

TMWA Committee Members:

- Chair Kristopher Dahir
- Vice Chair Vaughn Hartung
- Naomi Duerr



Legislative Subcommittee of the Truckee Meadows Water Authority (TMWA)

AGENDA

Tuesday, August 11, 2020 @ 3:00 p.m.

Meeting Via Teleconference Only

MEMBERS OF THE PUBLIC MAY ATTEND VIA THE WEB LINK, OR
TELEPHONICALLY BY CALLING THE NUMBER, LISTED BELOW.
NO PHYSICAL LOCATION IS BEING PROVIDED FOR THIS MEETING
(be sure to keep your phones on mute, and do not place the call on hold)

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<https://zoom.us/j/96935399429?pwd=bjh1ZlI0OWVzSGhOdTljC83VTBEdz09>

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Webinar ID: 969 3539 9429

Notes:

1. This meeting is being conducted pursuant to the Governor's Declaration of Emergency Directive 006 ("Directive 006") [http://gov.nv.gov/News/Emergency_Orders/2020/2020-03-22 - COVID-19 Declaration of Emergency Directive 006/](http://gov.nv.gov/News/Emergency_Orders/2020/2020-03-22_-_COVID-19_Declaration_of_Emergency_Directive_006/).
2. The announcement of this meeting has been electronically posted in compliance with NRS 241.020(3) and Directive 006 at <http://www.tmwa.com>, and NRS 232.2175 at <https://notice.nv.gov/>.
3. Pursuant to Directive 006, the requirement contained in NRS 241.020(3)(c) that physical locations be available for the public to receive supporting material for public meetings has been suspended. Staff reports and supporting material for the meeting are available on the TMWA website at <http://www.tmwa.com/meeting/> or you can contact Sonia Folsom at (775) 834-8002. Supporting material is made available to the general public in accordance with NRS 241.020(6).
4. Asterisks (*) denote non-action items.
5. Pursuant to Directive 006, public comment, whether on action items or general public comment, may be provided without being physically present at the meeting by submitting written comments online on TMWA's Public Comment Form (tmwa.com/PublicComment) or by email sent to boardclerk@tmwa.com prior to the Board opening the public comment period during the meeting. In addition, public comments may be provided by leaving a voicemail at (775)834-0255 prior to 4:00 p.m. on June 16th. Voicemail messages received will either be broadcast on the telephone call during the meeting or transcribed for entry into the record. Public comment is limited to three minutes and is allowed during the public comment periods. The Board may elect to receive public comment only during the two public comment periods rather than each action item. Due to constraints of TMWA's videoconference system, public comment must be provided by voicemail, email or online comment as indicated above.
6. Notice is hereby given that a quorum of the Truckee Meadows Water Authority may be present at the meeting in so much as some members of the WRWC legislative subcommittee are members of the TMWA Board of Directors. Although members constituting a quorum of the Truckee Meadows Water Authority Board may be in attendance at the meeting while serving in different capacities as representative members of different governing bodies (TMWA and WRWC), no deliberations or actions on any matter over which TMWA has supervision or control will be taken within the definition of a "meeting" under NRS 241.015 by persons constituting a quorum of the TMWA Board and acting in their capacity as members of the TMWA Board. This notice is provided in excess of caution given the potential of a quorum to be present at this meeting.

1. Roll call*
2. Public comment (limited to no more than three minutes per speaker)*
3. Approval of agenda (**For Possible Action**)
4. Approval of the minutes of November 1, 2019 (**For Possible Action**)
5. Presentation of interim legislative session and governmental affairs activities and possible direction to staff regarding same (**For Possible Action**)

6. Presentation on potential TMWA legislative issues for 2021 session and possible direction to staff regarding same (**For Possible Action**)
7. Committee comments*
8. Staff comments*
9. Public comment (limited to no more than three minutes per speaker)*
- 10. Adjournment (For Possible Action)**

**DRAFT MINUTES OF THE NOVEMBER 1, 2019
CONCURRENT MEETING OF THE LEGISLATIVE SUBCOMMITTEE OF
THE TRUCKEE MEADOWS WATER AUTHORITY**

The meeting of the Legislative Subcommittees of the Truckee Meadows Water Authority (TMWA) at TMWA, 1355 Capital Blvd., Reno, Nevada in the Independence Conference Room. Member Hartung called the meeting to order at 1:00 p.m.

1. ROLL CALL

Members Present: Members Kristopher Dahir, Jenny Brekhus, and Vaughn Hartung

TMWA Legal Counsel Present: Michael Pagni

TMWA Staff Present: Mark Foree, John Zimmerman, Laura Rader, Danny Rotter, and Leo Drozdoff (TMWA Lobbyist)

A quorum of the TMWA Legislative Subcommittee was present.

2. PUBLIC COMMENT

There was no public comment.

3. APPROVAL OF THE AGENDA

Upon motion duly made and seconded, and carried unanimously, the TMWA Subcommittee approved the agenda with the amendment to hear agenda item 5 at the end.

4. APPROVAL OF THE MINUTES OF THE APRIL 12, 2019 SUBCOMMITTEE MEETING

Upon motion duly made and seconded, and carried unanimously, the TMWA Subcommittee approved the minutes of April 12, 2019 meeting.

6. PRESENTATION OF STATUS REPORT ON A.B. 62 (2019) AND OTHER POTENTIAL INTERIM LEGISLATIVE SESSION ISSUES OF INTEREST TO TMWA AND POSSIBLE DIRECTION TO STAFF REGARDING SAME

John Zimmerman, TMWA Water Resources Manager, introduced Leo Drozdoff as TMWA's primary lobbyist going forward.

Laura Rader, TMWA Purchasing Contract Supervisor, provided an update on the status of SB 207 (all public works projects require apprentices for 10% and 3% of total hours for vertical and horizontal construction, respectively), which TMWA opposed, but passed at the end of the 2019 Legislative Session. The bill allows for three exceptions to obtain a waiver: government agencies, no established apprenticeship programs, and highly hazardous conditions. Staff is working with the Labor Commissioner to minimize delays prior to the January 1, 2020 implementation date. The Committee

discussed the implications for constantly having to apply for the same waivers where there are no apprenticeship programs; potential lawsuits and project delays and increased costs; and the importance for all governmental agencies to be unified.

John Zimmerman, TMWA Water Resources Manager, provided an update on AB 62 (proof of completion and beneficial use) which passed after it was amended and TMWA's position is neutral (no issue filing surface water proof of completion within 15 years, but it takes longer for groundwater rights). Mr. Drozdoff added staff is concerned about proof of beneficial use and the State encourages long-term water planning. For example, Vidler water system, proof of completion has happened, but proof of beneficial use has not occurred since growth has not happened.

Mr. Zimmerman informed the Committee regarding AB 30 (3M bill), which did not pass, but will be discussed during the interim session. This bill does not directly impact TMWA, but what is similar to 3M is the domestic well mitigation and the potential impact on new water sources (such as advanced purified water). Discussion followed regarding the potential impact on groundwater rights holders.

No action taken.

7. DISCUSSION AND ACTION REGARDING TMWA ENGAGEMENT WITH LEGISLATORS AND COORDINATION WITH OTHER PURVEYOR ENTITIES DURING INTERIM SESSION AND POSSIBLE DIRECTION TO STAFF REGARDING SAME

Mr. Zimmerman informed the Committee that based off of Member Dahir's suggestion during the legislative session to be more engaged and at the forefront of new legislation, staff will be more engaged with legislators during the interim session. Mr. Drozdoff added it is important to build a relationship with leadership in both houses as well as chairs of key committees. Staff will inform the Committee when meetings have been scheduled to allow for them the opportunity to attend if their schedules allow.

8. PRESENTATION ON POTENTIAL TMWA LEGISLATIVE ISSUES FOR 2021 SESSION AND POSSIBLE DIRECTION TO STAFF REGARDING SAME

Mr. Zimmerman informed the Committee that this will be a placeholder for potential legislation that may have an impact on TMWA operations. Discussion followed regarding the existing Purchase Power Agreement between TMWA and NV Energy which is in the process of being renewed; AB 198 (providing assistance to small water systems), ensure they are held to a higher standard; and the possibility for hydro generation on the Highland canal.

5. NOMINATION AND ELECTION OF CHAIR AND VICE CHAIR OF THE LEGISLATIVE SUBCOMMITTEE OF THE TRUCKEE MEADOWS WATER AUTHORITY

Upon motion duly made and seconded, and carried unanimously, the TMWA Subcommittee approved Member Dahir to be Chair and Member Hartung to be Vice Chair of the TMWA Legislative Subcommittee.

9. COMMITTEE COMMENTS

There were no committee comments.

10. STAFF COMMENTS

There were no staff comments.

11. PUBLIC COMMENT

There was no public comment.

12. ADJOURNMENT

With no further business, to discuss, Chair Dahir adjourned the meeting at 2:33 p.m.

Approved by the Legislative Subcommittee of the Truckee Meadows Water Authority on

Submitted by,

Sonia Folsom, Recording Clerk



STAFF REPORT

TO: Chairman and Legislative Subcommittee Members
THRU: Mark Foree, General Manager
FROM: John Zimmerman, Water Resources Manager
DATE: August 5, 2020
SUBJECT: **Presentation of interim legislative session and governmental affairs activities and possible direction to staff regarding same**

Staff reported to the Subcommittee in May on legislative activities we and our lobbyist Leo Drozdoff have been working on since the last Legislative Subcommittee meeting. This report provides an update on those activities.

Meetings with Key Legislators

Staff has not met with any other legislators since May. As stated in the prior report to the Subcommittee, staff received very positive feedback from Assemblywoman Peters and Senators Ratti and Keickhefer on TMWA's overall operations and water resource management strategies. And all of them, as members of the Marlette Water system legislative committee, wanted to be helpful regarding TMWA's Marlette Water System involvement.

Since those meetings, TMWA has developed a draft memorandum of understanding (MOU) with Carson City and Storey County (representing Virginia City's interests) regarding identification and availability of surplus water resources in the Marlette Lake water system, which MOU will be presented to the TMWA Board in August for review and possible approval. The MOU contemplates TMWA, Carson City, and Storey County collaborating on a plan to maximize the beneficial use of these water resources in a manner that works for both parties and the state.

Staff has also been working with legal counsel and an energy consultant to formulate a concept to allow TMWA to maximize the economic benefits of its hydroelectric plants after the current purchase power agreements with NV Energy expire in 2026. The basic concept under analysis is to change state law to allow TMWA, and other state and local governments, to: (1) wheel renewable energy to their own facilities to offset energy costs and (2) sell excess renewable energy when not needed to supply power to those facilities. Staff is still developing the concept, but it will likely require legislative changes. It is unlikely that any proposed change will be ready for the 2021 regular legislative session given the work required to complete the economic analysis, process to obtain approval from the Subcommittee and TMWA Board, and additional outreach and lobbying. TMWA's current purchase power agreements with NV

Energy expire in 2026, however, so there will be other opportunities to seek legislative changes if we do not make the 2021 session. We are working with NV Energy to refine the economic analysis and potential obstacles and they have committed to work with us on the analysis. Staff will present the concept to, and seek input from, the Subcommittee and TMWA Board when the analysis is complete. Additionally, when appropriate, staff will reach out to potentially-interested state and local governments for input.

TMWA is still closely monitoring the selection of chairs for the Senate and Assembly committees on natural resources. Assemblyman Howard Watts has expressed a strong desire to be the Assembly's Natural Resources Committee chair. Due to COVID, TMWA was forced to cancel a scheduled meeting with Assemblyman Watts and Assemblywoman Peters. On the Senate side, Senator Melanie Scheible is the current chair and has expressed an interest in remaining in that spot. With this said, however, naming a chair is not a current priority for legislative leadership due to COVID-related budget issues and two special sessions. We will schedule appropriate meetings when we are able to do so.

The first special session focused on budgetary and financial issues related to the pandemic. According to the Governor's proclamation, the second special session will focus on the following issues:

- Addressing criminal and social justice policy reform
- Working to ensure Nevadans, businesses, workers and the unemployed have the support and protections they need as they battle COVID-19
- Ensuring Nevadans can exercise their fundamental right to vote in a way that does not dangerously expose them to increased risk of COVID-19 infection
- Helping stabilize Nevada businesses so they don't suffer continued economic hits and establishing safety standards for the workers who are keeping our economy going
- Removing statutory barriers impeding the work of Nevada's unemployment insurance program
- Providing authority for the Judicial Branch to implement alternative dispute resolution measures in cases of rental evictions

Discussions with State Regulators

On the policy maker side, we have kept a continuing dialogue going with the Nevada Department of Conservation and Natural Resources (DCNR) and its Division of Water Resources (NDWR) and Division of Environmental Protection (NDEP). We met with the Director of DCNR and several high-level members of his leadership team including the State Engineer, NDEP administrator and deputy administrator, and Nevada Climate Policy Coordinator. This meeting was very productive and the Director and his leadership team appreciated the information and TMWA's approach to water resource management and long-term planning.

As the Subcommittee will recall, in the last regular session, the Legislature passed Assembly Bill 62 that requires the State Engineer to develop regulations regarding the amount of time and evidence required to prove that a water right owner is proceeding in good faith with reasonable diligence to perfect a water right. The draft regulations required by AB 62 were circulated to various stakeholders, including TMWA, and the public in June and the State Engineer held a public workshop to obtain input on them. TMWA provided written and verbal comments at the hearing, which supported the State Engineer's goals, but disagreed with the language being proposed to accomplish those goals (see attached comments from Gordon DePaoli). Many other stakeholders echoed TMWA's comments, including SNWA and other municipal water purveyors. Almost all public comments were opposed to the proposed regulations. The State Engineer has since stated that they will hold more workshops to work on the draft regulations.

Regarding Assembly Bill 30, which involved "3M" plans, but failed to pass, the Director of DCNR has previously told TMWA that his office would not pursue any legislative or regulatory changes regarding AB 30 topics until they finished the AB 62 regulations. Staff and Mr. Drozdoff will continue to be actively engaged in the process.

We have also been working with NDEP regarding TMWA's attempt to streamline the review process with the Washoe County Health District for water projects. Lastly, NDEP has initiated discussions with TMWA to see if we have any suggestions for ways to improve the Central Truckee Meadows Remediation District program. This may include changes to policy, regulation, or perhaps even the District's enabling statute. Staff is currently analyzing concepts to improve remediation and will update the Subcommittee when that analysis is complete.

Staff and Mr. Drozdoff will present a more-thorough discussion of the above-described topics and seek Subcommittee input and direction.

6100 Neil Road, Suite 500
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775.688.3000
woodburnandwedge.com



June 23, 2020

Gordon H. DePaoli
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DIRECT DIAL: (775) 688-3010

Via Electronic Mail twilson@water.nv.gov

Tim Wilson, P.E., Nevada State Engineer
901 S. Stewart Street, Suite 2002
Carson City, Nevada 89701

**Re: Truckee Meadows Water Authority's (TMWA) Comments on Proposed
Administrative Regulations**

Dear Mr. Wilson:

Attached to this letter are TMWA's preliminary comments and questions on the Proposed Administrative Regulations Governing: Hearings Before the State Engineer; Applications for Extensions of Time to Perfect a Water Right; and Licensing of Nevada Water Right Surveyors (the "Proposed Regulations"). TMWA intends to present these comments in the upcoming public workshop on these Proposed Regulations. In addition, as TMWA gains a better understanding of the goals and objectives of your office in connection with the Proposed Regulations, it will work with you to suggest changes to them which might assist with those goals and objectives. This letter provides a brief summary of principles which should be considered in connection with any regulation concerning extensions of time to perfect a water right.

We know from our discussions on this matter during the 2019 legislative session that a priority of the Division of Water Resources ("DWR") is to ensure that unperfected permits are not allowed to indefinitely prevent the beneficial use of water resources for the benefit of Nevada. That, too, has been the goal of the Legislature. In fact, the key provisions in N.R.S. 533.380, N.R.S. 533.375 and in N.R.S. 533.395 were all added in 1991, 1993 and 1995 to eliminate water speculation. We also know from our discussions during the 2019 session that the DWR is looking to create a record which will allow a court to sustain cancellation of a permit and/or denial of an extension of time in appropriate circumstances. Clearly, with the right record, our courts will do that. *See, e.g., Sierra Pacific Industries v. Wilson*, 135 Nev. 105 (2019).

However, the rigorous processes envisioned in the Proposed Regulations, particularly in Sections 56 and 57, should not apply to applicants and permittees who are water purveyors or who have agreements to provide water to a water purveyor. Applying those provisions to water purveyors will be unnecessarily arduous, and in some instances, counter-productive to the water purveyor's primary responsibility of delivering safe and reliable water to its customers. Additionally, and especially in this very challenging economic time, some of the proposed requirements will add burdens to the DWR. It is hard for us to envision how the DWR will

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timely meet all of its responsibilities, while adding more processes, without a significant increase in staff. As state agencies are being asked to cut their budgets and furlough existing employees, adding new burdens and new requirements seems problematic for the DWR.

Nevertheless, we want to provide our comments on DWR's Proposed Regulations. It is clear that DWR has made a significant and thoughtful investment of time and resources in them. Hopefully, our suggestions will be of assistance in meeting the objectives of both DWR and TMWA.

TMWA's main concern is that the regulations should recognize the difference between a permittee which is a water purveyor which is obligated by law to provide water to meet the needs of its present and future customers, and a permittee which has no such obligation. It is consistent with legislative policy and intent to impose these new requirements on applicants and permittees who have applied for water for municipal use, but have no service area and no customers, and no agreement with an entity which does.

Second, the regulations should consider the extent to which a permittee is obligated to plan for its water needs pursuant to state law, locally adopted master plans and/or water resource plans approved by the State Engineer, the Public Utilities Commission of Nevada, or legislatively established water planning commissions. The water purveyor permittee is not a water speculator, but rather is complying with statutorily imposed mandates.

Third, the regulations should consider the nature of the water source involved, and whether outstanding, but not yet perfected, permits are in fact preventing others from actually appropriating and placing water from the water source to other beneficial uses. In situations where the source of the water involves changes to water rights perfected before 1905, cancellation of any change permit will not make additional water available for appropriation by others because the cancelled permit reverts to the earlier water right.

Fourth, the regulations should recognize that a water purveyor has no direct control over the actual use of its water supply by its customers. That use is impacted by economic conditions and entitlement and planning decisions of local government. On the other hand, water purveyors have and must maintain in accordance with Federal and State law, integrated water systems, which include diversion, transportation, treatment, distribution and storage facilities. Diligence in the operation, maintenance and replacement of such facilities should be considered in the diligence related to perfecting a water right.

Finally, the regulation should consider and recognize policies adopted by the Legislature, not only in the statutes directly applicable to extensions of time, but also in the numerous other statutes which are aimed at ensuring that Nevada and its water purveyors have adequate water resources to meet Nevada's future water needs.

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The attached Comments provide a more detailed explanation of the principles from TMWA's perspective in connection with the Proposed Regulations.

Sincerely yours,

A handwritten signature in blue ink that reads 'Gordon H. DePaoli'.

Gordon H. DePaoli

GHD:hd
Attachment
cc w/attachment:

Bradley Crowell (bcrowell@denv.nv.gov)
Micheline N. Fairbank (mfairbank@water.nv.gov)
Mark Foree (mforee@tmwa.com)
John Enloe (jenloe@tmwa.com)
John Zimmerman (jzimmerman@tmwa.com)
Mike Pagni (mpagni@mcdonaldcarano.com)
Leo Drozdoff (leodrozdoff@att.net)

**COMMENTS OF
TRUCKEE MEADOWS WATER AUTHORITY

FOR

DIVISION OF WATER RESOURCES
WORKSHOP

CONCERNING PROPOSED
ADMINISTRATIVE REGULATIONS
GOVERNING: HEARINGS BEFORE THE
STATE ENGINEER; APPLICATIONS FOR
EXTENSIONS OF TIME TO PERFECT A
WATER RIGHT; LICENSING OF NEVADA
WATER RIGHT SURVEYORS**

June 24, 2020

Background

The Truckee Meadows Water Authority's (TMWA) comments on the Proposed Regulations are based upon its perspective as Northern Nevada's largest purveyor of residential and commercial water, serving over 427,000 people. In 2014, TMWA acquired the water systems of the Washoe County Department of Water Resources and South Truckee Meadows General Improvement District. As a result, TMWA is the sole municipal water purveyor in the Reno/Sparks metropolitan area. Through population forecasting, TMWA estimates that it will serve over 558,000 people by 2040.

TMWA is obligated to provide water to its customers in sufficient quantity and quality pursuant to N.R.S. Chapter 445A and the federal Safe Drinking Water Act, 42 U.S.C. § 300f, et seq. TMWA must develop and manage its water resources in the most efficient, cost-effective manner to satisfy the present and future needs of the Reno/Sparks area in both dry and non-dry years.

To ensure its available water resources are renewable, reliable and sustainable in perpetuity, TMWA employs a long-term planning perspective. TMWA crafts long-term water resource plans because ramifications from events that affect the delivery of potable water take years to unfold. For example, fluctuations in population and economic conditions, such as dramatic growth through the early 2000s, or stagnation resulting from the 2007-2009 recession, can positively or negatively impact water demand. Careful analysis of economic trends is paramount to making confident projections of future water needs.

Moreover, the goals and objectives set by the community and its elected officials evolve over time. TMWA's water resource planning must accommodate the land use entitlement and planning functions of the cities, county and regional planning agencies. A long-term plan provides a reasonable timeframe in which to assess potential changes and implement tractable and sustainable solutions. With sufficient long-term water resources planning, TMWA anticipates and prepares for the construction of new water supply projects that can take decades to permit and complete. TMWA's planning process furthers State policy to provide safe drinking water, protect existing water rights, and encourage efficient and non-wasteful use of limited water resources.

TMWA's comments are also based upon the nature of its water supply. TMWA is the successor-in-interest to Sierra Pacific Power Company's ownership in water rights, reservoirs and related facilities on the Truckee River in California and Nevada. TMWA holds all or a portion of Truckee River Claims Nos. 4, 5, 6, 7, 8, 9 and 98 of the final decree entered by the United States District Court of the District of Nevada in 1944 in the case of *United States of America v. Orr Water Ditch Company*, In Equity Docket A3 (the "Orr Ditch Decree"), as amended in 2014 to incorporate the Truckee River Operating Agreement ("TROA"). These decreed rights are for storage, hydroelectric power generation and municipal use. TMWA has also acquired an additional approximately 80,000 acre-feet of decreed Truckee River rights that were formerly used for irrigation and have been changed to municipal use.

It is important to recognize that, for the most part, TMWA's water supply comes from changes to water rights which were fully perfected before 1905, and not from new appropriations.

Moreover, by order of the Orr Ditch Court, the Truckee River in Nevada is fully appropriated and closed to new appropriations. In addition, at least for the foreseeable future, the diversion and treatment facilities needed by TMWA are completed, with the exception of a creek treatment facility under construction in the South Truckee Meadows. Thus, when TMWA changes an existing irrigation right to municipal use, the works are already complete, and what remains to be done is for the water to be beneficially used for its new manner of use as and when municipal customers come in for service.

From that background information, when considering extensions of time, it is important to recognize a municipal water purveyor, like TMWA, has an obligation to provide adequate water service to its customers and projected future customers upon which local governments have based their long-term economic and population growth projections as determined in accordance with master plans adopted pursuant to NRS Chapter 278. In fact, TMWA's obligation to do so is expressly set forth in the Cooperative Agreement among Reno, Sparks, and Washoe County that created it, and TMWA's water supply planning efforts seek to minimize the potential growth-limiting effect of water supply so that water supply can be made available if and when local government land use planners determine that such growth is appropriate in their jurisdictions. While TMWA must vigilantly plan for and always stand at the ready to provide water supply, the actual use of its water supply depends on factors over which TMWA has little or no control, including, the pace of regional population growth, demands of its customers, the economy (both local and national) and entitlement and planning decisions of local governments. When, where and what type of growth should occur is solely within the land use entitlement and planning functions of cities, counties and regional planning agencies and often subject to their political influences.

In addition, because much of TMWA's supply is and will continue to be from decreed Truckee River rights changed from irrigation to municipal use, when considering extensions of time relevant to TMWA's supply it is important to recognize that any permit allowing such change which is cancelled will revert to the original decreed use. *See, Andersen Family Associates v. State Engineer*, 179 P.3d 1201, 1206-1207 (2008). Any other result would mean that the water is lost for municipal use forever because of the order declaring the Truckee River fully appropriated in Nevada and foreclosing new appropriations. Thus, consideration should be given as to whether alternate approaches may exist with respect to municipal permits which both further State policy while avoiding undue administrative burden.

Finally, any regulation concerning extensions of time for a water purveyor to perfect a permit should recognize that the Nevada legislature is very aware of their need for water to meet growing urban demands. The Legislature has directed the State Engineer to consider "*reasonably anticipated future*" water resource needs that are identified in planning documents. NRS 533.395(6). Examples of such planning documents include master plans adopted by Reno, Sparks and Washoe County, regional master plans adopted by the Truckee Meadows Regional Planning Agency, the Western Regional Water Commission's Regional Water Management Plan and TMWA's Water Resource Plan, the latter two of which are updated every five years with new

information and incorporated into the regional master plan.¹ In 1999, recognizing the importance of existing agricultural water rights to the continued development of Nevada's growing metropolitan areas, the legislature repealed a portion of N.R.S. 533.060 which allowed for loss of a surface water right by forfeiture, and provided that a surface water right appurtenant to land

¹The Legislature has recognized the need for special master planning procedures in Washoe County, requiring master planning powers be exercised in harmony between "local governments and affected entities" to enhance long-term health and welfare of its residents. N.R.S. 278.061; *Western Regional Water Commission Act, Sec. 4*. Unique to Washoe County, N.R.S. Chapter 278 requires adoption of master plans at both local and regional levels, utilizing, *inter alia*, comprehensive long-term water resource planning of special commissions and public purveyors. Pursuant to N.R.S. 278.0272 through 278.0276, the Truckee Meadows Regional Planning Commission develops and adopts a regional master plan, described as "a comprehensive regional plan for the physical development and orderly management of growth of the region for the next 20 years." N.R.S. 278.0272(1). Pursuant to N.R.S. 278.150 to 278.235, local jurisdictions adopt local master plans, described as "comprehensive, long-term general plans for the physical development" within their jurisdictions; however, unique to Washoe County those local master plans must be approved by the Truckee Meadows Regional Planning Commission as conforming to the regional master plan. N.R.S. 278.0282. N.R.S. Chapter 278 requires that the regional master plan include policies "and other documents" relating to use of water, development, and projected necessity and availability of water resources to accommodate planned growth. N.R.S. 278.0272. To facilitate this unique master planning in Washoe County, the Legislature charged the Western Regional Water Commission and Northern Nevada Water Planning Commission with the obligation to develop and adopt a comprehensive regional water management plan in coordination with the regional master plan and local master plans. Specifically, the Legislature directed these bodies to "make recommendations concerning the management and use of water within the planning area" to the Truckee Meadows Regional Planning Commission for the express purpose of incorporation into the regional master plan pursuant to N.R.S. Chapter 278. *Western Regional Water Commission Act, Sec. 34(5)(b), Sec. 44*; N.R.S. 278.0272 (requiring the regional planning commission to "seek and consider the advice" of other affected entities such as the Western Regional Water Commission when developing the regional master plan). The Legislature intended these master plan documents – local master plans, the regional master plan, the comprehensive regional water management plan – adopted pursuant to N.R.S. Chapter 278 work in harmony to provide a comprehensive, regional general master plan for, *inter alia*, securing, developing and managing water resources to ensure availability of water supplies for existing and projected future growth demands. *See WRWC Act, Sec. 4* (declaration of Legislative intent); *Sec. 43* (the regional water management plan must "be consistent and carry out the provision of the Comprehensive Regional Plan adopted by the Governing Board for Regional Planning in Washoe County pursuant to N.R.S. 278.0276 and the master plans and any other plans for the use of land which are adopted by governmental entities within the planning area"); N.R.S. 278.0274 (requiring "intergovernmental coordination" in development of regional master plan); N.R.S. 278.0272(3); N.R.S. 278.02784-278.028 (coordination of joint planning areas); N.R.S. 278.0282 (local master plans must conform to regional master plan); N.R.S. 278.0284 (local development, subdivision and zoning actions must conform to master plans); Washoe County Ballot Question 3 (2008) (requiring the regional plan include policies that local government land use plans be in balance with identified and sustainable water resources).

formerly used for agriculture could not be lost by abandonment if the water right is “appurtenant to land that has been converted to urban use; or has been dedicated to or acquired by a water purveyor, public utility or public body for municipal use.” N.R.S. 533.060(3). In addition, the Legislature recognized the importance of long-term water municipal supply planning and acquisition, development and retention of water resources to ensure the availability of future municipal supplies in the Truckee Meadows through the adoption of the Western Regional Water Commission Act and related Comprehensive Plan mandates. Chapter 531, Statutes of Nevada 2007. Among other things, that Act requires the Comprehensive Plan “identify and provide for existing and future sources of water needed to meet the present of future needs of the planning area”, “provide for the development, acquisition and stabilization of surface and ground water supply in the planning area”, “provide for adequate supplies of municipal and industrial water” and “make full use of any unused capacity of facilities owned by public purveyors” such as TMWA to support long-term population growth projections. These laws are a strong statement of legislative policy that the water supply available to municipal water purveyors and relied upon by municipalities in planning for and implementing growth decisions should remain available as a part of the future municipal supply, consistent with the “Growing Communities Doctrine”. Municipal purveyor efforts to comply with these mandates to acquire and develop water facilities and resources to ensure availability of municipal water supplies in the future as and when growth occurs should not be lost through denials of extensions of time to perfect a permit changing vested water rights to municipal use.

Comments on Proposed Regulations

Pursuant to AB 62 from the 2019 Legislative Session, the State Engineer is authorized to “adopt any regulation necessary to carry out the provisions of [N.R.S. 533.380].” Major portions of the Proposed Regulations are clearly directed at the provisions of N.R.S. 533.380. That is especially true with respect to some of the definitions and the provisions concerning extensions of time to place water to beneficial use. TMWA’s comments follow the organization of the Proposed Regulations.

Definitions

Section 3 – Beneficial Use

The definition of “Beneficial Use” seems intended to incorporate a combination of “beneficial use” as referenced in N.R.S. 533.085, as the “basis,” “measure” and “limit” of a water right. It is not clear why such a definition is needed here, especially in connection with extensions of time. Moreover, it is also not clear why, in this context, the definition needs to include a provision which suggests it will establish water duty. That is especially true with respect to municipal use. TMWA may propose changes to this definition once the reasons for its breadth are clarified.

Section 5 – Integrated System

This phrase, “integrated system,” is used in N.R.S. 533.380(6). From the standpoint of a water purveyor, an “integrated system” consists of numerous things, including, but not limited to,

diversion facilities, transportation facilities, distribution facilities, treatment facilities and storage facilities, to name just a few. The example in the proposed definition is not what the legislature had in mind when it used that phrase. In TMWA's judgment, the purpose of N.R.S. 533.380(6) was to recognize that, for example, as to water purveyors, reasonable diligence existed when a treatment plant was built or, if already built, was maintained or improved, even though no work was performed with respect to a particular permit at issue with a proof of beneficial use due date.

Section 6 – Interested Parties

The difference between a “protectible interest” and an ownership interest in a right to use water is not clear. It would be helpful to have a definition of a “protectible interest” or an example.

Section 10 – Perfected Water Right

This definition refers to an “appropriative water right.” Because riparian water rights are not recognized in Nevada, TMWA interprets this to mean a water right which was obtained pursuant to Nevada's water right law by a permit from the State Engineer, rather than a pre-1905 water right. Not all pre-1905 water rights have Certificates of Appropriation, but they are nevertheless “perfected.” Perhaps the reference to an “appropriative right” should be revised to refer to a right obtained pursuant to an application and permit from the Nevada State Engineer, as distinguished from a pre-1905 vested water right.

Section 12 – Project

“Project” is also a term used in N.R.S. 533.380(6). Its use there is similar to and has the same purpose as “integrated system,” to support the fact that work on one part of a project is to be considered work on all parts. In TMWA's judgment, the definition is not consistent with that objective, although the example may be.

Section 16 – Proof of Beneficial Use

Although N.R.S. 533.400 essentially describes what is included in a statement proving Beneficial Use, the phrase “Proof of Beneficial Use” is not actually used in that section. The definition could be revised to be consistent with that fact.

Section 17 – Proof of Completion

Although the provisions of N.R.S. 533.390 essentially describe what is included in a statement proving Completion, the phrase is not used in that section. The definition could be revised to be consistent with that fact.

Section 20 – Significant Action

This phrase is used in Section 21 and Section 57 of the Proposed Regulations. It is not clear why “Significant Actions” need to be or should be tied to a manner of use. While TMWA recognizes that what is listed here is not an exclusive list, it does not seem necessary to have such

a list, especially with respect to a water purveyor. The totality of the circumstances should be considered with respect to significant actions. The examples in subparagraph (a) for municipal and quasi-municipal seem to assume that the holder of the water right is also the entity completing a subdivision, when in fact those actions take place by the developer. The water purveyor has an obligation to provide water service and/or is merely the holder of the water right which provides the water, with no ability to complete units in the subdivision.

Section 21 – Steady Application

This term is used in N.R.S. 533.380(6). With respect to a water purveyor and proofs of beneficial use, the water purveyor has little or no control over how much water its customers use or when they use it, and does not take affirmative actions to use the water. Its actions are related to ensuring that it has the ability to divert, treat and distribute the water when and as needed and used. This definition also substantially limits the phrase “steady application of effort” to only those efforts, which are considered to be “Significant Actions” as that phrase is proposed to be defined, and only to those taken since approval of the permit and since approval of prior applications for extension of time. The phrase, steady application of effort, originates from an early Nevada case in which the Court defined diligence as the “steady application to business of any kind, constant effort to accomplish any undertaking.” *Ophir Silver Min. Co. v. Carpenter*, 4 Nev. 534 (1868). That definition was described by Kinney in his seminal treatise on water law as, “[p]robably the best definition of the word diligence...” *Kinney on Irrigation and Water Rights*, Vol. 2, § 735 (1912). The proposed regulatory definition is not consistent with NRS 533.380(6) or the origin and caselaw describing steady application of effort. It does not recognize that such efforts include all elements of an integrated system regardless of whether taken before or after approval of a permit or an extension of time.

Section 22 – Supplemental Irrigation

There are certain situations in Nevada where the primary source of water does not have an express water duty assigned to the permitted place of use.

Section 23 – Water Right Application

It is unclear as to what is intended by the use of the words “secondary purposes.”

Section 29 – Discretionary Intervention

This section appropriately states the factors the State Engineer would consider in deciding a request for intervention. However, it does so in the context of not allowing intervention. TMWA suggests that the factors be considered in deciding to allow or not allow intervention.

Motions Practice; Service of Documents²

² Even though the last section on page 6 of the Regulation was 33, the numbering now reverts to Section 24. It is not clear if that is intended, or in error.

Section 24 – Pleadings or Other Documents: Service

If service by electronic mail is going to be allowed, TMWA suggests that it should be considered as having been sent, on the day when sent without a limitation of whether it is before or after 5:00 p.m.

Section 30 – NAC 533.220(7)

Is this provision intended to prohibit correction of an actual clerical error in a transcript?

Section 39 – Hearings: Administrative Notice

Does the change from the “Office of the State Engineer” to the “Division of Water Resources” result in a broad expansion of the records of which administrative notice may be taken, or is there, in reality, no change?

Section 47 – Pleadings: Answers

Subsection (2) limits service of an answer to personal service or by mail. It is not clear if “by mail” includes electronic mail, and if not, if there is intended to be a difference from the service provisions of Section 24.

Extensions of Time to Place Water to Beneficial Use

Section 56 – Contents of Application for Extension of Time to File Proof of Completion of Work or Proof of Beneficial Use to Perfect an Appropriation

This section will require significant additional information with respect to both Proof of Completion and Proof of Beneficial Use. In 2019, TMWA filed 577 Applications for Extensions of Time. These proposed requirements will greatly increase the workload associated with those Applications. For example, Section 56(2)(a) would require the applicant to include the number of previous applications and the number of years granted by each prior application. TMWA files hundreds of applications each year and it would require substantial staff time to review the history of each application to complete this Section, especially where the underlying permit was previously held by another party because TMWA may not have any record of prior applications filed by that party. This would also increase staff workload at the Division of Water Resources to review and verify that the additional information is consistent with its records. As noted previously, once work has been completed, water purveyors have little or no control over the rate at which its customers place water to beneficial use. Once all infrastructure for delivery of the water is complete, the water purveyor likely will not be taking any direct or specific action with respect to the permit for which the extension is sought. On the other hand, water purveyors will continue to work diligently and take significant actions as needed with respect to their overall integrated water system, including other permits which have future due dates. Further, under NRS 533.395(6), when reviewing applications for extensions of time by municipal water purveyors, the State Engineer must consider the current and reasonably anticipated future needs of the purveyors’ customers as identified by planning documents. The Regulation should recognize the difference

between a water purveyor which has no direct control over the timing of beneficial use of water yet is subject to Legislative direction to develop and have water supply available to be put to future beneficial use as and when needed, and another water right holder that is directly involved with the actual use of water and has control over the timing and actions necessary to put the water to use.

Section 57 – Criteria for Review and Approval of an Application for Extension of Time to Perfect an Appropriation

The statutory standard for granting an extension of time as set forth in N.R.S. 533.380(3) is a determination that the applicant is proceeding in good faith and with reasonable diligence to perfect the application. From a water purveyor perspective, N.R.S. 533.380(6) is critical because it recognizes that all of its permits are part of an integrated system, and that reasonable diligence can be shown in the development of water rights for all features of that system. This section cannot establish criteria for consideration which are not consistent with N.R.S. 533.380(6). This section does not recognize the integrated system concept in N.R.S. 533.380(6). It should. In addition, it should also recognize that consideration should be given to whether the permittee is a municipal water purveyor with a duty to serve and with an integrated water system.

In subsection 1(e), the Proposed Regulations include considerations of matters related to the water source. In TMWA's judgment, consideration should also be given to whether the permit is a change to an existing and previously fully perfected pre-1905 water right. In addition, the consideration should include whether the source of supply is closed to new appropriations.

Section 58 – Protests and Hearings on an Application for Extension of Time

Even though this provision would not apply unless a permittee has received 10 or more years of extensions of time after the adoption of the Proposed Regulations, from the perspective of a municipal water purveyor, it will not be helpful, and likely will result in considerable additional and unnecessary work and litigation for all concerned. It may even result in litigation over whether or not a hearing should have been held on the protest. Further, the Legislature requires the State Engineer to consider the reasonably anticipated future needs of a municipal water purveyor in reviewing applications for extensions of time. The water resource planning horizon for municipal water purveyors is very long and includes analysis of water use demand estimates of 20 years or more. This planning horizon should be considered and an exception made for municipal water purveyors if this proposed regulation is adopted.

Conclusion.

TMWA appreciates the magnitude of the issues undertaken in the Proposed Regulations, and welcomes the opportunity to provide further input and work cooperatively with your office to ensure the Proposed Regulations are consistent with the legislative directives imposed on municipal water purveyors to develop water resources in conjunction with long-term water resource supply planning.



STAFF REPORT

TO: Chairman and Legislative Subcommittee Members
THRU: Mark Foree, General Manager
FROM: John Zimmerman, Water Resources Manager
DATE: August 5, 2020
SUBJECT: Presentation on potential TMWA legislative issues for 2021 session and possible direction to staff regarding same

Bill draft requests (BDRs) for the 2021 regular legislative session are now being submitted and as of the date of this report there are 213 BDRs. Attached is a list of the current BDRs and below are several that we will track closely based on their subject matter.

BDR No.	Subject Matter	Sponsor
18	Revises provisions relating to background checks.	Legislative Counsel
43	Senate Joint Resolution to amend Nevada Constitution to protect the State's water, land, and air.	Senator Brooks
44	Revises provisions relating to public works projects	Senator Brooks
46	Revises provisions relating to energy.	Senator Brooks
63	Revises provisions relating to cyber security.	Senator Seevers Gansert
75	Provides for education and training for industry-recognized credentials, apprenticeships and related programs.	Senator Hammond
84	Revises provisions relating to collective bargaining	Senator Kieckhefer
94	Revises provisions relating to renewable energy	Senator Ohrenschall
112	Recognizes that forest health and water quality are inextricably linked.	Interim Study Concerning Wildfires
115	Revises provisions relating to renewable energy.	Senator Hardy
123	Revises provisions governing water.	Assemblywoman Peters
147	Makes various changes relating to governmental entities.	Assemblyman Watts
156	Revises provisions relating to local governments	Senator Seevers Gansert
200	Revises provisions governing public works.	Assemblyman Daly
201	Revises provisions governing public records.	Assemblyman Daly

BDR Information


BDRs

Reports (0)

Links (0)

Search BDRs

Enter bdr or bill number or name, requester, or subject search text.

 Search Clear View All BDRs (Bill Draft Requests)

- ☒ Order BDRs By Number
- ☐ Order BDRs By Title/Type

There are a total of 213 BDRs.

1	Assemblyman Carrillo Revises provisions governing enforcement of child support obligations.	5/15/2019
2	Assemblywoman Spiegel Provides for the establishment of a retirement savings program for private sector employees.	6/4/2019
3	Senator Cannizzaro Provides for the dispensing of contraceptives.	6/5/2019
4	Assemblywoman Bilbray-Axelrod Revises provisions governing marriage.	6/7/2019
5	Senator Spearman Revises provisions relating to health care.	7/2/2019
6	Senator Spearman Revises provisions relating to aging persons.	7/2/2019
7	Senator Seevers Gansert Revises provisions relating to certain information and records concerning public safety.	9/3/2019
8	Assemblywoman Neal Makes various changes governing the provision of care for lupus.	9/6/2019
9	Assemblywoman Neal Imposes a tax on the retail sale of certain digital products.	9/16/2019
10	Assembly Committee on Taxation Revises provisions relating to taxation of rental vehicles.	9/16/2019

11	Assembly Committee on Taxation Revises provisions relating to taxation of cannabis and related products.	9/16/2019
12	Senator Spearman Makes various changes relating to mental health.	10/1/2019
13	Assemblywoman Krasner Revises provisions governing health care for women.	10/5/2019
14	Assemblyman Assefa Revises provisions governing short-term lessors.	10/11/2019
15	Assemblywoman Cohen Makes various changes to family law.	10/15/2019
16	Assemblyman Ellison Revises provisions governing firearms.	10/29/2019
17	Assemblywoman Benitez-Thompson Revises provisions governing economic development.	10/30/2019
18	Legislative Counsel Revises provisions relating to background checks.	11/4/2019
19	Assemblyman Ellison Revises provisions relating to the Safe-to-Tell Program.	11/7/2019
20	Assemblywoman Jauregui Revises provisions governing transportation of high-occupancy vehicles.	11/18/2019
21	Assemblywoman Jauregui Revises provisions governing firearm safety.	11/18/2019
22	Assemblywoman Jauregui Revises provisions governing real property.	11/18/2019
23	Assemblywoman Titus Revises provisions governing waiver of tuition and fees for certain members of Nevada National Guard.	11/25/2019
24	Senator Hardy Makes changes relating to daylight saving time.	11/26/2019
25	Senator Hardy Makes various changes relating to professional boards.	11/26/2019
26	Assemblyman Leavitt Revises provisions governing taxes imposed on certain heavy equipment.	12/6/2019

27	Senator Hammond Revises provisions relating to college and career readiness assessments administered to high school students in the 11th grade.	12/17/2019
28	Senator Hammond Requires the State Plan for Medicaid to include coverage for donor breast milk and certain related products.	1/6/2020
29	Assemblyman Frierson AJR: Proposes constitutional amendment to create an exception to two-thirds majority vote requirement for legislative measure that raises revenue exclusively to fund operation of K-12 public schools.	1/17/2020
30	Senator Pickard Makes various changes regarding legislative measures, including requiring a certain number of bills from each legislator to be given a hearing, requiring the Legislature's published list of bill draft requests (BDRs) to include only BDR summaries that provide a detailed description of the proposed changes in the BDR, providing that the BDR List may not identify the names of any legislators who requested a BDR, providing that each legislator may choose not to have his or her name printed on a bill for a certain period of time during a legislative session, and authorizing each legislator to request one BDR during a special legislative session.	1/23/2020
31	Assemblywoman Tolles Revises provisions governing employment.	1/23/2020
32	Assemblywoman Tolles Revises provisions governing in-home service providers.	1/23/2020
33	Senator Cancela Revises provisions relating to electric vehicles.	2/6/2020
34	Senator Cancela Revises provisions relating to health care.	2/6/2020
35	Assemblyman Ellison Revises provisions relating to charitable lotteries and charitable games.	2/11/2020
36	Senator Cancela Revises provisions relating to elections.	2/24/2020
37	Senator Pickard Provides for a presidential preference primary election to be held for each major political party.	2/24/2020
38	Assemblywoman Neal Revises provisions governing access to housing	2/28/2020

	Revises provisions governing access to housing.	
39	Assemblywoman Neal Revises provisions governing prison work programs.	2/28/2020
40	Senator Hammond Makes certain changes relating to anatomical gifts.	3/10/2020
41	Assemblyman Wheeler Limits the duration of a state of emergency or declaration of disaster declared by the Governor.	3/18/2020
42	Assemblywoman Miller Revises provisions governing financial aid for students.	3/31/2020
43	Senator Brooks SJR: Proposes to amend the Nevada Constitution to protect the State's water, land and air.	4/23/2020
44	Senator Brooks Revises provisions relating to public works projects.	4/23/2020
45	Senator Brooks Revises provisions relating to transportation.	4/23/2020
46	Senator Brooks Revises provisions relating to energy.	4/23/2020
47	Senator Brooks Revises provisions relating to transportation.	4/23/2020
48	Senator Brooks SJR: Proposes to amend the Nevada Constitution to expand the allowable use of highway funds.	4/23/2020
49	Senator Brooks Revises provisions relating to solar energy.	4/23/2020
50	Senator Brooks Revises provisions relating to older persons.	4/23/2020
51	Senator Pickard Revises provisions relating to emergency management, including requiring a two-thirds vote of the Legislature to extend the Governor's declaration of emergency beyond 30 days and prohibiting agencies and regulatory boards from adopting restrictions which exceed the restrictions imposed by the Governor.	4/29/2020
52	Assemblywoman Benitez-Thompson Joint Requester: Assemblywoman Miller Revises provisions governing contracts for certain public employment	4/30/2020

53	Assemblywoman Miller Revises provisions governing education.	5/1/2020
54	Senator Scheible Revises provisions relating to insurance.	5/10/2020
55	Senator Scheible Revises requirements relating to Medicaid.	5/10/2020
56	Senator Scheible Revises provisions relating to the eligibility of children for Medicaid.	5/10/2020
57	Senator Scheible Revises provisions relating to victims of crime.	5/10/2020
58	Assemblyman Watts Revises provisions governing motor vehicle emissions testing.	5/13/2020
59	Assemblywoman Miller Revises provisions governing educational personnel.	5/17/2020
60	Assemblywoman Benitez-Thompson Revises provisions governing the State Board of Nursing.	5/18/2020
61	Assemblywoman Benitez-Thompson Revises provisions governing prescriptions.	5/18/2020
62	Senator Spearman Makes changes concerning disparities in health care, including, without limitation, disparities relating to services to support mental health and emotional well-being.	5/29/2020
63	Senator Seevers Gansert Revises provisions relating to cyber security.	6/3/2020
64	Assemblywoman Miller Creates the Nevada Office of the Inspector General.	6/3/2020
65	Senator Goicoechea Revises provisions governing hemp.	6/8/2020
66	Senator Spearman SCR: Honoring former Nevada State Senator Allison Copening for her advocacy of organ donation and expressing the support of the Nevada Legislature for the development of a transplantation institute.	6/8/2020
67	Assemblywoman Titus Revises provisions governing legislative measures that may be requested for a regular legislative session.	6/16/2020

68	Assemblywoman Titus Revises provisions governing wildlife tags.	6/16/2020
69	Senator Goicoechea Requires the use of daytime running lights or headlights on all two-lane highways in the State of Nevada.	6/17/2020
70	Assemblyman Yeager Revises provisions governing the date of the legal holiday for the observance of Nevada Day.	6/18/2020
71	Assemblywoman Hardy Revises provisions governing prescription drugs.	6/18/2020
72	Assemblywoman Hardy Revises provisions relating to animals in certain public places.	6/18/2020
73	Assemblyman Hafen Revises provisions governing firearms.	6/18/2020
74	Senator Cancela Revises provisions relating to housing.	6/19/2020
75	Senator Hammond Provides for education and training for industry-recognized credentials, apprenticeships and related programs.	6/19/2020
76	Senator Dondero Loop Revises provisions relating to education.	6/19/2020
77	Senator Dondero Loop Revises provisions relating to education.	6/19/2020
78	Senator Dondero Loop Revises provisions relating to education.	6/19/2020
79	Senator Dondero Loop Revises provisions relating to education.	6/19/2020
80	Senator Dondero Loop Revises provisions relating to education.	6/19/2020
81	Senator Dondero Loop Revises provisions relating to mental health.	6/19/2020
82	Senator Dondero Loop Revises provisions relating to mental health.	6/19/2020
83	Senator Pickard SJR: Proposes to amend the Nevada Constitution to revise the membership of the Commission on Judicial Selection.	6/20/2020

84	Senator Kieckhefer Revises provisions relating to collective bargaining.	6/20/2020
85	Senator Kieckhefer Revises provisions relating to education.	6/20/2020
86	Senator Kieckhefer Revises provisions relating to blockchain technology.	6/20/2020
87	Assemblywoman Tolles Revises provisions governing education.	6/21/2020
88	Senator Ohrenschall Revises provisions regarding health care.	6/21/2020
89	Senator Ohrenschall Revises provisions relating to Medicaid.	6/21/2020
90	Senator Ohrenschall Revises provisions relating to agriculture.	6/21/2020
91	Senator Ohrenschall Revises provisions relating to juvenile justice.	6/21/2020
92	Senator Ohrenschall Requires peace officers to be trained in the constitutional and lawful use of force.	6/21/2020
93	Senator Ohrenschall Revises provisions regarding foreclosures.	6/21/2020
94	Senator Ohrenschall Revises provisions relating to renewable energy.	6/21/2020
95	Senator Spearman Revises provisions relating to the reporting of certain data.	6/21/2020
96	Assemblywoman Cohen Creates the Emergency Response Employees Mental Health Commission.	6/22/2020
97	Assemblywoman Cohen Revises provisions governing Holocaust education.	6/22/2020
98	Assemblywoman Cohen Revises provisions governing opioid antagonists.	6/22/2020
99	Assemblyman Frierson Provides for presidential primary elections in Nevada.	6/22/2020
100	Senator Pickard	6/22/2020

Revises provisions governing the Office of Grant Procurement, Coordination and Management, including expanding the existing Office, expanding the duties of the Office with regard to all agencies of the executive, legislative, and judicial branches of government as well as private nonprofit organizations, establishing a compliance team to assist certain grant recipients, establishing an audit team to ensure that grant requirements are met, and establishing a government affairs team to ensure proper communication with the Governor, Legislature and Nevada Supreme Court.

101	Senator Ohrenschall SJR: Urges the federal government to protect the public lands on and adjacent to Sunrise Mountain and Frenchman Mountain.	6/22/2020
102	Assemblywoman Munk Revises provisions governing blood testing for pregnant women.	6/29/2020
103	Assemblywoman Munk Revises provisions governing sexual assault.	6/29/2020
104	Assemblywoman Munk Revises provisions governing penalties for driving under the influence.	6/29/2020
105	Assemblywoman Munk Revises provisions governing health workforce development.	6/29/2020
106	Assemblyman Frierson Makes various changes regarding the Peace Officers Standards and Training program.	6/30/2020
107	Senator Goicoechea Expands the membership of the Board of Wildlife Commissioners.	6/30/2020
108	Committee to Conduct an Interim Study Concerning Wildfires (A.C.R. 4, 2019) Revises provisions relating to noxious weeds.	7/2/2020
109	Committee to Conduct an Interim Study Concerning Wildfires (A.C.R. 4, 2019) Makes various changes relating to wildfires.	7/2/2020
110	Committee to Conduct an Interim Study Concerning Wildfires (A.C.R. 4, 2019) Revises provisions relating to wildfires.	7/2/2020
111	Committee to Conduct an Interim Study Concerning Wildfires (A.C.R. 4, 2019) Authorizes certain governmental entities to recover certain expenses and costs incurred in extinguishing wildfires.	7/2/2020
112	Committee to Conduct an Interim Study Concerning Wildfires (A.C.R. 4, 2019)	7/2/2020

112	Committee to conduct an interim study concerning wildfire prevention (7/2/2019) _CR: Recognizes that forest health and water quality are inextricably linked.	
113	Assemblyman Yeager Revises provisions governing the administration of certain substances to animals by licensed veterinarians.	7/2/2020
114	Senator Hammond Provides for the licensing of professional midwives.	7/3/2020
115	Senator Hardy Revises provisions relating to renewable energy.	7/10/2020
116	Assemblyman Watts Enacts the Student Loan Bill of Rights.	7/13/2020
117	Senator Kieckhefer Revises provisions relating to tax incentives and abatements.	7/21/2020
118	Assemblywoman Nguyen Revises provisions governing family law.	7/21/2020
119	Assemblywoman Nguyen Authorizes a board of county commissioners to create the office of county counsel.	7/21/2020
120	Assemblywoman Nguyen Revises provisions governing criminal law.	7/21/2020
121	Assemblywoman Nguyen Revises provisions governing the reporting of crimes.	7/21/2020
122	Assemblyman Daly Revises provisions governing alcoholic beverages.	7/21/2020
123	Assemblywoman Peters Revises provisions governing water.	7/22/2020
124	Clark Regional Behavioral Health Policy Board Makes various changes governing the provision of mental and behavioral health services.	7/22/2020
125	Senator Kieckhefer Revises provisions relating to elections.	7/23/2020
126	Senator Kieckhefer Revises provisions relating to elections.	7/23/2020
127	Senator Kieckhefer Revises provisions relating to taxation.	7/23/2020

128	Assemblywoman Gorelow Revises provisions governing access to restrooms by certain persons at certain retail establishments.	7/23/2020
129	Assemblywoman Gorelow Revises provisions governing the use of certain protective equipment at foodservice establishments.	7/23/2020
130	Assemblywoman Gorelow Provides for presumptive Medicaid eligibility for pregnant women.	7/23/2020
131	Assemblywoman Gorelow Prohibits the use of pesticides containing certain chemicals.	7/23/2020
132	Assemblywoman Peters Revises provisions governing public accommodations.	7/23/2020
133	Assemblywoman Peters Revises provisions governing employment diversity.	7/23/2020
134	Assemblywoman Peters Revises provisions governing mining.	7/23/2020
135	Senator Cancela Revises provisions relating to cannabis.	7/24/2020
136	Senator Cancela Revises provisions relating to cannabis.	7/24/2020
137	Assemblyman Yeager Revises provisions governing sealing of criminal records.	7/24/2020
138	Assembly Committee on Judiciary Revises provisions governing collection of child support.	7/24/2020
139	Assemblywoman Tolles Revises provisions governing teacher licensure examinations.	7/26/2020
140	Assemblyman Yeager Revises provisions governing the practice of chiropractic.	7/26/2020
141	Assemblyman Watts Revises provisions governing toxic chemicals.	7/27/2020
142	Assemblywoman Jauregui Revises provisions governing Medicare.	7/28/2020
143	Assemblyman Hafen Makes various changes relating to education.	7/28/2020
144	Assemblyman Hafen	7/28/2020

144	Assemblyman Hafen Makes various changes relating to veterans.	7/28/2020
145	Assemblyman Hafen Revises provisions governing health care.	7/28/2020
146	Assemblywoman Krasner Requires instruction on the Holocaust in public high schools.	7/28/2020
147	Assemblyman Watts Makes various changes relating to governmental entities.	7/28/2020
148	Assemblyman Roberts Revises provisions governing the Peace Officers' Standards and Training Commission.	7/28/2020
149	Assemblyman Roberts Revises provisions governing carrying a concealed weapon.	7/28/2020
150	Assemblyman Roberts Makes various changes relating to vehicle registration.	7/28/2020
151	Assemblyman Roberts Makes various changes relating to professional and occupational licensing.	7/28/2020
152	Assemblywoman Hardy Revises provisions governing health insurance coverage.	7/28/2020
153	Senator Seevers Gansert Enacts provisions governing the interstate practice of physical therapy.	7/29/2020
154	Senator Seevers Gansert Revises provisions relating to workforce development.	7/29/2020
155	Senator Seevers Gansert Revises provisions relating to education.	7/29/2020
156	Senator Seevers Gansert Revises provisions relating to local governments.	7/29/2020
157	Senator Settlemeyer Revises provisions relating to distilleries.	7/29/2020
158	Senator Settlemeyer Revises provisions governing falconry.	7/29/2020
159	Senator Dondero Loop Revises provisions relating to professional boards.	7/29/2020
160	Senator Kieckhefer	7/29/2020

SJR: Proposes to amend the Nevada Constitution to create an independent redistricting commission.

161	Senator Pickard Revises provisions pertaining to taxation.	7/29/2020
162	Senator Pickard Restores compensation for Nevada Highway Patrol Troopers and support staff.	7/29/2020
163	Senator Pickard Revises provisions relating to domestic relations, including, but not limited to, creating procedures that increase access to speedy, efficient, and inexpensive resolution of disputes.	7/29/2020
164	Assemblywoman Backus Revises provisions governing reports of certain missing persons made by state and local law enforcement agencies.	7/30/2020
165	Assemblywoman Backus Revises provisions governing campaign practices.	7/30/2020
166	Assemblywoman Backus Revises provisions governing common-interest ownership.	7/30/2020
167	Assemblywoman Bilbray-Axelrod Revises provisions governing libraries.	7/30/2020
168	Assemblywoman Bilbray-Axelrod Revises provisions governing veterinary medicine.	7/30/2020
169	Assemblywoman Duran Enacts the Nevada Pay Equity Act.	7/30/2020
170	Senator Spearman Revises provisions relating to solitary confinement.	7/30/2020
171	Senator Spearman Revises provisions relating to governmental administration.	7/30/2020
172	Assemblywoman Backus Joint Requester: Assemblywoman Torres Revises provisions governing juvenile justice.	7/30/2020
173	Assemblywoman Torres Revises provisions governing credits awarded to reduce a sentence of imprisonment.	7/30/2020
174	Assemblywoman Torres Enacts the English Language Learner Bill of Rights.	7/30/2020

175	Assemblywoman Torres Requires cultural competency continuing education training for mental health professionals.	7/30/2020
176	Assemblywoman Torres Revises provisions governing the appeals process for suspension and expulsion of pupils.	7/30/2020
177	Assemblywoman Martinez Revises provisions relating to wages paid to certain persons who participate in job and day training services.	7/30/2020
178	Senator Hansen Limits the Governor's use of executive power under an emergency declaration.	7/31/2020
179	Senator Denis Revises provisions relating to tow operators.	7/31/2020
180	Senator Denis Revises provisions to address homelessness.	7/31/2020
181	Senator Denis Revises provisions relating to competency-based education.	7/31/2020
182	Senator Denis Revises provisions relating to requirements for schools that receive weighted funding for pupils.	7/31/2020
183	Senator Denis Revises provisions relating to school administrators.	7/31/2020
184	Senator Denis Revises provisions relating to career and technical education to include the study of robotics.	7/31/2020
185	Senator Denis Revises provisions relating to education.	7/31/2020
186	Senator Hardy Revises provisions relating to professions.	7/31/2020
187	Senator Hardy Revises provisions relating to health care.	7/31/2020
188	Senator Hardy Revises provisions relating to professions.	7/31/2020
189	Senator Hardy Revises provisions relating to employment.	7/31/2020

190	Senator Hardy Makes various changes concerning elections.	7/31/2020
191	Senator Settlemeyer Revises provisions relating to distilleries.	7/31/2020
192	Senator Settlemeyer Revises provisions relating to health care.	7/31/2020
193	Senator Settlemeyer Revises provisions relating to Medicaid.	7/31/2020
194	Assemblyman Ellison Revises provisions governing business entities.	7/31/2020
195	Assemblywoman Titus Revises provisions governing campaign practices for certain elected offices.	7/31/2020
196	Assemblyman Leavitt Revises provisions governing motor vehicles and off-highway vehicles.	7/31/2020
197	Assemblyman Leavitt Revises provisions governing taxation.	7/31/2020
198	Assemblyman Leavitt Makes various changes relating to education.	7/31/2020
199	Assemblywoman Krasner Provides for an interim study on general improvement districts in Nevada.	7/31/2020
200	Assemblyman Daly Revises provisions governing public works.	7/31/2020
201	Assemblyman Daly Revises provisions governing public records.	7/31/2020
202	Assemblyman Daly Revises provisions governing employment practices.	7/31/2020
203	Assemblywoman Hardy Revises provisions relating to business entities.	7/31/2020
204	Assemblyman Wheeler Revises provisions governing charitable lotteries and charitable games.	7/31/2020
205	Assemblyman Wheeler Revises the requirements for the operation of a motor vehicle by a young driver	By Request 7/31/2020

206	Assemblyman Wheeler Requires that instruction in the founding principles of American government be specifically included in public schools.	7/31/2020
207	Assemblywoman Martinez Revises provisions governing the organ donation program.	7/31/2020
208	Assemblywoman Duran Revises provisions governing access to broadband services.	7/31/2020
209	Assemblywoman Bilbray-Axelrod Revises provisions governing the transportation of children in motor vehicles.	7/31/2020
210	Assemblywoman Carlton Revises provisions governing unemployment insurance.	7/31/2020
211	Assemblywoman Martinez Revises provisions governing cruelty to animals.	7/31/2020
212	Assemblywoman Martinez Revises provisions governing indoor air quality in public schools.	7/31/2020
213	Assemblyman Frierson Provides for a Small Business Ombudsman within the Office of the Lieutenant Governor.	7/31/2020

i BDR (Bill Draft Request) Naming: A bill draft request (BDR) is assigned a two-part name. The first part can be the title number of Nevada Revised Statutes (NRS) which encompasses the main subject of the request -OR- a letter denoting the type of request, as defined below:

- **C** - A joint resolution amending the Nevada Constitution
- **R** - A resolution
- **S** - A special act

The second part is a unique sequence number for a session.