



TO: Chairman and Committee Members
FROM: John Erwin, Dir. Natural Resources-Planning & Development
DATE: 22 February 2011
SUBJECT: Presentation of status report on legislation of interest to TMWA and possible direction regarding TMWA's position on legislation

The attached table contains updated data through the date of this memo. Staff will update the Board on the progress of these bills and positions taken by the Board or its Legislative Subcommittee at future meetings.

			ASSEMBLY BILLS		BILL STATUS	Board Position	Initial Position	Date Action Taken	Lead Lobbyist	Testify: N-no ?-Uknwn Witness	COMMENTS
Bill No.	TOPIC	SUMMARY									
			F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation								
1	AB	10	O	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB10.pdf Revises provisions governing certain funds and the destruction of public records. (BDR 33-441)	Heard 2/10 Govt. Affairs no action		N		M	N	
2	AB	44	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB44.pdf AN ACT relating to civil actions; revising the statutes of repose regarding actions for damages resulting from certain deficiencies in construction; and providing other matters properly relating thereto. Existing law generally limits the period in which an action for damages caused by a deficiency in construction of improvements to real property may be commenced after substantial completion of the improvement, unless the deficiency is a result of willful misconduct or was fraudulently concealed. (NRS 11.202-5 11.205) These periods of limitation are known as statutes of repose, and the period set forth in each statute of repose during which an action must be commenced after substantial completion of the improvement depends on the particular type of deficiency in construction. Section 1 of this bill reduces the period in the existing statute of repose for a known deficiency in construction from 10 years after substantial completion of the improvement to 3 years. Section 2 of this bill reduces the period in the existing statute of repose for a latent deficiency from 8 years after substantial completion of the improvement to 4 years. Section 3 of this bill reduces the period in the existing statute of repose for a patent deficiency from 6 years after substantial completion of the improvement to 3 years.	Not Scheduled as of 2/21		O		W	?	
3	AB	46	O	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB46.pdf Clarifies the inapplicability of certain partial tax abatements to various assessments relating to the adjudication of water rights and management of water resources. (BDR 32-468)	Scheduled 2/22 Taxation - 8:00				W	N	
4	AB	59	O	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB59.pdf Makes various changes to the Open Meeting Law. (BDR 19-288)	Heard Sen Finace 2/16 - no jurisdiction		W		M	N	
5	AB	60	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB60.pdf Revises requirements pertaining to preferences in bidding on public works. (BDR 28-255)	Not scheduled as of 2/16		N		M	N	
6	AB	68	L	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB68.pdf AN ACT relating to cities; exempting certain leases of real property from requirements relating to appraisal and auction; reducing the number of independent appraisals of fair market value required in certain circumstances for the sale or lease of real property by cities; and providing other matters properly relating thereto	Heard 2/18 Govt Affairs no action		N		M	N	

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7	AB	73	WR	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB73.pdf	AN ACT relating to water; authorizing the State Engineer or any assistant or authorized agent of the State Engineer to enter certain premises to investigate and carry out the duties of the State Engineer; requiring the State Engineer to cancel a permit to appropriate water for a beneficial use if the holder of the permit fails to file certain information within a certain period after the date of the notice to file that information; revising provisions relating to the forfeiture of certain water rights; removing provisions requiring the State Engineer to adopt regulations establishing a program to allow a public water system to receive a credit for adding a new customer to the system; authorizing a public water system to receive such a credit under certain circumstances; and providing other matters properly relating thereto.	Not Scheduled as of 2/21		O;SA		W	Y	
8	AB	76	PE	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB76.pdf	AN ACT relating to the Public Employees' Benefits Program; revising provisions concerning reinstatement of insurance under the Program; authorizing the Board of the Program and certain advisory committees to meet in closed session under certain circumstances; and providing other matters properly relating thereto.	Not Scheduled as of 2/21				M	N	
9	AB	80	PE	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB80.pdf	AN ACT relating to the Public Employees' Benefits Program; making various changes relating to the Program; and providing other matters properly relating thereto.	Not Scheduled as of 2/21				M	N	
10	AB	90	HR	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB90.pdf	AN ACT relating to employment practices; prohibiting employers from subjecting an employee to abusive conduct in a work environment; requiring a court to award damages, back pay and attorney's fees consistent with the provisions set forth in Title VII of the Civil Rights Act of 1964 on prevailing claims of unlawful employment practices; prohibiting employers from discriminating against an employee with respect to a physical characteristic of the employee; revising provisions relating to the time in which an employee may seek relief in district court for a claim of unlawful employment practices; and providing other matters properly relating thereto.	Not Scheduled as of 2/21				M	N	
11	AB	101	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB101.pdf	AN ACT relating to local improvement districts (converting overhead electric to underground in counties >400k) ; authorizing certain modifications after a local improvement project has begun and assessments have been levied; and providing other matters properly relating thereto.	Not Scheduled as of 2/21		W		M	N	
12	AB	102	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB102.pdf	AN ACT relating to professional licenses; revising the requirements for licensure as a professional engineer or professional land surveyor for certain applicants; and providing other matters properly relating thereto.	Heard Comm/Labor on 2/16 - no action		W		M	N	

2-25-11 JLS Agenda Item 4 Assembly Bills

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13	AB	114	WR	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB114.pdf	AN ACT relating to water; revising the amount of the fee for issuing and recording a permit to change the point of diversion or place of use only of an existing water right for irrigational purposes; and providing other matters properly relating thereto.	Not Scheduled as of 2/21		SA		W	?	
14	AB	115	WR	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB115.pdf	AN ACT relating to water; revising provisions governing the approval or rejection by the State Engineer of an application to appropriate water for beneficial use; and providing other matters properly relating thereto.	Not Scheduled as of 2/21 Not Scheduled as of 2/21		SA		W/GP	Y	
15	AB	144		http://www.leg.state.nv.us/Session/76th2011/Bills/AB/AB144.pdf	AN ACT relating to public works; revising provisions relating to preferences in bidding for contracts for certain public works projects; requiring the inclusion in a contract for a public work of certain conditions that must be satisfied to obtain such a preference in bidding; providing for the investigation of a failure to satisfy the conditions for such a preference in bidding; providing for the recovery of damages for a failure to satisfy the provisions in a contract relating to preferences in bidding; prohibiting the use of a certificate of eligibility to receive a preference in bidding in certain circumstances; prohibiting a person from bidding on a public work in certain circumstances; revising provisions relating to the keeping, by certain persons, of records relating to public works; and providing other matters properly relating thereto.	Passed out of Assembly to Senate - This bill is on a fast track and the Governor has implied support		W		M	?	
16	AB											
17	AB											

SENATE BILLS											
Bill No.	TOPIC	SUMMARY	BILL STATUS	Board Position	Initial Position	Date Action Taken	Lead Lobbyist	Testify: N-no ?-Uknwn Witness	COMMENTS		
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1	SB 41	F	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB41.pdf Eliminates mandatory collective bargaining for local government employers. (BDR 23-412)	No hearing scheduled as of 2/21		W		M	?		
2	SB 60	PW	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB60.pdf AN ACT relating to energy; revising certain provisions governing the administration of the Fund for Renewable Energy, Energy Efficiency and Energy Conservation Loans; authorizing the Director of the Office of Energy to make loans from the Fund to qualified applicants for the construction of an energy efficiency project or an energy conservation project or the construction, expansion or operation of a renewable energy system; and providing other matters properly relating thereto.	Scheduled Comm/Labor 2/23 - 1:00		S		M	N		
3	SB 68	WR	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB68.pdf Requires the State Engineer to allow a city, county or other political subdivision to participate in developing and carrying out a plan or conducting a study relating to the appropriation of water for beneficial use under certain circumstances. (BDR 48-525)	Heard Govt. Affairs 2/14 - no action				W	N		
4	SB 76	PE	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB76.pdf Prohibits the use of a cellular telephone or other handheld wireless communications device while operating a motor vehicle in certain circumstances. (BDR 43-461)	No Hearing scheduled as of 2/21		N		M	N		
5	SB 77	O	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB77.pdf Revises provisions relating to notaries public. (BDR 19-404)	Heard Govt Affairs 2/14 - no action		N		M	N		
6	SB 78	F	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB78.pdf Revises provisions governing collective bargaining between local government employers and local government employees. (BDR 23-316)	No Hearing scheduled as of 2/21		W		M			
7	SB 100	PW	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB100.pdf AN ACT relating to local improvement districts; authorizing certain modifications after a local improvement project has begun and assessments have been levied; and providing other matters properly relating thereto.	No Hearing scheduled as of 2/21		W		M	N		
8	SB 105	PE	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB105.pdf AN ACT relating to employee organizations; requiring each employee organization recognized by a local government employer in this State to prepare an annual report concerning the dues, expenditures, compensation and other finances of the employee organization; requiring the employee organization to make the report available for inspection by certain members of the employee organization and to submit a copy of the report to the Legislative Auditor if requested by the Legislative Commission; and providing other matters properly relating thereto.	No Hearing scheduled as of 2/21		N		M	N		

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9	SB 153	WR	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB153.pdf AN ACT relating to water; declaring the appropriation of certain water by a municipality or public utility to serve the present and reasonably anticipated future municipal, industrial or domestic needs of the municipality or public utility to be a beneficial use of that water; providing that certain provisions governing consideration by the State Engineer of the consumptive use of a water right do not apply to an application to appropriate water filed by a municipality under certain circumstances; revising the period within which an application of water for a certain municipal or quasi-municipal use must be made; setting forth the measure of reasonable diligence for determining whether a municipality is proceeding with good faith and reasonable diligence to perfect an appropriation of water for a beneficial use; revising the provisions which must be included in certain statements filed with the State Engineer concerning the application of water for municipal or quasi-municipal use; requiring the State Engineer to issue a certificate for a partially perfected application under certain circumstances; and providing other matters properly relating thereto.			S		W	?	
10	SB									