



TO: Chairman and Board Members
FROM: John Erwin, Dir. Natural Resources-Planning & Development
DATE: 13 April 2011
SUBJECT: Discussion and direction to staff regarding 2011 Legislative Activities and current bills, and discussion and action on appointment of additional members to the Legislative Subcommittee

Recommendation

Staff requests that the Board provide direction to staff on pending legislation for the 2011 Legislative Session.

Discussion

This is a standing item on legislative matters on the Board's monthly agenda. The attached table summarizes current Senate and Assembly that the Board and staff are tracking as well as the latest position the Board has taken on each. TMWA lobbyists will attend the Board meetings to answer questions and provide insights into the legislative intent.

The attached table contains updated data through the date of this memo. The column headed "Board Position" are the results of action taken by the Board's sub-committee at its April 1, 2011. Those bills without a "Board Position" will be presented at the Board meeting. Staff will update the Board on the progress of these bills and seek direction as to staff's recommendation on the bill.

ASSEMBLY BILLS				SUMMARY	BILL STATUS	Date Last Action	Board Position	Initial Position	Lead Lobbyist	Testify: N-no ?-Uknwn	COMMENTS
Bill No.											
				F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation							
1	AB	10	O	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB10.pdf GENERAL TOPIC: Revises provisions governing certain funds and the destruction of public records. AN ACT relating to governmental administration; requiring any interest and income earned on money in the Gift Fund for the State Library and Archives to be credited to the Fund; revising the requirements for saving images of public records before the records may be destroyed; eliminating the Fund for the Support of the Division of Museums and History of the Department of Cultural Affairs; and providing other matters properly relating thereto.	Passed both houses 3/31	2/25/11	N	N	M	N	
2	AB	44	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB44.pdf GENERAL TOPIC: Revises warranty period on construction of improvements on public works projects. AN ACT relating to civil actions; revising the statutes of repose regarding actions for damages resulting from certain deficiencies in construction; and providing other matters properly relating thereto. Existing law generally limits the period in which an action for damages caused by a deficiency in construction of improvements to real property may be commenced after substantial completion of the improvement, unless the deficiency is a result of willful misconduct or was fraudulently concealed. (NRS 11.202-5 11.205) These periods of limitation are known as statutes of repose, and the period set forth in each statute of repose during which an action must be commenced after substantial completion of the improvement depends on the particular type of deficiency in construction. Section 1 of this bill reduces the period in the existing statute of repose for a known deficiency in construction from 10 years after substantial completion of the improvement to 3 years. Section 2 of this bill reduces the period in the existing statute of repose for a latent deficiency from 8 years after substantial completion of the improvement to 4 years. Section 3 of this bill reduces the period in the existing statute of repose for a patent deficiency from 6 years after substantial completion of the improvement to 3 years.	Not scheduled as of 4/13	2/25/11	NS;SA	NS;SA	W	?	Want 10 years not 3
3	AB	46	O	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB46.pdf GENERAL TOPIC: Revises assessments relating to water resources. Existing law requires a partial abatement of property taxes. (NRS 361.4722, 361.4723, 361.4724) Under existing law, a board of county commissioners is required to cause certain assessments relating to water resources to be levied on real property, including the court costs which may be assessed against the participants in certain proceedings for the adjudication of water rights, the budgetary expenses of certain stream systems or water districts which may be assessed against the property served, and the salaries of well supervisors and other assistants employed by the State Engineer which may be assessed against the property in certain groundwater basins. (NRS 533.190, 533.285, 534.040) This bill clarifies that the assessments relating to water resources are not and have never been subject to those partial abatements of property taxes.	Amend and do pass Taxation on 3/15 - amendment likely made exemption to tax abatement not retroactive	2/25/11	N	N	W	N	
4	AB	59	O	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB59.pdf GENERAL TOPIC: Revises Open Meeting Law. AN ACT relating to the Open Meeting Law; requiring a public body to take certain actions if the Attorney General finds that the public body has violated the Open Meeting Law; authorizing the Attorney General to issue subpoenas during investigations of such violations; revising the definition of "public body" for the purposes of the Open Meeting Law; requiring a public body to include certain notifications on an agenda for a public meeting; making members of a public body subject to a civil penalty for violations; providing a penalty; and providing other matters properly relating thereto.	Amend and do pass GA 3/25	2/25/11	W	W	M	N	

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							S- Support SA- Support if amended N-Neutral NS- Not support W-Watch		G-DePaoli M-MacDonald W-Walker			
5	AB	60	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB60.pdf GENERAL TOPIC: Revises preferential bidding. AN ACT relating to public works; restricting the eligibility to receive a preference in bidding on public works by requiring a contractor who seeks such a preference to file with the State Contractors' Board an affidavit stating that a certain percentage of the estimated cost of the work on the relevant contract will be performed by a general contractor or specialty contractor who holds a valid certificate of eligibility to receive such a preference; and providing other matters properly relating thereto	Heard GA on 3/7 - no action	2/25/11	N	N	M	N		
6	AB	68	L	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB68.pdf GENERAL TOPIC: Revises disposition of real properties by local governments. AN ACT relating to cities; exempting certain leases of real property from requirements relating to appraisal and auction; reducing the number of independent appraisals of fair market value required in certain circumstances for the sale or lease of real property by cities; and providing other matters properly relating thereto	Heard 2/18 Govt Affairs no action	2/25/11	S	S	M	N		
7	AB	73	WR	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB73.pdf GENERAL TOPIC: Allows State Engineer to enter water right lands to carry out duties; revises noticing of water rights. AN ACT relating to water; authorizing the State Engineer or any assistant or authorized agent of the State Engineer to enter certain premises to investigate and carry out the duties of the State Engineer; requiring the State Engineer to cancel a permit to appropriate water for a beneficial use if the holder of the permit fails to file certain information within a certain period after the date of the notice to file that information; revising provisions relating to the forfeiture of certain water rights; removing provisions requiring the State Engineer to adopt regulations establishing a program to allow a public water system to receive a credit for adding a new customer to the system; authorizing a public water system to receive such a credit under certain circumstances; and providing other matters properly relating thereto.	Passed GA with TMWA amendments	2/25/11	NS;SA	NS;SA	W	Y	TMWA submitted amendments; bill likely to pass Assembly	
8	AB	76	PE	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB76.pdf GENERAL TOPIC: Revises PERS provisions. AN ACT relating to the Public Employees' Benefits Program; revising provisions concerning reinstatement of insurance under the Program; authorizing the Board of the Program and certain advisory committees to meet in closed session under certain circumstances; and providing other matters properly relating thereto.	Amend and do pass GA 3/25	2/25/11	W	W	M	N		
9	AB	80	PE	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB80.pdf GENERAL TOPIC: Revises PERS provisions. AN ACT relating to the Public Employees' Benefits Program; making various changes relating to the Program; and providing other matters properly relating thereto.	Amend and do pass GA 4/11	2/25/11	W	W	M	N		
10	AB	90	HR	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB90.pdf GENERAL TOPIC: Revises employment practices to reduce workplace discrimination. AN ACT relating to employment practices; prohibiting employers from subjecting an employee to abusive conduct in a work environment; requiring a court to award damages, back pay and attorney's fees consistent with the provisions set forth in Title VII of the Civil Rights Act of 1964 on prevailing claims of unlawful employment practices; prohibiting employers from discriminating against an employee with respect to a physical characteristic of the employee; revising provisions relating to the time in which an employee may seek relief in district court for a claim of unlawful employment practices; and providing other matters properly relating thereto.	Heard C/L on 3/7 - Lots of opposition	2/25/11	W	W	M	N		

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11	AB	101	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB101.pdf GENERAL TOPIC: For Clark County, authorizes formation of improvement district for electric utility installations. AN ACT relating to local improvement districts (converting overhead electric to underground in counties >400k); authorizing certain modifications after a local improvement project has begun and assessments have been levied; and providing other matters properly relating thereto.	Heard 3/1 GA - Clark Co opposed effectively	2/25/11	W	W	M	N		
12	AB	102	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB102.pdf GENERAL TOPIC: Revises professional engineer and land surveyor licensure requirements. AN ACT relating to professional licenses; revising the requirements for licensure as a professional engineer or professional land surveyor for certain applicants; and providing other matters properly relating thereto.	Amend and do pass 3/2 at C/L	2/25/11	W	W	M	N		
13	AB	105	PE	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB105.pdf GENERAL TOPIC: Revises State Engineer fees. AN ACT relating to employee organizations; requiring each employee organization recognized by a local government employer in this State to prepare an annual report concerning the dues, expenditures, compensation and other finances of the employee organization; requiring the employee organization to make the report available for inspection by certain members of the employee organization and to submit a copy of the report to the Legislative Auditor if requested by the Legislative Commission; and providing other matters properly relating thereto.	Not scheduled as of 4/13	2/25/11	N	N	M	N		
14	AB	114	WR	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB114.pdf GENERAL TOPIC: Revises State Engineer fees. AN ACT relating to water; revising the amount of the fee for issuing and recording a permit to change the point of diversion or place of use only of an existing water right for irrigational purposes; and providing other matters properly relating thereto.	Amend and do pass GA 3/28	2/25/11	N	N	W	N		
15	AB	115	WR	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB115.pdf GENERAL TOPIC: Revises State Engineer noticing practises. AN ACT relating to water; revising provisions governing the approval or rejection by the State Engineer of an application to appropriate water for beneficial use; and providing other matters properly relating thereto.	Amend and do pass GA 3/25	2/25/11	SA	SA	W/GP	Y	TMWA submitted well received amendments	
16	AB	144	PW	http://www.leg.state.nv.us/Session/76th2011/Bills/AB/AB144.pdf GENERAL TOPIC: Preference bidding rules. AN ACT relating to public works; revising provisions relating to preferences in bidding for contracts for certain public works projects; requiring the inclusion in a contract for a public work of certain conditions that must be satisfied to obtain such a preference in bidding; providing for the investigation of a failure to satisfy the conditions for such a preference in bidding; providing for the recovery of damages for a failure to satisfy the provisions in a contract relating to preferences in bidding; prohibiting the use of a certificate of eligibility to receive a preference in bidding in certain circumstances; prohibiting a person from bidding on a public work in certain circumstances; revising provisions relating to the keeping, by certain persons, of records relating to public works; and providing other matters properly relating thereto.	Passed out of Senate Econ on 3/9	2/25/11	W	W	M	?	Gives preference to Nevada residents/bidders requiring 50% of labor and 25% materials to be Nevada based. What are utility compliance requirements and activities?	

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17	AB	218	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB218.pdf GENERAL TOPIC: Makes bottled water taxable. Existing law exempts food for human consumption, other than alcoholic beverages, tonics, vitamins and prepared food intended for immediate consumption, from the sales and use taxes imposed in this State. (NRS 372.284, 374.289) This bill requires the Department of Taxation, for the purpose of administering those taxes after June 30, 2011, to construe the term "food" as excluding "bottled water," thereby excluding bottled water from that tax exemption. Existing law requires the Nevada Tax Commission to enter into the Streamlined Sales and Use Tax Agreement and take all other actions reasonably required to implement the provisions of the Agreement. (NRS 360B.110) This bill defines "bottled water" and provides for its exclusion from the definition of "food" in the manner authorized by the provisions of that Agreement.	Not scheduled as of 4/11	3/16/11	W	W	M	N	2/3 majority exempt	
18	AB	228	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB228.pdf GENERAL TOPIC: Requires use of standardized construction contract. Under existing law, a public body is required to include certain provisions in a contract for a public work. (NRS 338.150, 338.153, 338.155) This bill requires a public body to use a standard form construction contract which has been endorsed by national associations representing industry professionals for each contract for a public work.	Amended bill heard in GA on 3/25 with lots of opposition. Possible re-introduce in 2013	3/25/11	No further action required					
19	AB	237	F	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB237.pdf GENERAL TOPIC: Authorizes and broadens use of County Bond bank. Existing law authorizes the board of county commissioners of a county whose population is 100,000 or more but less than 400,000 (currently Washoe County) to establish a program to provide financial assistance to persons to connect to the county's public water or sewer system. (NRS 244.3651) Sections 1, 4 and 5 of this bill authorize the board to issue bonds and other securities under the County Bond Law to finance the county's program of financial assistance as part of a sewerage or water project. Section 2 of this bill authorizes the board of county commissioners of a county to issue special obligation bonds under the County Bond Law to defray the costs of a sewerage or water project. Under existing law, the interest rate on securities issued by a political subdivision of this State, with certain exceptions, is not authorized to exceed by more than 3 percent certain published interest rates. (NRS 350.2011) Section 6 of this bill increases that limitation on interest rates by an additional 2 percent, for a total limitation of not more than 5 percent over certain published interest rates, on securities issued in whole or in part to finance a program to provide financial assistance to persons to connect to a public water or sewer system.	Passed out un-amended 4/11	3/25/11	S	S	W	N		
20	AB	238	F	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB238.pdf GENERAL TOPIC: Eliminates some limitations on County Bond bank. Since October 1, 1999, a county has been authorized, as part of a lending project under the County Bond Law, to acquire securities issued by a municipality located wholly or partially within the county: (1) to undertake one or more infrastructure projects; or (2) to refund those securities. In the latter case, a county's authority is limited to acquiring only those securities issued to refund municipal securities for infrastructure projects that were previously acquired by the county. (NRS 244A.0343, 244A.064) This bill eliminates this limitation on a county's authority and thereby allows a county to acquire securities that were issued by a municipality to refund municipal securities issued previously for infrastructure projects regardless of whether those securities are held by the county or another entity. However, the county may only acquire those municipal securities issued for purposes of refunding if the initial securities for the infrastructure projects were issued by the municipality on or after October 1, 1999.	Heard GA on 3/23; passed GA 4/11 specific to Washoe County	3/25/11	S	S	W	N		

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21	AB	253	PE	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB253.pdf GENERAL TOPIC: Expands investigative ability of Division of Occupational Safety with respect to alleged violations. Existing law provides for the assessment of certain fines and punishments for violations of the Nevada Occupational Safety and Health Act. (NRS 618.625-618.715) Sections 1-4 of this bill include within the scope of behavior that may trigger certain fines or punishments the violation of any provision of a settlement agreement entered into that relates to the Nevada Occupational Safety and Health Act. Section 2 of this bill increases the maximum and minimum fines for willfully or repeatedly violating any requirement of the Nevada Occupational Safety and Health Act. Section 4 of this bill revises the punishment for a willful violation of the Nevada Occupational Safety and Health Act that results in the death of an employee by revising the fine that may be assessed for each such violation. Section 5 of this bill requires the Department of Personnel to complete a survey of the salaries of safety and mechanical inspectors and report its findings to the Director of the Legislative Counsel Bureau by July 1, 2012.	Amend and do pass C/L 4/11	3/25/11	NS;SA	NS;SA	W	N	
22	AB	254	PE	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB254.pdf GENERAL TOPIC: Expands investigative ability of Division of Occupational Safety with respect to alleged violations. Existing law provides that if, upon inspection or investigation, the Administrator of the Division of Industrial Relations of the Department of Business and Industry or the Administrator's authorized representative believes an employer is in violation of the Nevada Occupational Safety and Health Act, the Division shall issue a citation to the employer for the violation. (NRS 618.465) This bill provides that the Administrator or the authorized representative may find a violation to have occurred based upon either: (1) the observation of the violation by the Administrator or authorized representative during an inspection; or (2) an investigation by the Administrator or authorized representative that demonstrates the violation has occurred using depositions of witnesses, interviews or other reasonable evidence in the absence of the observation of the violation by the Administrator or authorized representative.	Amend and do pass C/L 4/11	3/25/11	NS;SA	NS;SA	W	N	
23	AB	255	PE	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB255.pdf GENERAL TOPIC: Expands investigative ability of Division of Occupational Safety with respect to accidents resulting in death or injury of employee. Existing law requires the Division to investigate certain accidents that result in the death or injury of employees. (NRS 618.378) Section 1 of this bill requires the Division, after an accident which results in the death or injury of an employee, to provide to the injured employees, the immediate families of the injured or deceased employees and the representatives of the injured or deceased employees a written description of their rights regarding an investigation of the accident. Section 1 also requires the Division to provide such persons with notice of certain events related to an investigation of the accident or proceedings concerning the accident. With regard to an accident which results in the death of an employee, existing law requires the Division and the Occupational Safety and Health Review Board to provide specified information and notifications to, and under certain circumstances to enter into discussions with, the immediate family of the deceased employee after a citation is issued regarding the accident. (NRS 618.480, 618.605) Section 3 of this bill requires the Division to interview the immediate family of the deceased employee during an investigation of the fatal accident to obtain information relevant to the investigation. Section 3 also requires the Division to allow the immediate family of the deceased employee to participate in certain meetings related to the accident.	Amend and do pass C/L 4/11	3/25/11	NS;SA	NS;SA	W	N	

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24	AB	256	PE	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB256.pdf GENERAL TOPIC: Disclosure of public records including privatization contracts. Under existing law, all public books and records of a governmental entity, the contents of which are not otherwise declared by law to be confidential or which the governmental entity determines pursuant to a balancing test must not be disclosed, must be open at all times during office hours for inspection and copying. (NRS 239.010) Section 2 of this bill declares to be a public record any privatization contract, defined as a contract executed by or on behalf of a governmental entity which authorizes a private entity to provide public services that are substantially similar to and in lieu of services otherwise required to be provided by the governmental entity. Section 8 of this bill requires a local government to disclose privatization contracts together with information regarding the duration and number of such contracts, as well as an analysis of the privatization contracts which includes a comparison of the use of the persons employed under the privatization contracts with the costs if the services were provided by regular full-time employees of the department, institution or agency while preparing a tentative budget, and to make such information open to public inspection. Section 9-15 also requires the disclosure pursuant to Section 8 regarding contracts a government agency has entered into to be provided while preparing a tentative budget by the following entities: (1) transportation districts; (2) districts for the support of public parks; (3) consolidated, district or town libraries; (4) county hospital districts; and (5) county fire protection districts.	Not scheduled as of 4/13	3/25/11	W	W	M	N	
25	AB	257	O	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB257.pdf GENERAL TOPIC: Requires public comment period for agenda action items. The Open Meeting Law requires that meetings of public bodies be open to the public, with limited exceptions. Under the Open Meeting Law, a public body is required to provide written notice of all such meetings, which must include an agenda with a period devoted to comments by the general public and discussion of those comments. However, a public body is prohibited from taking action upon a matter that is raised during such a period for public comment until the matter has been specifically included on an agenda and is denoted to be an item upon which the public body may take action. (NRS 241.020) This bill requires the public body, before taking action on an agenda item that is denoted as an item on which the public body may take action, to provide a period devoted to public comment on the agenda item. The public body is also required to provide one additional period for public comment immediately before the adjournment of the meeting.	Bill heard GA on 4/13 - amended to require public comment at opening and closing of meeting - not on each action item - Clark County/LV agendas are to large to accomadate	3/25/11	W;N	W;N	M	N	
26	AB	312	PE	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB312.pdf GENERAL TOPIC: Revising provisions relating to prevailing wages. AN ACT relating to public works; clarifying the definition of an "offense"; clarifying that the Labor Commissioner may impose an administrative penalty against a person for the commission of an offense; revising provisions relating to the payment of prevailing wages on public works; revising the manner in which the Labor Commissioner is required to determine prevailing wage rates; providing that collusion to affect the outcome of a prevailing wage survey is an unfair trade practice; and providing other matters properly relating thereto	Heard on 4/11 GA with lots of opposition from labor - support from contractors	3/25/11	S	N	M	N	SB332 is similar to this bill.

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27	AB	330	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB330.pdf GENERAL TOPIC: Disclosure of public records including privatization contracts. Under existing law, all public books and records of a governmental entity, the contents of which are not otherwise declared by law to be confidential or which the governmental entity determines pursuant to a balancing test must not be disclosed, must be open at all times during office hours for inspection and copying. (NRS 239.010) Section 2 of this bill declares to be a public record any privatization contract, defined as a contract executed by or on behalf of a governmental entity which authorizes a private entity to provide public services that are substantially similar to and in lieu of services otherwise required to be provided by the governmental entity. Section 8 of this bill requires a local government to disclose privatization contracts together with information regarding the duration and number of such contracts, as well as an analysis of the privatization contracts which includes a comparison of the use of the persons employed under the privatization contracts with the costs if the services were provided by regular full-time employees of the department, institution or agency while preparing a tentative budget, and to make such information open to public inspection. Section 9-15 also requires the disclosure pursuant to Section 8 regarding contracts a government agency has entered into to be provided while preparing a tentative budget by the following entities: (1) transportation districts; (2) districts for the support of public parks; (3) consolidated, district or town libraries; (4) county hospital districts; and (5) county fire protection districts.	Amend and do pass GA 4/11	4/1/11	W	W	M	N	
28	AB	338	PE	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB338.pdf GENERAL TOPIC: Expands investigative requirements before actions can be taken against an employee. Section 1 of this bill requires an appointing authority to provide appropriate training, warnings and notice of a policy and of the procedure for making a personnel decision that adversely affects an employee before making such a decision against an employee. Section 1 also requires the appointing authority to assign one supervisor to conduct a fact-finding investigation and a second supervisor to determine whether substantial evidence of the allegation exists based on the investigation, if the accused employee disputes the allegation that would form the basis of a personnel decision that adversely affects the employee.	Heard on 4/8 GA no action	4/1/11	N	N	W	N	
29	AB	342	G	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB342.pdf GENERAL TOPIC: Allows use of web sites from public notifications. Existing law requires the State or a local government to publish legal notices and advertisements in newspapers of general circulation and also sets forth the requirements for such publication. (NRS 238.030) Section 1 of this bill authorizes the State or a local government to publish a legal notice or advertisement on the official website of the State or local government, as applicable, in lieu of publishing the legal notice or advertisement in a newspaper of general circulation unless a law of this State specifically prohibits in express terms the publication on an Internet website.	Hearing on 4/12 AGA	4/1/11	W	W	W	N	Reduces publication costs.

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30	AB	361	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB361.pdf GENERAL TOPIC: Expands reporting requirements for public agencies and contractors on public works contracts. Under existing law, if a local business owned by a veteran with a service connected disability submits a bid for a public work for which the estimated cost is \$100,000 or less, the business receives a preference of 5 percent of the bid amount. (NRS 338.13844) Additionally, the State Public Works Board must report to the Legislature or Interim Finance Committee every 6 months the number of bids from local businesses owned by a veteran with a service-connected disability, the number of contracts awarded to those businesses and the total dollar amount of those contracts. (NRS 338.13846) Section 6 of this bill creates a similar preference for local businesses owned by a woman or a member of a minority group. Section 7 of this bill imposes similar reporting requirements on the State Public Works Board for these businesses. Section 3 of this bill requires a person who is awarded a contract for a public work to gather, maintain and report to the public body awarding the contract certain information concerning the hiring, wages, race, ethnicity and gender of applicants for employment on the public work. Section 3 also requires that a public body awarding a contract for a public work must gather, compile, maintain and report to the State Public Works Board certain information concerning the cost of the public work, the awarding of the contract, the race, ethnicity, gender, number of employees and length of time in business of the bidders for the contract, and the information received from the person awarded the contract concerning the applicants for employment on the public work. Finally, section 3 requires that the State Public Works Board must compile and maintain the information available to the public, report the information annually to the Director of the Legislative Counsel Bureau and report the information quarterly to the Attorney General. Sections 3 and 5-7 of this bill do not become effective until: (1) the Attorney General reviews the information provided by the State Public Works Board and determines that the information is sufficient to successfully defend a legal challenge to those provisions; (2) the Attorney General notifies the Governor of the sufficiency of the information; and (3) the Governor issues a proclamation to justify the implementation of those provisions.	Heard 3/25 GA no action	3/25/11	NS; SA	NS; SA	M	N	
31	AB	387	WR	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB387.pdf GENERAL TOPIC: Adds "conservation domestic well" with 0.5 afa duty. Existing law exempts wells used for domestic purposes where the draught does not exceed 2 acre-feet per year from the requirements to obtain permits for the development and use of underground water. (NRS 534.180) Section 1 of this bill creates conservation domestic wells, a subset of domestic wells where the draught does not exceed 0.5 acre-feet per year, and establishes certain requirements for these wells, including that: (1) they be equipped with a certain type of pump at the time they are drilled which runs on renewable energy and does not allow water to flow at a rate of more than 1 gallon per minute; (2) the owners of the conservation domestic well install a water meter to measure the withdrawal of water from the well and ensure the withdrawal from the conservation domestic well does not exceed 0.5 acre-feet per year; and (3) the owner shall report the monthly withdrawal to the State Engineer on the Internet website of the State Engineer. Section 1 also authorizes the State Engineer to establish reasonable fees by regulation for issuing a password to an owner of a conservation domestic well to sign on to the website to report his or her water withdrawal, for allowing an owner to submit a written report rather than an online report and for failure of an owner to submit his or her report in a timely manner. Finally, section 1 requires any subdivision which plans to provide water services through the use of conservation domestic wells to obtain the right to appropriate not less than 1 acre-foot of water per year for each parcel in the subdivision and entitles the developer to obtain a credit for the 0.5 acre-feet of water not used by the conservation domestic well.	Heard GA 3/30 no action - amended to TMWA suggestion	3/25/11	NS; SA	NS; SA	W	N	

ASSEMBLY BILLS				SUMMARY	BILL STATUS	Date Last Action	Board Position	Initial Position	Lead Lobbyist	Testify: N-no ?-Uknwn	COMMENTS
Bill No.											
				F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation							
32	AB	389	G	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB389.pdf GENERAL TOPIC: Expands public comment time; adds common interest communities as public bodies. Section 1 of this bill requires a public body to allot an equal amount of time for testimony in favor of and in opposition to an agenda item at a public meeting. Section 1 also requires a public body to allot an equal amount of time for the rebuttal of such testimony. Section 2 of this bill requires a nonprofit corporation that has the power of eminent domain to comply with the provisions of chapter 241 of NRS. Section 3 of this bill requires that meetings of common-interest communities must comply with the Open Meeting Law. The Commission for Common-Interest Communities and Condominium Hotels is responsible for investigating and enforcing violations of the Open Meeting Law by common-interest communities.	Heard 4/1 C/L not action	3/25/11	N	N	M	M	Need clarification as to whether new time allotment applies to topic or per person.
33	AB	410	WR	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB410.pdf GENERAL TOPIC: Filing of protests by governing bodies must be signed by head of the body. Under existing law, any interested person, including a governmental entity, is authorized to file a written protest with the State Engineer against the granting of an application for a permit to appropriate water or to change the place of diversion, the manner of use or the place of use of water already appropriated. (NRS 533.010, 533.325, 533.365) In addition, any person, including a governmental entity, who may be adversely affected by a project for the recharge, storage and recovery of water is authorized under existing law to file a written protest with the State Engineer against the granting of an application for a permit to operate the project. (NRS 534.014, 534.250, 534.270) This bill requires that any protest which is filed by a government, governmental agency or political subdivision against the granting of an application for a permit to change the place of diversion, the manner of use or the place of use of water already appropriated within the same basin or for a permit to operate a project for the recharge, storage and recovery of water be verified or signed by the director, administrator, chief, head or other person in charge of that government, governmental agency or political subdivision. However, this bill does not change the requirements under existing law for a protest by a government, governmental agency or political subdivision against the granting of an application for a permit to appropriate water or an application that involves an interbasin transfer of groundwater. (NRS 533.365).	Heard 3/30 GA no action	3/25/11	NS	NS	W	N	
34	AB	413	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB413.pdf GENERAL TOPIC: Reduces retainage of progress payments from 10 to 5 percent. Existing law requires a public body to withhold as retainage at least 10 percent of the progress payments owed to a contractor on a public works project during the first half of the project. (NRS 338.515) Similarly, contractors and subcontractors may withhold as retainage not more than 10 percent of progress payments to their subcontractors and suppliers during the first half of the public works project. (NRS 338.555, 338.595) Sections 1, 3 and 5 of this bill revise the maximum amount of retainage that may be withheld during the first half of the project to 5 percent of the progress payment. Sections 1, 3 and 5 also provide that, except under limited circumstances, the amount of retainage may not exceed 2.5 percent of progress payments during the second half of a public works project.	Amend and do pass 4/8 with wording in the amendment that helps local governments but the bill still reduces hold backs	3/25/11	NS	NS	W	N	

ASSEMBLY BILLS				SUMMARY	BILL STATUS	Date Last Action	Board Position	Initial Position	Lead Lobbyist	Testify: N-no ?-Uknwn	COMMENTS
Bill No.											
				<p>F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation</p>							
35	AB	419	WR	<p>http://leg.state.nv.us/Session/76th2011/Bills/AB/AB419.pdf GENERAL TOPIC: Allows State Engineer to designate critical management areas of groundwater basins. Under existing law, the State Engineer has various powers and duties with respect to regulating the groundwater in this State. (Chapter 534 of NRS) Section 3 of this bill requires the State Engineer to designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin. If a basin is so designated for at least 10 consecutive years, section 3 requires the State Engineer to order that withdrawals of groundwater be restricted in the basin to conform to priority rights, unless a groundwater management plan has been approved for the basin. Section 1 of this bill prescribes the procedure for the proposal, approval and revision of such a plan. . Section 2 of this bill includes the existence of a groundwater management plan in a basin as a consideration for the State Engineer in determining whether to grant a request for an extension of the time necessary to work a forfeiture of water in such a basin.</p>	Amend and do pass on 4/8	3/25/11	W	W	W	N	
36	AB	422	WR	<p>http://leg.state.nv.us/Session/76th2011/Bills/AB/AB422.pdf GENERAL TOPIC: Public body leasing of water rights. This bill specifically authorizes a public body to lease a water right owned by the public body to an owner or holder of a water right who the State Engineer determines is exceeding the amount of water to which the owner or holder is entitled.</p>	Amend and do pass 4/12 GA specific to Southern Nevada	3/25/11	NS	NS	W	N	
37	AB	457	F	<p>http://leg.state.nv.us/Session/76th2011/Bills/AB/AB457.pdf GENERAL TOPIC: Allows PUCN to double mil assessments. Existing law establishes the Fund for Energy Assistance and Conservation which is funded by the universal energy charge imposed on certain retail customers who purchase natural gas or electricity for consumption in this State. The universal energy charge must be remitted to the Public Utilities Commission of Nevada for deposit in the State Treasury for credit to the Fund. (NRS 702.160, 702.170) This bill increases the amount of the universal energy charge that is collected from certain retail customers who purchase natural gas (3.3 mils/therm to 6.6mils/therm) or electricity (.39mils/kwh to .78mils/kwh) for consumption in this State. This bill also increases the maximum amount of the universal energy charge that a single retail customer or multiple retail customers under common ownership and control may be required to pay during a calendar quarter.</p>	Heard in C/L on 4/11 - lots of support from social service, environmental entities - no one opposed.	4/1/11	N	N	W	N	
38	AB	466	WR	<p>http://leg.state.nv.us/Session/76th2011/Bills/AB/AB466.pdf GENERAL TOPIC: Seeks definition of "environmentally sound" as it relates to interbasin transfers. When determining whether an application for an interbasin transfer of groundwater must be rejected, existing law requires the State Engineer to consider whether the proposed interbasin transfer is environmentally sound as it relates to the basin from which the water is exported. (NRS 533.370) This bill requires the State Engineer to define, by regulation, the term "environmentally sound" for the purpose of making that determination.</p>	Amend and do pass 4/12 GA	4/1/11	N	N	W	N	

ASSEMBLY BILLS				SUMMARY	BILL STATUS	Date Last Action	Board Position	Initial Position	Lead Lobbyist	Testify: N-no ?-Uknwn	COMMENTS
Bill No.											
				F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation							
39	AB	469	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB469.pdf GENERAL TOPIC: Allows local governments to mutual bid to achieve best value/lowest cost. Existing law sets forth the procedures a local government must follow to advertise for bids for contracts or to enter into purchasing agreements. (NRS 332.039-332.225) Section 4 of this bill authorizes local governments to enter into agreements with each other to mutually advertise for bids or enter into purchasing agreements or exercise authorized purchasing powers to maximize their efficiency and economy. Section 7 of this bill revises the considerations a local government must take into account when considering bids, and requires the local government to consider which bid provides the best value rather than just which is lowest, where best value includes not only cost but also the greatest possible economy consistent with the quality and sustainability of the materials, supplies, equipment and services. Section 5 of this bill requires county school districts to advertise for bids for persons not employed by the school district to provide services such as custodial services, maintenance and transportation at least once every 5 years, and section 8 of this bill requires the school district to file an annual report with the Legislature or Interim Finance Committee about each contract awarded, or if no contract was awarded, the reasons for not awarding a contract and a comparison of the lowest responsive bid and the cost incurred by the school district in providing the service itself.	Heard 4/13 GA no action	4/1/11	N;SA	N;SA	M	N	
40	AB	470	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB470.pdf GENERAL TOPIC: Use by public agency of construction manager at risk AN ACT relating to public works; revising provisions governing the selection of a construction manager at risk for preconstruction services and the construction of a public work; revising the manner in which a construction manager at risk may solicit bids and select a subcontractor for a public work; and providing other matters properly relating thereto.	Heard on 4/7 GA no action	4/1/11	N	N	M	N	TMWA doesn't use this process.
41	AB	471	F	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB471.pdf GENERAL TOPIC: Prohibits local governments for loaning or transferrring monies from enterprise funds. The Local Government Budget and Finance Act authorizes the governing body of a local government to establish certain funds, including an enterprise fund to account for operations which are financed and conducted in a manner similar to the operations of a private business, where the intent of the governing body is to have the expenses of providing goods or services to the general public financed through charges imposed on users. (NRS 354.470-354.626) Section 1 of this bill prohibits a governing body of a local government from loaning or transferring any money from an enterprise fund, any money collected from fees imposed for the purpose for which an enterprise fund was created or any income or interest earned on money in an enterprise fund to: (1) any fund that is unrelated to the purpose for which the enterprise fund was created; or (2) the general fund of a local government. Section 9 of this bill provides that any officer or employee of a local government who violates section 1 is guilty of a misdemeanor and upon conviction ceases to hold his or her office or employment.	Heard 4/13 GA no action	4/1/11	N	N	M	N	

4-20-11 BOARD Agenda Item 6 Senate

SENATE BILLS				SUMMARY	BILL STATUS	Date Last Action	Board Position	Initial Position	Lead Lobbyist	Testify: N-no ?-Uknwn	COMMENTS
Bill No.	TOPIC										
		F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation									
1	SB 41	F	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB41.pdf	GENERAL TOPIC: Eliminates collective bargaining for local governments. Eliminates mandatory collective bargaining for local government employers.	Not scheduled as of 4/13	2/25/11	W	W	M	?	Similar to SB78
2	SB 60	PW	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB60.pdf	GENERAL TOPIC: Revises use of Fund for Renewable Energy. AN ACT relating to energy; revising certain provisions governing the administration of the Fund for Renewable Energy, Energy Efficiency and Energy Conservation Loans; authorizing the Director of the Office of Energy to make loans from the Fund to qualified applicants for the construction of an energy efficiency project or an energy conservation project or the construction, expansion or operation of a renewable energy system; and providing other matters properly relating thereto.	Amend and do pass on 3/4 from C/L -	2/25/11	S	S	W	N	Amendment was minor; TMWA supported
3	SB 68	WR	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB68.pdf	GENERAL TOPIC: Expands participation in water appropriation studies. Requires the State Engineer to allow a city, county or other political subdivision to participate in developing and carrying out a plan or conducting a study relating to the appropriation of water for beneficial use under certain circumstances.	Heard Govt. Affairs 2/14 - no action	2/25/11	N	N	W	N	Per Chair the bill is likely dead
4	SB 76	PE	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB76.pdf	GENERAL TOPIC: Prohibits use of cellular phones in vehicles. Prohibits the use of a cellular telephone or other handheld wireless communications device while operating a motor vehicle in certain circumstances.	Not scheduled as of 4/13	2/25/11	W	W	W	N	Eligible for exemption
5	SB 78	F	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB78.pdf	GENERAL TOPIC: Revises local government collective bargaining. Revises provisions governing collective bargaining between local government employers and local government employees.	Not scheduled as of 4/13	2/25/11	W	W	M	N	Similar to SB 41
6	SB 100	PW	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB100.pdf	GENERAL TOPIC: Revises improvement district modificaitons. AN ACT relating to local improvement districts; authorizing certain modifications after a local improvement project has begun and assessments have been levied; and providing other matters properly relating thereto.	Amend and do pass SGA 4/13	2/25/11	W	W	M	N	Amendment allows Board oversight.
7	SB 147	PE	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB147.pdf	GENERAL TOPIC: Revises civil penalties if person knowingly misrepresents the classification or duties of an employee. Existing law governing industrial insurance makes an employer liable for civil penalties in an action commenced by the Attorney General under certain circumstances if the employer misrepresents the classification or duties of an employee. (NRS 616D.220, 616D.230) Existing law also gives the Attorney General primary jurisdiction to investigate and prosecute such violations by an employer as well as primary jurisdiction to investigate and prosecute any fraud in the administration of statutes governing industrial insurance and occupational diseases. (NRS 228.420) This bill makes a person liable for civil penalties in an action commenced by the Attorney General if the person knowingly advises an employer or any employee, officer or agent of an employer to misrepresent the classification or duties of an employee. This bill also requires that all such civil penalties which are collected be used to support the Fraud Control Unit for Industrial Insurance within the Office of the Attorney General.	Scheduled 3/30 not heard with possible bill combination with other independent contractor bill	3/25/11	W	W	W	N	

SENATE BILLS				SUMMARY	BILL STATUS	Date Last Action	Board Position	Initial Position	Lead Lobbyist	Testify: N-no ?-Uknwn	COMMENTS
Bill No.	TOPIC										
		F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation					S- Support SA- Support if amended N-Neutral NS- Not support W-Watch	G-DePaoli M-MacDonald W-Walker			
8	SB 148	PE	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB148.pdf GENERAL TOPIC: Revises employee rights if person knowingly misrepresents the classification or duties of an employee. Under existing law, if the Administrator of the Division of Industrial Relations of the Department of Business and Industry determines that an employer knowingly misrepresented the classification or duties of an employee, the Administrator will charge the employer for the amount of the premiums that the employer would have paid to secure industrial insurance had the employer submitted the proper information. (NRS 616D.220) The Attorney General may also commence a civil action to collect any amount due, as well as certain other civil penalties.(NRS 616D.230) This bill creates a private right of action for an employee who has been misclassified as an independent contractor. This remedy is in addition to the existing remedies and penalties under NRS 616D.220 and 616D.230. (NRS 616D.010) This bill allows the employee to bring the action against his or her employer only after filing a complaint with a state agency that has jurisdiction to address the misclassification, if any such agency exists. This bill also allows the employee to bring the action without exhausting any applicable administrative remedies.	Scheduled 3/30 not heard with possible bill combination with other idependent contractor bill	3/25/11	NS	NS	W	N		
9	SB 153	WR	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB153.pdf GENERAL TOPIC: Revises determination of beneficial use of municipalities' water rights. AN ACT relating to water; declaring the appropriation of certain water by a municipality or public utility to serve the present and reasonably anticipated future municipal, industrial or domestic needs of the municipality or public utility to be a beneficial use of that water; providing that certain provisions governing consideration by the State Engineer of the consumptive use of a water right do not apply to an application to appropriate water filed by a municipality under certain circumstances; revising the period within which an application of water for a certain municipal or quasi-municipal use must be made; setting forth the measure of reasonable diligence for determining whether a municipality is proceeding with good faith and reasonable diligence to perfect an appropriation of water for a beneficial use; revising the provisions which must be included in certain statements filed with the State Engineer concerning the application of water for municipal or quasi-municipal use; requiring the State Engineer to issue a certificate for a partially perfected application under certain circumstances; and providing other matters properly relating thereto.	Passed amended per TMWA input on 3/7	2/25/11	SA	SA	W	JAE	Amendment extended 5 years to 10 years on time extension for permits	
10	SB 192	PW	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB192.pdf GENERAL TOPIC: Imposes limitations on when government can self perform public work. Local governments are required under existing law to submit an annual fiscal report to the Department of Taxation. (NRS 354.6015) Section 6 of this bill requires a local government to include in that annual report the percentage of contracts for the design and construction of public works that were awarded during the reporting period to contractors and design professionals in this State. Sections 14 and 16 of this bill impose identical reporting requirements on the State Public Works Board and the Department of Transportation with respect to contracts for public works of the State. Section 2 of this bill requires the Commission on Economic Development to compile those reports and transmit the compilation to the Legislature, or the Interim Finance Committee, if the Legislature is not in regular session. Section 15 Under existing law, if the estimated cost of a public work is \$100,000 or less, the State or a local government is authorized to award the contract to a contractor or perform the work with its own employees if certain requirements are met. (NRS 338.1386, 338.1442) Similarly, under existing law, if the estimated cost of a public work is less than \$35,000, the State or a political subdivision is authorized to prepare the maps, plans, specifications, reports and estimates for the public work itself. (NRS 625.530) The Department of Transportation is also authorized under existing law to perform limited work and improvements itself. (NRS 408.323) Sections 8, 11, 17 and 18 of this bill add a legislative declaration to those provisions in existing law, stating that, whenever possible, it is in the best interest of the State for those services on public works to be performed by the private sector.	Bill passed Senate on partisan vote without TMWA proposed amendment. Referred to Assembly GA	2/25/11	NS	NS	M	?		

SENATE BILLS				SUMMARY	BILL STATUS	Date Last Action	Board Position	Initial Position	Lead Lobbyist	Testify: N-no ?-Uknwn	COMMENTS
Bill No.	TOPIC										
				F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation							
11	SB	207	PE	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB207.pdf GENERAL TOPIC: Enables Labor Commission to impose penalties on employers that misclassify an employee as independent contractor. Under existing law, the Labor Commissioner is required to enforce the labor laws and regulations of the State of Nevada. In carrying out that requirement, the Labor Commissioner may take any appropriate action against a person who violates those laws or regulations. Before enforcing an administrative penalty against the person, the Labor Commissioner is required to provide the person with notice and an opportunity for a hearing. (NRS 607.160) This bill confers upon the Labor Commissioner the authority to impose an administrative penalty against an employer who, regardless of the employer's intent, misclassifies an employee as an independent contractor. This bill sets forth the required amount of any administrative penalty imposed by the Labor Commissioner against the employer and, if the violation is a third or subsequent offense, requires the Secretary of State to revoke or suspend the state business license of the employer for not more than 3 years as determined by the Labor Commissioner. This bill authorizes the Labor Commissioner to impose the administrative penalty against the employer if the employer fails to prove to the satisfaction of the Labor Commissioner that the employee is not misclassified as an independent contractor.	Passed C/L on 3/30 partisan vote	3/25/11	NS	NS	W	N	
12	SB	208	PE	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB208.pdf GENERAL TOPIC: Expands rules on misclassifying an employee as independent contractor. Section 7 of this bill requires the offices of the Labor Commissioner, the Division of Industrial Relations of the Department of Business and Industry, the Employment Security Division of the Department of Employment, Training and Rehabilitation, the Department of Taxation and the Attorney General to share amongst their respective offices information relating to suspected employee misclassification that is received in the performance of their official duties under certain circumstances. Section 4 of this bill defines "employee misclassification" as the practice by an employer of improperly classifying employees as independent contractors to avoid any legal obligation under state labor, employment and tax laws, including, without limitation, the laws governing minimum wage, overtime, unemployment insurance, workers' compensation insurance, temporary disability insurance, wage payment and payroll taxes. Section 8 of this bill creates and sets forth the membership of the Task Force on Employee Misclassification. Section 9 of this bill sets forth the duties of the Task Force.	Passed C/L on 3/30 partisan vote	3/25/11	NS	NS	W	N	
13	SB	242	PE	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB242.pdf GENERAL TOPIC: Expands rules on misclassifying an employee as independent contractor. Existing law relating to unemployment compensation uses a set of factors commonly known as the "ABC Test" to determine whether services performed by a person for wages are deemed to be employment. (NRS 612.085) Section 1 of this bill revises the term "independent contractor" for the purposes of industrial insurance to incorporate the "ABC Test." Existing law requires an employer to post a notice in a conspicuous place that identifies the employer's industrial insurer and provides certain information about the insurer. (NRS 616A.490) Section 2 of this bill requires that such notice include the definitions of "employee" and "independent contractor" as used in the Nevada Industrial Insurance Act (chapters 616A-616D of NRS).	Passed C/L on 3/30 partisan vote	3/25/11	NS;SA	NS;SA	M	N	

SENATE BILLS				SUMMARY	BILL STATUS	Date Last Action	Board Position	Initial Position	Lead Lobbyist	Testify: N-no ?-Uknwn	COMMENTS
Bill No.	TOPIC										
				F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation							
14	SB	268	PW	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB268.pdf GENERAL TOPIC: Revises design-build rules. (NRS 338.1389, 338.147, 338.1727, 408.3886) Section 1 of this bill allows a person who holds a certificate of registration of architecture or landscape architecture or who holds a license as a professional engineer or professional land surveyor to qualify for a preference when competing for public works if the person has submitted submitted proof to the appropriate licensing board that the person has paid certain taxes to the State for the past 5 years. Sections 4 and 7 of this bill allow a design-build team to receive a preference in selection as a finalist if both the contractor and the design professionals on the design-build team possess a certificate of eligibility to receive their respective preferences. Sections 5 and 8 of this bill allow a design-build team that has been selected as a finalist for a public work or a project to receive a preference in selection for a contract only if both the contractor and the design professionals on the design-build team possess a certificate of eligibility to receive their respective preferences. Section 9 of this bill allows an architect, professional engineer or professional land surveyor to receive a preference in selection for certain public works if the architect, professional engineer or professional land surveyor possesses a certificate of eligibility to receive a preference when competing for public works. Existing law provides that a public body which selects a design-build team as a finalist in the selection process for a contract for a public work must make public specified information concerning the design-build team and its selection. (NRS 338.1725) Section 7 of this bill adds a similar requirement for the Department of Transportation to make public specified information concerning a design-build team and the selection of that design-build team as a finalist in the selection process for a contract for a project. Section 3 of this bill requires that a public body must, after selecting but before entering into a contract with a design professional who is not a member of a design-build team, transmit certain information concerning the selection of the design profession to the licensing board that regulates the design professional. That licensing board must post the information on its Internet website.	Amend and do pass SGA 4/5	3/25/11	N	NS	M	N	
15	SB	297	PW	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB297.pdf GENERAL TOPIC: Revises preference bidding rules. Under existing law, if the qualifications of applicants for employment in the construction of a public work are equal, preference must be given first to a Nevada resident who is an honorably discharged veteran of the Armed Forces of the United States and second to any other Nevada resident. (NRS 338.130) This bill revises those preferences to apply first to an honorably discharged veteran who is a resident of the county where the public work will be constructed and second to a resident of the county where the public work will be constructed.	Heard 3/25 GA no action	4/1/11	W	W	M	N	Moves preference from resident of Nevada to county where work to be performed

SENATE BILLS				SUMMARY	BILL STATUS	Date Last Action	Board Position	Initial Position	Lead Lobbyist	Testify: N-no ?-Uknwn	COMMENTS
Bill No.	TOPIC	PE									
				<p>F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation</p>							
16	SB 342	PE	<p>http://leg.state.nv.us/Session/76th2011/Bills/SB/SB342.pdf</p> <p>GENERAL TOPIC: Revises collective bargaining rules.</p> <p>Under existing law, local government employees in supervisory and administrative positions are required to be members of a different bargaining unit from employees they supervise. (NRS 288.170) Section 5 of this bill excludes all school administrators, heads of departments of local governments, administrative employees and supervisory employees from being members of bargaining units. Under existing law, a local government employer is required to negotiate with a recognized employee organization regarding the deduction of dues for the recognized employee organization. (NRS 288.150) Section 4 of this bill removes such negotiation from the scope of mandatory bargaining. Section 2 of this bill authorizes an individual local government employee to decide whether to have dues for the recognized employee organization deducted by his or her employer. Section 3 of this bill prohibits designated representatives of employee organizations from receiving compensation for activities related to representation of the employee organization from public money and requires such compensation to be paid by the local government employees who are members of the employee organization. Sections 6, 7 and 9-11 of this bill require public notice of the initial and final offers made by each party during negotiation, mediation, fact-finding and arbitration. Sections 6, 7 and 9-11 also require that any final resolution reached in negotiation, mediation, fact-finding or arbitration be retroactive to the expiration date of the previous contract between the parties and prohibit the parties, mediator, fact finder or arbitrator from changing the effective date.</p>	Not scheduled as of 4/13	4/1/11	S	S	W	N		
17	SB 343	PE	<p>http://leg.state.nv.us/Session/76th2011/Bills/SB/SB343.pdf</p> <p>GENERAL TOPIC: Revises collective bargaining rules with respect to binding arbitration.</p> <p>Under existing law, if the parties to a collective bargaining dispute between a local government and an employee organization, other than an employee organization that represents teachers and educational support personnel, cannot resolve their dispute through mediation and arbitration, they may submit their dispute to a neutral fact finder, and they may agree to make the findings and recommendations of the fact finder final and binding on the parties. (NRS 288.200) Sections 1, 2 and 4 of this bill remove from the negotiation process the option of final and binding fact-finding for disputes between local government employers and employee organizations that represent local government employees other than police officers and firefighters. Instead, if the parties do not reach an agreement after receiving a report from a fact finder providing findings and recommendations, the governing body of the local government employer may, at a public hearing, impose the economic conditions of their most recent offer. Such an imposition is final and binding on the parties and is effective only for the following fiscal year. In the case of police officers and firefighters, section 3 of this bill removes the option of binding fact-finding. Instead, if a local government employer and an employee organization representing police officers or firefighters do not reach an agreement after fact-finding, the parties still submit the dispute to binding arbitration.</p>	Heard 4/12 Leg ops - lots of opposition by all unions due to impact on collective bargaining	4/1/11	W	W	W	N		
18	SB 352	PE	<p>http://leg.state.nv.us/Session/76th2011/Bills/SB/SB352.pdf</p> <p>GENERAL TOPIC: Revises employment practices to reduce workplace discrimination.</p> <p>AN ACT relating to employment; prohibiting retaliation or discrimination by an employer against certain employees and other persons who exercise certain rights or report certain violations; providing a private right of action to an employee who is subjected to unlawful retaliation or discrimination; revising provisions governing awards in certain actions brought by an employee against an employer; revising provisions relating to certain employment policies, wages and benefits; revising provisions governing the period in which an employee may bring an action to recover wages; providing a penalty; and providing other matters properly relating thereto.</p>	Heard 4/1 C/L no action	4/1/11	W	W	M	N		

SENATE BILLS				SUMMARY	BILL STATUS	Date Last Action	Board Position	Initial Position	Lead Lobbyist	Testify: N-no ?-Uknwn	COMMENTS
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19	SB 359	PW	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB359.pdf GENERAL TOPIC: Revises use of independent contractor by public agencies. AN ACT relating to public financial administration; prohibiting a governmental entity from entering into a contract with an independent contractor unless the independent contractor agrees to a code of conduct; requiring an independent contractor to disclose certain information relating to a contract with a governmental entity; limiting the duration of a sole source contract with a governmental entity; prohibiting a governmental entity from extending a contract with an independent contractor unless the contract is first opened to competitive bidding; requiring the periodic renegotiation of contracts with a governmental entity that exceed 2 years; requiring the reporting and posting of certain information relating to sole source contracts; requiring a person who is awarded a contract for a public work to gather and report to the public body which awards the contract certain information concerning the applicants for employment on the public work; requiring a public body which awards a contract for a public work to gather and report to the State Public Works Board certain information concerning the bidders for the contract; requiring the State Public Works Board to gather and maintain certain information concerning public works reported to it by various public bodies; requiring the State Board of Examiners to review and approve in advance each contract for the provision of professional services entered into by the Department of Transportation; and providing other matters properly relating thereto.	Heard 4/11 Finance - no action	3/25/11	NS	NS	M	N		
20	SB 361	WR	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB361.pdf GENERAL TOPIC: Authorizes temporary use of water for wildfire restoration. Section 1 of this bill authorizes a person to apply to the State Engineer for the issuance of a temporary permit to appropriate water to establish vegetative cover that is resistant to fire in an area that has been burned by a wildfire or to prevent or reduce the impact of a wildfire in an area. Unless extended by the State Engineer, the duration of such a temporary permit is limited to one growing season of the vegetative cover. Section 2 of this bill declares the use of water to prevent or reduce the impact of wildfires or to rehabilitate areas burned by wildfires as a policy of the State. Sections 3-7 of this bill exempt an application for such a temporary permit from several requirements in existing law for applications for permits concerning water rights, including publication of notice of the application in a newspaper and authorization for the filing of protests against the granting of the application. This expedited process is similar to the process for the issuance of environmental permits by the State Engineer. (NRS 533.437-533.4377) Section 8 of this bill requires the State Forester Firewarden, upon the request of the State Engineer, to review the plan for establishing the vegetative cover that is required to be submitted by the applicant for the temporary permit.	Amend and do pass 4/8 SGA	3/25/11	W/N	W/N	W	N		
21	SB 362	WR	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB362.pdf GENERAL TOPIC: Requires State Engineer to designate critical management areas in a basin. Under existing law, the State Engineer has various powers and duties with respect to regulating the groundwater in this State. (Chapter 534 of NRS) Section 4 of this bill requires the State Engineer to designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin. Under existing law, the State Engineer has the discretion whether to grant a request for the extension of the time necessary to work a forfeiture of a water right. (NRS 534.090) Section 2 of this bill requires the State Engineer to extend the time necessary to work a forfeiture in a basin which is designated as a critical management area if the holder of the right pays a fee that is deposited in an account in the State General Fund, the money in which may only be used to pay the costs of retiring water rights in the particular designated basin where the water right is located. Section 2 further requires the State Engineer to adopt a sliding scale for such a fee, based on the priority of the right.	Bill heard in GA on 4/4 . SE opposed - TMWA neutral with concerns.	3/25/11	W/N	W/N	W	N		

4-20-11 BOARD Agenda Item 6 Senate

SENATE BILLS				SUMMARY	BILL STATUS	Date Last Action	Board Position	Initial Position	Lead Lobbyist	Testify: N-no ?-Uknwn	COMMENTS
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22	SB	363	WR	<p>http://leg.state.nv.us/Session/76th2011/Bills/SB/SB361.pdf</p> <p>GENERAL TOPIC: Revised State Engineer noticing requirements.</p> <p>Existing law requires the State Engineer to publish notice of certain applications for water rights once a week for 4 consecutive weeks within 30 days after an application is filed. If the application is for a proposed well of a certain type, existing law requires the applicant to mail a copy of the notice of application to each owner of real property containing a domestic well that is within 2,500 feet of the proposed well. Further, the applicant is required to send a certain number of notices by certified mail if there are more or less than six such wells. NRS 533.360 This bill requires the State Engineer to publish notice of certain applications for water rights twice a week for 8 consecutive weeks within 120 days after an application is filed. This bill also requires an applicant to mail copies of the notice of application to each owner of real property containing a domestic well that is within 5,000 feet of a proposed well of a certain type. Finally, this bill requires an applicant to send a certain number of notices by certified mail if there are more or less than 12 such wells.</p>	Bill Heard in GA - everyone opposed - Sen Rhoads not interested in carrying - assume dead	3/25/11	NS	NS	W	N	
23	SB	377	PW	<p>http://leg.state.nv.us/Session/76th2011/Bills/SB/SB377.pdf</p> <p>GENERAL TOPIC: Makes provision for public-private partnerships for public works projects.</p> <p>Existing law sets forth standards and requirements for the public procurement of goods and services and for public works projects. (Chapters 332, 333, 334 and 338 of NRS) Section 8 of this bill provides an alternative to current standards and requirements by authorizing the State and certain local governments to enter into public-private partnerships. Sections 7 and 9 of this bill provide that a public private partnership is a contract entered into by a private partner and the State or a local government under which the private partner assumes responsibility for: (1) planning, designing, financing, constructing, equipping, improving, maintaining, operating or acquiring rights-of-way for a project, or any portion thereof, but where the State or local government retains ownership of the project; or (2) providing services that a public agency is authorized to provide. Sections 9-15 of this bill set forth the requirements for entering into a public-private partnership, including the solicitation of proposals, requirements for and authority of private partners, and the financing of the public-private partnership, and provide authority to carry out certain activities relating to the public-private partnership.</p>	Heard GA 3/25 no action; 2/3 majority required.	3/25/11	NS	NS	M	N	

4-20-11 BOARD Agenda Item 6 Senate

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24	SB 385	G	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB385.pdf	<p>GENERAL TOPIC: Grants limited home rule powers for local governments.</p> <p>In 1868, Judge John F. Dillon of the Iowa Supreme Court established a common-law rule of statutory interpretation known as Dillon's Rule, which limits the powers of local governments. (Merriam v. Moody's Ex'rs, 25 Iowa 163 (Iowa 1868)) Under Dillon's Rule, a local government is authorized to exercise only those powers which are: (1) expressly granted; (2) necessarily or fairly implied in or incident to the powers expressly granted; or (3) essential to the accomplishment of the declared purposes of the local government. Under existing law, county commissioners are authorized to exercise only those powers which are expressly granted and powers that are necessarily implied to carry out express powers. (Sadler v. Board of County Comm'rs, 15 Nev. 39, 42 (1880)) Sections 1-7 of this bill authorize a board of county commissioners, with limited exceptions, to exercise all powers needed for the effective operation of county government, even if the power to perform these acts is neither express nor implied, so long as the power is not expressly prohibited or limited by constitutional or statutory provisions or granted to another entity. Under existing law, a city government is authorized to exercise only those powers expressly granted by the charter or laws creating the city, and the necessary means of employing those powers. (Tucker v. Mayor of Virginia City, 4 Nev. 20, 26 (1868)) Sections 8-21 of this bill authorize city governments, whether created by general law or charter, to exercise all powers needed for the effective operation of city government, with limited exceptions, even if the power to perform these acts is neither express nor implied, so long as the power is not expressly prohibited or limited by constitutional or statutory provisions or granted to another entity.</p>	Re-scheduled to 4/15 after lack of a second on motion to amend and do pass on 4/13 - bill is in trouble	4/1/11	S	S	M	N	
25	SB 391	G	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB391.pdf	<p>GENERAL TOPIC: Revised ethics provisions.</p> <p>This bill makes a number of changes to provisions relating to ethics in government, including provisions concerning the makeup and duties of the Commission on Ethics, the duties of the Executive Director of the Commission and the disposition of a certain assessment paid by cities and counties to the Commission. This bill also makes various changes to provisions in the code of ethical standards, including provisions relating to conflicts of interest for public officers and employees, the rendering of opinions and conduct of investigations by the Commission and the duties of local ethics committees. Additionally, this bill provides new requirements relating to the acknowledgment by public officers and employees of notice of state ethics laws. Finally, this bill transfers a number of duties relating to state ethics laws from the Commission to the Secretary of State.</p>	Heard 4/5 leg ops - Sparks proposed amendment - no action	4/1/11	N; subject to chair direction	N	M	N	
26	SB 401	PW	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB401.pdf	<p>GENERAL TOPIC: Award public works contracts based on "best value".</p> <p>Under existing law, most contracts for public works must be awarded to the lowest responsive and responsible bidder. (NRS 338.1385, 338.1389, 338.143, 338.147) Under section 2 of this bill, a contract for a public work that is the new construction, repair or reconstruction of a public building must instead go to the contractor whose bid provides the best value to the public body awarding the contract. Under section 3 of this bill, a contract for a public work relating to the generation of renewable energy must be awarded individually and not in conjunction with a contract for any other public work.</p>	Hearing 4/8 Econ Dev. Bill morphed into a prevailing wage requirement for renewable energy projects installed on public facilities	4/1/11	W/N	W/N	M	N	Similar to AB459; difficulty defining best value vs. lowest cost processes

4-20-11 BOARD Agenda Item 6 Senate

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27	SB	432	F	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB432.pdf GENERAL TOPIC: Extend payment periods for bonds issued by Washoe and Clark Counties. AN ACT relating to governmental financing; authorizing regional transportation commissions in certain counties (population>100,000) to issue revenue bonds and other securities to finance certain projects under certain circumstances; deleting certain limitations on the issuance of such bonds and other securities by certain counties under certain circumstances; extending the period within which the repayment of certain bonds or other securities must commence; extending the period within which certain general obligation bonds issued for a water facility or wastewater facility must mature; and providing other matters properly relating thereto.	Heard on 4/12 in Revenue - rescheduled for 4/14 for likely approval - Bill very important to SNWA	4/1/11	W	W	M	N	
28	SB	487	PW	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB487.pdf GENERAL TOPIC: Revises contract awards to specialty contractors. Under existing law, a specialty contractor, which is defined as a contractor whose operations consist of the performance of construction work requiring special skill and whose principal contracting business involves the use of specialized building trades or craft, is allowed to take and execute a contract involving the use of two or more crafts or trades if the work performed in the crafts or trades, other than the crafts or trades in which the specialty contractor is licensed, is incidental and supplemental to the performance of the work in the craft for which the specialty contractor is licensed. (NRS 624.215, 624.220) With respect to public works, existing law authorizes the State or a local government to award a contract for a public work to a specialty contractor if: (1) the majority of the work performed under the contract consists of the specialty contracting for which the specialty contractor is licensed; and (2) the public work is not part of a larger public work. However, any work to be performed under such a contract that is outside the scope of the license of the specialty contractor is required to be performed by an appropriate subcontractor. (NRS 338.139, 338.148) This bill prescribes the circumstances under which a public body may award a contract to a specialty contractor that involves the performance of work that is outside the scope of the specialty contractor's license. This bill also provides for the certification of specialty contractors by the State Contractors' Board with respect to such contracts.	Heard 4/11 in SGA	4/1/11	W/N	W/N	M	N	