



STAFF REPORT

TO: Chairman and Board Members
THRU: Mark Foree, General Manager
FROM: John Erwin, Dir. Natural Resources
DATE: 12 March 2013
SUBJECT: Discussion and possible direction to staff regarding 2013 Legislative Activities and current bills and discussion and possible appointment of a third member to the Legislative Subcommittee

Recommendation

Staff requests that the Board consider adding a third member to its Legislative Subcommittee.

Discussion

TMWA's Legislative Subcommittee is currently made-up of the Board's Chairman, Mike Carrigan, and Vice Chairman, Mike Cate. The two member model works well when both members are able to attend the regularly scheduled, publicly noticed Friday 3:00 p.m. meeting with staff and TMWA lobbyists in attendance to discuss positions on the various bills. To-date, even though there have been instances of no action taken due to lack of member attendance, the two member model has not been an issue as the subcommittee has had the ability to delay action on a legislative proposal without detriment.

At the subcommittee's February 15, 2013 meeting Director Hartung, who is a member of the Western Regional Water Commission whose Legislative Subcommittee meets coincident with TMWA's, suggested that a third member be added to TMWA's committee in the event of an absence the committee could still take action.



TO: Chairman and Board Members
FROM: John Erwin, Dir. Natural Resources-Planning & Development
DATE: 12 March 2013
SUBJECT: **2013 Legislative Update Report**

Recommendation

Staff requests that the Board provide direction to staff on pending legislation for the 2013 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 bills that staff is tracking as well as the latest position the Board and/or its Legislative Subcommittee have taken on each bill. TMWA lobbyists will attend the Board meetings to answer questions and provide insights into the legislative intent.

TMWA's General Counsel Mike Pagni, Chairman Mike Carrigan and General Manager Mark Foree made a presentation to a joint meeting of the Assembly and Senate Natural Resources Committees on March 5, 2013. The presentation (centered on TMWA's background, customer satisfaction survey results, facilities, water rights process for new development, water resource/drought planning and merger project status) was well received by the committees.

The *attached table* contains updated data through the date of this memo. Staff will update the Board on the progress of these bills and seek direction as to staff's recommendation on each bill. The column headed "Board Position" are the results of action taken by the Board's subcommittee through its March 8, 2013 meeting. Those bills without a "Board Position" will be presented at the Board meeting.

3-20-13 BOARD Agenda Item 11b Attachment (AB)

| BILL # BDR # TOPICS: | LEGISLATIVE LINK GENERAL BILL TOPIC BILL/BDR SPONSOR ASSEMBLY BILL SUMMARY | BILL STATUS, COMMENTS &/OR EXPLANATIONS | Date Last Action | Board/ Cmtee Position | Initial Position | Testify |
|--|--|--|------------------------|-----------------------------|---------------------|---------|
| F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation --A-- | -----B----- | -----C----- | ---D--- | ---E--- | ---F--- | ---G--- |
| 1 AB4 259 G | http://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB4.pdf Revises certain provisions governing public records and legal notices <i>Government Affairs</i> Existing law requires the State and local governments to publish a legal notice or legal advertisement in certain newspapers of general circulation and also establishes the procedures and 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 legal advertisement on an Internet website maintained by the State or local government, as applicable, in lieu of publishing the legal notice or legal advertisement in a newspaper of general circulation, unless a law of this State specifically prohibits publication of the legal notice or legal advertisement on an Internet website. If the State or a local government publishes a legal notice or legal advertisement on an Internet website, section 1 requires the State or local government to publish in a newspaper in which the legal notice or legal advertisement would have otherwise been published the Internet address of the Internet website on which the legal notice or legal advertisement is published. Section 1 additionally requires publication on the Internet website and in the newspaper of the mailing address and phone number at which a person may request or obtain a copy of the legal notice or legal advertisement. Existing law requires a public body to provide, upon request and free of charge, at least one copy of certain public documents relating to a meeting of the public body. (NRS 241.020) Section 6 of this bill authorizes the public body to charge a fee for providing such a copy, unless the copy is provided electronically. Existing law prohibits, with limited exceptions, such a fee from exceeding the actual cost to the public body of providing the copy, authorizes the public body to waive all or a portion of the fee and requires the public body to prepare and maintain a list of the fees that it charges at certain locations. (NRS 239.052) | Heard GA 2/21 no action Proposed amendment limited to Cities with effective oppositon on wide spread implication of not publishing public notices | 2/15/13 | S | S | |
| 2 AB12 352 PE | http://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB12.pdf Removes requirements for notification of employer before employee files complaint with the Division of Industrial Relations. <i>Division of Industrial Relations</i> Existing law: (1) prohibits any person from discharging or discriminating against an employee because the employee has filed a complaint, instituted or caused to be instituted any proceeding or testified or is about to testify in any proceeding relating to an alleged violation of any provision concerning occupational safety and health; and (2) allows an aggrieved employee to file a complaint concerning such discharge or discrimination with the Division of Industrial Relations of the Department of Business and Industry. (NRS 618.445) This bill removes the requirement that an employee notify his or her employer of his or her intention to file such a complaint with the Division before filing the complaint. | Passed Assembly 3/12 - to Senate At hearing - bill is specific to complaints after initial claim has been filed which requires employee notification | 2/15/13 | N,W | N,W | |

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| 3 AB13 353 PE | http://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB13.pdf Revises provisions relating to the scheduling of hearings by the Local Government Employee-Management Relations Board. <i>Local Government Employee-Management Relations Board</i> In carrying out its duties under NRS 288.080, the Local Government Employee-Management Relations Act, the Local Government Employee-Management Relations Board is authorized to hear and determine complaints arising out of the interpretation of, or performance under, the Act by any local government employer, local government employee or employee organization. This bill removes the requirement that such a hearing be conducted within 90 days after the Board decides to hear a complaint. | Heard 3/4 GA - Amend and Do pass Amendment required hearing board to commence action within 180 day of filing of complaint - current law is 90 days, bill had no time retrain prior to amendment | 2/15/13 | N | N,W | |
| 4 AB31 211 O | http://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB31.pdf Revises provisions governing public records requests. <i>Attorney General</i> The legislative declaration for the Nevada Public Records Act (chapter 239 of NRS) requires that the Act be construed liberally to foster democratic principles by providing the public with access to inspect and copy public books and records. (NRS 239.001) Existing law imposes the burden of proof on a governmental entity that withholds a record to prove, by a preponderance of the evidence, that the record, or a part thereof, is confidential. (NRS 239.0133) Section 1 of this bill requires the head of each agency, bureau, board, commission, department, division or any other unit of the Executive Department of State Government except the Nevada System of Higher Education to designate an employee(s) as records manager for the agency to handle requests for public books or records; requires the Attorney General to prescribe (1) the form for requesting to inspect a copy of a public book or record; (2) the form to be used by such an agency to respond to such a request; and (3) the procedures with which a records manager is required to comply in carrying out his or her duties; and also requires each such agency to make those forms and procedures available on any website maintained by the agency on the Internet. Section 3 of this bill compiles all the statutory provisions that prohibit the disclosure of or specifically declare public books and records confidential. Section 3 also codifies the common law balancing test established by the Nevada Supreme Court for a governmental entity to apply to determine whether to disclose a book or record when the law is silent with respect to the confidentiality of the book or record. Under existing law, if a governmental entity denies a request to inspect a public book or record because all or a portion of the book or record is confidential, the governmental entity is required to provide the requester with written notice of that fact and a citation. Section 4 of this bill revises the contents of the written notice to require, in most circumstances, a general factual description of the withheld public book or record, or portion thereof, and a specific explanation for the denial of the request. | Heard 2/7 and 3/13; no action This bill is sponsored by the Attorney General, and incorporates the Supreme Court's balancing test into statute to determine whether a record is a public record or not, and new procedures for denying a public records request. It also specifically codifies every statute which creates an exemption to the public records act, a great clarification. | 2/15/13 | N,W | N,W | |

3-20-13 BOARD Agenda Item 11b Attachment (AB)

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| 5 AB37 352 PW | http://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB37.pdf Allows local governments to enforce state prevailing wage requirements for local public works projects. <i>Clark County</i> This bill authorizes a county whose population is 700,000 or more (currently Clark County), or a person designated by the county to be responsible for the development, solicitation, award or administration of contracts for public works, to enforce the provisions governing the payment of prevailing wages for public works projects awarded by the county in lieu of enforcement by the Labor Commissioner. This bill also authorizes the governing body of such a larger county: to provide certain remedies for violations of those provisions; (2) after providing notice and an opportunity for a hearing, to impose an administrative penalty against a person who violates those provisions; and (3) to enact an ordinance to carry out the provisions of this bill. | Heard GA 2/20 Clark Co. cap remained in place | 2/15/13 | N,W | W | |
| 6 AB65 402 O | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB65.pdf Makes various changes to the Open Meeting Law. <i>Attorney General</i> The Open Meeting Law requires that meetings of public bodies be open to the public, with limited exceptions set forth specifically in statute. Section 2 adds an exemption to the Open Meeting Law for meetings of a committee or subcommittee of a public body when the committee or subcommittee is engaged solely in activities relating to the acquisition of facts for the public body. Section 3 of this bill prohibits a member of a public body from designating a person to attend a meeting of the public body in the place of the member unless members of the public body are expressly authorized to do in writing by the legal authority that created the public body. Section 6 of this bill defines "deliberate" for purposes of this requirement to mean examining, weighing and reflecting on the reasons for or against an action and includes collective discussion and the collective acquisition or the exchange of facts preliminary to the ultimate decision. Section 6 also clarifies that a quorum of members may be present in person or by means of electronic communication. Under the Open Meeting Law, a public body is required, upon request and at no charge, to provide a copy of an agenda for the meeting, any proposed ordinance or regulation to be discussed at the meeting, and other supporting material, with certain exceptions, provided to members of the public body for an item on the agenda. Section 7 of this bill requires that a public body include on the notice for a meeting: (1) the name and contact information for the person designated by the public body from whom a member of the public may request the supporting material for a meeting; and (2) a list of the locations where the supporting material is available to the public. Section 7 also requires the governing body of a city or county whose population is 40,000 or more (currently Clark, Douglas, Elko, Lyon, Nye and Washoe Counties and the cities of Carson City, Henderson, Las Vegas, North Las Vegas, Reno and Sparks) to post the supporting material to its website not later than the time at which the material is provided to the members of the public body. Section 7 also authorizes such a public body to provide the supporting material via a link to the posting on its website to a person who has requested to receive the material by electronic mail if the person so agrees. | Heard 3/13 GA no action 2nd hearing Information gathering sub-committee exemption was well received at hearing. | 2/15/13 | N | N | |

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| 7 AB68 247 F | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB68.pdf Revises various provisions relating to the distribution of certain taxes to local governments. <i>Subcommittee to Study the Allocation of Money Distributed from the Local Government Tax Distribution Account</i> AN ACT relating to taxation; revising the provisions relating to the certification of populations by the Governor; revising the provisions relating to the allocation and distribution of taxes from the Local Government Tax Distribution Account; revising the provisions relating to the establishment of an alternative formula for the distribution of taxes from the Local Government Tax Distribution Account by cooperative agreement; and providing other matters properly relating thereto. | Approved by Governor | 2/15/13 | W | N | |
| 8 AB88 755 F | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB88.pdf Revises provisions governing service contracts. <i>Commerce and Labor</i> Pertinent revisions: Existing law sets forth various provisions governing the issuance and enforcement of service contracts in this State. (Chapter 690C of NRS) A "service contract" means a contract pursuant to which a provider under the contract becomes obligated for a specified period to a holder of the service contract to repair, replace or perform maintenance on, or to indemnify or reimburse the holder for the costs of repairing, replacing or performing maintenance on, any goods that are described in the service contract and which have an operational or structural failure resulting from a defect in materials, workmanship or normal wear and tear. Section 5 of this bill provides that a holder of a service contract covering a motor vehicle may be reimbursed for any incidental costs incurred by the holder: (1) in a fixed amount specified in the service contract; or (2) by using a formula which itemizes specific incidental costs incurred by the holder. Section 7 of this bill revises the definition of "service contract" to include a contract that is effective for a specified period and paid for in a manner other than through the purchase of a motor vehicle for the performance of certain repairs or to make certain payments under the service contract. | Heard C/L 2/20; no action | 2/15/13 | N,W | N,W | |
| 9 AB90 820 PE | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB90.pdf Revises provisions governing representation of injured workers in hearings or other meetings concerning industrial insurance claims. <i>Ohrenschall</i> Under existing law, a person may represent an injured worker before a hearing officer or in negotiations, settlements, hearings or other meetings with an insurer concerning a claim only if the person is: (1) employed full-time by the injured worker's labor organization; (2) an attorney admitted to practice law in Nevada; (3) a full-time employee of such an attorney who is supervised by that attorney; or (4) appearing on behalf of the injured worker without compensation. (NRS 616C.325) This bill allows any employee of the injured worker's labor organization to appear on the injured worker's behalf in such situations. However, in all situations where representation of an injured worker is before an appeals officer, the representative must be admitted to practice law in this State. | Heard C/L 2/25; no action | 2/15/13 | N | N | |

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| 10 AB94 618 PW | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB94.pdf Revises provisions relating to the examinations for licensure as a professional engineer or professional land surveyor. <i>Spiegel, Kirkpatrick, Carrillo, Parks</i> Existing law provides that the examination for licensure as a professional engineer must consist of an 8-hour examination on the fundamentals of engineering and an 8-hour examination on the principles and practices of engineering. (NRS 625.193) Section 1 of this bill eliminates the requirements that the two constituent examinations be 8 hours long. Existing law also provides that the examination for licensure as a professional and surveyor must consist of an 8-hour examination on the fundamentals of land surveying and an 8-hour examination on the principles and practices of land surveying. (NRS 625.280) Section 2 of this bill eliminates the requirements that the two constituent examinations be 8 hours long. | Hearing 3/20 C/L 1:30 on work session | 2/15/13 | W | N | |
| 11 AB104 94 G | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB104.pdf An Act...requiring public employers to use EVerify to verify eligibility for employment for current and prospective employees; requiring contractors and subcontractors on a public work to use E-Verify to verify eligibility for employment for workers on the public work; and providing other matters properly relating thereto. <i>Hansen, Gustavson</i> Federal law establishes the federal "E-Verify system" as an electronic program through which employers verify the employment eligibility of their employees. (8 U.S.C. § 1324a) Section 5 of this bill requires each public employer in this State to register and participate in the E-Verify system to verify the employment eligibility of current and prospective employees. Under existing law, a contractor or subcontractor on a public work must comply with certain requirements, such as making employment decisions without discrimination based on race, color, creed, national origin, sex, sexual orientation or age. (NRS 338.125) Section 6 of this bill requires a contractor or subcontractor on a public work to register and participate in the E-Verify system to verify the employment eligibility of all workers on the public work. | Eligible for exemption TMWA participates in E-verify process | 2/15/13 | N | N,W | |

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| 12 AB112 647 PE | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB112.pdf An Act relating to local governments; providing that a collective bargaining agreement between a local government employer and a recognized employee organization expires for certain purposes at the end of the term stated in the agreement; and providing other matters properly relating thereto. <i>Kimmer, Hickey, Gustavson</i> Existing law authorizes a city, county, school district or other local government employer to enter into a collective bargaining agreement with the recognized employee organization for each bargaining unit among its employees. (NRS288.060, 288.150) Section 1 of this bill is directed to "evergreen" language in a collective bargaining agreement, pursuant to which the agreement remains in effect beyond the end of its stated term until a successor agreement becomes effective. Notwithstanding any such provision, section 1 generally provides that upon the end of the term stated in a collective bargaining agreement, and until a successor agreement becomes effective, a local government employer shall not increase any salary, wages, contributions or other monetary compensation or benefits paid to or on behalf of employees in the affected bargaining unit. | Referred GA not scheduled | 2/15/13 | N,W | N,W | |
| 13 AB140 239 PW | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB140.pdf Enacts provisions governing the posting of eligibility requirements for certain abatements and contracts. <i>Government Affairs</i> Under existing law, the Local Government Purchasing Act and the State Purchasing Act provide procedures and requirements for the purchase of supplies, materials, equipment and services by local governments and the State. (Chapters 332 and 333 of NRS) Existing law also sets forth the procedures and requirements for bidding on contracts for public works. (Chapter 338 of NRS) Sections 1, 2 and 6 of this bill require a governmental entity or, in certain circumstances, its authorized representative to notify the Director of the Department of Employment, Training and Rehabilitation of any eligibility requirements relating to the creation of jobs included in the local or state purchasing contract or public works contract awarded by the governmental entity or its authorized representative. | Referred GA not scheduled Eligible for exemption | 3/8/13 | W | W | |

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| 14 AB150 739 G | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB150.pdf Provides for the legislative review of governmental agencies to promote governmental oversight and accountability. <i>Daly, Kirkpatrick, Bobzien, Smith</i> Section 5 of this bill creates the Legislative Committee on Governmental Oversight and Accountability and provides for the appointment of its members. Section 6 of this bill prescribes the manner in which meetings must be conducted by the Committee and provides for the compensation of its members. Section 7 of this bill authorizes the Committee to study and comment upon issues relating to the operations and accountability of governmental agencies and to conduct investigations and hold hearings. Section 8 of this bill authorizes the Committee to provide for the administration of oaths, the deposition of witnesses and the issuance of subpoenas in connection with those investigations and hearings. Section 9 of this bill creates the Legislative Bureau of Governmental Oversight, Accountability and Program Evaluation in the Fiscal Analysis Division of the Legislative Counsel Bureau and prescribes its powers and duties. | Do Pass as Amended 3/19 Declared Exempt | 3/8/13 | O | W | |
| 15 AB157 565 G | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB150.pdf Revises provisions relating to water furnished by a municipal water system for domestic use in certain counties. <i>Wheeler, Kirkpatrick, Ellison, Goicoechea, Gustavson, Settlemeyer</i> This bill sets forth provisions relating to water service that are applicable only in a county whose population is less than 100,000 (currently counties other than Clark and Washoe Counties). Under existing law, the State Engineer may prohibit the drilling of wells for domestic use in areas where water can be furnished by an entity such as a water district or a municipality. (NRS 534.120) However, this bill authorizes certain consumers of water to drill a well for domestic use, use a preexisting well for domestic use or obtain alternative water service for domestic use if the amount charged by a municipal water system to the consumer for water for domestic use exceeds a certain amount. As used in this bill, the term "municipal water system" means any water system which is operated by a municipality, water district, general improvement district or other form of local government. This bill further provides that: (1) a consumer who uses a well or alternative water service as authorized by this bill must not be charged any fee or assessment relating to the use of the well or alternative water service; and (2) to the extent that a consumer uses water from the well or alternative water service for irrigation or purposes relating to landscaping, the consumer is not required to ensure that the water satisfies certain primary drinking water standards adopted by the State Environmental Commission. This bill also limits the amount of revenue that a municipal water system may generate from furnishing water for domestic use. This bill further requires a municipal water system to carry forward any unused portion of a gallon or other unit of water for the benefit of a consumer until that portion is used by the consumer. Finally, this bill requires certain county officers or entities that have the authority to levy taxes or assessments to allow certain persons to inspect or copy data maintained in the records of the county which relates to compliance with this bill by a municipal water system. | Referred NR not scheduled | 3/8/13 | W | W | |

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| 16 AB169 793 PW | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB169.pdf Revises provisions relating to contracts with a governmental entity. <i>Neal, Home, Atkinson</i> An Act relating to public financial administration; establishing additional requirements and imposing limitations on certain contracts of State and local agencies for the performance of services; requiring such an agency to submit certain reports about its contracts to the Purchasing Division of the Department of Administration; requiring a public body which awards a contract for a public work to gather and maintain certain information about bidders and persons who apply for employment on the public work; requiring the Department of Transportation to post information about contracts between the Department and architects, engineers and other professionals; and providing other matters properly relating thereto. | Heard 3/18 TMWA participated in proposed amendment This bill changes purchasing procedures under Chapter 332 by imposing state ethics law requirements on independent contractors that enter contracts with public bodies. The bill modifies Chapter 281 to require the Purchasing Division to prescribe a code of conduct for independent contractors, which includes that the contractor will abide by state ethics laws, and maintain certain records for inspection. The bill prohibits a public body from entering a contract with an independent contractor unless the contractor agrees to abide by such ethics laws. Contractors are further required to disclose the names of all subcontractors, fees charged, fees generated, etc. The bill also prohibits a public body from entering a sole source contract in excess of 2 years or engaging an independent contractor for more than 4 years without a 2/3 vote. The bill adds reporting requirements for public bodies that enter sole source or independent contractor agreements. Modifies Chapter 338 to require a public body to gather information from all bidders: cost of the work; race, ethnicity, gender and age of the bidder; number of employees; and years in business; in addition from the contractor: age of all persons on payroll and who have applied for a job. | 3/8/13 | O | W | |

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| F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation --A-- | -----B----- 17 AB172 http://leg.state.nv.us/Session/76th2013/Bills/AB/AB172.pdf 110 Revises provisions governing bidder preferences on certain public works. PW <i>Horne, Kirkpatrick, Bobzien, Hickey, Benitez-Thompson</i> NRS 338.0117+ Section 1 of this bill revises the requirements for such a preference in bidding by: (1) increasing from 50 percent to 100 percent the percentage of workers employed on the public work that are required to hold a valid Nevada driver's license issued by the Department of Motor Vehicles of the State of Nevada or identification card; (2) requiring that each worker and 50 percent of the design professionals working on the public work register in this State all vehicles owned by the worker or design professional for personal use and operated upon any highway in this State; and (3) eliminating the requirement that a percentage of suppliers of the materials used for the public work be located in this State. Section 1 requires a contractor to meet those requirements only if the contractor was awarded the contract for a public work as a result of the preference in bidding. Section 1 restricts who can file a written objection alleging a violation of those requirements to only persons who submitted a bid on the public work. Section 3 of this bill eliminates the prohibition of a contractor from being qualified to bid on certain state and local public works if the contractor has failed to comply with certain requirements within the preceding year for a contract for a public work that cost more than \$25,000,000. Section 5 of this bill eliminates prohibition of a contractor who has failed to comply with certain requirements for a contract for a public work which exceeds \$5,000,000 from receiving a preference in bidding for public works for 5 years. Section 9 of this bill provides that the revised requirements for a preference in bidding on a contract for a public work apply to any public work that is first advertised for bid after July 1, 2013 and declares that any contract for such a public work that fails to comply with this bill is void. | -----C----- Heard GA 2/26; no action | ---D--- 3/8/13 | ---E--- W; N | ---F--- W; N | ---G--- N-no Y-Yes Lead: D-DePa P-Pagni W-Walk |

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| 18 AB181 48 G | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB181.pdf Makes various changes to provisions governing employment practices. <i>Bobzien, Kirkpatrick, Eisen, Anderson, Frierson</i> Chapter 613 of NRS This bill prohibits an employer from conditioning the employment of an employee or prospective employee on his or her disclosure of the user name, password or any other information that provides access to the employee's or prospective employee's personal social media account. This bill also prohibits an employer from taking certain employment actions based on the refusal of an employee or prospective employee to disclose such information. This bill further provides, however, that it is not unlawful for an employer to require an employee to disclose his or her user name, password or any other information to an account or a service, other than a personal social media account, for the purpose of accessing the employer's own internal computer or information system. Under existing law, a person who complies with the requirements of the Fair Credit Reporting Act, 15 U.S.C. §§ 1681 et seq., and chapter 598C of NRS is allowed to obtain a consumer report for purposes relating to the employment of the consumer. Sections 3 and 4 of this bill prohibit a person from requesting or considering a consumer report for purposes of evaluating a consumer for employment, promotion, reassignment or retention as an employee unless: (1) the use of the report is required or authorized by state or federal law; (2) the person reasonably believes that the consumer has engaged in specific activity which may constitute a violation of state or federal law and is likely to be reflected in the report; or (3) the information in the report is reasonably related to the position for which the consumer is being evaluated. Existing law provides that if a consumer places a security freeze on his or her file maintained by a credit reporting agency, the agency is not allowed to release the consumer report without the consumer's consent except for certain purposes, which include certain purposes relating to employment of the consumer. (NRS 598C.350, 598C.380) Section 5 of this bill revises the scope of that exception to conform with section 4. | Hearing 3/20 C/L 1:30 on work session xref SB127 | 3/8/13 | W; N | W; N | |
| 19 AB186 796 PE | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB186.pdf Revises provisions relating to compensation <i>Commerce and Labor</i> Existing law requires an employer in this State to conspicuously post on the premises where any person is employed a printed abstract of chapter 608 of NRS, which governs compensation, wages and hours. (NRS 608.013) Sections 3 and 5 of this bill require an employer also to provide to his or her employees at the time of hire written notice containing certain employment-related information on a form prescribed by the Labor Commissioner. Each time an employer provides such notice to an employee, section 5 requires the employer to obtain from the employee and maintain a signed and dated acknowledgment of receipt of the notice. Section 4 of this bill creates the Wage Claim Restitution Account into which must be deposited 25 percent of the amount of certain administrative penalties collected by the Labor Commissioner. The money in the Account must be used only to provide restitution to certain employees who are underpaid by their employers in violation of certain provisions of existing law when no other source of restitution is available. | Hearing C/L 3/20 1:30 | 3/8/13 | W; N | W; N | |

3-20-13 BOARD Agenda Item 11b Attachment (AB)

| BILL # BDR # TOPICS: F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation --A-- | LEGISLATIVE LINK GENERAL BILL TOPIC BILL/BDR SPONSOR ASSEMBLY BILL SUMMARY -----B----- | BILL STATUS, COMMENTS &/OR EXPLANATIONS -----C----- | Date Last Action ---D--- | Board/Cmtee Position S- Support SA- Support if amended N-Neutral NS- Not support O-Oppose W-Watch ---E--- | Initial Position ---F--- | Testify N-no Y-Yes Lead: D-DePa P-Pagni W-Walk ---G--- |
|---|---|---|--|---|--|--|
| 20 AB193 1019 PE | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB193.pdf Revises provisions governing compensation, wages and hours. <i>Kerner, Hardy, Hickey</i> Existing law requires an employer to pay an employee for each hour the employee works. (NRS 608.016) This bill authorizes an employer to round the time actually worked by an employee to the nearest 5 minutes, or the nearest one-tenth or one-quarter of an hour. This bill also provides that an employer is not required to use a time clock to record the time that an employee works. Finally, this bill provides that if an employer uses a time clock to record the time an employee works, the employer is not required to pay the employee for time recorded before or after the regularly scheduled shift of the employee if the employee is present voluntarily and does not engage in any work. | Hearing C/L 3/20 1:30 | 3/8/13 | W | W | |
| 21 AB211 1033 PW | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB211.pdf Revises provisions governing prevailing wages on certain public works projects. <i>Hansen, Wheeler, Ellison, Hambrick, Gustavson</i> Under existing law, certain contracts for public works projects must provide for the payment to certain workers on the project a wage that is not less than the prevailing wage for certain classes of mechanics and workers, as established by the Labor Commissioner. (NRS 338.020, 338.030) A contract for a public work whose cost is less than \$100,000 is exempt from this prevailing wage requirement. (NRS 338.080) This bill raises the threshold below which a contract for a public work is exempt from the prevailing wage requirement to \$200,000 for a contract that is sponsored or financed by a school district. | Referred GA not scheduled | 3/20/13 | | W | |
| 22 AB215 3 WR | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB215.pdf Provides for the collection and application of graywater for a single-family residence. <i>Ohrenschall</i> Existing law requires the State Board of Health to adopt regulations concerning residential individual systems for the disposal of sewage, which are effective except in health districts in which district boards of health have adopted such regulations. (NRS 444.650) Section 1 of this bill requires the State Board of Health to adopt regulations concerning systems for the collection and application of graywater for a single-family residence, which also are effective except in health districts in which district boards of health have adopted regulations concerning such systems. Section 1 also provides that the regulations adopted by the State Board of Health or a district board of health must not require a person to obtain a permit for the application of graywater for a single-family residence (<250 gallons per day) and other requirements and that local governments may not prohibit such application. Section 2 of this bill provides that a system for the collection and application of graywater for a single-family residence is not a residential individual system for disposal of sewage. Section 3 of this bill provides that the State Environmental Commission may not require a person to obtain a permit for the application of graywater for a single-family residence that meets the requirements for exemption from a local permit. | Referred to Health/Human Services - not scheduled | 3/20/13 | | W | |

3-20-13 BOARD Agenda Item 11b Attachment (AB)

| BILL # BDR # TOPICS: | LEGISLATIVE LINK GENERAL BILL TOPIC BILL/BDR SPONSOR ASSEMBLY BILL SUMMARY | BILL STATUS, COMMENTS &/OR EXPLANATIONS | Date Last Action | Board/ Cmtee Position | Initial Position | Testify |
|--|---|--|---|--|-----------------------------------|----------------|
| F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation --A-- | -----B----- | -----C----- | ---D--- | ---E--- | ---F--- | ---G--- |
| 23 AB218 981 PW | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB218.pdf Revises provisions relating to public works <i>Government Affairs</i> Existing law sets forth general provisions applicable to public works requiring the payment of prevailing wages for public works projects. (NRS 338.010-338.090) Section 1 of this bill defines "bona fide fringe benefit" for the purposes of the provisions applicable to public works. Section 4 of this bill sets forth the requirements pursuant to which a contractor or subcontractor engaged on a public work may discharge any part of his or her obligation to pay prevailing wages to a worker by providing bona fide fringe benefits in the name of the worker. Those requirements include, among other things, that the bona fide fringe benefits are paid equally for all hours worked in a calendar year by the worker for the contractor or subcontractor. Section 4 also requires the Labor Commissioner, after providing notice and an opportunity for a hearing, to: (1) impose an administrative penalty against a contractor or subcontractor who violates the provisions of that section; (2) require the contractor or subcontractor to make the affected worker whole by paying to the worker as wages any amounts disallowed as bona fide fringe benefits; (3) report the violation to the Attorney General; and (4) notify certain governmental and other entities of the violation. Existing law provides that if an administrative penalty is imposed against a person for the commission of an offense as defined in relation to public works: (1) the person and any corporate officer of the person are prohibited from receiving a contract for a public work for specified periods depending on the number of offenses; and (2) the Labor Commissioner is required to notify the State Contractors' Board with regard to each contractor who is prohibited from being awarded such a contract. | Heard GA 3/12; no action | 3/20/13 | | W | |
| 24 AB220 1024 F | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB220.pdf Prohibits certain fees relating to credit card transactions. <i>Daly</i> This bill prohibits a payee from applying a surcharge to any purchase made by credit card. This bill also authorizes a payee to increase the cost of a good or service if the issuer of the credit card charges the payee a fee to process the transaction so long as the increase in cost is charged uniformly to all buyers who purchase with any form of payment the same goods or services. Existing law authorizes certain governmental entities to charge a convenience fee to a person who uses a credit card to pay. (NRS 1.113, 353.1465, 354.770, 706.322, 706.88355) Sections 2-6 of this bill remove that authority. | Referred C/L not scheduled Under existing law, a governmental entity such as TMWA may charge a convenience fee to a customer who pays with a credit card. This bill eliminates that authority, effectively prohibiting TMWA from charging convenience fees for credit card payments. | 3/20/13 | | NS | |

3-20-13 BOARD Agenda Item 11b Attachment (AB)

| BILL # BDR # TOPICS: | LEGISLATIVE LINK GENERAL BILL TOPIC BILL/BDR SPONSOR ASSEMBLY BILL SUMMARY | BILL STATUS, COMMENTS &/OR EXPLANATIONS | Date Last Action | Board/ Cmtee Position | Initial Position | Testify |
|--|---|--|---|--|-----------------------------------|--|
| F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation --A-- | -----B----- 25 AB247 http://leg.state.nv.us/Session/76th2013/Bills/AB/AB220.pdf 190 Enacts the Nevada Buy American Act. PW Existing federal law requires any steel, iron and manufactured products used in certain transportation projects that receive federal funding to be produced in the United States unless: (1) the use of such materials would be inconsistent with the public interest; (2) such materials are not produced in the United States in sufficient quantity and of sufficient quality; or (3) the use of such materials would increase the cost of the project by more than 25 percent. (23 U.S.C. § 313) Sections 4 and 15 of this bill require any iron or steel products or manufactured goods used in this State for a public work or a project of the Department of Transportation to be manufactured in the United States. Sections 4 and 15 also allow a contractor or subcontractor to apply for a waiver of this requirement if: (1) the use of such materials would be inconsistent with the public interest; (2) such materials are not produced in the United States in sufficient quantity and of sufficient quality; or (3) the use of such materials would increase the cost of the project by more than 25 percent. Further, sections 4 and 15 allow the public body awarding the contract to waive the requirement after providing notice and an opportunity for public comment by publishing a detailed justification of the waiver. Sections 7, 8, 9 and 16 of this bill permanently prohibit a contractor who intentionally mislabels or misrepresents such materials as being manufactured in the United States if they were not so manufactured from bidding on or being awarded a contract for a public work or a project of the Department of Transportation. Section 17 of this bill provides that the requirement to use iron or steel products or manufactured goods which are manufactured in the United States apply to any public work or project of the Department of Transportation that is first advertised for bid on or after July 1, 2013. Section 17 also declares that any contract for such a public work or project that fails to comply with this bill is void. | -----C----- Hearing GA 3/20 8:00 This language is similar to the American Recovery and Reinvestment Act (ARRA) DWSRF loan language. A concern is the definition of manufactured. Most west-coast steel comes from the far east and is fabricated into products. Under the ARRA loan the steel could be produced offshore but had to be fabricated into a finished product domestically and TMWA had to get a certification of domestic fabrication. This bill increases the cost to public agencies which is inconsistent with concerns about a more efficient and cost effective governmental system. If this bill has life the word manufactured should be replaced with fabricated to be absolutely clear of intent as most raw steel is imported followed by domestic fabrication. Also administering burden to TMWA. | ---D--- 3/20/13 | ---E--- | ---F--- W | ---G--- N-no Y-Yes Lead: D-DePa P-Pagni W-Walk |

3-20-13 BOARD Agenda Item 11b Attachment (AB)

| BILL # BDR # TOPICS: | LEGISLATIVE LINK GENERAL BILL TOPIC BILL/BDR SPONSOR ASSEMBLY BILL SUMMARY | BILL STATUS, COMMENTS &/OR EXPLANATIONS | Date Last Action | Board/ Cmtee Position | Initial Position | Testify |
|--|--|--|---|--|-----------------------------------|--|
| F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation --A-- | -----B----- 26 AB251 http://leg.state.nv.us/Session/76th2013/Bills/AB/AB251.pdf 159 Requires disclosure to the public of certain contact information for a member of certain public bodies. O Existing law provides for the disclosure by a governmental entity of a person's individual electronic mail address or telephone number if the person provides the address or telephone number to that entity in the course of an existing business or contractual relationship with the entity, or in the course of seeking to establish such a relationship. In addition, if a person provides his or her electronic mail address or telephone number to a governmental entity for the purpose of or in the course of communicating with that entity, existing law authorizes the entity to maintain this information in a database. Except as provided by specific statute, any such database is generally confidential, is not a public record and must not be disclosed in its entirety. (NRS 239B.040) Section 1 of this bill requires a governmental entity, upon the request of any person and with certain exceptions, to disclose the individual electronic mail address or telephone number, or both, of a member of certain public bodies, if the person who is the subject of the request has previously provided that information to the governmental entity. Pursuant to section 1, the governmental entity's record of the information is a "public record" for purposes of the statutory provisions governing public records. (Chapter 239 of NRS) Section 1 defines the term "public body" to mean a public body subject to the Open Meeting Law (chapter 241 of NRS), but also specifically includes the Legislature of the State of Nevada, the Legislative Commission, the Interim Finance Committee and other legislative committees and commissions and specifically excludes any court or other judicial or quasi-judicial body. | -----C----- Heard GA 3/18; no action | ---D--- 3/20/13 | ---E--- | ---F--- W | N-no Y-Yes Lead: D-DePa P-Pagni W-Walk ---G--- |

3-20-13 BOARD Agenda Item 11b Attachment (AB)

| BILL # BDR # TOPICS: | LEGISLATIVE LINK GENERAL BILL TOPIC BILL/BDR SPONSOR ASSEMBLY BILL SUMMARY | BILL STATUS, COMMENTS &/OR EXPLANATIONS | Date Last Action | Board/ Cmtee Position | Initial Position | Testify |
|--|--|--|------------------------|-----------------------------|---------------------|---------|
| F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation --A-- | -----B----- | -----C----- | ---D--- | ---E--- | ---F--- | ---G--- |
| 27 AB257 962 PW | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB257.pdf Revises provisions governing public works. <i>Hardy, Ellison, Hickey, et al</i> Existing law imposes various requirements on certain public bodies seeking to solicit bids on a public work and awarding and entering a contract for a public work. (NRS 338.1373-338.155) Section 2 of this bill provides that a public body shall not, as a condition of bidding, negotiating or being awarded a contract for performing work on a public work, require a contractor or subcontractor to employ certain workers on the public work, or to require workers employed by the contractor or subcontractor to become a member of or make any payment to a labor organization. Section 2 also provides that the public body shall not prohibit a contractor or subcontractor from employing on the public work certain apprentices or certain workers who currently work for or have previously worked for the contractor or subcontractor at the time of the award of a contract. Section 3 of this bill states that a contract entered into for a public work must provide that all parties to the contract have an equal right to raise a dispute as to the provisions of the contract or the performance of work under the contract, as well as equal access to any procedures provided for dispute resolution and an equal right to representation in any such procedures. Existing law provides that certain public works contracts must provide for the payment of the prevailing wage to certain workers. (NRS 338.020) Existing law also allows a contractor or subcontractor on such a public work, in part, to discharge the obligation to pay the prevailing wage to a worker by making contributions to a third person pursuant to a fund, plan or program in the name of the worker. (NRS 338.035) Section 5 of this bill places certain requirements on such contributions and on the fund, plan or program to which the contributions are made, and those requirements must be met for the contribution to discharge part of the obligation to pay prevailing wages. | Referred to GA Bill prohibits local agencies from requiring contractors to hire certain people or to require their employees to join a labor organization in the course of public works. Additionally, it places restrictions on how a contractor may receive credit for contributions to 3rd party benefit funds for the purpose of complying with prevailing wage requirements. | 3/20/13 | | O | |
| 28 AB258 908 PW | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB258.pdf Revises provisions relating to prevailing wage requirements for public works. <i>Hickey, Hardy, Ellison, et al</i> Under existing law, the Labor Commissioner enforces the provisions governing the payment of prevailing wages for public works. (NRS 338.015) Existing regulations adopted by the Labor Commissioner set forth the procedure for filing a complaint alleging a violation of the prevailing wage requirements for public works. (NAC 338.105-338.116) Section 1 of this bill requires a complaint alleging a violation of the prevailing wage requirements for public works to be filed only pursuant to the procedure set forth in existing law and regulations governing public works. Section 1 further prohibits a person from commencing a civil action against an employer for a violation of the prevailing wage requirements for public works unless the person has exhausted certain available administrative remedies. Existing law sets forth the powers and duties of the Labor Commissioner. (Chapter 607 of NRS) Sections 7-10 of this bill prohibit the use of the procedure set forth in those provisions of existing law and the regulations adopted pursuant to those provisions for a complaint alleging a violation of the prevailing wage requirements for public works. | Referred to GA Requires complaints regarding payment of prevailing wage be filed ONLY pursuant to the procedure set forth in existing law and restricts the filing of a civil action against an employer until the person has exhausted available administrative remedies. Also prohibits the use of Chapter 607 of NRS for complaints alleging a violation of the prevailing wage for public works. | 3/20/13 | | W | |

3-20-13 BOARD Agenda Item 11b Attachment (AB)

| BILL # BDR # TOPICS: | LEGISLATIVE LINK GENERAL BILL TOPIC BILL/BDR SPONSOR ASSEMBLY BILL SUMMARY | BILL STATUS, COMMENTS &/OR EXPLANATIONS | Date Last Action | Board/ Cmtee Position | Initial Position | Testify |
|--|---|--|---|--|-----------------------------------|----------------|
| F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation --A-- | -----B----- | -----C----- | ---D--- | ---E--- | ---F--- | ---G--- |
| 29 AB267 730 O | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB267.pdf Revises certain provisions governing publication of legal notices and legal advertisements. <i>Spiegel, Carrillo, Cohen, Healey, Swank</i> Existing law requires the publication of a legal notice or legal advertisement in certain newspapers of general circulation and also establishes the procedures and requirements for such publication. (NRS 238.030) Section 10 of this bill authorizes the publication of a legal notice or legal advertisement on an Internet website maintained by a newspaper or by a broadcast radio or television station in lieu of publishing the legal notice or legal advertisement in a newspaper of general circulation, unless a specific statute specifically prohibits publication of the legal notice or legal advertisement on an Internet website. If a legal notice or legal advertisement is published on an Internet website, section 10 requires the newspaper or broadcaster who maintains the Internet website to publish in a newspaper in which the legal notice or legal advertisement would have otherwise been published the Internet address of the Internet website on which the legal notice or legal advertisement is published. Section 10 additionally requires publication on the Internet website and in the newspaper of the mailing address and phone number of any state agency or local government at which a person may request or obtain a copy of the legal notice or legal advertisement. | Referred to Committee on Government Affairs This bill relates to publication of legal notices, and authorizes publication on an internet website maintained by a newspaper, radio or television station in lieu of print. | 3/20/13 | | S | |
| 30 AB275 738 PW | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB275.pdf Revises provisions relating to public works. <i>Ellison, Fiore, Duncan, Paul Anderson, Grady, Hardy</i> Existing law sets forth general provisions applicable to public works, including provisions requiring the payment of prevailing wages for public works projects. (NRS 338.010-338.090) Existing law requires the Labor Commissioner to annually survey contractors and to determine a prevailing wage for each county. (NRS 338.030) Sections 4 and 8 of this bill require the Director of the Department of Employment, Training and Rehabilitation, rather than the Labor Commissioner, to make that determination. Section 1 of this bill requires the Labor Commissioner to develop and carry out methods to encourage and promote contractors to submit surveys for use in the Director's determination of the prevailing wage. Section 7 of this bill requires the Director of the Department of Business and Industry to include on the Internet website maintained by the Department information which encourages and promotes contractors to submit those surveys. Sections 2 and 3 of this bill provide that each instance of failing to pay prevailing wages and other benefits to one or more workers on a public work constitutes an "offense" by the contractor. Section 2 also amends the definition of "wages" to specify that only bona fide fringe benefits which directly benefit a worker are included in the definition of wages. Existing law also provides specifically that any contract for construction work of the Nevada System of Higher Education for which the estimated cost exceeds \$100,000 requires the payment of prevailing wages even if the construction work does not qualify as a public work. (NRS 338.075) Section 9 of this bill eliminates the requirement that the Nevada System of Higher Education pay prevailing wages on certain construction work that does not qualify as a public work. Section 6 of this bill excludes from the prevailing wage requirement: (1) any contract for a public work to which a school district, a charter school or the Nevada System of Higher Education is a party; and (2) a public work of, or constructed by, a school district, a charter school or the Nevada System of Higher Education. | Referred to Committee on Government Affairs This bill revises definitions and procedures related to prevailing wages. First, the bill directs the Dept. of Employment, Training and Rehab (instead of the Labor commissioner) to survey and determine what the prevailing wage is. The bill amends the definition of wages to specify only bona fide fringe benefits which directly benefit a worker are included in the definition of wages. The bill also eliminates the requirement that the Nevada System of Higher Education or a school district pay prevailing wages. | 3/20/13 | | N | |

3-20-13 BOARD Agenda Item 11b Attachment (AB)

| BILL # BDR # TOPICS: | LEGISLATIVE LINK GENERAL BILL TOPIC BILL/BDR SPONSOR ASSEMBLY BILL SUMMARY | BILL STATUS, COMMENTS &/OR EXPLANATIONS | Date Last Action | Board/ Cmtee Position | Initial Position | Testify |
|--|--|--|---|--|-----------------------------------|----------------|
| F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation --A-- | -----B----- | -----C----- | ---D--- | ---E--- | ---F--- | ---G--- |
| 31 AB281 1070 PW | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB281.pdf Revises provisions relating to recordkeeping on public works projects. <i>Hogan, Munford, Aizley, Bustamante Adams, Daly, et al</i> Existing law requires a contractor and a subcontractor engaged on a public work to keep or cause to be kept certain records about the workers who are employed by the contractor and subcontractor in connection with the public work, including, for example, the name, occupation and wages of each worker. Such records must be open at all reasonable hours to the inspection of the public body that awarded the contract and are considered public records of the public entity. (NRS 239.010, 338.070) This bill requires that such records also include the gender and ethnicity of each such worker, but only if the worker agrees to supply such information voluntarily. | Referred to Committee on Government Affairs xref AB169 | 3/20/13 | | W | |
| 32 AB283 658 PW | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB283.pdf Makes various changes to provisions governing bidding for public works. <i>Daly, Healey, Benitez-Thompson, Carrillo, Neal, Pierce, Sprinkle</i> AN ACT relating to public works; amending certain requirements governing contractors involved in public works; amending certain requirements governing bidding for public works when a public body decides to contract with a construction manager at risk; and providing other matters properly relating thereto. This bill amends provisions regarding bidding on public works and use of construction manager at risk. First, the bill eliminates the requirement that a bidder be licensed in Nevada where the work being performed does not require licensure. Second, the bill modifies the 2 hour list requirements under NRS 338.141, and provides that the 3 lowest bidders must submit i) the name of each first tier subcontractor that will be paid more than \$250,000; ii) the name of each first tier sub that will be paid the greater of 1 percent of the prime contractor's bid or \$50,000; and the license number of all first tier subcontractors. This is a bit ambiguous, but read literally requires license information for all subs, even if their names are not required to be listed under i) and ii). This should be clarified as to whether the intention is the license information apply to all subs, or just those listed under i) and ii). The bill also clarifies that a contractor that self-performs must include his name and a description of the work being performed on such 2 hour list. Third, the bill requires a contractor performing "horizontal construction", defined to mean any "fixed work", including irrigation, drainage, water supply or work incidental thereto, to self-perform at least 50% of the bid, and that not more than 30% of the construction cost may be used to pay for material not directly associated with the work being performed. Finally, the bill limits use of CM at risk to projects exceeding \$5M. The language needs to be amended to clarify if the license disclosures apply to all subs, or just those subs whose names must be disclosed. | Hearing GA 3/22 8:00 | 3/20/13 | | W | |

3-20-13 BOARD Agenda Item 11b Attachment (AB)

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|--|--|---|---|--|-----------------------------------|----------------|
| F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation --A-- | -----B----- | -----C----- | ---D--- | ---E--- | ---F--- | ---G--- |
| 33 AB285 275 PW | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB285.pdf Makes various changes relating to certain writs. <i>Daly</i> Existing law provides for the issuance of a writ of mandamus to compel the performance of an act which is a lawful duty resulting from an office, trust or station or to compel the admission of a party to the use and enjoyment of a right or office to which the party is entitled. (NRS 34.160) Existing law also provides for the issuance of a writ of prohibition to arrest the proceedings of any tribunal, corporation, board or person exercising judicial functions when such proceedings are without or in excess of proper jurisdiction. (NRS 34.320) This bill: (1) authorizes any person who is a taxpayer in this State to petition a court of competent jurisdiction for a writ of mandamus or prohibition for a violation of certain statutory requirements relating to various actions and the awarding of a contract concerning public works; and (2) requires the performance of any contract relating to the underlying subject of the writ to be stayed until such time as the court renders a decision on the writ. | Referred to Committee on Government Affairs Under Chapter 338 only "[a] person who bids on a contract" may protest the award. There is a procedure where the protesting party has to go to the awarding agency first and essentially exhaust its administrative remedies before going to court. The awarding agency can require a protest bond for anyone who is filing a protest to protect itself against increased costs, delays, etc. Opening this up to "any taxpayer" will sharply increase the number of bid protests, which would increase the cost of public works jobs, increase the time it would take to get them done, and would increase the costs to the successful bidder. The absence of any deadline for seeking a suit also creates all kinds of problems for public agencies trying to get projects completed on tight time schedules. | 3/20/13 | | O | |
| 34 AB291 592 PW | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB291.pdf Revises provisions relating to preferences in state purchasing for businesses owned by a veteran with a service-connected disability. <i>Stewart, Hardy, Elliot Anderson, Bobzien, Bustamante Adams, Grady, et al</i> AN ACT relating to veterans; revising provisions relating to preferences in state purchasing for businesses owned by a veteran with a service-connected disability; revising provisions relating to preferences in public works for businesses owned by a veteran with a service-connected disability; and providing other matters properly relating thereto. | Referred to Committee on Government Affairs This bill revises the veteran preference on public purchasing contracts and public works. The bill narrows the 5 % veterans preference to a business that is both owned and operated by a veteran with a service connected disability, and provides that any tie bid go the business with the lowest net worth. Current law grants the exemption to businesses owned by a veteran with a disability. The bill qualifies the ownership/operation criteria to provide that at least 51% of the business must be owned by the disabled vet, and if the disability is permanent it must be operated by a spouse or caregiver of the vet. The business must no employ more than 200 FTE, and must have a net worth less than \$5M. To qualify, bidders must apply to the Office of Economic Development for a qualification certificate. | 3/20/13 | | N | |

3-20-13 BOARD Agenda Item 11b Attachment (AB)

| BILL # BDR # TOPICS: | LEGISLATIVE LINK GENERAL BILL TOPIC BILL/BDR SPONSOR ASSEMBLY BILL SUMMARY | BILL STATUS, COMMENTS &/OR EXPLANATIONS | Date Last Action | Board/ Cmtee Position | Initial Position | Testify |
|--|--|---|------------------------|-----------------------------|---------------------|---------|
| F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation --A-- | -----B----- | -----C----- | --D-- | --E-- | --F-- | --G-- |
| 35 AB301 807 WR | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB301.pdf Requires the Legislative Committee on Public Lands to conduct a study concerning water conservation and alternative sources of water for Nevada communities. <i>Oscarson, Ellison, Swank, Wheeler, Goicoechea</i> Under existing law, the Legislative Committee on Public Lands is authorized to review and comment on the laws, regulations and policies relating to the use, allocation and management of water in this State. (NRS 218E.525) This bill requires the Committee to conduct a study concerning water conservation and alternative sources of water for Nevada communities and to submit a report of its findings and any recommendations for legislation to the 78th Session of the Nevada Legislature. | Referred to Committee on Legislative Operations and Elections | 3/20/13 | | N | |
| 36 AB318 730 PW | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB318.pdf Revises provisions relating to the payment of overtime compensation and prevailing wages. <i>Hardy, Hickey, Hambrick, Duncan, Grady, Hansen, Kirner, et al</i> The Fair Labor Standards Act requires that compensation for overtime be paid to certain employees for hours worked in excess of 40 hours in any week of work. (29 U.S.C. § 207) Under existing Nevada law, contractors on public works are required to pay overtime compensation to mechanics and workers who work more than 40 hours in a week of work or, except in certain circumstances, more than 8 hours in a workday. (NRS 338.020) Section 1 of this bill removes the requirement that overtime compensation be paid to such mechanics and workers who work more than 8 hours in a day, while retaining the provisions which require payment of compensation for overtime for hours worked in excess of 40 hours in any week of work. Section 1 also repeals a provision regarding collectively bargained exceptions to the overtime requirements. Sections 2-4 of this bill increase the monetary threshold at which prevailing wages are required to be paid on public works or other projects from \$100,000 to \$1.5 million. (NRS 279.500, 338.075, 338.080) Section 3 of this bill also makes the requirements relating to the payment of prevailing wages inapplicable to the repair of an existing building, facility or structure if the building, facility or structure is not replaced or the size, type or extent of the building, facility or structure is not changed or increased by the repair, and even if the repair is a unit of a larger project. | Referred to Committee on Government Affairs | 3/20/13 | | S | |
| 36 AB342 193 PE | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB342.pdf Revises provisions governing public employees' retirement. <i>Kirner</i> AN ACT relating to public employees' retirement; providing for the establishment of a hybrid retirement program for certain public employees; requiring the program to include a defined benefit plan and a defined contribution plan; setting forth the required provisions of each plan; requiring certain public employers under certain circumstances to make additional contributions to the Public Employees' Retirement System to reduce the unfunded liability of the System; and providing other matters properly relating thereto. | Referred to Committee on Ways and Means | 3/20/13 | | NS | |

3-20-13 BOARD Agenda Item 11b Attachment (AB)

| BILL # BDR # TOPICS: | LEGISLATIVE LINK GENERAL BILL TOPIC BILL/BDR SPONSOR ASSEMBLY BILL SUMMARY | BILL STATUS, COMMENTS &/OR EXPLANATIONS | Date Last Action | Board/ Cmtee Position | Initial Position | Testify |
|--|---|---|---|--|-----------------------------------|----------------|
| F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation --A-- | -----B----- | -----C----- | ---D--- | ---E--- | ---F--- | ---G--- |
| 37 AB396 763 WR | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB396.pdf Revises provisions relating to the waters of this State <i>Bobzien, Benitez-Thompson, Daly, Martin, Ohrenschall, Oscarson, Sprinkle, Smith, Jones</i> Nevada Supreme Court expressly adopted the public trust doctrine in Lawrence v. Clark County, 127 Nev. Adv. Op. 32, 254 P.3d 606 (2011). Under this doctrine, generally, a state holds the banks and beds of navigable waterways in trust for the public and subject to restraints on alienability. Under existing law, the water of all sources of water supply within the boundaries of the State of Nevada is declared to belong to the public. (NRS 533.025) The use of water for recreational purposes is also recognized under existing law as a beneficial use of water. (NRS 533.030) In addition, Nevada has a recreational use statute in existing law which, with certain exceptions, limits the liability of an owner, lessee or occupant of a premises to persons who enter or use the land for recreational activities, including, without limitation, fishing and water sports. (NRS 41.510) Subject to certain specified restrictions, this bill authorizes persons to use water that is navigable or capable of being navigated by oar, paddle or motorized watercraft year round at or below the ordinary high-water mark for any otherwise lawful activity that uses water, including, boating, fishing, swimming and wading. This bill authorizes the owner of the bed of such water to place a fence or similar barrier across the water for legally authorized purposes, but requires the owner in such circumstances to authorize the placement of a ladder, gate or other device that allows portage around or over the fence or barrier. | Referred to Committee on Natural Resources, Agriculture, and Mining. | 3/20/13 | | NS | |
| 38 AB406 717 G | http://leg.state.nv.us/Session/76th2013/Bills/AB/AB406.pdf Creates the Office of the State Auditor <i>AN ACT relating to the State Executive Department; creating the Office of the State Auditor; establishing the State Auditor as the executive head of the Office; providing for the qualifications, election and salary of the State Auditor; establishing the powers, duties and responsibilities of the State Auditor; abolishing the position of the Legislative Auditor and the Audit Division of the Legislative Counsel Bureau; transferring the powers, duties and responsibilities of the Division of Internal Audits of the Department of Administration to the Office; and providing other matters properly relating thereto.</i> | Referred to Committee on Government Affairs | 3/20/13 | | W | |

3-20-13 BOARD Agenda Item 11b Attachment (SB)

| | BILL # BDR # TOPICS: | LEGISLATIVE LINK GENERAL BILL TOPIC BILL/BDR SPONSOR ASSEMBLY BILL SUMMARY | BILL STATUS, COMMENTS &/OR EXPLANATIONS | Date Last Action | Board/ Cmtee Position | Initial Position | Testify |
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| 1 | SB2 174 G | http://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB2.pdf Revises provisions governing powers of local governments. <i>Nevada Association of Counties</i> 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. Sections 2-7 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. Sections 9-14 and 16-21 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. | Heard GA 2/27 no action | 2/15/13 | W | W | |
| 2 | SB36 371 F | http://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB36.pdf Makes various changes concerning unemployment compensation <i>Employment Security Division</i> Requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to establish a program of shared work unemployment compensation upon approval of the United States Secretary of Labor; exempting from certain taxes wages paid by certain employers participating in such a program; establishing provisions for the collection of money owed to the Division; establishing a waiting period of 1 week as an additional condition of eligibility for unemployment compensation benefits; revising provisions concerning unemployment compensation fraud; providing for the transfer of an employer's liabilities to the Division upon the transfer of the employer's trade or business; prohibiting the relief of an employer's record for experience rating of charges for benefits under certain circumstances; assigning liability for the payment of money owed to the Division upon the transfer of certain assets; providing penalties; and providing other matters properly relating thereto. | Amend and do pass C/L 3/13 Notice of exemption | 2/15/13 | N | N | |
| 3 | SB55 254 G | http://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB55.pdf Revises provisions governing the subject matter of master plans. <i>City of Las Vegas</i> Section 3 of this bill reorganizes the 19 separate plans and other items into 8 different elements that may comprise a master plan. Pursuant to this reorganization, a master plan may now include: (1) a conservation element; (2) a historic preservation element; (3) a housing element; (4) a land use element; (5) a public facilities and services element; (6) a recreation and open space element; (7) a safety element; and (8) a transportation element. | Heard GA 3/11 no action | 2/15/13 | W | W | |

| | BILL # BDR # TOPICS: | LEGISLATIVE LINK GENERAL BILL TOPIC BILL/BDR SPONSOR ASSEMBLY BILL SUMMARY | BILL STATUS, COMMENTS &/OR EXPLANATIONS | Date Last Action | Board/ Cmtee Position | Initial Position | Testify |
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| 4 | SB62 295 PE | http://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB62.pdf Provides expedited process for employers to request public books and records related to applicants for employment. <i>Office of Economic Development</i> Under existing state law, an agency of criminal justice or the Central Repository for Nevada Records of Criminal History is required to disseminate to a current or prospective employer, upon request, certain information about the criminal history of a current or prospective employee or volunteer. Under existing federal law, a "consumer report" is defined to include any communication of any information by a consumer reporting agency that bears upon an individual's character. (15 U.S.C. § 1681a(d)(1)) This bill creates a legal fiction allowing a person or entity designated to receive information about the criminal history of a current or prospective employee or volunteer on behalf of an employer to obtain such a criminal history by submitting to the Central Repository proof of the consent of an employee or volunteer to allow the employer to obtain a consumer report pursuant to 15 U.S.C. § 1681b(b)(2) in lieu of submitting a written consent of an employee or volunteer to obtain a criminal history from the Central Repository. | JUD-not scheduled | 2/15/13 | N | N | |
| 5 | SB65 349 WQ | http://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB65.pdf Clarifies enforcement authorities for regulation of drinking water supplies and certification of laboratories that perform analyses of drinking water. <i>Division of Environmental Protection</i> Under existing law, the Division of Environmental Protection of the State Department of Conservation and Natural Resources is authorized to issue an emergency order requiring a supplier of water immediately to take action necessary to protect the public health if the Division determines that such order is necessary to eliminate an imminent hazard to a public water system. (NRS 445A.930) Sections 2, 3 and 5 of this bill expand the authority of the Division to issue orders other than emergency orders to correct violations by operators of public water systems and laboratories for the analysis of water. Under existing law, a person who owns, controls or operates a public water system is liable for a civil penalty and may be subject to an administrative fine per day for certain violations. (NRS 445A.950) Section 3 of this bill authorizes the imposition of the same daily monetary penalties against a laboratory for the analysis of water for certain violations. | Amend and do pass 2/21 Bill well received - TMWA testified in support. | 2/15/13 | S | S | |

3-20-13 BOARD Agenda Item 11b Attachment (SB)

| | BILL # BDR # TOPICS: | LEGISLATIVE LINK GENERAL BILL TOPIC BILL/BDR SPONSOR ASSEMBLY BILL SUMMARY | BILL STATUS, COMMENTS &/OR EXPLANATIONS | Date Last Action | Board/ Cmtee Position | Initial Position | Testify |
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| | F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation --A-- | -----B----- | -----C----- | ---D--- | ---E--- | ---F--- | ---G--- |
| 6 | SB74 603 G | http://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB74.pdf Revises provisions relating to public records. <i>Government Affairs</i> Under existing law, all public books and records that are not otherwise declared by law to be confidential must be made available to the public for inspection or copying by any person. Section 1 of this bill prohibits the officer, employee or agent of a governmental entity who has legal custody or control of a public record from requiring a person who has requested a copy of the public record to prepare the copy himself or herself. Rather, upon request, the officer, employee or agent of the governmental entity must prepare the copy of the public record, unless the copy needs to be a certified copy. Section 2 of this bill requires the public book or record to be made available immediately upon request if the public book or record is readily available. Section 4 of this bill limits the fee for a copy of a public book or record in the custody of a law library operated by a governmental entity to 10 cents per page. Section 5 of this bill requires copies of minutes and audio recordings of public meetings to be made available to the public upon request at no charge. Section 7 of this bill reduces the fee a county clerk charges for preparing a copy of any record, proceeding or paper from \$1 per page to 10 cents per page. Section 7 also eliminates the fee that the county clerk charges for searching the records or files in the office of the county clerk. | Heard GA 2/20 TMWA participated in local govt amendment to remove reference to "oral request". Under existing law, a public agency must, within 5 days after receiving a written request for inspection or copying, either allow inspection or providing legal citation as to why the document is confidential. This bill provides that the 5 day response period is triggered by either a written or oral request. "Oral" notice makes it extremely hard to track when the 5 days begins, and to insure that the request is properly channeled so that a timely response can be made. Who does the notice go to? Is any offhand comment on the phone sufficient? I can see a lot of problems with compliance here. | 2/15/13 | NS | NS | N-no Y-Yes Lead: D-DePac P-Pagni W-Walke |
| 7 | SB79 449 G | http://leg.state.nv.us/Session/76th2013/Bills/SB/SB79.pdf Revises provisions governing the use of net profits derived from certain municipal utilities. <i>Senator Parks</i> This bill repeals the existing law which authorizes an incorporated city having the commission form of government to use for general municipal purposes all net profits earned from any utility owned and operated by the city. | Heard 3/11 GA no action Does not apply to TMWA | 2/15/13 | W | W | |
| 8 | SB87 104 PE | http://leg.state.nv.us/Session/76th2013/Bills/SB/SB87.pdf Repeals certain provisions relating to unlawful employment practices. <i>Senator Hardy</i> This bill removes the prohibition against discrimination by an employer based upon an employee's or prospective employee's lawful use of any product outside the premises of the employer during his or her nonworking hours which does not adversely affect his or her job performance or the safety of other employees. | Heard C/L 2/20 no action | 2/15/13 | N | N | |

3-20-13 BOARD Agenda Item 11b Attachment (SB)

| | BILL # BDR # TOPICS: | LEGISLATIVE LINK GENERAL BILL TOPIC BILL/BDR SPONSOR ASSEMBLY BILL SUMMARY | BILL STATUS, COMMENTS &/OR EXPLANATIONS | Date Last Action | Board/ Cmtee Position | Initial Position | Testify |
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| | F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation --A-- | -----B----- | -----C----- | --D-- | --E-- | ---F--- | ---G--- |
| 10 | SB96 579 O | http://leg.state.nv.us/Session/76th2013/Bills/SB/SB96.pdf Authorizes the imposition of an administrative penalty against an employer under certain circumstances. <i>Commerce and Labor</i> 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) Section 1 of this bill confers upon the Labor Commissioner the authority to impose an administrative penalty against an employer who misclassifies an employee as an independent contractor or otherwise fails to properly classify a person as an employee of the employer. Section 1 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. Section 1 also 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 or the employer did not otherwise fail to properly classify the person as an employee of the employer. Under existing law, an employer is required to post a notice upon his or her premises identifying the employer's industrial insurer and setting forth certain other information concerning the employer. (NRS 616A.490) Section 2 of this bill requires the employer to include in the notice the definitions of the terms "employee" and "independent contractor." Section 3 of this bill subjects a person to liability in a civil action brought by the Attorney General if the person advises an employer or an employee, officer or agent of an employer to misrepresent the classification of an employee of the employer. Section 3 also subjects the person to liability for an amount that is equal to three times the total amount of any reasonable expenses incurred by the State in enforcing the provisions of that section against the person. | Referred C/L not scheduled Eligible for exemption | 2/15/13 | W | W | |
| 11 | SB127 453 PE | http://leg.state.nv.us/Session/76th2013/Bills/SB/SB127.pdf Prohibits employers from conditioning employment on a consumer credit report or other credit information. <i>Parks</i> Chapter 613 of NRS Section 7 of this bill prohibits an employer from conditioning the employment of an employee or prospective employee on his or her consumer credit report or other credit information. Section 7 also prohibits an employer from taking certain employment actions based on the refusal of an employee or prospective employee to submit a credit report or other credit information or on the results of such a report or information. Section 7 further prohibits an employer from taking certain employment actions where an employee or prospective employee files a complaint, testifies in any legal proceeding or exercises his or her rights with respect to any violation committed by the employer. Section 8 of this bill establishes the civil remedies available to a person affected by a violation committed by an employer, including employment of a prospective employee, reinstatement or promotion of an employee, payment of lost wages and benefits and the award of reasonable costs and attorney's fees. Section 9 of this bill authorizes the Labor Commissioner to impose an administrative penalty against an employer for each violation and to bring a civil action against the employer. | Heard C/L 2/22 no action xref AB181 | 3/8/13 | W | W | |

| | BILL # BDR # TOPICS: | LEGISLATIVE LINK GENERAL BILL TOPIC BILL/BDR SPONSOR ASSEMBLY BILL SUMMARY | BILL STATUS, COMMENTS &/OR EXPLANATIONS | Date Last Action | Board/ Cmtee Position | Initial Position | Testify |
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| 12 | SB133 631 WR | http://leg.state.nv.us/Session/76th2013/Bills/SB/SB133.pdf Requires the State Engineer to allow a county to participate in the development and implementation of a plan relating to the appropriation of water for beneficial use under certain circumstances. <i>Goicoechea, Gustavson, Grady</i> This bill requires the State Engineer or his designee to allow a county to participate in the development and implementation of a plan required by the State Engineer relating to the appropriation of water for beneficial use if the county where the proposed point of diversion lies requests to participate. This bill also requires the State Engineer to consider any comment, analysis or other information submitted to the State Engineer by the county before approving the plan and during the period in which the plan, if approved, is carried out. | Schedule NR 3/19; no action | 3/8/13 | W | W | |
| 13 | SB134 249 WR | http://leg.state.nv.us/Session/76th2013/Bills/SB/SB134.pdf AN Act relating to animals; defining the term “water” to include snow for the purpose of watering livestock; setting forth the meaning of “point of diversion” or “place of diversion” for the use of water for that purpose; requiring the Department of Wildlife to maintain certain fences; requiring the Department to submit an application to the State Engineer before placing a guzzler. <i>Goicoechea, Gustavson</i> Under existing law, the water of all sources of water supply in this State belongs to the public and, subject to existing rights, may be appropriated for a beneficial use in accordance with chapter 533 of NRS. (NRS 533.025, 533.030) Existing law also specifically declares that the use of water for watering livestock is a beneficial use and that the right to use water for that purpose may be acquired in the same manner as the right to use water for any other beneficial use. (NRS 533.490) Section 1 of this bill defines the term “water” to include snow for the purpose of watering livestock. Section 5 of this bill specifies that, on application to the State Engineer for a right to use water for that purpose or to establish that right, the terms “point of diversion” or “place of diversion” mean the place from which the water is physically diverted from its source or the place at which the livestock consume water in situ without a mechanical method of diverting the water. Existing law creates the Department of Wildlife and requires the Department to administer the wildlife laws of this State. (NRS 501.331) Section 7 of this bill requires the Department, whenever the Department constructs or causes to be constructed a fence in carrying out its duties, to ensure that the fence is constructed and maintained in such a manner as to prevent livestock from becoming trapped in the fence. Section 8 of this bill requires the Department to submit an application to the State Engineer before placing a guzzler with a capacity of 1,000 gallons or more. The application must include an accurate description of the location and site of the proposed guzzler. Section 8 defines the term “guzzler” as any artificial basin that collects or is designed and constructed to collect precipitation specifically for use by any wildlife. | Schedule NR 3/19; no action | 3/8/13 | W | W | |

| | BILL # BDR # TOPICS: | LEGISLATIVE LINK GENERAL BILL TOPIC BILL/BDR SPONSOR ASSEMBLY BILL SUMMARY | BILL STATUS, COMMENTS &/OR EXPLANATIONS | Date Last Action | Board/ Cmtee Position | Initial Position | Testify |
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| 14 | SB145 471 G | http://leg.state.nv.us/Session/76th2013/Bills/SB/SB145.pdf AN ACT relating to public-private partnerships; authorizing a public agency to enter into certain public-private partnerships; setting forth requirements for such public-private partnerships; and providing other matters properly relating thereto. <i>Hardy, Brower, Settelmeyer, Hardy, Hickey</i> 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) Bill provides an alternative to current standards and requirements by authorizing the State and certain local governments to enter into public-private partnerships, but bill is currently limited to State or local government owned museums, to prisons or jails which the State or a local government is authorized to operate; or to mental health or telemedicine services that are included in a group insurance system, plan or program established, offered, carried out, managed, operated or maintained by the State or a local government. Watch to see if bills expands to include other local governments owned facilities. | Referred GA not scheduled | 3/8/13 | W; N | W; N | |
| 15 | SB161 480 PW | http://leg.state.nv.us/Session/76th2013/Bills/SB/SB161.pdf Revises various provisions relating to constructional defects. <i>Roberson, Kieckhefer, Hardy</i> Section 1 of this bill amends the existing definition of "constructional defect" to provide that a constructional defect is a defect: (1) which presents an unreasonable risk of injury to a person or property; or (2) which violates the law, unless the workmanship exceeds the standards set forth in any applicable codes and ordinances, which causes physical damages and which is not completed in a good and workmanlike manner. Existing law authorizes a claimant to recover reasonable attorney's fees for a claim for a constructional defect in certain circumstances. (NRS 40.655) Section 2 of this bill removes this provision. 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- 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 4 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 5 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 6 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. | Referred JUD not scheduled | 3/8/13 | W | W | |

3-20-13 BOARD Agenda Item 11b Attachment (SB)

| | BILL # BDR # TOPICS: | LEGISLATIVE LINK GENERAL BILL TOPIC BILL/BDR SPONSOR ASSEMBLY BILL SUMMARY | BILL STATUS, COMMENTS &/OR EXPLANATIONS | Date Last Action | Board/ Cmtee Position | Initial Position | Testify |
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| 16 | SB168 727 PE | http://leg.state.nv.us/Session/76th2013/Bills/SB/SB168.pdf Revises provisions relating to collective bargaining agreements of local government employers. <i>Government Affairs</i> Sections 1 and 2 of this bill eliminate the provisions that a collective bargaining agreement must be reduced to writing only if either party so requests. Section 3 of this bill establishes three conditions for the effectiveness of a new collective bargaining agreement, or any modification or extension of an existing agreement. A new agreement, modification or extension must be: (1) reduced to writing; (2) approved by the governing body of the local government employer and the members of the employee organization; and (3) signed by representatives of both parties. In the case of a new agreement or modification of an existing agreement, until the agreement or modification becomes effective through this process, section 3 further provides that any action taken by either party pursuant to a provision of the pending agreement or modification shall be deemed to be a refusal by that party to bargain collectively in good faith. | Referred GA not scheduled The bill provides that a new CBA or extension must be in writing, approved by the employer and employee organization, and signed in order to be effective. Any action taken by either party pursuant to a pending agreement is deemed a failure to bargain in good faith. | 3/8/13 | W | W | |
| 17 | SB171 621 PW | http://leg.state.nv.us/Session/76th2013/Bills/SB/SB171.pdf Provides for a program of matching grants to local governments for the maintenance and repair of public works. <i>Atkinson, Denis, Jones, Ford, Kihuen, Kirkpatrick, Bobzien, Frierson</i> Section 2 of this bill requires the State Treasurer to establish a program to provide matching grants of money to local governments in this State for the maintenance and repair of public schools, streets, highways and other public works. To provide money to carry out the program, section 3 of this bill requires the State Board of Finance to issue general obligation bonds of the State in an aggregate amount not to exceed \$325,000,000. These bonds must be additionally secured by and payable from revenues from the basic governmental services tax which are deposited in the State General Fund. Section 5 of this bill requires the State Treasurer to make matching grants of money for projects in the various counties from the amounts allocated for each county or group of counties. In 2009, the Legislature allocated the revenue from certain increases in the basic governmental services tax to the State General Fund for the period ending June 30, 2013, and thereafter to the State Highway Fund. Section 7 of this bill requires that this revenue be divided equally between the State General Fund and the State Highway Fund and provides that a certain amount of the revenue transferred to the State General Fund is pledged to pay the principal and interest on the bonds authorized for issuance pursuant to section 3. Section 9 of this bill provides that any grant of money from the program must be made before January 1, 2015, and, after that date, the State Controller must transfer any remaining money to the credit of the State Public Works Division of the Department of Administration for capital projects. | Heard Rev 2/21 no action ; eligible for exemption This bill creates a program for the State Treasurer to provide matching grants to local governments for the maintenance and repair of public schools, streets, highways and other new public works. It provides for the issuance of \$325M of GO bonds by the state to pay for these projects. Washoe County is allocated nearly \$50M of these funds. Local governments must demonstrate that their share of the project costs will be paid by the government, and not a contractor or developer on the project. The term local government is not defined, so it is not clear if it would apply to TMWA. | 3/8/13 | SA | W | |
| 18 | SB228 445 O | http://leg.state.nv.us/Session/76th2013/Bills/SB/SB228.pdf Revises provisions relating to public servants <i>Parks</i> AN ACT relating to public servants; revising provisions relating to public officers and employees; revising provisions relating to statements of financial disclosure; revising provisions relating to ethics in government and the enforcement of such provisions; and providing other matters properly relating thereto | Heard Leg Ops 3/19 no action | 3/20/13 | | W | |

| | BILL # BDR # TOPICS: | LEGISLATIVE LINK GENERAL BILL TOPIC BILL/BDR SPONSOR ASSEMBLY BILL SUMMARY | BILL STATUS, COMMENTS &/OR EXPLANATIONS | Date Last Action | Board/ Cmtee Position | Initial Position | Testify |
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| 19 | SB232 481 G | http://leg.state.nv.us/Session/76th2013/Bills/SB/SB232.pdf Revises certain provisions relating to the regulation of certain municipal utilities. <i>Roberson, Parks, Goicoechea, Manendo, Hammond</i> Under existing law, the Public Utilities Commission of Nevada regulates the operation of public utilities in this State. (Chapter 704 of NRS) However, municipalities that construct, lease, operate or maintain a public utility are exempt from regulation by the Commission. (NRS 704.340) For the purposes of this exemption, the term "municipality" has been interpreted to include a political subdivision of the State formed pursuant to the Interlocal Cooperation Act (NRS 277.080-277.180), such as the Truckee Meadows Water Authority. (See, e.g., Att'y Gen. Op. 2000-34 (Dec. 5, 2000)) Sections 2-16 of this bill create a limited exception from this general exemption of municipalities from regulation by the Commission by requiring a municipal utility: (1) which is a political subdivision of the State formed pursuant to the Interlocal Cooperation Act; (2) which provides water and wastewater services in a county whose population is 700,000 or more (currently Clark County); and (3) which constructs, leases, operates or maintains any public utility, to submit an application to and obtain approval from the Commission for any increase in rates imposed by the municipal utility on business or commercial customers of the utility. Section 9 prohibits such a municipal utility from increasing rates imposed on any customers without first obtaining the approval of the Commission. Section 10 requires the governing body of each local government within the service territory of a municipal utility to approve any proposed increased rates before the Commission may accept an application to increase rates submitted by a municipal utility. Section 11 requires the Commission, upon receipt of an application to make changes in any schedule of such rates submitted by the municipal utility, to appoint a hearing officer to investigate the propriety of the proposed changes to determine whether to approve or disapprove the proposed changes. Section 12 provides for participation in any hearing or investigation concerning an application by: (1) the municipal utility; (2) any customer of the municipal utility or any representative of a customer; (3) the Regulatory Operations Staff of the Commission; and (4) any other interested parties. Section 13 sets forth certain requirements concerning information that must be submitted with an application and any hearing on the application. Section 13 additionally requires the hearing officer to issue and submit to the Commission a written proposed order approving or disapproving the proposed changes. Section 15 provides that a proposed order issued by a hearing officer is deemed approved by the Commission unless the Commission issues a final order modifying or disapproving the proposed order within 90 days after the proposed order is issued. Section 15 also provides that any party aggrieved by a decision or order of the hearing officer may submit a written appeal of the decision or order to the Commission. Section 17 of this bill removes the authority of the Legislative Committee on Public Lands to review the programs and activities of the Southern Nevada Water Authority. | Referred C/L not scheduled The bill creates an exception to the existing law which exempts "municipalities" from PUC oversight applicable to joint powers authorities providing water and wastewater services in a county of 700,000 or more. Notably, the legislative digest on the bill specifically recognizes that TMWA has been deemed exempt from PUC oversight in an A.G. opinion, and that the purpose of the bill is to create "a limited exception" to the general exemption which applies to TMWA for joint powers authorities in counties of 700,000 or more. The bill also excludes SNWA from any oversight by the interim Public Lands legislative committee. It presents a new effort of legislative oversight of municipal utilities, and would adversely impact TMWA bonds if expanded to Washoe County. The bill should be watched carefully for any expansion beyond counties of 700,000. | 3/20/13 | | W | |

| | BILL # BDR # TOPICS: | LEGISLATIVE LINK GENERAL BILL TOPIC BILL/BDR SPONSOR ASSEMBLY BILL SUMMARY | BILL STATUS, COMMENTS &/OR EXPLANATIONS | Date Last Action | Board/ Cmtee Position | Initial Position | Testify |
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| | F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation --A-- | -----B----- | -----C----- | ---D--- | ---E--- | ---F--- | ---G--- |
| 20 | SB266 879 F | http://leg.state.nv.us/Session/76th2013/Bills/SB/SB266.pdf Requires certain policies of health insurance and health care plans to provide comparable coverage for orally administered chemotherapy Existing law requires certain public and private health care plans and policies of insurance to provide coverage for certain procedures, including colorectal cancer screenings, cytological screening tests and mammograms, in certain circumstances. Existing law also requires employers to provide certain benefits to employees, including coverage for the procedures required to be covered by insurers, if the employer provides health benefits for its employees. This bill requires each health care plan and policy of insurance, other than the State Plan for Medicaid, that provides coverage for both chemotherapy administered intravenously or by injection and orally administered chemotherapy to provide the coverage for orally administered chemotherapy to the same extent to the insured as other types of chemotherapy. The bill further prohibits a health care plan or policy of insurance from meeting this requirement by increasing the costs of the other types of chemotherapy or by decreasing the monetary limits for chemotherapy under the policy or plan. The provisions of this bill apply prospectively to any policy of insurance or health care plan issued or renewed on or after October 1, 2013. | Referred C/L not scheduled | 3/20/13 | | W | |
| 21 | SB272 840 G | http://leg.state.nv.us/Session/76th2013/Bills/SB/SB272.pdf Provides for the revision of the boundary line between Storey County and Washoe County. <i>Parks</i> This bill provides for the revision of the boundary line between Storey County and Washoe County upon the adoption of resolutions by the Board of County Commissioners of Storey County and the Board of County Commissioners of Washoe County approving the revision. | Referred GA not scheduled | 3/20/13 | | W | |

3-20-13 BOARD Agenda Item 11b Attachment (SB)

| | BILL # BDR # TOPICS: | LEGISLATIVE LINK GENERAL BILL TOPIC BILL/BDR SPONSOR ASSEMBLY BILL SUMMARY | BILL STATUS, COMMENTS &/OR EXPLANATIONS | Date Last Action | Board/ Cmtee Position | Initial Position | Testify |
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| 22 | SB283 103 O | http://leg.state.nv.us/Session/76th2013/Bills/SB/SB283.pdf Revises provisions relating to the Commission on Ethics. <i>Hardy, Hutchison, Cegavske, Gustavson</i> AN ACT relating to ethics in government; prohibiting the Commission on Ethics from taking action on a request for an opinion concerning a public officer or employee who is a candidate for elected office under certain circumstances; revising provisions governing factors which must be considered by the Commission in the disposition of certain requests for opinions; requiring the Commission to consider certain factors before imposing a civil penalty for a violation of the Nevada Ethics in Government Law; providing that a finding of a willful violation of the Nevada Ethics in Government Law requires a finding by the Commission that the person acted in bad faith or with ill will, evil intent or malice, and with knowledge of the prohibition against the act or omission; authorizing the Commission to impose civil penalties and amounts equal to attorney's fees and other costs under certain circumstances; requiring an affirmative vote by two-thirds of the Commission for the finding of a willful violation of the Nevada Ethics in Government Law; and providing other matters properly relating thereto. | Referred to Committee on Legislative Operations and Elections First, the bill prohibits the Commission for accepting a request for an advisory opinion from a candidate for public office during a period 120 days before an election. Second, when disposing of a complaint by stipulation or settlement, the bill requires the Commission to ensure the decision bears a reasonable relationship to the severity of the violation. Third, the bill revises the definition of a willful violation to require proof that a person acted or failed to act in bad faith, ill will or with evil intent or malice. Further, a willful violation may only be found with 2/3 vote of the Commission. Fourth, the bill authorizes the Commission to impose a civil penalty on a person that requests an opinion if the request was frivolous or solely for harassment. Nothing seems adverse for public officers or employees, and the bill appears geared toward improving efficiency of Commission proceedings and eliminating frivolous complaints or politically motivated complaints. | 3/20/13 | | N | |
| 23 | SB289 903 PE | http://leg.state.nv.us/Session/76th2013/Bills/SB/SB289.pdf Revises provisions relating to workers' compensation. <i>Roberson</i> AN ACT relating to workers' compensation; revising the period (90 to 30 days) during which certain injured employees must file a claim for compensation with an insurer; providing that an insurer or employer may recover certain money paid to an injured employee or the health or casualty insurer of the injured employee under certain circumstances; providing that compensation is not payable if an injury is proximately caused by an employee's use of a prohibited substance; providing that the results of any test to determine whether an injured employee used alcohol or a controlled or prohibited substance must be made available to an insurer or employer upon request; authorizing an insurer to deny compensation for temporary total disability and vocational rehabilitation services under certain circumstances; revising procedures relating to the stay of a decision of an appeals officer; revising provisions relating to the payment of benefits for a temporary total disability or vocational rehabilitation services following the reopening of a claim; revising provisions relating to certain payments to an injured employee of lump-sum compensation; and providing other matters properly relating thereto. | Referred to Committee on Commerce, Labor and Energy | 3/20/13 | | N | |

3-20-13 BOARD Agenda Item 11b Attachment (SB)

| | BILL # BDR # TOPICS: | LEGISLATIVE LINK GENERAL BILL TOPIC BILL/BDR SPONSOR ASSEMBLY BILL SUMMARY | BILL STATUS, COMMENTS &/OR EXPLANATIONS | Date Last Action | Board/ Cmtee Position | Initial Position | Testify |
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| 24 | SB316 1067 PW | http://leg.state.nv.us/Session/76th2013/Bills/SB/SB316.pdf Requires provisions relating to materials recovery facilities <i>Denis, Manendo, Ohrenschall</i> This bill requires a contractor to dispose of certain solid waste produced by construction, demolition or similar work at a materials recovery facility that has been approved to operate pursuant to regulations of the State Environmental Commission, if such a facility is located within 15 miles of the site of the work. | Referred to Committee on Commerce, Labor and Energy | 3/20/13 | | W | |
| 25 | SB353 851 PE | http://leg.state.nv.us/Session/76th2013/Bills/SB/SB353.pdf Revises provisions relating to governmental administration. Existing law authorizes a city, county, school district or other local government employer to enter into a collective bargaining agreement with the recognized employee organization for each bargaining unit among its employees. (NRS 288.060, 288.150) Existing law also exempts certain proceedings and negotiations occurring between a local government employer and an employee organization from provisions requiring certain meetings to be open and public. (NRS 288.220) Section 1 of this bill requires the negotiation of any collective bargaining agreement for which the estimated cost to the local government employer is \$100,000 or more to occur in a public meeting. Sections 3-5 of this bill require a local government, the Administrator of the Purchasing Division of the Department of Administration or the State Public Works Division of the Department to hold an open and public hearing before entering into certain contracts for which the estimated cost is \$100,000 or more. | Referred GA not scheduled | 3/20/13 | | NS | |
| 26 | SB360 904 PW | http://leg.state.nv.us/Session/76th2013/Bills/SB/SB360.pdf Establishes certain provisions relating to independent contractors. <i>Roberson</i> This bill establishes certain criteria for the purpose of determining whether a person is an independent contractor in the performance of any work or service. This bill also exempts from this criteria any claim, demand, cause of action, application or classification made pursuant to certain laws of this State governing the employment of minors, industrial insurance and occupational diseases. | Referred to Committee on Commerce, Labor and Energy xref SB96 The bill provides that a person shall be deemed an independent contractor if they enter a written contract which specifies they are not an employee; they are responsible for a substantial portion of the expenses relating to the work; they are providing the personnel to perform the work; they are compensated based on value of work, not hours; the control the means and manner of performance; they hold a state business license and other governmental licenses. The bill is good in the sense that it seeks to affirmatively define what constitutes an independent contractor under Nevada law, but some of the criteria (expense responsibility; no hourly payment) could prove problematic in application. | 3/20/13 | | W | |

3-20-13 BOARD Agenda Item 11b Attachment (SB)

| | BILL # BDR # TOPICS: | LEGISLATIVE LINK GENERAL BILL TOPIC BILL/BDR SPONSOR ASSEMBLY BILL SUMMARY | BILL STATUS, COMMENTS &/OR EXPLANATIONS | Date Last Action | Board/ Cmtee Position | Initial Position | Testify |
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| 27 | SB404 827 PW | http://leg.state.nv.us/Session/76th2013/Bills/SB/SB404.pdf Revises provisions relating to business practices. <i>Smith, Woodhouse, Denis, Spearman, Parks, Atkinson, Kirkpatrick, Dondero Loop, Sprinkle</i> Sections 1 and 8 of this bill require subcontractors who receive public money for subcontracts for public works or projects for the construction or maintenance of highways to hold a state business license. Existing law defines activities that constitute deceptive trade practices and provides for the imposition of civil and criminal penalties against persons who engage in deceptive trade practices. (Chapter 598 of NRS) Sections 6, 7 and 10-18 of this bill make conforming changes relating to the new deceptive trade practice established in section 9. | Referred GA not scheduled | 3/20/13 | | W | |