



TO: Chairman and Committee Members
FROM: John Erwin, Dir. Natural Resources-Planning & Development
DATE: 06 March 2013
SUBJECT: 2013 TMWA Legislative Update Report

The attached table contains updated data on pending legislative action 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 as the Session progresses.

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 ceratin 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 opposition on wide spread implication of not publishing public notices	2/15/13	S	S	N-no Y-Yes Lead: D-DePa P-Pagni W-Walk
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.	Heard C/L 2/6 - no action 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	N-no Y-Yes Lead: D-DePa P-Pagni W-Walk
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 GA 2/7 - 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	

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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	N-no Y-Yes Lead: D-DePa P-Pagni W-Walk
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 GA 2/7 - no action 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.	Passed Assembly 2/21 to Senate Passed Senate Revenue 2/28	2/15/13	W	N	N-no Y-Yes Lead: D-DePa P-Pagni W-Walk
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.	Heard 3/4 C/L no action	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.	Referred Judiciary not scheduled TMWA participates in E-verify process	2/15/13	N	N,W	
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>Kirner, Hickey, Gustavson</i>	Referred GA not scheduled	2/15/13	N,W	N,W	

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	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.					

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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	3/8/13		W	
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.	Referred to Leg Ops - not scheduled	3/8/13		W	

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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, Settelmeyer</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	

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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, Horne, 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 GA 2/28; 3/4 no actions. Lots of opposition 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		W	

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17 AB172 110 PW	http://leg.state.nv.us/Session/76th2013/Bills/AB/AB172.pdf Revises provisions governing bidder preferences on certain public works. <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.	Heard GA 2/26 no action	3/8/13		W; N	

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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 CL 3/8 1pm xref SB127	3/8/13		W	
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.		3/8/13		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-----	-----C-----	---D---	---E---	---F---	---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.	Referred C/L not scheduled	3/8/13		W	

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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.	Heard C/L 2/25 no action 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.	GA-not scheduled	2/15/13	W	W	

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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.	On work session NR 3/7 1:30 Bill well received - TMWA testified in support.	2/15/13	S	S	

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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	
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.	Hearing scheduled GA 3/6 1:30 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	

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9 SB90 468	<p>http://leg.state.nv.us/Session/76th2013/Bills/SB/SB90.pdf</p> <p>An Act relating to confidential information; establishing a procedure for the submission to a local governmental entity of records which are claimed to be confidential and which are required by the entity as a condition of its consideration of an application for a license, permit or similar approval; providing for the determination of such a claim of confidentiality and the status and disposition of the records; authorizing an agency of a county to request a copy of certain confidential records from the Department of Business and Industry under certain circumstances;</p> <p>O <i>Settelmeyer, Grady</i> Where the submission to a local governmental entity of records that are otherwise declared by law to be confidential is required by the local governmental entity as a condition of its consideration of an application for a license, permit or similar approval, sections 6 and 7 of this bill establish an expedited process by which the applicant may assert a claim of confidentiality with respect to the records and obtain a determination of that claim from the chief legal officer or attorney of the local governmental entity. If the chief legal officer or attorney agrees that the records are confidential, section 8 of this bill requires the local governmental entity to maintain the records in confidence. If the records are determined not to be confidential, section 8 gives the applicant the choice of withdrawing the records from the possession of the</p>	<p>Referred GA; not scheduled</p> <p>This bill seeks to create provisions for submitting confidential information to local governments, similar to provisions that already exist for submittals to state or federal agencies. The bill would allow an applicant to assert a claim of confidentiality through an expedited process, and if confidentiality is appropriate, would designate such information as confidential</p>	2/15/13	N,W	N,W	
10 SB96 579	<p>http://leg.state.nv.us/Session/76th2013/Bills/SB/SB96.pdf</p> <p>Authorizes the imposition of an administrative penalty against an employer under certain circumstances.</p> <p>O <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.</p>	<p>Referred C/L not scheduled</p> <p>Eligible for exemption</p>	2/15/13	W	W	
11 SB127	<p>http://leg.state.nv.us/Session/76th2013/Bills/SB/SB127.pdf</p>					

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453 PE	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	

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12 SB133 631	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. WR <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.	Referred NR not scheduled	3/8/13		W	
13 SB134 249	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. WR <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.	Referred NR not scheduled	3/8/13		W	

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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, Settlemeyer, 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	
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	

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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	
17 SB171 621 PW	http://leg.state.nv.us/Session/76th2013/Bills/SB/SB170.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 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		W	