



TO: Chairman and Board Members
FROM: John Erwin, Dir. Natural Resources-Planning & Development
DATE: 11 May 2011
SUBJECT: **Discussion and possible direction to staff regarding 2011 Legislative Activities**

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 through the date of this memo. Those bills highlighted in "yellow" have either been passed out of both houses or have died procedurally. The column headed "Board Position" are the results of previous action taken by the Board's or its sub-committee.

5-19-11 BOARD Agenda Item 9 Attachment Assembly

ASSEMBLY BILLS				SUMMARY	BILL STATUS	Date Last Board 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			S- Support SA- Support if amended N-Neutral NS- Not support W-Watch		G-DePaoli M-MacDonald W-Walker		
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.	Effective 7/1/2011	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.	Dead	2/25/11	NS;SA	NS;SA	W	?	
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.	Heard Sen Revenue on 4/10 no action	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.	Heard SGA 5/2 no action	2/25/11	W	W	M	N	
5	AB	60	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB60.pdf GENERAL TOPIC: Revises preferential bidding.	Dead	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 4/11 SGA	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.	Heard SGA 5/4 no action	2/25/11	NS;SA	NS;SA	W	Y	TMWA submitted amendments; bill likely to pass Assembly

5-19-11 BOARD Agenda Item 9 Attachment Assembly

ASSEMBLY BILLS				SUMMARY	BILL STATUS	Date Last Board Action	Board Position	Initial Position	Lead Lobbyist	Testify: N-no ?-Uknwn	COMMENTS
Bill No.											
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.	Heard Sen Leg Ops 5/10 - no action	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.	Heard Sen Leg Ops 5/10 - no action	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.	Dead	2/25/11	W	W	M	N	
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.	Dead	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.	With Governor	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.	Dead	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.	Hearing Asse W/M 5/12	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.	Heard SGA 5/4 no action	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.	Approved by Governor-effective 4/27	2/25/11	W	W	M	?	Gives preference to Nevada bidders requiring 50% of labor and 25% materials to be Nevada based. What are utility compliance requirements and activities?

5-19-11 BOARD Agenda Item 9 Attachment Assembly

ASSEMBLY BILLS				SUMMARY	BILL STATUS	Date Last Board 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							
17	AB	218	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB218.pdf GENERAL TOPIC: Makes bottled water taxable.	Dead	3/16/11	W	W	M	N	
18	AB	228	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB228.pdf GENERAL TOPIC: Requires use of standardized construction contract.	Passed Assembly to Senate Legislative ops	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.	Heard SGA 5/4 no action	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 SGA 5/4 no action	3/25/11	S	S	W	N	

5-19-11 BOARD Agenda Item 9 Attachment Assembly

ASSEMBLY BILLS				SUMMARY	BILL STATUS	Date Last Board 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>			<p>S- Support SA- Support if amended N-Neutral NS- Not support W-Watch</p>		<p>G-DePaoli M-MacDonald W-Walker</p>		
21	AB	253	PE	<p>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.</p>	Hearing 5/11 C/L	3/25/11	NS;SA	NS;SA	W	N	
22	AB	254	PE	<p>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.</p>	Hearing 5/11 C/L	3/25/11	NS;SA	NS;SA	W	N	
23	AB	255	PE	<p>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.</p>	Hearing W/M on 5/14 upon adjournment	3/25/11	NS;SA	NS;SA	W	N	
24	AB	256	PE	<p>http://leg.state.nv.us/Session/76th2011/Bills/AB/AB256.pdf GENERAL TOPIC: Disclosure of public records including privatization contracts.</p>	Dead	3/25/11	W	W	M	N	

5-19-11 BOARD Agenda Item 9 Attachment Assembly

ASSEMBLY BILLS				SUMMARY	BILL STATUS	Date Last Board 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							
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.	Heard SGA 5/2 no action	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	Exempt	3/25/11	S	N	M	N	
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.	Exempt	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.	Dead	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.	Dead	4/1/11	W	W	W	N	

5-19-11 BOARD Agenda Item 9 Attachment Assembly

ASSEMBLY BILLS				SUMMARY	BILL STATUS	Date Last Board 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>							
30	AB	361	PW	<p>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.</p>	Dead	3/25/11	NS; SA	NS; SA	M	N	
31	AB	387	WR	<p>http://leg.state.nv.us/Session/76th2011/Bills/AB/AB387.pdf GENERAL TOPIC: Adds "conservation domestic well" with 0.5 afa duty.</p>	Dead	3/25/11	NS; SA	NS; SA	W	N	
32	AB	389	G	<p>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.</p>	Heard SGA 5/2 no action	3/25/11	N	N	M	M	Amended to a public body to make "reasonable effort" to allow competing opinions - drops HOAs but includes non-profits w eminent domain powers
33	AB	410	WR	<p>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).</p>	Heard SGA 5/4 no action	3/25/11	NS	NS	W	N	
34	AB	413	PW	<p>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.</p>	Heard SGA 5/6 no action	3/25/11	NS	NS	W	N	

5-19-11 BOARD Agenda Item 9 Attachment Assembly

ASSEMBLY BILLS				SUMMARY	BILL STATUS	Date Last Board Action	Board Position	Initial Position	Lead Lobbyist	Testify: N-no ?-Uknwn	COMMENTS
Bill No.											
35	AB	419	WR	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.	Hearing 4/11 W/M after Assembly Ed	3/25/11	W	W	W	N	
36	AB	422	WR	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.	Heard SGA 5/4 no action	3/25/11	NS	NS	W	N	
37	AB	457	F	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB457.pdf GENERAL TOPIC: Allows PUCN to double mil assessments.	Dead	4/1/11	N	N	W	N	
38	AB	466	WR	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.	Hearing 4/11 W/M after Assembly Ed	4/1/11	N	N	W	N	
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.	Exempt	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	Dead	4/1/11	N	N	M	N	

5-19-11 BOARD Agenda Item 9 Attachment Assembly

ASSEMBLY BILLS				SUMMARY	BILL STATUS	Date Last Board 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			S- Support SA- Support if amended N-Neutral NS- Not support W-Watch		G-DePaoli M-MacDonald W-Walker		
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.	Referred to SGA - has bad amendment that needs removed - amendment sponsor agrees to remove	4/1/11	N	N	M	N	

5-19-11 BOARD Agenda Item 9 Attachment Senate

SENATE BILLS				SUMMARY	BILL STATUS	Date Last Board 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		
1	SB 41	F	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB41.pdf	Eliminates collective bargaining for local governments.	Dead	2/25/11	W	W	M	?	
2	SB 60	PW	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB60.pdf	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.	Exempt	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	Expands participation in water appropriation studies.	Dead	2/25/11	N	N	W	N	
4	SB 76	PE	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB76.pdf	Prohibits use of cellular phones in vehicles.	Dead	2/25/11	W	W	W	N	
5	SB 78	F	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB78.pdf	Revises local government collective bargaining.	Dead	2/25/11	W	W	M	N	
6	SB 100	PW	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB100.pdf	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.	Schedule 5./6 AGA not heard	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	Revises civil penalties if person knowingly misrepresents the classification or duties of an employee.	Dead	3/25/11	W	W	W	N	
8	SB 148	PE	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB148.pdf	Revises employee rights if person knowingly misrepresents the classification or duties of an employee.	Dead	3/25/11	NS	NS	W	N	
9	SB 153	WR	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB153.pdf	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.	Heard 5/4 AGA with questions about how necessary when 5 year extentions had only been implemented last session.	2/25/11	SA	SA	W	JAЕ	Amendment extended 5 years to 10 years on time extension for permits

5-19-11 BOARD Agenda Item 9 Attachment Senate

SENATE BILLS				SUMMARY	BILL STATUS	Date Last Board Action	Board Position	Initial Position	Lead Lobbyist	Testify: N-no ?-Uknwn	COMMENTS
Bill No.	TOPIC										
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.	Heard w/o opposition in AGA on 4/28	2/25/11	NS	NS	M	?	
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 out of Senate C/L declared exempt	3/25/11	NS	NS	W	N	

5-19-11 BOARD Agenda Item 9 Attachment Senate

SENATE BILLS				SUMMARY	BILL STATUS	Date Last Board 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		
12	SB 208	PE	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB208.pdf	<p>GENERAL TOPIC: Expands rules on misclassifying an employee as independent contractor.</p> <p>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.</p>	Passed out of Senate C/L declared exempt	3/25/11	NS	NS	W	N	
13	SB 242	PE	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB242.pdf	<p>GENERAL TOPIC: Expands rules on misclassifying an employee as independent contractor.</p>	Dead	3/25/11	NS;SA	NS;SA	M	N	
14	SB 268	PW	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB268.pdf	<p>GENERAL TOPIC: Revises design-build rules.</p> <p>(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.</p>	Heard AGA on 5/9 no action	3/25/11	N	NS	M	N	
15	SB 297	PW	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB297.pdf	<p>GENERAL TOPIC: Revises preference bidding rules.</p>	Dead	4/1/11	W	W	M	N	
16	SB 342	PE	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB342.pdf	<p>GENERAL TOPIC: Revises collective bargaining rules.</p>	Dead	4/1/11	S	S	W	N	

5-19-11 BOARD Agenda Item 9 Attachment Senate

SENATE BILLS				SUMMARY	BILL STATUS	Date Last Board 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		
23	SB 377	PW	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB377.pdf	<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>	Passed Senate referred to Assembly Tax	3/25/11	NS	NS	M	N	
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>	Heard AGA 5/2 no action	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>	Hearing Assembly Leg Ops on 5/12	4/1/11	N; subject to chair direction	N	M	N	

5-19-11 BOARD Agenda Item 9 Attachment Senate

SENATE BILLS				SUMMARY	BILL STATUS	Date Last Board Action	Board Position	Initial Position	Lead Lobbyist	Testify: N-no ?-Uknwn	COMMENTS
Bill No.	TOPIC										
				<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>							
26	SB	401	PW	<p>http://leg.state.nv.us/Session/76th2011/Bills/SB/SB401.pdf GENERAL TOPIC: Award public works contracts based on "best value".</p>	Dead	4/1/11	W/N	W/N	M	N	
27	SB	432	F	<p>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.</p>	Passed Senate referred to Assembly GA	4/1/11	W	W	M	N	
28	SB	487	PW	<p>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.</p>	Heard AGA on 5/9 no action	4/1/11	W/N	W/N	M	N	