

**MINUTES OF THE APRIL 16, 2021
CONCURRENT MEETING OF THE LEGISLATIVE SUBCOMMITTEE OF
THE TRUCKEE MEADOWS WATER AUTHORITY AND
THE LEGISLATIVE SUBCOMMITTEE OF
THE WESTERN REGIONAL WATER COMMISSION**

The meeting of the Concurrent Legislative Subcommittees of the Truckee Meadows Water Authority (TMWA) and Western Regional Water Commission (WRWC) was held via Teleconference. Chair Dahir called the meeting to order at 9:05 a.m.

1. ROLL CALL

TMWA Members Present: Kristopher Dahir, Naomi Duerr and Alexis Hill

TMWA Members Absent: Alternate Paul Anderson

TMWA Legal Counsel: Michael Pagni

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

A quorum of the TMWA Legislative Subcommittee was present.

WRWC Members Present: Kristopher Dahir and Naomi Duerr and *Alexis Hill

WRWC Members Absent: Alternate Jenny Brekhuis

WRWC Legal Counsel: Michael Pagni

WRWC Staff Present: Chris Wessel

A quorum of the WRWC Legislative Subcommittee was present.

**Member Hill arrived at 9:07 a.m.*

2. PUBLIC COMMENT

There was no public comment.

3. APPROVAL OF THE AGENDA

Upon motion duly made by Member Duerr and seconded by Member Hill, and carried unanimously, the TMWA Subcommittee approved the agenda.

Upon motion duly made by Member Dahir and seconded by Member Hill, and carried unanimously, the WRWC Subcommittee approved the agenda.

4. APPROVAL OF THE TMWA & WRWC LEGISLATIVE SUBCOMMITTEE MINUTES OF MARCH 26, 2021.

Upon motion duly made by Member Duerr and seconded by Member Hill, and carried unanimously, the TMWA Subcommittee approved the minutes of March 26 2021 meeting.

Upon motion duly made by Member Dahir and seconded by Member Hill, and carried unanimously, the WRWC Subcommittee approved the minutes of March 26, 2021 meeting.

5. PRESENTATION OF STATUS REPORT ON LEGISLATION OF INTEREST TO TMWA AND POSSIBLE DIRECTION REGARDING TMWA'S POSITION ON LEGISLATION
6. PRESENTATION OF STATUS REPORT ON LEGISLATION OF INTEREST TO WRWC AND POSSIBLE DIRECTION REGARDING WRWC LEGISLATIVE SUBCOMMITTEE'S POSITION ON LEGISLATION. THIS ITEM MAY BE COMBINED WITH ITEM 5

John Zimmerman, TMWA Water Resources Manager, informed the TMWA Legislative Subcommittee a total of 935 bills have been introduced and about 285 bills did not pass the first deadline on April 9. The next deadline is April 20 for first House passage. Mr. Zimmerman, Leo Drozdoff, TMWA Lobbyist, and Michael Pagni, TMWA General Counsel and WRWC General Counsel, reviewed significant bills pertaining to TMWA and WRWC as well as significant bills that did not pass the first deadline. Mr. Drozdoff reported the Legislative Counsel Bureau is slowly opening up the legislative building, but it is still by invitation only.

Staff reported on dead bills: AB5 (State Engineer bill to modify types of State Engineer decisions that can be appealed to the District Court) the State Engineer thought many minor decisions were being appealed and wanted a more formal process; AB246 (required employers to notify employees and contractors if there has been a COVID-19 exposure) would have applied to only public agencies and been impossible to implement; AB354 (allowed for the creation of statutory or contract water banks) the State Engineer tried to engage stakeholders, but it included 16 pages of new statutory language trying to add a new concept to the water law; SB149 (two counties can create a groundwater board in a basin that has been designated by the State Engineer, a proposed amendment would remove State Engineer approval and Governor appointment of members); SB155 (relates to qualifications of the State Engineer) there was quite a bit of testimony in opposition particularly from the State Board of Professional Engineers and Land Surveyors; SB351 (put a charge on anybody who generates renewable energy) which would have affected TMWA's hydroelectric facilities; and SJR1 (State Engineer's desire to start a conversation about how water law decisions were appealed) would have required an amendment to the Constitution, which was not the intent of the bill, and now a water commission has been established where Mr. Zimmerman represents TMWA and others will be representing local and state agencies, and the first meeting is this afternoon at 1pm.

Staff reported on new bills and recommended positions: AJR15 (proposes to hold legislative sessions in even numbered years) allows for legislators to review budget information in the current year, but there is a lot of opposition due to the cost and amount of coordination needed, monitor; SB368 (issuance of bonds for environmental improvement projects at Lake Tahoe), monitor; and SCR9 (Nevada System of Higher Education to work collaboratively in science and research efforts to address climate change at Lake Tahoe) support.

Member Hill inquired why TMWA could not change its position to support on SB368 to show support for a great program to protect our water source. Staff replied there were no issues.

Upon motion duly made by Member Hill and seconded by Member Duerr, and carried unanimously, the TMWA Subcommittee accepted the report and staff recommendations on new bills and to change position on SB368 from monitor to support.

Upon motion duly made by Member Hill and seconded by Member Dahir, and carried unanimously, the WRWC Subcommittee accepted the report and staff recommendations on new bills and to change position on SB368 from monitor to support.

Staff reported on existing bills: AB6 (clarifying provisions governing an application for a temporary change relating to appropriated water) was amended to mirror how permanent change applications are processed, clarifies that temporary change applications can be protested and gives the State Engineer discretion on whether to hold a hearing on a temporary change application or not, support; AB87 (proposes to streamline the process by which certain easements of cities and counties can be vacated and abandoned without a hearing), expanded the types of easements subject to the process. Staff worked with the bill sponsor on the amendment language which was agreed upon by all parties, but was not included when the amendment was posted and staff is working with the bill sponsor to determine if it was an error, recommends TMWA remain opposed until they receive confirmation; AB90 (Requires counties to pay impact fees to certain local governments for projects of intercounty significance) bill sponsor, majority leader, has decided to turn this bill into an interim study on this issue to collect more information, monitor; AB97 (revises provisions governing toxic chemicals) has been amended to allow for Nevada Department of Environmental Protection (NDEP) to study the problem related to toxic chemicals and set up a working group with stakeholders to understand where this may be a problem in Nevada, and the water quality standards have been scaled back to what TMWA had suggested, monitor; AB146 (to address various requirements to control water pollution) staff worked with NDEP to understand how they would implement the bill, TMWA supports protecting water sources, but concerns related to function and the fiscal note (which has been removed) associated with the bill remain, monitor; AB325 (allows for electronic recording of documents) facilitates, implements and streamlines procedures for recording documents electronically, minor technical amendment, support; AB333 (revises provisions related to land use planning) proposes adding an exemption for obtaining a water right if a city or county requires stormwater detention/retention basins, monitor; AB356 (relates to water conservation) amended where all of the State Engineer's language was removed and states by the end of 2026 no Colorado River water can be used to irrigate non-essential turf on medians (no one uses it and is for aesthetic purposes only), monitor; AB385 (related to compensation received by public officers and employees) has been significantly modified stating the need to negotiate certain clauses about termination and separation at the outset of hire and collective bargaining units are excluded, monitor; and SB67 (increases the threshold by which an agency can self-perform capital projects from \$100k to \$250k), TMWA submitted an amendment so that the \$250k exemption would only apply to agencies that have a State approved apprenticeship program like TMWA, but the Builders Associations of both Northern and Southern Nevada and labor unions did not accept the amendment, monitor.

Chair Dahir inquired since AB97 has been amended and it is a more balanced approach to this issue, to change the position to support, especially when legislators are willing to work with us, but continue to monitor the bill. Mr. Drozdoff said the chairman of the bill would appreciate TMWA's support, but would defer to TMWA staff. Mr. Zimmerman added he checked with TMWA technical staff and they do not have an issue with changing the position to support.

Upon motion duly made by Member Hill and seconded by Member Duerr, and carried unanimously, the TMWA Subcommittee accepted the report and staff recommendations on existing bills and to change position on AB97 from monitor to support.

Upon motion duly made by Member Hill and seconded by Member Dahir, and carried unanimously, the WRWC Subcommittee accepted the report and staff recommendations on existing bills and to change position on AB97 from monitor to support.

7. DISCUSSION AND POSSIBLE DIRECTION TO STAFF REGARDING SCHEDULING OF FUTURE CONCURRENT MEETINGS OF TMWA AND WRWC LEGISLATIVE SUBCOMMITTEES.

Upon motion duly made by Member Hill and seconded by Member Duerr, and carried unanimously, the next concurrent meeting of the TMWA and WRWC Legislative Subcommittee is scheduled for Friday, April 30th at 10a.m.

Upon motion duly made by Member Hill and seconded by Member Dahir, and carried unanimously, the next concurrent meeting of the WRWC and TMWA Legislative Subcommittee is scheduled for Friday, April 30th at 10a.m.

10. COMMITTEE COMMENTS

There were no committee comments.

11. STAFF COMMENTS

There were no staff comments.

12. PUBLIC COMMENT

There was no public comment.

13. ADJOURNMENT

With no further business, to discuss, Chair Dahir adjourned the meeting at 10:19 a.m.

Approved by the Legislative Subcommittee of the Truckee Meadows Water Authority on April 30, 2021.

With no further business, to discuss, Chair Duerr adjourned the meeting at 10:19 a.m.

Approved by the Legislative Subcommittee of the Western Regional Water Commission on April 30, 2021.

Submitted by,
Sonia Folsom, Recording Clerk

****Member Hill was present for agenda items 3 thru 13.***