



TO: Chairman and Committee Members
FROM: John Erwin, Dir. Natural Resources-Planning & Development
DATE: February 11, 2015
SUBJECT: **2015 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 # TOPICS:	BILL/BDR SPONSOR GENERAL BILL TOPIC LEGISLATIVE LINK ASSEMBLY BILL SUMMARY	BILL STATUS, COMMENTS &/OR EXPLANATIONS	DEADLINE DATE	Board/Cmtee Position Action Date	Initial Position
--A--	-----B-----	-----C-----	--D--	--E--	--F--
AB19 F	Committee on Government Affairs Revises provisions governing the timing of the adoption of tentative budgets by certain local governments. (BDR 31-456) http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB19.pdf Existing law requires that the budget hearings must be held: (1) for county budgets, on the third Monday in May; (2) for city budgets, on the third Tuesday in May; (3) for school districts, on the third Wednesday in May; and (4) for all other local governments, on the third Thursday in May or the Friday immediately succeeding the third Thursday in May. This bill revises the provision regarding the days on which the budget hearings must be held to require that the budget hearings instead be held on or before the specified day.				1/26-W
AB40 O	Committee on Judiciary Revises provisions relating to the State Gaming Control Board. (BDR 41-352) http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB40.pdf Legislative Counsel's Digest: Under existing law, meetings of the State Gaming Control Board must be open to the public, except that certain meetings, including, without limitation, investigative hearings, may be conducted in private under certain circumstances. Section 1 of this bill specifically provides that certain actions and proceedings of the Board are not subject to certain provisions of the Open Meeting Law. Sections 2 and 3 of this bill change the name of the State Gaming Control Board to the Nevada Gaming Control Board.				1/26-W
AB43 O	Committee on Transportation Clarifies confidentiality provisions governing certain documents. (BDR 35-377) http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB43.pdf Under existing law, the Department of Transportation is authorized to advertise for proposals from design-build teams and contract with a design-build team for the design and construction of certain projects. The Department is also authorized to accept requests from certain persons seeking to develop, construct, improve, maintain or operate certain transportation facilities. The Department may authorize the person who requested such a project to carry out the project or may request that other persons submit proposals for the project. Sections 2 and 3 of this bill provide that certain documents or other information submitted to the Department by a person seeking a contract with the Department for a design-build project or a transportation facility project are confidential until the contract is awarded. Existing law authorizes public bodies to construct public works by advertising for proposals for a construction manager at risk and then selecting and entering into a contract with a construction manager at risk. Section 6 of this bill provides that certain documents or other information submitted to a public body by a construction manager at risk seeking a contract with a public body for a public works project are confidential until the contract is awarded. Under existing law, all public books and records of a governmental entity, the contents of which are not otherwise declared by law to be confidential, are required to be open at all times during office hours for inspection and copying by the public. Section 8 of this bill adds to the list of public books and records which are declared confidential those documents and other information as reflected in sections 2, 3 and 6.				1/30-W
AB54 F	Committee on Government Affairs Revises provisions relating to local governments existing in a severe financial emergency. (BDR 31-308) http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB54.pdf AN ACT relating to local financial administration; revising provisions governing the operation of the Committee on Local Government Finance; revising provisions relating to the management of a local government existing in a severe financial emergency; providing a penalty; and providing other matters properly relating thereto.				1/27-W

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--A--	-----B-----	-----C-----	---D---	---E---	---F---
AB60 G	Committee on Legislative Operations and Elections Revises provisions relating to ethics in government. (BDR 23-309) http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB60.pdf AN ACT relating to ethics in government; revising provisions relating to ethics in government; and providing other matters properly relating thereto. Under the Nevada Ethics in Government Law, the requirement to disclose a conflict of interest applies to public officers as well as public employees, but the requirements relating to abstention only apply to public officers. Section 2 of this bill extends to public employees the requirements relating to abstention from taking action on matters on which a public employee has a prescribed conflict of interest.				1/27-W
AB71 HR	Committee on Taxation Revises provisions relating to military veterans and members and relatives of members of the Nevada National Guard. (BDR 32-297) http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB71.pdf AN ACT relating to taxation; revising provisions regarding property taxes and the governmental services tax to provide that certain veterans qualify for the maximum allowable exemption from those taxes; providing a deduction from the payroll tax for wages paid to newly hired full-time employees who are veterans; providing an exemption from certain sales and use taxes for certain relatives of a member of the Nevada National Guard who is called into active service and is killed while performing his or her duties as a member of the Nevada National Guard; and providing other matters properly relating thereto.				2/3-W
AB89 HR	Committee on Commerce and Labor Makes various changes to provisions relating to certain professions. (BDR 53-295) http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB89.pdf AN ACT relating to professions; requiring the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to gather and report certain data to the Interagency Council on Veterans Affairs; authorizing a private employer to adopt an employment policy that gives preference in hiring to a veteran or the spouse of a veteran; revising provisions governing the dissemination of certain records of criminal history; authorizing certain persons to obtain a commercial driver's license without taking a driving skills test; authorizing certain qualified professionals to apply for a license by endorsement to practice in this State; and providing other matters properly relating thereto.				2/3-W
AB90 S	Committee on Government Affairs Establishes the Nevada Intrastate Mutual Aid System. (BDR 36-391) http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB90.pdf Existing law authorizes political subdivisions of this State to establish local organizations for emergency management in accordance with the state emergency management plan. The director of a local organization for emergency management may enter into reciprocal agreements with other such organizations to provide aid during an emergency or disaster. Section 15 of this bill creates a statewide mutual aid system, designated the Nevada Intrastate Mutual Aid System, within the Division of Emergency Management of the Department of Public Safety to coordinate requests for mutual aid among the various public agencies of this State and certain Indian tribes and nations in this State. Section 17 of this bill requires each public agency in this State to participate in the System unless it opts out. Sections 18 and 19 of this bill set forth the requirements for making a request for intrastate mutual aid through the System and the responsibilities of the requesting and assisting participants. Section 20 of this bill sets forth the manner in which an assisting participant may be reimbursed by the requesting participant for costs incurred in providing mutual aid. Section 25 of this bill authorizes the Governor to request mutual aid from participants for use in providing interstate mutual aid.				1/27-W

BILL # TOPICS: E- Energy F-Financial, Risk Management G-Governance HR-Human Resources L-Property O-Opening meeting, records, boards & election PE-PERS, PEBS PW-Public works S-Emergency mgmt, safety, vehicles WQ-Water quality, NDEP WR-rights, resources, conservation --A--	BILL/BDR SPONSOR GENERAL BILL TOPIC LEGISLATIVE LINK ASSEMBLY BILL SUMMARY -----B-----	BILL STATUS, COMMENTS &/OR EXPLANATIONS -----C-----	DEADLINE DATE ---D---	Board/Cmtee Position Action Date S- Support SA- Support/Amended N-Neutral O-Oppose W-Watch T-Testify ---E---	Initial Position ---F---
AB106 PW	Committee on Government Affairs Revises provisions related to public works. (BDR 28-244) http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB106.pdf Existing law provides standard provisions that must be included in a public works contract between a public body and a design professional. A design professional is defined in existing law as a professional engineer, professional land surveyor, architect, interior designer, residential designer or landscape architect, or a business entity that is engaged in the business of professional engineering, land surveying, architecture or landscape architecture. This bill eliminates the requirement that a design professional who is not a member of a design-build team defend the public body in any lawsuit alleging negligence, errors or omissions, recklessness or intentional misconduct on the part of the design professional or his or her employees or agents resulting from his or her work on a project. In addition, this bill also provides that if the design professional is held to be liable as a result of a lawsuit, the judge or jury shall order the design professional to reimburse the public body for a proportionate share of the attorney's fees and costs the public body incurred in defending the action.				2/9-W

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SB11 G	Senator Goicoechea Grants power to local governments to perform certain acts or duties which are not prohibited or limited by statute. (BDR 20-284) http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB11.pdf In 1868, Judge John F. Dillon of the Iowa Supreme Court established a common-law rule of statutory interpretation known as Dillon's Rule, which limits the powers of local governments. Under Dillon's Rule, a local government is authorized to exercise only those powers which are: (1) expressly granted; (2) necessarily or fairly implied in or incident to the powers expressly granted; or (3) essential to the accomplishment of the declared purposes of the local government. Under existing law, county commissioners are authorized to exercise only those powers which are expressly granted and powers that are necessarily implied to carry out express powers. 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.				2/5-W
SB24 HR	Committee on Commerce, Labor, and Energy Revises provisions governing unemployment compensation. (BDR 53-383) http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB24.pdf AN ACT relating to unemployment compensation; authorizing the Administrator of the Employment Security Division of the Department of Employment, Training and Rehabilitation to make certain information available to the Board of Regents of the University of Nevada and the Director of the Department; revising the manner in which a person who has received certain benefits or money may elect a base period; revising the period within which the Administrator may recover certain overpayments; expanding the circumstances under which a person may commit unemployment insurance fraud; providing a penalty; and providing other matters properly relating thereto.				2/3-W
SB28 O	Committee on Government Affairs Clarifies provisions governing the fees that may be charged for providing copies of certain public records. (BDR 19-464) http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB28.pdf AN ACT relating to public records; authorizing a governmental entity to charge for the actual cost of time utilized by an employee when responding to a request for a public record that requires an extraordinary use of personnel; defining the term "extraordinary use of its personnel or technological resources"; and providing other matters properly relating thereto.				2/3-W

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SB70 O	Committee on Government Affairs Revises provisions governing meetings of public bodies. (BDR 19-155) http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB70.pdf The Open Meeting Law only applies to meetings of a quorum of the members of certain public bodies. "Quorum" is defined in existing law as "a simple majority of the constituent membership of a public body or another proportion established by law." Section 2 of this bill deletes the extraneous word "constituent" from this definition, thereby clarifying that a quorum consists of a simple majority of the members of the public body unless a different number is prescribed in law. The Open Meeting Law specifies a certain number of working days by which public bodies is mandated to comply with. Section 2 defines "working day" for purposes of these requirements as every day of the week except Saturday, Sunday and legal holidays prescribed in existing law. Section 4 of this bill requires such a public body to certify in writing, on a form prescribed by the Attorney General, its compliance with the requirements for minimum public notice for each of its meetings. Under the Open Meeting Law, a public body is required to keep written minutes of each of its meetings. Section 6 of this bill requires a public body to approve the minutes of a meeting of the public body at the next meeting of the public body, unless good cause for delay is shown. With certain exceptions, the Attorney General is required under existing law to investigate and prosecute violations of the Open Meeting Law. Section 7 of this bill authorizes the filing of a complaint alleging a violation of the Open Meeting Law with the Office of the Attorney General. Section 7 also makes such a complaint a public record but makes any other record, document or information obtained by the Attorney General during an investigation of a violation of the Open Meeting Law confidential until the investigation is closed.				1/23-W
SB81 WR	Committee on Government Affairs Revises provisions relating to the management and appropriation of water. (BDR 48-367) http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB81.pdf This bill eliminates the classification "area of active management" and renames it "critical management area" as "active management area." Similar to the former designation of critical management area, section 3 authorizes the State Engineer to designate a basin or portion therein as an active management area if the State Engineer determines that: (1) withdrawals of groundwater exceed the perennial yield of the basin; (2) groundwater levels continue to decline; or (3) pumping of groundwater conflicts with existing water rights. Section 3 requires the State Engineer to designate any basin or portion therein as an active management area if the State Engineer receives a petition for such a designation which is signed by not less than 40 percent of the combined total of holders of adjudicated or unadjudicated claims of vested rights and permits or certificates to appropriate water and owners of domestic wells in the basin or portion therein; and to rescind the designation of a groundwater basin or portion therein as an active management area if the State Engineer determines that the designation is no longer warranted. Section 4 specifies the powers of the State Engineer in basins or portions therein that are designated as an active management area. Section 7 clarifies that the State Engineer is required to supervise all groundwater and wells, including domestic wells for which a permit is not required. Section 8 changes the signature requirement for such petitions from not less than 40 percent of the combined total of the holders of adjudicated or unadjudicated claims of vested rights and permits or certificates to appropriate water and owners of domestic wells in the basin or portion therein. Sections 7 and 8 authorize the State Engineer to also hold such a hearing at the location in closest proximity to the basin where an adequate facility exists for holding a hearing. Under existing law, the holder of a water right forfeits that right if the holder does not put the water to beneficial use within a certain period. Section 9 requires the State Engineer to consider as an additional factor in an application for an extension of time to prevent forfeiture whether the basin or portion therein where the water right is located has been designated as an active management area.				1/23-W

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SB108	Settelmever Revises provisions relating to public works projects. (BDR 28-598) http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB108.pdf Existing law sets forth general provisions applicable to public works for which the cost is in excess of \$100,000, including provisions requiring: (1) reports by the public body undertaking the public work to the Labor Commissioner; (2) enforcement of certain provisions regarding public works contracts by the Labor Commissioner, with prosecution of any violations by the Attorney General; (3) the payment of prevailing wages to employees on the public work; and (4) the advertisement in certain publications for bids on the public work. The prevailing wage requirements and certain reporting requirements also apply to a redevelopment project if a redevelopment agency provides financial incentives to the developer with a value of more than \$100,000. Existing law also sets forth certain provisions applicable to public works for which the cost is less than \$100,000, including a provision requiring a preference in bidding for certain businesses owned by a veteran with a service-connected disability, and provisions authorizing a state or local government to: (1) perform the work itself; or (2) solicit bids from three licensed contractors if the estimated cost of the public work is more than \$25,000 but not more than \$100,000, or solicit bids from at least one licensed contractor if the estimated cost of the public work is \$25,000 or less. This bill changes the \$100,000 threshold to \$1,000,000, and in several sections, a technical correction is made clarifying that if the relevant work will cost exactly \$1,000,000, the requirements for those public works estimated to cost in excess of \$1,000,000 will apply.				2/2-S