



TO: Chairman and Committee Members
FROM: John Erwin, Dir. Natural Resources-Planning & Development
DATE: March 3, 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	Board/Cmtee Position Action Date
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-- -----B-----		-----C-----	IP- initial position S- Support SA- Support/Amendec N-Neutral O-Oppose W-Watch T-Testify -----D-----
3 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.	2/5 Heard	1/30-W; IP
4 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.	3/2 Heard	3/2-N, 1/27-W; IP

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8 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.	2/20 Amend, and do pass as amended	1/27-W; IP

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11	AB135 Committee on Government Affairs Revises provisions relating to schedules for the retention and disposal of official state records. (BDR 19-547) O http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB135.pdf Existing law requires certain state agencies, boards and commissions, in cooperation with the Division of State Library and Archives of the Department of Administration, to develop a schedule for the retention and disposition of the official state records of the agency, board or commission. Existing law also requires the Division to submit the schedules to the Committee to Approve Schedules for the Retention and Disposition of Official State Records for approval. Upon approval of a schedule, existing law provides that an official state record may be disposed of only in accordance with the approved schedule. (NRS 239.077, 239.080) As recommended by the Sunset Subcommittee of the Legislative Commission, this bill requires the Division to develop and conduct a program of education and training concerning the retention and disposition of official state records for employees of such agencies, boards and commissions. This bill also requires the head of a state agency, board or commission that is required to maintain its official state records in accordance with such an approved schedule to require certain employees to complete the program. This bill further requires the head of an agency, board or commission to issue a letter of reprimand to an employee of the agency, board or commission who disposes of an official state record in a manner contrary to the approved schedule. This bill also authorizes the head of an agency, board or commission to take more severe disciplinary action against such an employee in appropriate circumstances.	2/19 Heard	2/10-W; IP

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16 AB170 F	Dickman, Wheeler, Fiore, Ellison, Hambrick, Moore, and Shelton Revises provisions governing general obligations. (BDR 30-917) http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB170.pdf Existing law authorizes municipalities and school districts to issue or incur general obligations upon meeting certain requirements. Municipalities generally are required to submit a proposal to issue or incur general obligations to the electors of the municipality at a special or general election, with the exception that municipalities may issue or incur general obligations by an affirmative vote of two thirds of the members of the governing body of the municipality finding that the pledged revenue of the project to be financed will be sufficient to service the debt, upon publishing a resolution of intent to issue or incur the obligation and upon meeting certain other procedural requirements. Under the exception, not less than 5 percent of the registered voters of the municipality can reject the issuance of the obligation by petition. This bill: (1) clarifies that a general obligation issued or incurred by a municipality or school district must be used only for the stated purpose for which the general obligation was originally issued or incurred and not for any other purpose; (2) requires a publication of a resolution of the intent of a municipality to issue or incur a general obligation to include a description of the manner by which the registered voters of the municipality may petition the governing body to reject the issuance of the obligation; (3) requires the publication to be made at least three times, once a week for 3 consecutive weeks, in a newspaper of general circulation in the municipality; and (4) prohibits a governing body of a municipality that may otherwise issue or incur a general obligation without submitting the proposal to the electors on a ballot at an election from issuing or incurring a general obligation in an amount greater than \$2,500,000 in a county whose population is less than 100,000, or \$5,000,000 in a county whose population is 100,000 or more.	2/18 From printer. To committee	3/2-N; IP

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19 AB190 PE	Committee on Government Affairs Revises provisions governing public employees' retirement. (BDR 23-184) http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB190.pdf AN ACT relating to public employees' retirement; providing for the establishment of a hybrid retirement program for certain public employees; requiring the program to include a defined benefit plan and a defined contribution plan; setting forth the required provisions of each plan; requiring certain public employers under certain circumstances to make additional contributions to the Public Employees' Retirement System to reduce the unfunded liability of the System; and providing other matters properly relating thereto.	3/3 Heard	3/3-W; IP
20 AB196 F	Seaman, Fiore, Moore, Jones, and Shelton Makes various changes relating to investments of public money. (BDR 31-857) http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB196.pdf AN ACT relating to public financial administration; revising the types of investments authorized to be made with money in certain public funds; and providing other matters properly relating thereto.	2/27 From printer. To committee	3/2-W, N ; IP
21 AB198 WR	Assemblymen Oscarson, and Wheeler; Senators Goicoechea, and Settlemeyer Requires the Legislative Committee on Public Lands to conduct a study concerning water conservation and alternative sources of water for Nevada communities. (BDR S-805) http://www.leg.state.nv.us/Session/78th2015/Bills/AB/AB198.pdf Under existing law, the Legislative Committee on Public Lands is authorized to review and comment on the laws, regulations and policies relating to the use, allocation and management of water in this State. This bill requires the Committee to conduct a study concerning water conservation and alternative sources of water for Nevada communities and to submit a report of its findings and any recommendations for legislation to the 79th Session of the Nevada Legislature.	3/5 Meeting scheduled	3/3-W; IP

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1 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.	2/25 Mentioned no jurisdiction	2/5-W; IP
2 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.	2/27 Amend, and do pass as amended; 2/9 Notice of eligibility for exemption; 2/4 Heard, no action	2/3-W; IP
3 SB26 F	Committee on Government Affairs Revises provisions governing the collection of debts by the State Controller. (BDR 31-499) http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB26.pdf AN ACT relating to state financial administration; authorizing the State Controller to withhold income from the wages of a person who owes a debt to a state agency after a judgment has been obtained against the person; authorizing the imposition of a fine and punitive damages against an employer under certain circumstances; and providing other matters properly relating thereto.	2/27 Heard, No Action	3/2-W; IP

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4 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.	2/11 Mentioned no jurisdiction	2/10-S, 2/3-W; IP
5 SB29 G	Committee on Government Affairs Grants power to a board of county commissioners to perform certain acts which are not prohibited or limited by statute. (BDR 20-465) http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB29.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. This bill authorizes a board of county commissioners, with limited exceptions, to exercise all powers needed to ensure the health and safety of the public, even if such a power is neither express nor implied, so long as the power is not expressly prohibited or limited by constitutional or statutory provisions granted to another entity.	2/2 Read first time. To committee	1/23-W; IP
6 SB43 S, V	Committee on Transportation Revises provisions governing certain safety requirements for driving across railroad tracks. (BDR 43-378) http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB43.pdf Under existing law, the driver of certain vehicles crossing at grade any track or tracks of a railroad must stop within 50 feet but not less than 15 feet from the nearest rail of the railroad, must listen and look in both directions along the track for any approaching train, and may only proceed when the driver can do so safely. This bill imposes the same requirements on drivers of certain commercial vehicles. This bill also provides that it is unlawful for the driver of certain commercial vehicles to stop the vehicle before completely crossing such railroad tracks due to insufficient space for the vehicle on the opposite side of the tracks or insufficient undercarriage clearance of the vehicle. The penalty for a violation of this prohibition is provided in regulations promulgated by the Department of Motor Vehicles, which is authorized to adopt such regulations as part of the implementation of the Commercial Motor Vehicle Safety Act of 1986, as amended.	2/2 Read first time. To committee	2/10-W; IP

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8	SB47 Committee on Government Affairs Makes various changes relating to the Consolidated Local Improvements Law. (BDR 22-421) WR http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB47.pdf AN ACT relating to local improvements; removing the provision that a commercial area vitalization project is limited to an area zoned primarily for business or commercial purposes and deleting the statutory references to such a project; authorizing the governing body of a municipality to acquire, improve, operate and maintain a neighborhood improvement project for the beautification and improvement of an area without regard to its zoning; authorizing the provision of additional public services in such an area; expanding the applicability of provisions authorizing a special assessment within an improvement district located in a redevelopment area; authorizing the use of money in a surplus and deficiency fund for the payment of certain administrative costs; increasing the amount of money subject to transfer to such a fund after the outstanding indebtedness of an improvement district has been paid; revising provisions for the collection of unpaid assessments and the modification of an improvement project; and	2/18 Heard, No Action	2/3-W; IP
9	SB65 Committee on Government Affairs Revises provisions relating to the use of water. (BDR 48-366) WR http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB65.pdf AN ACT relating to the use of water; revising provisions relating to the adjudication of vested water rights; revising provisions relating to applications, permits and certificates for the appropriation of public waters; revising provisions relating to underground water and wells; revising provisions relating to the planning and development of water resources; providing a penalty; and providing other matters properly relating thereto.	2/24 Mentioned no jurisdiction; 2/11 Heard, No Action	1/23-W; IP

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11 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 AN ACT relating to public bodies; making various changes relating to meetings of public bodies; and providing other matters properly relating thereto.	2/25 Heard, No Action; 2/2 Read first time. To committee	2/10-W; IP

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12	SB81 Committee on Government Affairs Revises provisions relating to the management and appropriation of water. (BDR 48-367) WR 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	2/24 Mentioned no jurisdiction; 2/11 Heard, No Action; 2/16 Notice of eligibility for exemption	1/23-W; IP
13	SB108 Settelmeyer Revises provisions relating to public works projects. (BDR 28-598) PW 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 From printer. Read first time. To committee	2/2-S; IP

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15 SB157 G	Committee on Government Affairs Enacts the State and Local Government Cooperation Act. (BDR 22-706) http://www.leg.state.nv.us/Session/78th2015/Bills/SB/SB157.pdf This bill enacts the State and Local Government Cooperation Act. Section 7 of this bill provides that the purpose of the Act is to facilitate cooperation and coordination between state agencies and local governments to: (1) provide consistency in interpretive rulings made by state agencies and local governments; and (2) encourage communication and foster positive working relationships between the Executive Department of State Government and local governments. Sections 4-6 of this bill define "interpretive ruling," "local government" and "state agency." Section 8 of this bill requires a state agency, before making an interpretive ruling that may affect an interpretive ruling of a local government, to: (1) inform and solicit comments from the local governments that may be affected; (2) allow a reasonable time for each such local government to submit comments; (3) consider any comments received from affected local governments in preparing its interpretive ruling; and (4) inform in writing each affected local government that submitted comments of the state agency's proposed interpretive ruling. Section 8 also authorizes a local government to submit a request to the Governor, or his or her designee, to consider any inconsistency between the proposed interpretive ruling of the state agency and an interpretive ruling of a local government. If the Governor, or his or her designee, considers such a request, he or she may recommend sustaining or amending the state agency's ruling. Section 9 of this bill provides that nothing in the Act shall be interpreted to: (1) limit the power of a state agency to carry out its statutory duties and responsibilities; (2) supersede any law providing for the right of any party to seek administrative or judicial review in a contested case; or (3) otherwise affect the right of any party to seek such review.	2/17 From printer. To committee.	2/16-W, IP

