



TO: Chairman and Committee Members
FROM: John Erwin, Dir. Natural Resources-Planning & Development
DATE: 13 February 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.

3-5-13 SAC Agenda Item 9
2-15-13 LSC Agenda Item 6 Attachment

BILL No.	BDR No.	TOPIC	SPONSOR	ASSEMBLY BILL SUMMARY	BILL STATUS	Date Last Action	Board Position	Initial Position	Lead Lobbyist (when needed)	Testify	COMMENTS
		F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation					S- Support SA- Support if amended N-Neutral NS- Not support W-Watch		D-DePaoli P-Pagni W-Walker	N-no Y-Yes ?-Witness unknown	
1	AB4	259	G	Government Affairs GENERAL TOPIC:	http://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB4.pdf Revises ceratin provisions governing public records and legal notices 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)	Scheduled not Heard - GA	2/15/13		S		
2	AB12	352	PE	Division of Industrial Relations GENERAL TOPIC:	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. 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	2/15/13		N,W		At hearing - bill is specific to complaints after initial claim has been filed which requires employee notification
3	AB13	353	PE	Local Government Employee-Management Relations Board GENERAL TOPIC:	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. 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 GA 2/11 no action	2/15/13		N,W		At hearing a consensus that some time restraint be put in place to at least register the complaint with the Board - amendment forth coming

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4	AB31	211	O	Attorney General GENERAL TOPIC: Revises provisions governing public records requests. 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 and that any restriction on the disclosure of public books and records be construed narrowly. (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 one or more employees to act as records manager for the agency, whose duties relate to handling requests for public books or records of the agency; requires the Attorney General to prescribe (1) the form for requesting to inspect a copy of a public book or record of such an agency; (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 to the legal authority that makes the book or record, or portion thereof, confidential. (NRS 239.0107) 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.	http://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB31.pdf Hear GA 2/7 - no action	2/15/13		N,W			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.
5	AB37	352	PW	Clark County GENERAL TOPIC: Allows local governments to enforce state prevailing wage requirements for local public works projects. 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.	http://www.leg.state.nv.us/Session/77th2013/Bills/AB/AB37.pdf No Action	2/15/13		W			

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6	AB65	402	O	Attorney General	http://leg.state.nv.us/Session/76th2013/Bills/AB/AB65.pdf GENERAL TOPIC: Makes various changes to the Open Meeting Law. 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 so by the constitutional provision, statute, ordinance, resolution or other 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	Heard GA 2/7 - no action	2/15/13		N			Information gathering subcommittee exemption was well received at hearing.
7	AB68	247	F	Subcommittee to Study the Allocation of Money Distributed from the Local Government Tax Distribution Account	http://leg.state.nv.us/Session/76th2013/Bills/AB/AB68.pdf GENERAL TOPIC: Revises various provisions relating to the distribution of certain taxes to local governments. 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.	Tax 2/14 1:00	2/15/13		N			
8	AB88	755	F	Commerce and Labor	http://leg.state.nv.us/Session/76th2013/Bills/AB/AB88.pdf GENERAL TOPIC: Revises provisions governing service contracts. 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.		2/15/13		N,W			

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9	AB90	820	PE	Ohrenschall	http://leg.state.nv.us/Session/76th2013/Bills/AB/AB90.pdf GENERAL TOPIC: Revises provisions governing representation of injured workers in hearings or other meetings concerning industrial insurance claims. 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.		2/15/13		N		
10	AB94		PW	Spiegel, Kirkpatrick, Carrillo, Parks	http://leg.state.nv.us/Session/76th2013/Bills/AB/AB94.pdf GENERAL TOPIC: Revises provisions relating to the examinations for licensure as a professional engineer or professional land surveyor. 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.		2/15/13		N		
11	AB104	94	G	Hansen, Gustavson	http://leg.state.nv.us/Session/76th2013/Bills/AB/AB104.pdf GENERAL TOPIC: 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. 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.		2/15/13		N,W		
12	AB112	647	PE	Kirner, Hickey, Gustavson	http://leg.state.nv.us/Session/76th2013/Bills/AB/AB112.pdf GENERAL TOPIC: 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. 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.		2/15/13		N,W		

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1	SB2	174	G	Nevada Association of Counties	http://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB2.pdf	GA-not scheduled	2/15/13		W		
				GENERAL TOPIC: Revises provisions governing powers of local governments. 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	SB36	371	F	Employment Security Division	http://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB36.pdf	C&L-not scheduled	2/15/13		N		
				GENERAL TOPIC: Makes various changes concerning unemployment compensation 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.							
3	SB55	254	G	City of Las Vegas	http://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB55.pdf	GA-not scheduled	2/15/13		W		
				GENERAL TOPIC: Revises provisions governing the subject matter of master plans. 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.							

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4	SB62	295	PE	Office of Economic Development	<p>http://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB62.pdf</p> <p>GENERAL TOPIC: Provides expedited process for employers to request public books and records related to applicants for employment.</p> <p>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.</p>	JUD-not scheduled	2/15/13		N		
5	SB65	349	WQ	Division of Environmental Protection	<p>http://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB65.pdf</p> <p>GENERAL TOPIC: Clarifies enforcement authorities for regulation of drinking water supplies and certification of laboratories that perform analyses of drinking water.</p> <p>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.</p>	NR-not scheduled	2/15/13		S		
6	SB74	603	G	Government Affairs	<p>http://www.leg.state.nv.us/Session/77th2013/Bills/SB/SB74.pdf</p> <p>GENERAL TOPIC: Revises provisions relating to public records.</p> <p>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.</p>	GA-not scheduled	2/15/13		NS		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. I have concerns with the "oral" notice. It 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.

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7	SB79	449	G	Senator Parks GENERAL TOPIC:	http://leg.state.nv.us/Session/76th2013/Bills/SB/SB79.pdf Revises provisions governing the use of net profits derived from certain municipal utilities. 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	GA-not scheduled	2/15/13		W		Does not apply to TMWA	
8	SB87	104	PE	Senator Hardy GENERAL TOPIC:	http://leg.state.nv.us/Session/76th2013/Bills/SB/SB87.pdf Repeals certain provisions relating to unlawful employment practices. 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.	C&L-not scheduled	2/15/13		N			
9	SB90	468	O	Settelmeyer, Grady GENERAL TOPIC:	http://leg.state.nv.us/Session/76th2013/Bills/SB/SB90.pdf 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;		2/15/13		N,W		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.	
10	SB96	579	O	Commerce and Labor GENERAL TOPIC:	http://leg.state.nv.us/Session/76th2013/Bills/SB/SB96.pdf Authorizes the imposition of an administrative penalty against an employer under certain circumstances. 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.		2/15/13		W			