



TO: Chairman and Committee Members
FROM: John Erwin, Dir. Natural Resources-Planning & Development
DATE: 23 March 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 No.	TOPIC	SUMMARY	BILL STATUS	Date Last Action	Board Position	Initial Position	Lead Lobbyist	Testify: N-no ?-Uknown Witness	COMMENTS		
	F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation				S- Support SA- Support if amended N-Neutral NS- Not support W-Watch		G-DePaoli M-MacDonald W-Walker				
1	AB	10	O	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB10.pdf Revises provisions governing certain funds and the destruction of public records.	Passed Assembly 3/3	2/25/11	N	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 3/15	2/25/11	NS;SA	NS;SA	W	?	Want 10 years not 3
3	AB	46	O	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB46.pdf Clarifies the inapplicability of certain partial tax abatements to various assessments relating to the adjudication of water rights and management of water resources.	Amend and do pass Taxation on 3/15 - amend	2/25/11	N	N	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.	Heard 3/1 GA - no action	2/25/11	W	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.	Heard GA on 3/7 - no action	2/25/11	N	N	M	N	
6	AB	68	L	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB68.pdf AN ACT relating to cities; exempting certain leases of real property from requirements relating to appraisal and auction; reducing the number of independent appraisals of fair market value required in certain circumstances for the sale or lease of real property by cities; and providing other matters properly relating thereto	Heard 2/18 Govt Affairs no action	2/25/11	S	S	M	N	
7	AB	73	WR	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB73.pdf 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.	Bill heard 3/15 with TMWA amendments	2/25/11	NS;SA	NS;SA	W	Y	TMWA submitted amendments; bill li
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.	Scheduled 3/18 at GA - 8:00	2/25/11	W	W	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.	Scheduled 3/18 at GA - 8:00	2/25/11	W	W	M	N	

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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.	Heard C/L on 3/7 - Lots of opposition	2/25/11	W	W	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.	Heard 3/1 GA - Clark Co opposed effectively	2/25/11	W	W	M	N	
12	AB	102	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB102.pdf AN ACT relating to professional licenses; revising the requirements for licensure as a professional engineer or professional land surveyor for certain applicants; and providing other matters properly relating thereto.	Amend and do pass 3/2 at C/L	2/25/11	W	W	M	N	
13	AB	105	PE	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB105.pdf AN ACT relating to employee organizations; requiring each employee organization recognized by a local government employer in this State to prepare an annual report concerning the dues, expenditures, compensation and other finances of the employee organization; requiring the employee organization to make the report available for inspection by certain members of the employee organization and to submit a copy of the report to the Legislative Auditor if requested by the Legislative Commission; and providing other matters properly relating thereto.	Not scheduled as of 3/15	2/25/11	N	N	M	N	
14	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.	Heard 3/14 GA - will pass	2/25/11	N	N	W	?	
15	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.	Heard 3/14 with TMWA amendments in tact	2/25/11	SA	SA	W/GP	Y	TMWA submitted well received amer
16	AB	144	PW	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.	Amend and do pass out of Senate Econ on 3/9	2/25/11	W	W	M	?	Gives preference to Nevada resident

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Bill No.	TOPIC	SUMMARY			S- Support SA- Support if amended N-Neutral NS- Not support W-Watch		G-DePaoli M-MacDonald W-Walker				
17	AB	218	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB218.pdf Existing law exempts food for human consumption, other than alcoholic beverages, tonics, vitamins and prepared food intended for immediate consumption, from the sales and use taxes imposed in this State. (NRS 372.284, 374.289) This bill requires the Department of Taxation, for the purpose of administering those taxes after June 30, 2011, to construe the term "food" as excluding "bottled water," thereby excluding bottled water from that tax exemption. Existing law requires the Nevada Tax Commission to enter into the Streamlined Sales and Use Tax Agreement and take all other actions reasonably required to implement the provisions of the Agreement. (NRS 360B.110) This bill defines "bottled water" and provides for its exclusion from the definition of "food" in the manner authorized by the provisions of that Agreement.	Not scheduled as of 3/23	3/16/11	W	W	M	N	Will require 2/3 majority
18	AB	228	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB228.pdf Under existing law, a public body is required to include certain provisions in a contract for a public work. (NRS 338.150, 338.153, 338.155) This bill requires a public body to use a standard form construction contract which has been endorsed by national associations representing industry professionals for each contract for a public work.	Pulled from hearing amended to be a review by state purchase		No further action required				
19	AB	237	F	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB237.pdf Existing law authorizes the board of county commissioners of a county whose population is 100,000 or more but less than 400,000 (currently Washoe County) to establish a program to provide financial assistance to persons to connect to the county's public water or sewer system. (NRS 244.3651) Sections 1, 4 and 5 of this bill authorize the board to issue bonds and other securities under the County Bond Law to finance the county's program of financial assistance as part of a sewerage or water project. Section 2 of this bill authorizes the board of county commissioners of a county to issue special obligation bonds under the County Bond Law to defray the costs of a sewerage or water project. Under existing law, the interest rate on securities issued by a political subdivision of this State, with certain exceptions, is not authorized to exceed by more than 3 percent certain published interest rates. (NRS 350.2011) Section 6 of this bill increases that limitation on interest rates by an additional 2 percent, for a total limitation of not more than 5 percent over certain published interest rates, on securities issued in whole or in part to finance a program to provide financial assistance to persons to connect to a public water or sewer system.	Heard GA on 3/23 - amended to include all other counties besides Clark			S	W	N	
20	AB	253	PE	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB253.pdf Existing law provides for the assessment of certain fines and punishments for violations of the Nevada Occupational Safety and Health Act. (NRS 618.625-618.715) Sections 1-4 of this bill include within the scope of behavior that may trigger certain fines or punishments the violation of any provision of a settlement agreement entered into that relates to the Nevada Occupational Safety and Health Act. Section 2 of this bill increases the maximum and minimum fines for willfully or repeatedly violating any requirement of the Nevada Occupational Safety and Health Act. Section 4 of this bill revises the punishment for a willful violation of the Nevada Occupational Safety and Health Act that results in the death of an employee by revising the fine that may be assessed for each such violation. Section 5 of this bill requires the Department of Personnel to complete a survey of the salaries of safety and mechanical inspectors and report its findings to the Director of the Legislative Counsel Bureau by July 1, 2012.	Heard 3/16 C/L no action			NS;SA	W	N	

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21	AB	254	PE http://leg.state.nv.us/Session/76th2011/Bills/AB/AB254.pdf Existing law provides that if, upon inspection or investigation, the Administrator of the Division of Industrial Relations of the Department of Business and Industry or the Administrator's authorized representative believes an employer is in violation of the Nevada Occupational Safety and Health Act, the Division shall issue a citation to the employer for the violation. (NRS 618.465) This bill provides that the Administrator or the authorized representative may find a violation to have occurred based upon either: (1) the observation of the violation by the Administrator or authorized representative during an inspection; or (2) an investigation by the Administrator or authorized representative that demonstrates the violation has occurred using depositions of witnesses, interviews or other reasonable evidence in the absence of the observation of the violation by the Administrator or authorized representative.	Heard 3/16 C/L no action			NS;SA	W	N	
22	AB	255	PE http://leg.state.nv.us/Session/76th2011/Bills/AB/AB255.pdf Existing law requires the Division to investigate certain accidents that result in the death or injury of employees. (NRS 618.378) Section 1 of this bill requires the Division, after an accident which results in the death or injury of an employee, to provide to the injured employees, the immediate families of the injured or deceased employees and the representatives of the injured or deceased employees a written description of their rights regarding an investigation of the accident. Section 1 also requires the Division to provide such persons with notice of certain events related to an investigation of the accident or proceedings concerning the accident. With regard to an accident which results in the death of an employee, existing law requires the Division and the Occupational Safety and Health Review Board to provide specified information and notifications to, and under certain circumstances to enter into discussions with, the immediate family of the deceased employee after a citation is issued regarding the accident. (NRS 618.480, 618.605) Section 3 of this bill requires the Division to interview the immediate family of the deceased employee during an investigation of the fatal accident to obtain information relevant to the investigation. Section 3 also requires the Division to allow the immediate family of the deceased employee to participate in certain meetings related to the accident.	Heard 3/16 C/L no action			NS;SA	W	N	
23	AB	256	PE http://leg.state.nv.us/Session/76th2011/Bills/AB/AB256.pdf Under existing law, an employee's average monthly wage for the purposes of the Nevada Industrial Insurance Act is calculated using the employee's actual wages, less wages from certain employment. Section 1 of this bill allows for inclusion of wages from employment in a different jurisdiction in certain circumstances. Under existing law, a claimant is entitled to certain benefits relating to industrial insurance. Section 6 of this bill requires various events relating to a medical examination requested by the insurer or employer or ordered by an appeals officer or hearing officer to occur within certain periods of time. Section 7 of this bill establishes various requirements and time limits relating to requests for medical records. Section 15 of this bill revises provisions governing vocational rehabilitation benefits. Under existing law, an employee who is injured while on a temporary assignment outside of Nevada may receive compensation from the Uninsured Employers' Claim Account if the employee was denied workers' compensation in the state where the injury occurred. Section 8 of this bill allows for such compensation for an injury that occurs in a jurisdiction other than a state. Under existing law, the degree of permanent partial disability for which an employee may be compensated must be reduced to account for a previous disability.	Heard C/L on 3/9 no action			W	M	N	

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24	AB	257	O http://leg.state.nv.us/Session/76th2011/Bills/AB/AB257.pdf The Open Meeting Law requires that meetings of public bodies be open to the public, with limited exceptions. Under the Open Meeting Law, a public body is required to provide written notice of all such meetings, which must include an agenda with a period devoted to comments by the general public and discussion of those comments. However, a public body is prohibited from taking action upon a matter that is raised during such a period for public comment until the matter has been specifically included on an agenda and is denoted to be an item upon which the public body may take action. (NRS 241.020) This bill requires the public body, before taking action on an agenda item that is denoted as an item on which the public body may take action, to provide a period devoted to public comment on the agenda item. The public body is also required to provide one additional period for public comment immediately before the adjournment of the meeting.	Hearing 3/24 Judiciary 8:00			W;N	M	N		
25	AB	268	PW http://leg.state.nv.us/Session/76th2011/Bills/AB/AB268.pdf (NRS 338.1389, 338.147, 338.1727, 408.3886) Section 1 of this bill allows a person who holds a certificate of registration of architecture or landscape architecture or who holds a license as a professional engineer or professional land surveyor to qualify for a preference when competing for public works if the person has submitted submitted proof to the appropriate licensing board that the person has paid certain taxes to the State for the past 5 years. Sections 4 and 7 of this bill allow a design-build team to receive a preference in selection as a finalist if both the contractor and the design professionals on the design-build team possess a certificate of eligibility to receive their respective preferences. Sections 5 and 8 of this bill allow a design-build team that has been selected as a finalist for a public work or a project to receive a preference in selection for a contract only if both the contractor and the design professionals on the design-build team possess a certificate of eligibility to receive their respective preferences. Section 9 of this bill allows an architect, professional engineer or professional land surveyor to receive a preference in selection for certain public works if the architect, professional engineer or professional land surveyor possesses a certificate of eligibility to receive a preference when competing for public works. Existing law provides that a public body which selects a design-build team as a finalist in the selection process for a contract for a public work must make public specified information concerning the design-build team and its selection. (NRS 338.1725) Section 7 of this bill adds a similar requirement for the Department of Transportation to make public specified information concerning a design-build team and the selection of that design-build team as a finalist in the selection process for a contract for a project. Section 3 of this bill requires that a public body must, after selecting but before entering into a contract with a design professional who is not a member of a design-build team, transmit certain information concerning the selection of the design profession to the licensing board that regulates the design professional. That licensing board must post the information on its Internet website.	Not scheduled as of 3/23			W	N	N		
26	AB	312	PW http://leg.state.nv.us/Session/76th2011/Bills/AB/AB312.pdf AN ACT relating to public works; clarifying the definition of an "offense"; clarifying that the Labor Commissioner may impose an administrative penalty against a person for the commission of an offense; revising provisions relating to the payment of prevailing wages on public works; revising the manner in which the Labor Commissioner is required to determine prevailing wage rates; providing that collusion to affect the outcome of a prevailing wage survey is an unfair trade practice; and providing other matters properly relating thereto	Hearing scheduled 3/25 GA at 7:30				N	M	N	

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27	AB	361	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB361.pdf	Under existing law, if a local business owned by a a veteran with a service connected disability submits a bid for a public work for which the estimated cost is \$100,000 or less, the business receives a preference of 5 percent of the bid amount. (NRS 338.13844) Additionally, the State Public Works Board must report to the Legislature or Interim Finance Committee every 6 months the number of bids from local businesses owned by a veteran with a service-connected disability, the number of contracts awarded to those businesses and the total dollar amount of those contracts. (NRS 338.13846) Section 6 of this bill creates a similar preference for local businesses owned by a woman or a member of a minority group. Section 7 of this bill imposes similar reporting requirements on the State Public Works Board for these businesses. Section 3 of this bill requires a person who is awarded a contract for a public work to gather, maintain and report to the public body awarding the contract certain information concerning the hiring, wages, race, ethnicity and gender of applicants for employment on the public work. Section 3 also requires that a public body awarding a contract for a public work must gather, compile, maintain and report to the State Public Works Board certain information concerning the cost of the public work, the awarding of the contract, the race, ethnicity, gender, number of employees and length of time in business of the bidders for the contract, and the information received from the person awarded the contract concerning the applicants for employment on the public work. Finally, section 3 requires that the State Public Works Board must compile and maintain the information available to the public, report the information annually to the Director of the Legislative Counsel Bureau and report the information quarterly to the Attorney General. Sections 3 and 5-7 of this bill do not become effective until: (1) the Attorney General reviews the information provided by the State Public Works Board and determines that the information is sufficient to successfully defend a legal challenge to those provisions; (2) the Attorney General notifies the Governor of the sufficiency of the information; and (3) the Governor issues a proclamation to justify the implementation of those provisions.	Hearing scheduled 3/25 GA at 7:30			NS; SA	M	N	
28	AB	387	WR	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB387.pdf	Existing law exempts wells used for domestic purposes where the draught does not exceed 2 acre-feet per year from the requirements to obtain permits for the development and use of underground water. (NRS 534.180) Section 1 of this bill creates conservation domestic wells, a subset of domestic wells where the draught does not exceed 0.5 acre-feet per year, and establishes certain requirements for these wells, including that: (1) they be equipped with a certain type of pump at the time they are drilled which runs on renewable energy and does not allow water to flow at a rate of more than 1 gallon per minute; (2) the owners of the conservation domestic well install a water meter to measure the withdrawal of water from the well and ensure the withdrawal from the conservation domestic well does not exceed 0.5 acre-feet per year; and (3) the owner shall report the monthly withdrawal to the State Engineer on the Internet website of the State Engineer. Section 1 also authorizes the State Engineer to establish reasonable fees by regulation for issuing a password to an owner of a conservation domestic well to sign on to the website to report his or her water withdrawal, for allowing an owner to submit a written report rather than an online report and for failure of an owner to submit his or her report in a timely manner. Finally, section 1 requires any subdivision which plans to provide water services through the use of conservation domestic wells to obtain the right to appropriate not less than 1 acre-foot of water per year for each parcel in the subdivision and entitles the developer to obtain a credit for the 0.5 acre-feet of water not used by the conservation domestic well				NS; SA	W	N	

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29	AB	389	G	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB389.pdf Section 1 of this bill requires a public body to allot an equal amount of time for testimony in favor of and in opposition to an agenda item at a public meeting. Section 1 also requires a public body to allot an equal amount of time for the rebuttal of such testimony. Section 2 of this bill requires a nonprofit corporation that has the power of eminent domain to comply with the provisions of chapter 241 of NRS. Section 3 of this bill requires that meetings of common-interest communities must comply with the Open Meeting Law. The Commission for Common-Interest Communities and Condominium Hotels is responsible for investigating and enforcing violations of the Open Meeting Law by common-interest communities.	Not scheduled as of 3/23			N	M	M	
30	AB	410	WR	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB410.pdf Under existing law, any interested person, including a governmental entity, is authorized to file a written protest with the State Engineer against the granting of an application for a permit to appropriate water or to change the place of diversion, the manner of use or the place of use of water already appropriated. (NRS 533.010, 533.325, 533.365) In addition, any person, including a governmental entity, who may be adversely affected by a project for the recharge, storage and recovery of water is authorized under existing law to file a written protest with the State Engineer against the granting of an application for a permit to operate the project. (NRS 534.014, 534.250, 534.270) This bill requires that any protest which is filed by a government, governmental agency or political subdivision against the granting of an application for a permit to change the place of diversion, the manner of use or the place of use of water already appropriated within the same basin or for a permit to operate a project for the recharge, storage and recovery of water be verified or signed by the director, administrator, chief, head or other person in charge of that government, governmental agency or political subdivision. However, this bill does not change the requirements under existing law for a protest by a government, governmental agency or political subdivision against the granting of an application for a permit to appropriate water or an application that involves an interbasin transfer of groundwater. (NRS 533.365).				NS	W	N	
31	AB	419	WR	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB419.pdf Under existing law, the State Engineer has various powers and duties with respect to regulating the groundwater in this State. (Chapter 534 of NRS) Section 3 of this bill requires the State Engineer to designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin. If a basin is so designated for at least 10 consecutive years, section 3 requires the State Engineer to order that withdrawals of groundwater be restricted in the basin to conform to priority rights, unless a groundwater management plan has been approved for the basin. Section 1 of this bill prescribes the procedure for the proposal, approval and revision of such a plan. . Section 2 of this bill includes the existence of a groundwater management plan in a basin as a consideration for the State Engineer in determining whether to grant a request for an extension of the time necessary to work a forfeiture of water in such a basin.				W	M/W	N	
32	AB	422	WR	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB422.pdf This bill specifically authorizes a public body to lease a water right owned by the public body to an owner or holder of a water right who the State Engineer determines is exceeding the amount of water to which the owner or holder is entitled.	Not scheduled as of 3/23			NS	M/W	N	

SENATE BILLS										
Bill No.	TOPIC	SUMMARY	BILL STATUS	Date Last Action	Board Position	Initial Position	Lead Lobbyist	Testify: N-no ?-Ukwnn 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.	Not scheduled as of 3/8	2/25/11	W	W	M	?	Similar to SB78
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.	Amend and do pass on 3/4 from C/L -	2/25/11	S	S	W	N	Amendment was minor; TMWA supported
3 SB	68	WR	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB68.pdf Requires the State Engineer to allow a city, county or other political subdivision to participate in developing and carrying out a plan or conducting a study relating to the appropriation of water for beneficial use under certain circumstances.	Heard Govt. Affairs 2/14 - no action	2/25/11	N	N	W	N	Per Chair the bill is likely dead
4 SB	76	PE	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB76.pdf Prohibits the use of a cellular telephone or other handheld wireless communications device while operating a motor vehicle in certain circumstances.	Not scheduled as of 3/15	2/25/11	W	W	W	N	Exempt
5 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.	Not scheduled as of 3/15	2/25/11	W	W	M	N	Similar to SB 41
6 SB	100	PW	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB100.pdf 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.	Heard 3/14 - good amendment proposed	2/25/11	W	W	M	N	Amendment allows Board oversight.

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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				S- Support SA- Support if amended N-Neutral NS- Not support W-Watch		G-DePaoli M-MacDonald W-Walker		
7	SB 147	PE	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB147.pdf Existing law governing industrial insurance makes an employer liable for civil penalties in an action commenced by the Attorney General under certain circumstances if the employer misrepresents the classification or duties of an employee. (NRS 616D.220, 616D.230) Existing law also gives the Attorney General primary jurisdiction to investigate and prosecute such violations by an employer as well as primary jurisdiction to investigate and prosecute any fraud in the administration of statutes governing industrial insurance and occupational diseases. (NRS 228.420) This bill makes a person liable for civil penalties in an action commenced by the Attorney General if the person knowingly advises an employer or any employee, officer or agent of an employer to misrepresent the classification or duties of an employee. This bill also requires that all such civil penalties which are collected be used to support the Fraud Control Unit for Industrial Insurance within the Office of the Attorney General.	Hearing 3/30 C/L at 1:00			NS	W	N	
8	SB 148	PE	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB148.pdf Under existing law, if the Administrator of the Division of Industrial Relations of the Department of Business and Industry determines that an employer knowingly misrepresented the classification or duties of an employee, the Administrator will charge the employer for the amount of the premiums that the employer would have paid to secure industrial insurance had the employer submitted the proper information. (NRS 616D.220) The Attorney General may also commence a civil action to collect any amount due, as well as certain other civil penalties.(NRS 616D.230) This bill creates a private right of action for an employee who has been misclassified as an independent contractor. This remedy is in addition to the existing remedies and penalties under NRS 616D.220 and 616D.230. (NRS 616D.010) This bill allows the employee to bring the action against his or her employer only after filing a complaint with a state agency that has jurisdiction to address the misclassification, if any such agency exists. This bill also allows the employee to bring the action without exhausting any applicable administrative remedies.	Hearing 3/30 C/L at 1:00			NS	W	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.	Passed amended per TMWA input on 3/7	2/25/11	SA	SA	W	JAE	Amendment extended 5 years to 10 years on time extension for permits
10	SB 192	PW	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB192.pdf Local governments are required under existing law to submit an annual fiscal report to the Department of Taxation. (NRS 354.6015) Section 6 of this bill requires a local government to include in that annual report the percentage of contracts for the design and construction of public works that were awarded during the reporting period to contractors and design professionals in this State. Sections 14 and 16 of this bill impose identical reporting requirements on the State Public Works Board and the Department of Transportation with respect to contracts for public works of the State. Section 2 of this bill requires the Commission on Economic Development to compile those reports and transmit the compilation to the Legislature, or the Interim Finance Committee, if the Legislature is not in regular session. Section 15 Under existing law, if the estimated cost of a public work is \$100,000 or less, the State or a local government is authorized to award the contract to a contractor or perform the work with its own employees if certain requirements are met. (NRS 338.1386, 338.1442) Similarly, under existing law, if the estimated cost of a public work is less than \$35,000, the State or a political subdivision is authorized to prepare the maps, plans, specifications, reports and estimates for the public work itself. (NRS 625.530) The Department of Transportation is also authorized under existing law to perform limited work and improvements itself. (NRS 408.323) Sections 8, 11, 17 and 18 of this bill add a legislative declaration to those provisions in existing law, stating that, whenever possible, it is in the best interest of the State for those services on public works to be performed by the private sector.	Bill passed Senate on partisan vote without T	2/25/11	NS	NS	M	?	

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11	SB	207	PE	<p>http://leg.state.nv.us/Session/76th2011/Bills/SB/SB207.pdf</p> <p>Under existing law, the Labor Commissioner is required to enforce the labor laws and regulations of the State of Nevada. In carrying out that requirement, the Labor Commissioner may take any appropriate action against a person who violates those laws or regulations. Before enforcing an administrative penalty against the person, the Labor Commissioner is required to provide the person with notice and an opportunity for a hearing. (NRS 607.160) This bill confers upon the Labor Commissioner the authority to impose an administrative penalty against an employer who, regardless of the employer's intent, misclassifies an employee as an independent contractor. This bill sets forth the required amount of any administrative penalty imposed by the Labor Commissioner against the employer and, if the violation is a third or subsequent offense, requires the Secretary of State to revoke or suspend the state business license of the employer for not more than 3 years as determined by the Labor Commissioner. This bill authorizes the Labor Commissioner to impose the administrative penalty against the employer if the employer fails to prove to the satisfaction of the Labor Commissioner that the employee is not misclassified as an independent contractor.</p>	Hearing 3/30 C/L at 1:00			NS	W	N	
12	SB	208	PE	<p>http://leg.state.nv.us/Session/76th2011/Bills/SB/SB208.pdf</p> <p>Under existing law, the Labor Commissioner is required to enforce the labor laws and regulations of the State of Nevada. In carrying out that requirement, the Labor Commissioner may take any appropriate action against a person who violates those laws or regulations. Before enforcing an administrative penalty against the person, the Labor Commissioner is required to provide the person with notice and an opportunity for a hearing. (NRS 607.160) This bill confers upon the Labor Commissioner the authority to impose an administrative penalty against an employer who, regardless of the employer's intent, misclassifies an employee as an independent contractor. This bill sets forth the required amount of any administrative penalty imposed by the Labor Commissioner against the employer and, if the violation is a third or subsequent offense, requires the Secretary of State to revoke or suspend the state business license of the employer for not more than 3 years as determined by the Labor Commissioner. This bill authorizes the Labor Commissioner to impose the administrative penalty against the employer if the employer fails to prove to the satisfaction of the Labor Commissioner that the employee is not misclassified as an independent contractor.</p>	Hearing 3/30 C/L at 1:00			NS	W	N	

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13	SB	242	PE	<p>http://leg.state.nv.us/Session/76th2011/Bills/SB/SB242.pdf Existing law relating to unemployment compensation uses a set of factors commonly known as the "ABC Test" to determine whether services performed by a person for wages are deemed to be employment. (NRS 612.085) Section 1 of this bill revises the term "independent contractor" for the purposes of industrial insurance to incorporate the "ABC Test." Existing law requires an employer to post a notice in a conspicuous place that identifies the employer's industrial insurer and provides certain information about the insurer. (NRS 616A.490) Section 2 of this bill requires that such notice include the definitions of "employee" and "independent contractor" as used in the Nevada Industrial Insurance Act (chapters 616A-616D of NRS).</p>	Hearing 3/30 C/L at 1:00			NS;SA	M	N		
14	SB	268	PW	<p>http://leg.state.nv.us/Session/76th2011/Bills/SB/SB268.pdf Existing law relating to unemployment compensation uses a set of factors commonly known as the "ABC Test" to determine whether services performed by a person for wages are deemed to be employment. (NRS 612.085) Section 1 of this bill revises the term "independent contractor" for the purposes of industrial insurance to incorporate the "ABC Test." Existing law requires an employer to post a notice in a conspicuous place that identifies the employer's industrial insurer and provides certain information about the insurer. (NRS 616A.490) Section 2 of this bill requires that such notice include the definitions of "employee" and "independent contractor" as used in the Nevada Industrial Insurance Act (chapters 616A-616D of NRS).</p>	Not Scheduled as of 3/23				N	M	N	
15	SB	359	WR	<p>http://leg.state.nv.us/Session/76th2011/Bills/SB/SB359.pdf AN ACT relating to public financial administration; prohibiting a governmental entity from entering into a contract with an independent contractor unless the independent contractor agrees to a code of conduct; requiring an independent contractor to disclose certain information relating to a contract with a governmental entity; limiting the duration of a sole source contract with a governmental entity; prohibiting a governmental entity from extending a contract with an independent contractor unless the contract is first opened to competitive bidding; requiring the periodic renegotiation of contracts with a governmental entity that exceed 2 years; requiring the reporting and posting of certain information relating to sole source contracts; requiring a person who is awarded a contract for a public work to gather and report to the public body which awards the contract certain information concerning the applicants for employment on the public work; requiring a public body which awards a contract for a public work to gather and report to the State Public Works Board certain information concerning the bidders for the contract; requiring the State Public Works Board to gather and maintain certain information concerning public works reported to it by various public bodies; requiring the State Board of Examiners to review and approve in advance each contract for the provision of professional services entered into by the Department of Transportation; and providing other matters properly relating thereto.</p>					NS	W	N	

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16	SB	361	WR http://leg.state.nv.us/Session/76th2011/Bills/SB/SB361.pdf Section 1 of this bill authorizes a person to apply to the State Engineer for the issuance of a temporary permit to appropriate water to establish vegetative cover that is resistant to fire in an area that has been burned by a wildfire or to prevent or reduce the impact of a wildfire in an area. Unless extended by the State Engineer, the duration of such a temporary permit is limited to one growing season of the vegetative cover. Section 2 of this bill declares the use of water to prevent or reduce the impact of wildfires or to rehabilitate areas burned by wildfires as a policy of the State. Sections 3-7 of this bill exempt an application for such a temporary permit from several requirements in existing law for applications for permits concerning water rights, including publication of notice of the application in a newspaper and authorization for the filing of protests against the granting of the application. This expedited process is similar to the process for the issuance of environmental permits by the State Engineer. (NRS 533.437-533.4377) Section 8 of this bill requires the State Forester Firewarden, upon the request of the State Engineer, to review the plan for establishing the vegetative cover that is required to be submitted by the applicant for the temporary permit.	Hearing GA 3/28 at 8:00			W/N	W	N	
17	SB	362	WR http://leg.state.nv.us/Session/76th2011/Bills/SB/SB362.pdf Under existing law, the State Engineer has various powers and duties with respect to regulating the groundwater in this State. (Chapter 534 of NRS) Section 4 of this bill requires the State Engineer to designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin. Under existing law, the State Engineer has the discretion whether to grant a request for the extension of the time necessary to work a forfeiture of a water right. (NRS 534.090) Section 2 of this bill requires the State Engineer to extend the time necessary to work a forfeiture in a basin which is designated as a critical management area if the holder of the right pays a fee that is deposited in an account in the State General Fund, the money in which may only be used to pay the costs of retiring water rights in the particular designated basin where the water right is located. Section 2 further requires the State Engineer to adopt a sliding scale for such a fee, based on the priority of the right.				W/N	W	N	

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18	SB	363	WR	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB361.pdf Existing law requires the State Engineer to publish notice of certain applications for water rights once a week for 4 consecutive weeks within 30 days after an application is filed. If the application is for a proposed well of a certain type, existing law requires the applicant to mail a copy of the notice of application to each owner of real property containing a domestic well that is within 2,500 feet of the proposed well. Further, the applicant is required to send a certain number of notices by certified mail if there are more or less than six such wells. NRS 533.360 This bill requires the State Engineer to publish notice of certain applications for water rights twice a week for 8 consecutive weeks within 120 days after an application is filed. This bill also requires an applicant to mail copies of the notice of application to each owner of real property containing a domestic well that is within 5,000 feet of a proposed well of a certain type. Finally, this bill requires an applicant to send a certain number of notices by certified mail if there are more or less than 12 such wells.				NS	W	N	

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19	SB	377	PW	<p>http://leg.state.nv.us/Session/76th2011/Bills/SB/SB377.pdf</p> <p>Existing law sets forth standards and requirements for the public procurement of goods and services and for public works projects. (Chapters 332, 333, 334 and 338 of NRS)) Section 8 of this bill provides an alternative to current standards and requirements by authorizing the State and certain local governments to enter into public-private partnerships. Sections 7 and 9 of this bill provide that a public private partnership is a contract entered into by a private partner and the State or a local government under which the private partner assumes responsibility for: (1) planning, designing, financing, constructing, equipping, improving, maintaining, operating or acquiring rights-of-way for a project, or any portion thereof, but where the State or local government retains ownership of the project; or (2) providing services that a public agency is authorized to provide. Sections 9-15 of this bill set forth the requirements for entering into a public-private partnership, including the solicitation of proposals, requirements for and authority of private partners, and the financing of the public-private partnership, and provide authority to carry out certain activities relating to the public-private partnership.</p>				NS	M	N	