Contractors (ROC) Recovery Fund, contractors' surety bonds and proper licensure; modifies the definition of alarm agent and provides a limited exemption from licensure by the ROC if an alarm agent is already licensed by the Arizona Board of Technical Registration (BTR).

HB2240 (Chap. 208) Small Claims Division; Jurisdiction; Limits –

Raises the jurisdictional limit for cases within the small claims division of the justice courts from \$2,500 to \$3,500.

HB2262 (Chap. 137) Scrap Metal Dealers; Registration –

Requires a person to register with the Arizona Department of Public Safety (DPS) in order to conduct business as a scrap metal dealer and establishes related requirements and penalties.

HB2325 (Chap. 123) Personal Property Exemptions –

Makes several changes to the statutes governing exemptions to personal property.

HB2372 (Chap. 73) Motor Vehicle Dealers –

Makes various changes to statute in relation to dealer license plates, wholesale auction dealers, and wholesale motor vehicle dealers.

HB2392 (Chap. 172) Confidential Information; Protective Orders; Injunctions –

Requires that a supplemental information form utilized by the court or law enforcement agency for the purpose of service of process, be provided in a petition for an injunction prohibiting harassment or workplace harassment or for a petition for an order of protection.

HB2482 (Chap. 176) Public Service Corporations; Assets Transfer –

Allows competitive telecommunications corporations to sell or transfer equipment necessary for supplying public services.

HB2489 (Chap. 228) Bonds; Financing; Student Loans –

Enables a corporation to issue bonds to finance student loans made in a student loan program.

HB2619 (Chap. 157) Public Deposits; Pooled Collateral –

Establishes the statewide collateral pool administrator and subsequent regulations regarding collateral for public deposits.

SB1177 (Chap. 35) Insurance; Accreditation; Receivership Liquidation Fund –

Conforms statutory provisions governing insurance accreditation to include requirements adopted by the National Association of Insurance Commissioners.



COMMERCIAL LITIGATION

SB1231 (Chap. 238) Public Buildings; Construction; Indemnity –

Allows a contracting agent to require a contractor, subcontractor or design professional to indemnify and hold harmless the agent from liabilities caused by negligence, recklessness or intentional wrongful conduct in the performance of the contract.

SB1233 (Chap. 198) Limited Liability Companies; Ownership Interests –

Amends the Arizona Limited Liability Company Act by adding a new provision to the section of statute governing members as it relates to forms of ownership.

SB1238 (Chap. 165) Benefit Corporations –

Provides various regulations for a new type of corporation called a benefit corporation.

SB1243 (Chap. 181) Insurance Regulation; Exemption –

Exempts associations and orders from Title 20 of the Arizona Revised Statutes (A.R.S.), defines associations and orders, requires policies to contain a printed disclosure, and requires associations and orders to file specific information annually with the Department of Insurance (DOI).

SB1346 (Chap. 241) Class Action; Reform –

Adds an article of law governing class actions and delineates court requirements.

Colorado

SB13-023 Increase Damages Caps under Colorado Governmental Immunity Act -

Increases caps on lawsuits brought by a person suing a public entity or public employee for loss or injury caused by the entity or employee in any single occurrence from \$150,000 to \$350,000; and for an injury to 2 or more persons in any single occurrence, the increase is from \$600,000 to \$990,000.

SB13-182 Resale Time Shares Deceptive Trade Practices –

Amends the “Colorado Consumer Protection Act” in reference to any time share transactions and requires entities that provide time share resale services to make certain disclosures, and prohibits certain acts.

SB13-184 Discrimination in Public Accommodation Crime –

Changes penalties against facilities found liable for discriminating in providing access to places of public accommodation, to a civil penalty rather than the previous criminal penalty.

Nevada

AB155 Report of Child Abuse –

Existing law requires an attorney to report the abuse or neglect of a child unless the attorney acquired the knowledge of the abuse or neglect from a client who is or may be accused of the abuse or neglect. This bill provides that an attorney is not required to report the abuse or neglect of a child if the attorney acquired the knowledge of the abuse or neglect from a client during a privileged communication if the client: (1) has been or may be accused of committing the abuse or neglect; or (2) is the victim of the abuse or neglect and is in foster care, except that the attorney may report the abuse or neglect with the consent of the child. EFFECTIVE OCTOBER 1, 2013.



COMMERCIAL LITIGATION

AB322 Casualty Insurance in Personal Injury Action –

Clarifies requirement for medical reports applies to policy covering “passenger car.” EFFECTIVE OCTOBER 1, 2013.

AB326 Arbitration Agreement –

Requires an agreement which includes a provision requiring a person to submit to arbitrate any dispute arising between the parties to include specific authorization. EFFECTIVE OCTOBER 1, 2013.

SJR14 from 2011, Establishes an Intermediate Court of Appeals –

Senate Joint Resolution 14 from 2011 was once again ratified. This measure will be placed on the 2014 ballot, and if approved by the voters will go into effect. The resolution proposes a court of appeals that will consist of three judges, which may be increased by the legislature. The initial three judges must be appointed by the Governor from among three nominees selected by the Commission on Judicial Selection. EFFECTIVE AFTER PASSAGE BY VOTERS.

SB22 Supreme Court Rulings to Attorney General –

Among other things, this bill requires the prevailing party in a proceeding where the a Nevada court holds a provision of the Nevada Constitution or the Nevada Revised Statutes violates a provision of the Nevada Constitution or United States Constitution to submit a copy of the ruling to the Office of the Attorney General. EFFECTIVE OCTOBER 1, 2013.

SB106 Civil Collection from Criminal or Juvenile Judgment –

Allows a civil judgment to be awarded and enforced for any unpaid fines, administrative assessments, fees and restitution imposed against a criminal defendant or an individual with outstanding payments owed from a juvenile court determination. EFFECTIVE MAY 25, 2013.

SB140 Attorney’s Liens –

Authorizes the attachment of a lien to client files and other property for attorney’s fees under certain circumstances. EFFECTIVE JULY 1, 2013.

SB286 SLAPP –

Provides immunity from civil action for certain claims based on the right to petition and the right to free speech under certain circumstances and establishes the burden of proof for a special motion to dismiss. EFFECTIVE OCTOBER 1, 2013.

SB314 Parenting –

Provides that the right of parents to make choices regarding the care, custody and management of their children is a fundamental right. EFFECTIVE OCTOBER 1, 2013.

SB441 Personal Jurisdiction of Corporate officers and Directors –

The Nevada Supreme Court recently addressed the issue of whether Nevada courts can properly exercise personal jurisdiction over nonresident officers and directors who directly harm a Nevada corporation in *Consipio Holding v. Carlberg*, 128 Nev. Adv. OP. 43, 282 P.3d 751 (2012). This bill provides that a director, officer, manager, managing member, general partner or trustee of certain business entities consents to personal jurisdiction, and allows for the service of legal process on such persons. EFFECTIVE OCTOBER 1, 2013.



SB463 Implementation of Court of Appeals –

If SJR 14 is adopted by a vote of the people, this bill address technical issues for implementation of a court of appeals, such as qualification for judges, replacement of vacancies, etc. EFFECTIVE JANUARY 1, 2015 IF RATIFIED BY VOTERS AT 2014 ELECTION.



ELECTION LAW

Arizona

[HB2156](#) (Chap. 88) Elections; Public Resources

Prohibited –

Prohibits the state and all its political subdivisions from spending or using public resources to influence an election.

[HB2157](#) (Chap. 159) Public Declaration; Resign to Run –

Allows an incumbent elected official to make a formal declaration of candidacy for another office without having been deemed to have offered himself up for nomination.

[HB2305](#) (Chap. 209) Election Revisions; Violations –

Requires a political committee that files petitions with the Secretary of State to organize and group the signature sheets and affords a heightened evidentiary standard for any challenger to the petition circulators if the political committee conducts an arm's length background check on its circulators.

[HB2593](#) (Chap. 98) Campaign Finance; Contribution Limit –

Increases the amount of money individuals and political committees may contribute to a candidate and removes the aggregate contribution limit for individuals and political committees.

[SB1454](#) (Chap. 254) Elections; Campaign Finance; HOAs –

Makes numerous changes to statutes governing elections and homeowners' associations.



ENERGY, TELECOM, UTILITIES

Arizona

HB2011 (Chap. 12) Liquefied Petroleum Gas Containers; Penalties –

Increases the penalty for filling, refilling or tampering with a liquefied petroleum gas container without authorization.

HB2034 (Chap. 13) Nuclear emergency Appropriations and Assessment –

An emergency measure that appropriates \$2,153,517 in FY 2013-14 and \$2,269,086 in FY 2014-15 from the state General Fund to the Nuclear Emergency Management Fund (NEMF); also levies an assessment against each consortium of public service corporations and municipal corporations operating a commercial nuclear generation station in an amount equal to that appropriated to the NEMF, plus any interest.

HB2231 (Chap. 92) Telecommunications; Local Records; Nondisclosure –

Prescribes conditions in which a surety is required to be relieved of liability on an appearance bond.

HB2241 (Chap. 92) Telecommunications; Local Records; Nondisclosure –

Prohibits disclosure of records relating to construction of wireline telecommunications infrastructure by cities, towns and counties.

HB2346 (Chap. 226) Rural Electric Cooperatives; Valuation –

Prescribes the process the Arizona Department of Revenue must use to determine a standard market value factor for the purposes of calculating the valuation of the property of electric distribution cooperatives.

HB2386 (Chap. 97) Utilities; Tampering –

Modifies the definition of tampering with utility property as it relates to the criminal and civil codes and raises the mental culpability standard to intentional.

HB2482 (Chap. 176) Public Service Corporations; Assets Transfer –

Allows competitive telecommunications corporations to sell or transfer equipment necessary for supplying public services.

HB2492 (Chap. 22) Municipalities; wastewater Utility; Acquisition; Repeal –

Removes the authority of a city or town to acquire all or any portion of wastewater utilities owned or operated by the county.

HB2535 (Chap. 153) Independent Functional Utility –

Retroactive to July 1, 1997, specifies that machinery or equipment that is exempt from taxation under the retail classification and that has independent functional utility is not considered taxable under the prime contracting classification.

HB2544 (Chap. 230) AZ Power Authority; Financing –

Adds the financing or refinancing of the costs of certain projects or works of the Hoover Dam facilities to the State Water and Power Plan.

SB1251 (Chap. 113) Irrigation Districts; Audit Requirements –

Modifies audit schedules for irrigation or water conservation districts based on the size of their annual budgets.

SB1324 (Chap. 69) Critical Infrastructure; Info Disclosure –

Expands the exemption from public disclosure to include certain critical infrastructure and key resource information.



ENERGY, TELECOM, UTILITIES

SB1370 (Chap. 80) Municipal Franchise Elections; Rates; Estimate –

Requires the ballot of a proposed franchise election to include an estimate of any projected fees or taxes that are not related to franchise work or fees.

Colorado

HB13-1091 Alternative Air Quality Testing Method for Heavy-Duty Diesel Vehicles Subject to the Heavy-Duty Diesel Fleet Inspection and Maintenance Program -

Authorizes the air quality control commission to promulgate rules to determine eligibility for an alternative method for demonstrating compliance with opacity standards.

SB13-186 Updating Requirements New Building Technologies –

Allows a licensed master electrician, licensed journeyman electrician, or licensed residential wireman, along with other certified personnel are now able to supervise a photovoltaic installation.

Nevada

AB33 Green Energy Tax Abatement Bill –

Revises the qualifications for tax abatements to standards and ratings equivalent to those provided to the Leadership in Energy and Environmental Design Green Building Rating System, or equivalent system. The bill also repeals provisions which authorize partial abatements of property taxes for certain manufacturers who renovate existing buildings. EFFECTIVE JUNE 11, 2013.

AB173 Utility Rates –

Prohibits a utility from imposing a rate that is based on the time during which the electricity is used unless the residential customer elects such a payment option. EFFECTIVE MAY 28, 2013.

AB239 Economic Development Electric Rate Rider Program –

Establishes the Economic Development Electric Rate Rider Program, a 5-year program to encourage the location or relocation of new commercial and industrial businesses in this State by providing discounted rates for electricity to eligible participants. The PUC and Office of Economic Development will administer the program. Each electric utility in this State will be required to generate, not more than 50 megawatts. EFFECTIVE JUNE 1 AND JULY 1, 2013.

AB413 Clark County Fuel Tax –

Among other things, this bill allows the board of county commissioners in Clark County to approve an additional tax on motor vehicle fuels to provide funding for road projects in the county. The county approval must be upon a 2/3 vote of the commissioners. PRIMARILY EFFECTIVE JUNE 12, 2013.

AB428 Solar and Wind Energy Systems –

Revises provisions relating to the Solar Energy Systems Incentive Program, the Wind Energy Systems Demonstration Program, the Wind Energy Systems Demonstration Program, and the Waterpower Energy Systems Demonstration program. This bill also creates the Legislative Committee on Energy. PRIMARILY EFFECTIVE JUNE 11, 2013 AND JANUARY 1, 2014.

AB486 Provider of Last Resort –

Authorizes certain telecommunication providers to apply to the PUC for relief from the obligations and status as a provider of last resort. The bill also, with certain exceptions, prohibits any state agency or political subdivision from regulating any Internet Protocol-enabled service or Voice over Internet Protocol service. EFFECTIVE JUNE 2, 2013.



ENERGY, TELECOM, UTILITIES

SB15 Resource Planning –

Authorizes certain public utilities to request a waiver from the requirement to submit a resource plan to the Public Utilities Commission. EFFECTIVE APRIL 2, 2013.

SB41 Utility Regulations –

Revises certain provisions governing the regulation of certain providers of telecommunication services by the Public Utilities Commission. EFFECTIVE MAY 22, 2013.

SB123 NVision Bill –

Requires NV Energy to submit to the PUC, a comprehensive plan for the reduction of emissions from coal-fired electric generating plants and the replacement of the capacity from renewable energy facilities and other electric generating plants. EFFECTIVE JUNE 11, 2013.

SB142 Performance Contracts for Cost Saving Measures –

Under existing law, local governments may enter into performance contracts for the purchase and installation of operating cost-saving measures to reduce costs related to energy. This bill requires school boards to adopt a policy setting forth the process of evaluating these projects, and requires the Office of Energy to: (1) provide local governments with information and educational resources relating to operating costs saving measures; and (2) include on the Internet website, information and educational resources relating to cost saving measures. EFFECTIVE JULY 1, 2013.

SB252 Portfolio Standard Calculations –

Revises the way the renewable portfolio standard is calculated to reduce the credits that energy producers may receive from implementing energy efficiency measures. EFFECTIVE OCTOBER 1, 2013.

SB268 Call Location to Law Enforcement –

Requires a provider of wireless telecommunications to provide, upon the request of a law enforcement agency, the most accurate call location information readily available concerning the telecommunications device of a user to assist the law enforcement agency in certain emergency situations. EFFECTIVE MAY 23, 2013.



EMPLOYMENT AND LABOR

Arizona

[HB2076](#) (Chap. 85) **Military Applicants; License Requirements** –

Establishes guidelines for the Arizona Department of Transportation and the Arizona State Board of Nursing to issue licenses to military veterans' who meet requirements.

[HB2147](#) (Chap. 17) **Unemployment Benefits; Proof; Eligibility** –

Outlines requirements for the claimants and the employers during the process of filing a claim for unemployment benefits.

[HB2173](#) (Chap. 204) **Unemployment Insurance; Omnibus** –

Makes administrative and conforming changes to statutes governing unemployment insurance, including provisions governing the Shared Work Plan and an emergency measure establishing Unemployment Insurance Tax Anticipation Notes.

[HB2182](#) (Chap. 119) **DUI; Ignition Interlock Devices** –

Removes the ability of a person to be placed in a continuous alcohol monitoring program in lieu of getting an ignition interlock device, and updates Arizona law to conform to federal regulations.

[HB2260](#) (Chap. 136) **Certified Public Accountants** –

Reorganizes and further amends current laws relating to certified public accountants.

[HB2279](#) (Chap. 18) **Employer; Exception; Officiating Services** –

Excludes sports officials from the definition of employee, under statutes governing employment security.

[HB2280](#) (Chap. 130) **Employee Benefits; State Preemption** –

Asserts the state's preemption authority over employee benefits.

[HB2317](#) (Chap. 7) **Fingerprint Clearance Card; Expired Use** –

An emergency measure that authorizes the use of expired fingerprint clearance cards with the appropriate affidavit signed by the holder of the card.

[HB2327](#) (Chap. 28) **Dangerous Drugs; Definition** –

An emergency measure that expands the definition of dangerous drugs to include specific chemical configurations that typically compose synthetic cannabinoids and bath salts.

[HB2485](#) (Chap. 146) – **Health and Safety Audit Privilege** –

Outlines requirements for health and safety audit reports, privileges, and exceptions.

[HB2645](#) (Chap. 218) **Unemployment; Exception; Religious Instruction** –

Excludes from the statutory definition of employment, certain service providers working for churches or other religious organizations.

[SB1087](#) (Chap. 194) **Drug Testing Records; Taxi Drivers** –

Requires a driver of a livery vehicle, taxi, or limousine to submit to drug testing.

[SB1148](#) (Chap. 34) **Workers' Comp; Reciprocity** –

Establishes that a worker employed in Arizona, who leaves the state temporarily for work incidental to that employment, and receives a job-related injury, is entitled to Arizona workers' compensation benefits; exempts out-of-state workers and employers from Arizona workers' compensation statutes if certain requirements are met.



EMPLOYMENT AND LABOR

[SB1310](#) (Chap. 183) Special Fund; Workers' Comp –

Requires the publication of a report on the Special Fund for Workers' Compensation (Special Fund).

Colorado

[HB13-1025](#) Concerning an Increase in the Amount of the Authorized Deductible for Workers' Compensation Insurance Policies –

Increases an employers' workers' compensation insurance policy deductibles and changes other workers' compensation laws.

[HB13-1046](#) Employee User Name Password Privacy Protection –

Prohibits an employer from requiring an employee or applicant for employment to disclose a user name, password, or other means for accessing a personal account or service through an electronic communications device (i.e., social network).

[HB13-1054](#) Lessen Unemployment Insurance Benefits Reduction Retirement –

Changes the way an unemployment claimant's benefits are calculated when a claimant has withdrawn monies from certain retirement plans.

[HB13-1123](#) Waive Confidentiality Unemployment Benefits –

Allows the Department of Labor and Employment to offer job seekers the opportunity to waive confidentiality of otherwise protected information so that their personal information may be made available to bona fide employers seeking employees.

[HB13-1124](#) Reduce Unemployment Insurance Overpayments –

Adds changes to the method for calculating unemployment benefits.

[HB13-1136](#) Job Protection Civil Rights Enforcement Act 2013 –

Allows for additional remedies of compensatory and punitive damages in employment discrimination cases brought under state law against employers where an employee proves intentional discrimination.

[HB13-1222](#) Family Care Act Family Medical Leave Eligibility –

Expands the FMLA benefits to include a family member with a serious health condition to include a person to whom the employee is related by blood, adoption, legal custody, marriage, or civil union or with whom the employee resides and is in a committed relationship.

[SB13-018](#) Permissible Use of Credit Information by Employers –

Specifies in the "Employment Opportunity Act" the purposes for which consumer credit information (i.e., consumer credit reports and credit scores) can be used by an employer or potential employer.

[SB13-285](#) Revising Certain Procedures for Resolution of Workers' Compensation Claim Disputes –

Provides substantive changes to the manner for calculating workers' compensation benefits and other related benefits.

Nevada

[AB12](#) Employee Complaints –

Removes the requirement that an employee notify his or her employer before filing certain complaints with the Division of Industrial Relations of the Department of Business and Industry. EFFECTIVE MAY 18, 2013.

[AB13](#) Employee Hearings –

Revises provisions relating to hearings conducted by the Local Government Employee-Management Relations Board. EFFECTIVE MAY 18, 2013.



EMPLOYMENT AND LABOR

AB132 Liability for Personal Care Employees –

Provides immunity from civil liability to persons employed by an agency to provide personal care services in the home in certain circumstances. EFFECTIVE JULY 1, 2013.

AB181 Social Media Bill –

Prohibits an employer from conditioning the employment of an employee or prospective employee on his or her consumer credit report or other credit information. This bill also prohibits an employer from conditioning the employment of an employee or prospective employee on his or her disclosure of the user name, password or any other information that provides access to the employee's or prospective employee's personal social media account. However, this bill provides an exemption for an employer to require an employee to disclose his or her user name, password or any other information to an account or service, for the purpose of accessing the employer's own internal computer or information systems. EFFECTIVE OCTOBER 1, 2013.

SB36 Unemployment Fraud –

Permits the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to enforce a court order for repayment of fraudulently obtained benefits by requiring an employer of the person liable to withhold income from the person's wages and pay it to the Division. EFFECTIVE JUNE 2, 2013.

SB127 Conditioning Employment on Consumer Credit –

Prohibits an employer from conditioning the employment of an employee or prospective employee on his or her consumer credit report or other credit information. The bill also establishes civil remedies for a person affected by a violation committed by an employer, including employment of a prospective employee, reinstatement or promotion of an employee, payment of lost wages and benefits and the award of reasonable costs and attorneys' fees. EFFECTIVE OCTOBER 1, 2013.

SB502 Employee Background Check –

Authorizes the Department of Health to establish a website that will allow certain employers to conduct criminal and personal history checks of potential employees. EFFECTIVE JULY 1, 2013.

SB506 Communist Party Bill –

Repeals an obsolete provision which excludes from the definition of the term "unlawful employment practice" any action or measure taken by an employer or certain entities against a person who is a member of the Communist Party or other organization required to register as a Communist organization under federal law. EFFECTIVE OCTOBER 1, 2013.



ENVIRONMENTAL AND NATURAL RESOURCES

Arizona

HB2011 (Chap. 12) Liquefied Petroleum Gas Containers; Penalties –

Increases the penalty for filling, refilling or tampering with a liquefied petroleum gas container without authorization.

HB2087 (Chap. 106) Mining; Claim maintenance Fee Affidavit –

Revises current statute to recognize the federal maintenance fee requirement and provides a method of documenting payment in county record.

HB2178 (Chap. 170) Flood Control Districts; Administrative Actions –

Allows persons who violate flood control district statutes or rules to receive a non-monetary penalty and changes the final decision review process.

HB2485 (Chap. 146) Health and Safety Audit Privilege –

Outlines requirements for health and safety audit reports, privileges, and exceptions.

HB2492 (Chap. 22) Municipalities; Wastewater Utility; Acquisition; Repeal –

Removes the authority of a city or town to acquire all or any portion of wastewater utilities owned or operated by the county.

SB1080 (Chap. 244) Underground Storage Tank Program Changes –

Delays the repeal of the Underground Storage Tank Tax and the Underground Storage Tank Assurance Account for two years; extends the time period to submit claims for corrective action coverage.

SB1092 (Chap. 161) Cotton Research and Protection Council –

Makes changes to the administration and enforcement roles of the Arizona Department of Agriculture and the Arizona Cotton Research and Protection Council in the abatement and plow up of nuisance cotton field.

SB1143 (Chap. 64) Golf Course Pesticide License; Fee –

Transfers regulatory authority of golf course Not for Hire pesticide applications from the Office of Pest Management to the Arizona Department of Agriculture.

SB1266 (Chap. 246) Illegal Dumping; Penalties –

Modifies requirements relating to illegal dumping in a city, town or county and establishes a new penalty for persons committing certain criminal littering or polluting offenses.

SB1288 (Chap. 247) Arizona Water Protection Fund; commission –

Modifies the membership of the Arizona Water Protection Fund Commission and prohibits federal agencies from receiving funding through the Arizona Water Protection Fund.

SB1290 (Chap. 125) Office of Pest Management –

Provides for the permanent transfer of administrative authority of the Office of Pest Management to the Arizona Department of Agriculture and makes various changes to pest management statutes.

SB1322 (Chap. 248) Assured Water Supply Requirements; Exemption –

Extends the repeal date, from September 1, 2014, to September 1, 2024, for session law exempting certain subdivisions from the assured water supply requirement.



ENVIRONMENTAL AND NATURAL RESOURCES

SB1465 (Chap.116) Solid Waste Facilities; General Permit –

Provides an exemption from ADEQ statute and rules for waste facilities that obtain a general permit.

SB1469 (Chap. 117) Applying Aquatic Poisons –

Provides \$635,226 in supplemental funding from the state General Fund (GF) in FY 2012-13 to the Independent Redistricting Committee (IRC).

Colorado

HB13-1013 Protect Water Right Ownership Rights –

Limits the remedies to a landowner under grant who demands as a condition of granting a right-of-way or special use permit, or in an order of eminent domain, that a water right or conditional water right owner assign to the landowner partial or joint ownership of the water right or limit the alienability of the water right; and any such condition is void and unenforceable as against public policy.

HB13-1044 Concerning the Authorization of the Use of Graywater -

Authorizes the Water Quality Control Commission to create standards for the use of graywater.

HB13-1168 Recognize Unincorporated Acequia Ditches –

Removes lot size or other configuration requirements for acequia ditch corporations, and now includes unincorporated associations to have the same rights.

HB13-1191 Grants for Domestic Wastewater Treatment Plants to Comply with the Water Quality Control Commission's Nutrients Management Control Regulation –

Allows the Department of Public Health and Environment to offer grants to wastewater treatment facilities to ensure compliance with recently-adopted nutrient management control regulations.

SB13-041 Protect Water Storage Long-term Use –

Clarifies Water Storage Long-term Use in response to recent litigation: *Upper Yampa Water Conservancy Dist. v. Wolfe*, 255 P.3d 1108 (Colo. 2011).

SB13-072 No Final Well Permit Req Denver Basin Designated -

Deletes the requirement for a final permit for all wells withdrawing designated ground water from the Denver basin aquifers.

SB13-073 General Permits Stormwater Rule-making –

Requires the department of public health and environment to provide a statement of basis and purpose, evidence, and a notice and comment process when the division proposes new or amended permit requirements with respect to general permits related to water quality control.

SB13-074 Irrigation Water Right Historical Use Acreage –

Provides a mechanism to determine the amount of acreage for an irrigation water right when the original water right decree predates 1937.

SB13-075 Promote Water Conservation of Designated Ground Water –

Defines the factors for the state engineer to issue a final permit for the withdrawal of designated ground water.



ENVIRONMENTAL AND NATURAL RESOURCES

SB13-078 Erroneously Located Water Diversion Points -

Allows for the holder of a decreed water right with an erroneously located point of diversion to apply for a correction in the point of diversion if the point of diversion meets the definition of an “established point of diversion”.

SB13-181 Concerning the Funding of Colorado Water Conservation Board Projects; and Making Appropriations in Connection Therewith -

Provides for an appropriation to the Colorado Water Conservation Board for certain water-related construction projects.

Nevada

AB346 Pit Lake Access -

Requires certain plans for reclamation of an exploration project or mining operation to provide for public nonmotorized access to the water level of a pit lake. EFFECTIVE OCTOBER 1, 2013.

SB133 Appropriation of Water -

Requires the State Engineer to allow a county to participate in an advisory capacity in the development and implementation of a plan required by the State Engineer relating to the appropriation of water for beneficial use if the county where the State Engineer has approved the point of diversion requests to participate. The bill also requires the State Engineer to consider any comment, analysis or other information submitted to the State Engineer by the county before approving the plan and during the period in which the plan, if approved, is carried out. EFFECTIVE MAY 24, 2013.

SB159 Gypsum Mine Property -

Declares the Legislature’s support for the transfer of title for the Gypsum Mine property to the federal Bureau of Land Management to be managed as part of the Red Rock Canyon National Conservation Area. EFFECTIVE MAY 23, 2013.

SB299 Tahoe Regional Planning Authority -

Amends and repeals the Tahoe Regional Planning Compact and the provisions of Senate Bill No. 271 of the 2011 Session. EFFECTIVE JUNE 6, 2013.

SB399 Special Fuels -

Creates new classes of special fuel, such as biomass-based diesel and biomass-based diesel blend. EFFECTIVE JUNE 1, 2013.

SB433 Manganese Disclosure -

Requires the Board of Agriculture to adopt regulations requiring a warning label to be affixed to any pump from which is drawn any motor vehicle fuel that is sold to a consumer if the motor vehicle fuel contains manganese or any manganese compound, including, without limitation, methylcyclopentadienyl manganese tricarbonyl, and was delivered to the vendor within the immediately preceding 6 months. EFFECTIVE MAY 28, 2013 FOR REGULATIONS AND JANUARY 1, 2013 FOR ALL OTHER PURPOSES.



ESTATE PLANNING

Arizona

HB2204 (Chap. 54) Law Enforcement; Surviving Spouse; Insurance –

Rewrites eligibility requirements for receipt of health insurance payments by surviving spouses and dependents of law enforcement officers killed in the line of duty and expands the definition of law enforcement officer.

HB2272 (Chap. 138) Burial Duties; Designated Person –

Amends the power of attorney specifications and requirements, allows a responsible cremationist to open a container holding human remains and alters the requirements of a crematory and responsible cremationist.

HB2308 (Chap. 26) Probate; Omnibus –

Makes several changes to the laws governing probate proceedings.

SB1175 (Chap. 67) Vulnerable Adult; Duty –

Creates a presumption against a petitioner in a position of trust and confidence bringing a civil action against a vulnerable adult regarding a governing instrument, unless shown otherwise by clear and convincing evidence and makes changes to legal proceedings.

SB1232 (Chap. 112) Trusts and Estates –

Makes several changes to the laws governing trusts and estates.

SB1237 (Chap. 36) Guardianships; Conservatorships; Transfer –

Modifies the procedure for Arizona courts to transfer a guardianship or conservatorship to another state.

SB1341 (Chap. 185) Vulnerable Adults; Financial Exploitation –

Specifies that a vulnerable adult is not exploited if the person's assets are transferred to obtain or maintain eligibility for benefits under the Arizona Health Care Cost Containment System (AHCCCS), Supplement Security Income (SSI), Medicaid, Medicare or Veterans' Administration Program.

Colorado

HB13-1058 Determination of Spousal Maintenance upon Divorce –

Allows spousal maintenance awards, if granted, will be calculated based on new criteria.

HB13-1204 Enactment of the "Uniform Premarital and Marital Agreements Act" –

Subjects premarital and marital agreements to new criteria in determining enforceability.

SB13-011 Colorado Civil Union Act –

Allows any two unmarried adults, regardless of gender, may enter into a civil union, and the rights, benefits, protections, duties, obligations, responsibilities, and other incidents under law that are granted or imposed under the law to spouses, will be applied in like manner to parties to a civil union.

SB13-077 Probate Code Omnibus –

Allows a party in probate matters to testify regarding an oral statement of a person incapable of testifying, when such statement is sought to be admitted into evidence.



ESTATE PLANNING

Nevada

[AB421](#) Gestational Agreements –

Adopts provisions regarding artificial insemination and surrogacy agreements and provides further clarity and guidance regarding parentage and presumptions for parentage. EFFECTIVE OCTOBER 1, 2013.

[SB78](#) Guardianships –

Makes various changes concerning guardianships and powers of attorney. EFFECTIVE OCTOBER 1, 2013.

[SB131](#) Decedent's Social Media –

Establishes provisions governing the disposition of a decedent's accounts on electronic mail, social networking, messaging and other web-based services. EFFECTIVE OCTOBER 1, 2013.



Nevada

AB7 Definition of Resort Hotel In Washoe County –

Existing law defines “resort hotels” as any building or group of buildings that is maintained as and held out to the public to be a hotel where sleeping accommodations are furnished to the transient public and that has: (1) more than 200 rooms available for sleeping accommodations; (2) at least one bar with permanent seating capacity for more than 30 patrons that serves alcoholic beverages sold by the drink for consumption on the premises; (3) at least one restaurant with permanent seating capacity for more than 60 patrons that is open to the public 24 hours each day and 7 days a week; and (4) a gaming area within the building or group of buildings. This bill revises this definition for Washoe County to require more than 300 rooms available for sleeping accommodations. EFFECTIVE JULY 1, 2013.

AB114 Interactive Gaming Bill –

This bill permits certain qualified entities to engage in interactive gaming and allows the Governor, in conjunction with the Nevada Gaming Commission to enter into agreements with other states to allow patrons of those states to participate in interactive gaming. EFFECTIVE FEBRUARY 21, 2013.

AB360 Gaming Clean-Up Bill –

This bill, among other things, revises AB 114 and SB 416 adopted this Legislative Session to create additional requirements for the State to enter into compacts with other states or other governments. The bill also changes the effective date of some provisions adopted in SB 416, and authorizes a study to determine the impact of technology upon the regulation of gaming and upon the distinction between restricted and nonrestricted gaming licenses. EFFECTIVE JUNE 11, 2013.

SB9 Gaming Regulation Bill –

This bill makes various changes to gaming statutes, definitions, taxes, testing laboratories. The bill amends definition to include wagering credits (cleaning up the statute) and further amends 463.017 to include IT staff as registered gaming employees (not a bar back or a bartender); The bill also clarifies definition of gross revenue, any compensation from interactive poker tournaments would be taxed (land based poker tournaments are not taxed). EFFECTIVE JUNE 3, 2013.

SB17 Filing Deadlines –

This bill revises the deadlines for filing reports and paying license fees from the 24th to the 15th day of each month. EFFECTIVE JULY 1, 2013.

SB416 Gaming Kiosk Bill –

This legislation clarifies that restricted gaming license permits the operation of 15 gaming devices that does not include a device that may access a race or sports book. In addition, the bill requires, on a prospective basis, a restricted licensee to maintain 2,500 square feet of space for patrons, must operate a permanent bar, and operate a restaurant. EFFECTIVE: JULY 1, 2013.

SB425 Pari-Mutuel Wagering –

This bill requires the Nevada Gaming Commission to study and review issues relating to the offering of rebates on pari-mutuel wagers, including the feasibility of: (1) accepting less than the full face value of an off-track pari-mutuel wager; (2) agreeing to refund or rebate a portion or percentage of the full face value of an off-track pari-mutuel wager; and (3) increasing the payoff of or paying a bonus on a winning off track pari-mutuel wager. EFFECTIVE JUNE 11, 2013.



GOVERNMENT RELATIONS

Arizona

[HB2212](#) (Chap. 131) **Legal Holiday; Counties; Courts –**

Clarifies that the Friday after Thanksgiving may be designated as a legal county holiday in lieu of Columbus Day.

[HB2294](#) (Chap. 122) **Retirement; EORP Superior Court Commissioners –**

Removes language specifying the eligibility of full time court commissioners in ASRS and EORP as being dependent upon their inclusion in the Arizona 218 Agreement.

[HB2310](#) (Chap. 140) **Courts; Evaluation; Mental Health; Report –**

Requires the Administrative Office of the Courts (AOC) to establish methods and standards to evaluate the effectiveness, efficiency and accountability of the mental health courts.

[HB2326](#) (Chap. 141) **Firearms; Records; Prohibited Acts –**

Prohibits political subdivisions from maintaining or requiring records containing certain types of identifying information relating to firearms.

[HB2341](#) (Chap. 171) **Board of Technical Registration; Exemptions –**

Allows a non-registrant who designs, alters or adds not bearing walls, shear walls or firewalls to an individual unit in a multifamily dwelling to be exempt from the Board of Technical Registration's compliance requirements.

[HB2345](#) (Chap. 142) **Weights & Measures Dept; Continuation –**

Continues the Department of Weights and Measures for eight years.

[HB2393](#) (Chap. 58) **State Agencies; Licensure; Time Frames –**

Allows licensees or potential licensees to make recommendations to the Governor's Regulatory Review Council regarding agency licensing time frames.

[HB2396](#) (Chap. 143) **Attorney General; Compromises; Settlements; Deposit –**

Mandates, with certain exemptions, that monies garnered as a result of compromises or settlements (arrangements) by the state be deposited into the state General Fund (GF) and prohibits the creation of a new fund without legislative approval. Additionally, it establishes a new fund with two subaccounts and makes changes to the Consumer Protection-Consumer Fraud Revolving Fund.

[HB2401](#) (Chap. 59) **Service Animal; Definition –**

Updates the definition of service animal.

[HB2443](#) (Chap. 74) **Cities; Counties; Regulatory Review –**

Modifies provisions of the municipal, county and flood control district Regulatory Bill of Rights.

[HB2455](#) (Chap. 145) **Unclaimed Property; Firearms Disposition –**

Requires agencies, rather than courts, to sell unclaimed or forfeited firearms and prevents a firearm from being returned to the person who found it.

[HB2459](#) (Chap. 212) **Justice of the Peace Courts –**

Updates the sections of statute related to justice and municipal courts.



GOVERNMENT RELATIONS

HB2562 (Chap. 216) Public Retirement Systems; Ineligible Employees –

Relieves ASRS and PSPRS of liability for misenrolled ineligible members, modifies the definition of PSPRS member, and provides coverage under the ASRS Defined Contribution Plan for employees who are ineligible for a state retirement system.

HB2599 (Chap. 190) Procurement Code; Amendments –

Makes various changes to the Arizona Procurement Code (APC).

HB2600 (Chap. 62) Judicial Nominees; Minimum Requirements; Records –

Establishes a new section of statute which stipulates that the judicial nominating commissions (Commissions) are required to submit at least five nominees to the Governor.

SB1081 (Chap. 100) Special Audit; Info Tech Procurement –

Requires a special audit of the procurement of Information Technology (IT) services and materials.

SB1093 (Chap. 162) Disability Placards; Nonprofit Organization –

Allows the Arizona Department of Transportation (ADOT) to issue up to three permanently disabled removable windshield placards to a non-profit organization that provides assistance to senior citizens, and requires the non-profit to maintain records on the volunteers who utilize these placards.

SB1094 (Chap. 77) Notaries Public; Impersonation; Violation –

Specifies that persons impersonating a notary public are guilty of impersonating a public servant and increases the penalty for a notary seal vendor illegally providing an official seal.

SB1170 (Chap. 110) Retirement; ASRS; Amendments –

Makes administrative changes to the statutes governing the Arizona State Retirement System.

SB1314 (Chap. 79) Civil Judgments; State; Renewal –

Expands the types of judgments that are exempted from the judgment renewal statute to include civil judgments obtained by the state.

SB1464 (Chap. 169) Mining Advisory Council; Membership –

Modifies the functions and membership of the Mining Advisory Council.

Colorado

HB13-1015 Disclose Mental Health Claims All-payer Database -

Enables small group carriers to report patients' mental health claims data to the all-payer claims database.

HB13-1029 Define "Must" "Shall" In Colorado Revised Statutes -

Defines the word "must", as it is used generally in the Colorado Revised Statutes, to mean that a person or thing is required to meet a condition for a consequence to apply.

HB13-1035 Add One Judge to 5th and 9th Judicial Districts -

Increases the number of judges in the 5th judicial district from 5 to 6 and in the 9th judicial district from 4 to 5, and appropriates money from the judicial stabilization cash fund to pay the costs associated with the change.



GOVERNMENT RELATIONS

HB13-1052 Non-attorneys Representing Closely Held Entities –

Allows for certain closely held entities to be represented in court or before an administrative agency by an officer who is not an attorney if the amount at issue does not exceed \$15,000.

HB13-1053 Repeal District Court Clerk Bonds –

Repeals the requirement that the clerks of district courts execute surety bonds, and makes conforming changes.

HB13-1086 Preparation of the Record in Appeals from County Court Judgments -

Revises the process to require the record in civil or criminal actions appealed to district court to be completed within 42 days after the filing of notice of appeal rather than of the judgment, and requires the completed record to be certified by the clerk of the court, not by a county court judge.

HB13-1126 Seven-day Court Time Intervals -

Changes time periods in the appellate process to 7-day periods or periods that are multiples of 7 days to avoid actions being due on weekends.

HB13-1157 Uniform State Law Governs Remittance Transfers -

Specifies that state law applies to a remittance transfer that is not an electronic funds transfer under the federal act.

SB13-133 Distribution of State Share of Limited Gaming Revenues -

Changes the distribution of the state share of the Limited Gaming Fund to guarantee \$5.5 million to the Bioscience Discovery Evaluation Grant Program (BDEGP) Cash Fund.

SB13-288 Revising the Process by Which the General Assembly Approves Payments to Claimants in Excess of the Limits of the CGIA –

Modifies the payment cap for claims arising out of the Colorado Governmental Immunity Act, if certain conditions are met, including claimants with claims or injuries arising out of the lower north fork wildlife fire in March 2012.



HEALTHCARE/MEDICAID

Arizona

HB2045 (Chap. 202) Health Care; Direct Pay; AHCCCS Rates –

Outlines provisions related to direct pay prices for health care providers and facilities and requires the Arizona Health Care Cost Containment System (AHCCCS) to adopt a hospital reimbursement methodology consistent with Title XIX of the Social Security Act (SSA) effective October 1, 2013.

HB2445 (Chap. 144) AHCCCS; Collection Action; Limitation –

Tolls the time for AHCCCS to file a collection action for fraudulent claims under specified circumstance.

HB2550 (Chap. 215) Health Insurance; Policies; Rating Areas –

Authorizes state authority over health care insurers, establishes health care rating areas, and provides regulations in compliance with the Patient Protection and Affordable Care Act.

Colorado

SB13-200 Concerning an Increase in the Income Eligibility for Certain Optional Groups in the Medicaid Program to One Hundred Thirty-Three Percent of the Federal Poverty Line and in Connection Therewith, Making and Reducing an Appropriation –

Brings Colorado's Medicaid program in line with the Patient Protection and Affordable Care Act of 2010 by expanding eligibility for Medicaid benefits.

SB13-222 Improve Access Childhood Immunizations –

Directs Colorado Department of Public Health and Environment (CDPHE) to engage in a stakeholder process to examine a vaccine financing and delivery system, inventory management, outbreak response, CIS linkage and an inventory and vaccine shortage response system, and requires the CDPHE to promulgate rules.

Nevada

AB28 Sentinel Events –

Revises the definition of “sentinel event” for the purpose of provisions relating to the health and safety of patients at certain medical facilities. EFFECTIVE OCTOBER 1, 2013.

AB29 Suicide Fatalities –

Creates the Committee to Review Suicide Fatalities. EFFECTIVE OCTOBER 1, 2013.

AB39 Retail Sales of Ephedrine –

Provides restrictions on the retail sale of certain products that are ephedrine and pseudoephedrine based. EFFECTIVE OCTOBER 1, 2013.

AB53 Traumatic Brain Injuries –

Revises certain provisions relating to the review and reporting of traumatic brain injuries. EFFECTIVE MAY 23, 2013.

AB287 Mental Health Patients –

Authorizes the involuntary court-ordered admission of certain persons with mental illness to programs of community-based or outpatient services under certain circumstances. EFFECTIVE JULY 1, 2013.



HEALTHCARE/MEDICAID

AB331 Billing for Health Care –

Revises provisions governing the billing practices of certain providers of health care. EFFECTIVE OCTOBER 1, 2013.

AB344 Life-Sustaining Treatment –

Provides for the use of Physician Orders for Life-Sustaining Treatment in this State. EFFECTIVE OCTOBER 1, 2013.

SB3 Care for Indigents –

Revises provisions relating to payments by counties for certain medical assistance to indigent persons. EFFECTIVE JULY 1, 2013.

SB40 Qualifications for Medical Laboratories –

Revises provisions governing the application for the licensing of a medical laboratory and the requirements to qualify for certification as an assistant in a medical laboratory. EFFECTIVE JANUARY 1, 2014.

SB153 Occupational Therapy –

Provides that occupational therapists are providers of health care. EFFECTIVE OCTOBER 1, 2013.

SB199 Practice of Health Care –

Makes it a felony to perform certain health care procedures or surgical procedures without a license. EFFECTIVE OCTOBER 1, 2013.

SB285 Emergency Medical Services –

Revises provisions governing the exemption of certain air ambulances and attendants from the provisions governing emergency medical services. EFFECTIVE OCTOBER 1, 2013.

SB327 Telemedicine –

Revises provisions authorizing the performance of certain acts in this State by certain health care professionals without regard to whether the professionals are physically located in this State. EFFECTIVE JULY 1, 2013.



IMMIGRATION

Colorado

[HB13-1258](#) Concerning Local Government

Involvement with Federal Immigration Issues –

Repeals C.R.S. Title 29, Article 29, which required local law enforcement officers to report any suspected illegal immigrants to federal immigration officials.



REAL ESTATE/LAND USE

Arizona

HB2031 (Chap. 49) Federal Patent Easements; Counties; Abandonment –

Allows a county to abandon federal patent easements at the request of a property owner after notifying and obtaining the consent of all affected utilities and determining that the easement is no longer necessary or being used by the public and prescribes a procedure for the abandonment.

HB2118 (Chap. 38) Flood Protection Districts; Property Exclusion –

Repeals Arizona Revised Statutes § 48-2815, which allows flood protection districts to exclude lands.

HB2138 (Chap. 127) Municipalities; Right-of-Way; Transfer –

Allows a county roadway or right-of-way to be transferred by mutual consent of the county and city governing bodies.

HB2143 (Chap. 87) Joint Tenancy Severance –

Outlines the process for severing the right of survivorship in the case of real property owned as joint tenants with right of survivorship.

HB2154 (Chap. 118) Supplemental Approp; Mortgage Settlement Monies –

Appropriates, in FY 2012-13, the remaining monies received pursuant to the National Mortgage Settlement (NMS) to the Department of Law (DOL).

HB2209 (Chap. 130) Industrial Development Authorities –

Eliminates the requirement for a Department of Housing review and approval on selected types of industrial development authority financing.

HB2241 (Chap. 92) Telecommunications; Local Records; Nondisclosure –

Prohibits disclosure of records relating to construction of wireline telecommunications infrastructure by cities, towns and counties.

HB2242 (Chap. 134) Road Improvements & Maintenance Districts –

Permits petitioners to request that a road improvement and maintenance district allocate its assessments on a per-parcel basis.

HB2245 (Chap. 135) Trespass; Private Noncommercial Property –

Expands the duties of the Director of the Department of Administration (DOA) with regards to Government Information Technology (GIT).

HB2281 Chap. 224) Foreclosure; Tenant Notification –

States that if an owner receives notice of a trustee's sale or other notice of foreclosure on a property after a tenant has entered into a rental agreement, the owner must provide written notice to the tenant.

HB2297 (Chap. 225) Performance and Restoration Account –

Establishes the performance and restoration account. Specifies that proceeds of any security imposed by the commissioner as a condition of sale and the proceeds of a bond, collateral or security be deposited in the performance and restoration account.

HB2335 (Chap. 8) Mobile Homes; Recreational Vehicles; Parks –

Prohibits landlords from adopting rules that restrict tenants or tenant associations in mobile home and recreational vehicle parks from attending meetings in the park and restricts these meetings and any meeting notices from being deemed a solicitation.



REAL ESTATE/LAND USE

HB2492 (Chap. 22) Municipalities; Wastewater Utility; Acquisition; Repeal –

Removes the authority of a city or town to acquire all or any portion of wastewater utilities owned or operated by the county.

HB2525 (Chap. 61) Real Estate Licenses; Exempt Sales –

Allows the Arizona Department of Real Estate to cancel a person's real estate license upon request of the license.

SB1047 (Chap. 30) Mortgage Insurance; Repeal Coverage Limitation –

Removes the coverage limitation requirement for a mortgage guaranty insurance company.

SB1107 (Chap. 163) Theft; Scrap Metal –

Amends the classifications of theft as they relate to scrap metal.

SB1177 (Chap. 35) Insurance; Accreditation; Receivership Liquidation Fund –

Conforms statutory provisions governing insurance accreditation to include requirements adopted by the National Association of Insurance Commissioners.

SB1278 (Chap. 103) Homeowners' Associations; Public Roadways –

Prohibits homeowners' associations, whose declaration is recorded after December 31, 2014, from regulating any roadway owned or held by a government entity.

SB1302 (Chap. 166) Planned Communities; Design Review Process –

Clarifies statutory guidelines for new construction in a planned community that has architectural design guidelines or other similar rules.

SB1454 (Chap. 254) Elections; Campaign Finance; HOAs –

Makes numerous changes to statutes governing elections and homeowners' associations.

SB1466 (Chap. 82) Cities; Towns; Dilapidated Buildings –

Provides a definition of dilapidated building in the statutes governing cities and towns.

Colorado

SB13-119 Concerning Clarification of the Requirement for a Certificate of Taxes Due in Connection with Title Insurance -

Clarifies that certificates of taxes due are only required for transfer of title to real property and not for refinance transactions.

SB13-126 HOA Condo Apt Electric Vehicle Charging Stations Real Estate -

Requires landlords and common interest communities to allow unit owners to install electric vehicle charging stations on their own property.

Nevada

AB25 Public Nuisances –

Revises provisions governing special assessments for the abatement of public nuisances. EFFECTIVE MAY 24, 2013.

AB284 Lease Termination for Victims of Domestic Violence –

Allows for the early termination of a rental agreement if a tenant, cotenant or household member is a victim of domestic violence. The bill also provides the form of affidavit that the tenant seeking termination can use to provide notice of termination. EFFECTIVE JULY 1, 2013.



REAL ESTATE/LAND USE

AB300 Affidavit for Notice of Default –

Provides that certain information provided in the affidavit required for recording of Notice of Default to be based on: (1) the information obtained by the affiant's review of the business records of the beneficiary of the deed of trust; and (2) the information contained in the records of the recorder of the county in which the property is located or the title guaranty or title insurance. EFFECTIVE JUNE 1, 2013.

AB417 Redevelopment –

Requires the legislative body of each community in which a redevelopment area has been established to create a revolving loan account administered by the redevelopment agency. EFFECTIVE MAY 28, 2013, expires by limitation DECEMBER 31, 2017.

SB55 Subject Matter of Master Plans –

Existing law sets forth the subject matter than may be included in a master plan and specifies 19 separate plans and other items that may be included. This bill reorganizes the 19 separate plans and other items into 8 different elements that may comprise a master plan. EFFECTIVE JUNE 1, 2013.

SB90 Confidential Information –

Requires a state or local governmental entity to keep confidential certain records which are submitted to the entity in connection with an application for special use permit or any other license, permit, or similar approval. EFFECTIVE JULY 1, 2013.

SB130 Common Interest Communities –

Revises provisions governing the imposition of a fine for a violation of the governing documents of an association of a common-interest community. EFFECTIVE JANUARY 1, 2014.

SB135 Redevelopment Agencies –

Revises requirements for the submission of an employment plan relating to certain redevelopment projects and requiring certain redevelopment agencies to withhold a portion of any incentive provided to a developer until the developer satisfies certain conditions. EFFECTIVE JULY 1, 2013.

SB280 HOA Foreclosure –

Provides revisions governing the foreclosure of an association's lien by sale, and creates obligations for owner's associations. EFFECTIVE OCTOBER 1, 2013.

SB342 Land Use –

Provides for certain local governments to establish simplified procedures for the vacation and abandonment of streets owned by the local governments under certain circumstances. EFFECTIVE MAY 27, 2013.

SB406 STAR Bonds –

Prohibiting, with limited exceptions, the pledge of the proceeds of certain taxes to finance a project within a tourism improvement district created after July 1, 2013. EFFECTIVE JULY 1, 2013.

SB493 Rules Governing Deeds of Trust –

Revises provisions governing loans secured by a lien on real property in which investors hold the beneficial interests and revises provisions governing the conveyance of a deed of trust. EFFECTIVE JULY 1, 2013.



Arizona

HB2056 (Chap. 203) – PSPRS; Amendments –

Makes administrative changes to the statutes governing the Public Safety Personnel Retirement System.

HB2111 (Chap. 255)) – Transaction Privilege tax Changes –

Makes statutory changes with the legislative intent of simplifying administration of transaction privilege tax (TPT).

HB2259 (Chap. 120) Orthodontic Devices; Transaction Privilege Tax –

Exempts orthodontic devices from state and municipal transaction privilege tax (TPT).

HB2324 (Chap. 27) TPT Exemption; Leases; Affiliated Companies –

Provides a municipal transaction privilege tax (TPT) exemption for the leasing of real property between affiliated companies, businesses, persons, or reciprocal insurers.

HB2336 (Chap. 233) Taxation; Retail Classification; Cash Equivalentents –

Exempts the sale of cash equivalentents from tax under the retail classification.

HB2344 (Chap. 9) Property Tax Penalty Waiver –

Retroactive to July 1, 2012, allows a county treasurer, in consultation with the board of supervisors, to waive a penalty required for a property owner who fails to respond to a request for information about a property's use.

HB2347 (Chap. 188) Tax Levy; Bond Costs; Public Investments –

Prohibits property tax levies in excess of the net amount necessary to make the annual payment for bond principal and interest and expands the list of eligible investments for monies managed by treasurers of counties, non-charter cities, or towns (treasurers).

HB2531 (Chap. 256) Income Tax; Instant Depreciation –

Lifts the \$25,000 cap on deductions from Arizona adjusted gross income of the value of qualifying property purchased and placed in service after January 1, 2013.

HB2572 (Chap. 232) Fire Districts; Financial Standards –

Reorganizes statute relating to a fire district's (district) powers, duties and annual budget.

SB1168 (Chap. 65) Internal Revenue Code Conformity –

Conforms Arizona tax statutes to the Internal Revenue Code (IRC) as of January 3, 2013 and establishes a tax credit for TY 2013 in lieu of conforming to the retroactive provision of the Federal Aviation Administration (FAA) Modernization and Reform Act relating to rollover of amounts received in airline carrier bankruptcy.

SB1169 (Chap. 66) Prop 117; Conformity –

Makes changes to statute for purposes of conforming to the provisions of Proposition 117.

SB1170 (Chap. 110) Retirement; ASRS; Amendments –

Makes administrative changes to the statutes governing the Arizona State Retirement System.



TAXES

SB1179 (Chap. 236) Tax Incentives; Omnibus –

Makes changes relating to the taxation of certified ignition interlock devices (IIDs); qualified destination management companies (QDMCs); sales of food; property used to manufacture biodiesel fuel; contributions to both college savings plans pursuant to Internal Revenue Code (IRC) § 529 as well as qualifying charitable organizations; multistate service providers; and enterprise zones.

SB1282 (Chap. 104) Countywide Fire Districts; Study Committee –

An emergency measure that establishes a study committee on countywide fire districts and outlines membership and responsibilities.

Colorado

HB13-1185 Low-income Energy Assistance Transfer from Sev Tax –

Repeals previous law that determined when transfers to 3 funds are made in a fiscal year from the operational account of the severance tax trust fund to provide energy-related assistance to low-income households.

SB13-119 Concerning Clarification of the Requirement for a Certificate of Taxes Due in Connection with Title Insurance -

Clarifies that certificates of taxes due are only required for transfer of title to real property and not for refinance transactions. It also allows the Commissions of Insurance to identify what documents may be substituted for certificates of taxes due when those certificates are unavailable.

SB13-286 Extending the Time that Renewable Energy Companies May Carry Over Excess Enterprise Zone Investment Tax Credits -

Gives renewable energy companies extended carryover periods for enterprise zone investment tax credits that such renewable energy companies have earned in the past and may earn in the future.

Nevada

AB33 Energy Efficient Buildings –

Revises provisions governing the partial abatement of certain taxes for certain energy-efficient buildings. EFFECTIVE JUNE 11, 2013.

AB66 Increases in Valuation of Property –

Revises the manner in which the State Board of Equalization must provide certain notices concerning increases in the valuation of property. EFFECTIVE JUNE 1, 2013.

AB138 Tax Abatement –

Provides that a business which makes a capital investment of at least \$1,000,000 in a program at the University of Nevada, Reno, the University of Nevada, Las Vegas, or the Desert Research Institute for the support of research, development or training or related to the field of endeavor of the business and which meets certain other requirements is eligible to apply for a partial abatement of personal property taxes. EFFECTIVE JULY 1, 2013.

AB388 Tax Abatement for Renewable Energy –

Revises provisions governing the calculation of portfolio energy credits attributable to certain portfolio energy systems. EFFECTIVE OCTOBER 1, 2013.

**AB506 Complimentary Meals –**

Provides that consideration is not received for the complimentary portion of any food, meals or nonalcoholic drinks provided on a complimentary basis, in whole or in part, to the employees, patrons or guests of a retailer and, thus, the sales tax would not apply to the complimentary portion of such food, meals or nonalcoholic drinks. This bill further provides that the complimentary portion of any food, meals or nonalcoholic drinks provided on a complimentary basis, in whole or in part, to the employees, patrons or guests of a retailer does not lose its status as food for human consumption and, thus, is exempt from the use tax. EFFECTIVE JUNE 13, 2013.

SB7 Technical Bulletins –

Requires the Executive Director of the Department of Taxation to publish and periodically revise technical bulletins. EFFECTIVE MAY 22, 2013.

SB8 Tax on Tobacco –

Clarifies the wholesale price upon which the tax on certain tobacco products is calculated. EFFECTIVE JULY 1, 2013.

SB152 Sales and Use Tax Credits –

Provides that the right of a retailer to claim a deduction or refund under the Sales and Use Tax is not affected by the assignment of a debt by the retailer to an entity which is part of an affiliated group that includes the retailer. EFFECTIVE MAY 28, 2013.

SB165 Film Production Tax Credit –

Authorizes a producer that produces a film, television or other media production in this State to apply on or before December 31, 2017, to the Office of Economic Development for a certificate of transferable tax credits. To qualify, the production must expend at least 60 percent of the total qualified expenditures and production costs for the production in this State, and the total production costs must exceed \$500,000. The bill expires on June 30, 2023. EFFECTIVE JUNE 11, 2013 for the purpose of adopting regulations and JANUARY 1, 2014 for all other purposes.

SB215 Property Tax –

Revises the training requirements for appraisers and also permits the county assessor to waive monetary penalty for failure to report a purchase, among other things. EFFECTIVE JULY 1, 2013.

SB216 Property Tax Collection –

Revises certain procedures for the billing and collection of property taxes. EFFECTIVE JULY 1, 2013.

SB357 Economic Development –

Enacts the Nevada New Markets Jobs Act which provides for tax credits for certain business entities. EFFECTIVE OCTOBER 1, 2013.

SB400 Mining Excise Tax –

Imposes a new tax on mineral extraction and mineral royalties, and revising provisions relating to the taxation of certain uses of property otherwise exempted from taxation. EFFECTIVE IF VOTERS APPROVE SJR 15 ON BALLOT OF 2014 GENERAL ELECTION.



WORKERS' COMPENSATION

Nevada

AB90 Representation of Injured Workers –

Revises provisions governing representation of injured workers in hearings or other meetings concerning industrial insurance claims. EFFECTIVE OCTOBER 1, 2013.



THANKS

for using the 2013 Legislative Review. We hope that it has been helpful in your research.

Below are some additional resources for viewing the 2013 Legislative Sessions for Arizona, Colorado and Nevada. Also, the Government Relations practice team is available to assist should your client need information about vetoed bills or session laws, bill interpretation, explanation of the benefits/pitfalls created by legislation, or suggestions for legislative changes to pursue.

Please contact us if you require any further assistance:

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