

WRWC Committee Members

- Mike Carrigan, Chair
- Dave Aiazzi, Vice Chair
- Steve Cohen

TMWA Committee Members:

- Mike Carrigan, Chair
- Dave Aiazzi, Vice Chair

**JOINT MEETING OF THE
Legislative Subcommittee of Truckee Meadows Water Authority
and the
Legislative Subcommittee of the Western Regional Water Commission**

Friday, February 25, 2011 @ 3 p.m.
Lobby Conference Room, Truckee Meadows Water Authority
1355 Capital Blvd., Reno, NV

- 1) Roll call*
- 2) Approval of the agenda (**ACTION**)
- 3) Public comment (limited to no more than three minutes per speaker)*
- 4) Presentation of status report on legislation of interest to TMWA and possible direction regarding TMWA's position on legislation — John Erwin, Mike Pagni and Steve Walker (**ACTION**)
- 5) Presentation of status report on legislation of interest to WRWC and possible direction regarding WRWC's position on legislation — John Rhodes (**ACTION**)
- 6) Committee or Staff Comments*
- 7) Public comment (limited to no more than three minutes per speaker)*
- 8) Adjournment (**ACTION**)

Notes:

1. Public comment will be taken on agenda items upon request by submittal of a Speaker Information Card. There is a three-minute time limit per person.
2. Items on the agenda without a time designation may not necessarily be considered in the order in which they appear. The WRWC may take action on any of the action items listed.
3. Facilities in which this meeting is being held are accessible to the disabled. Persons with disabilities who require special accommodations or assistance (e.g. sign language interpreters or assisted listening devices) at the meeting should notify TMWA at 775-834-8002 at least 24 hours prior to the meeting.
4. In accordance with NRS 241.020, this agenda has been posted at the following locations: Reno City Hall (1 East First Street), Sparks City Hall (431 Prater Way), Sparks Justice Court (630 Greenbrae Dr), Sun Valley GID (5000 Sun Valley Blvd.), TMWA (1355 Capital Blvd.), Washoe County Administration Building (1001 E. 9th Street), Washoe County Clerk's Office (Court and Virginia Streets), Washoe County Central Library (301 South Center St.), Washoe County Department of Water Resources (4930 Energy Way), Galena Market (19990 Thomas Creek Rd.), Galena High School (3600 Butch Cassidy Way), South Valleys Library (15650A Wedge Parkway), and the TMWA website: <http://tmwa.com> and the WRWC website: <http://www.wrwc.us>



TO: Chairman and Committee Members
FROM: John Erwin, Dir. Natural Resources-Planning & Development
DATE: 22 February 2011
SUBJECT: Presentation of status report on legislation of interest to TMWA and possible direction regarding TMWA's position on legislation

The attached table contains updated data through the date of this memo. Staff will update the Board on the progress of these bills and positions taken by the Board or its Legislative Subcommittee at future meetings.

			ASSEMBLY BILLS		BILL STATUS	Board Position	Initial Position	Date Action Taken	Lead Lobbyist	Testify: N-no ?-Uknwn Witness	COMMENTS
Bill No.	TOPIC	SUMMARY									
			F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation								
1	AB	10	O	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB10.pdf Revises provisions governing certain funds and the destruction of public records. (BDR 33-441)	Heard 2/10 Govt. Affairs no action		N		M	N	
2	AB	44	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB44.pdf AN ACT relating to civil actions; revising the statutes of repose regarding actions for damages resulting from certain deficiencies in construction; and providing other matters properly relating thereto. Existing law generally limits the period in which an action for damages caused by a deficiency in construction of improvements to real property may be commenced after substantial completion of the improvement, unless the deficiency is a result of willful misconduct or was fraudulently concealed. (NRS 11.202-5 11.205) These periods of limitation are known as statutes of repose, and the period set forth in each statute of repose during which an action must be commenced after substantial completion of the improvement depends on the particular type of deficiency in construction. Section 1 of this bill reduces the period in the existing statute of repose for a known deficiency in construction from 10 years after substantial completion of the improvement to 3 years. Section 2 of this bill reduces the period in the existing statute of repose for a latent deficiency from 8 years after substantial completion of the improvement to 4 years. Section 3 of this bill reduces the period in the existing statute of repose for a patent deficiency from 6 years after substantial completion of the improvement to 3 years.	Not Scheduled as of 2/21		O		W	?	
3	AB	46	O	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB46.pdf Clarifies the inapplicability of certain partial tax abatements to various assessments relating to the adjudication of water rights and management of water resources. (BDR 32-468)	Scheduled 2/22 Taxation - 8:00				W	N	
4	AB	59	O	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB59.pdf Makes various changes to the Open Meeting Law. (BDR 19-288)	Heard Sen Finace 2/16 - no jurisdiction		W		M	N	
5	AB	60	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB60.pdf Revises requirements pertaining to preferences in bidding on public works. (BDR 28-255)	Not scheduled as of 2/16		N		M	N	
6	AB	68	L	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB68.pdf AN ACT relating to cities; exempting certain leases of real property from requirements relating to appraisal and auction; reducing the number of independent appraisals of fair market value required in certain circumstances for the sale or lease of real property by cities; and providing other matters properly relating thereto	Heard 2/18 Govt Affairs no action		N		M	N	

			ASSEMBLY BILLS									
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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			S- Support SA- Support if amended W-Watch O- Oppose N-Neutral			G-DePaoli M-MacDonald W-Walker					
7	AB	73	WR	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB73.pdf	AN ACT relating to water; authorizing the State Engineer or any assistant or authorized agent of the State Engineer to enter certain premises to investigate and carry out the duties of the State Engineer; requiring the State Engineer to cancel a permit to appropriate water for a beneficial use if the holder of the permit fails to file certain information within a certain period after the date of the notice to file that information; revising provisions relating to the forfeiture of certain water rights; removing provisions requiring the State Engineer to adopt regulations establishing a program to allow a public water system to receive a credit for adding a new customer to the system; authorizing a public water system to receive such a credit under certain circumstances; and providing other matters properly relating thereto.	Not Scheduled as of 2/21		O;SA		W	Y	
8	AB	76	PE	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB76.pdf	AN ACT relating to the Public Employees' Benefits Program; revising provisions concerning reinstatement of insurance under the Program; authorizing the Board of the Program and certain advisory committees to meet in closed session under certain circumstances; and providing other matters properly relating thereto.	Not Scheduled as of 2/21				M	N	
9	AB	80	PE	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB80.pdf	AN ACT relating to the Public Employees' Benefits Program; making various changes relating to the Program; and providing other matters properly relating thereto.	Not Scheduled as of 2/21				M	N	
10	AB	90	HR	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB90.pdf	AN ACT relating to employment practices; prohibiting employers from subjecting an employee to abusive conduct in a work environment; requiring a court to award damages, back pay and attorney's fees consistent with the provisions set forth in Title VII of the Civil Rights Act of 1964 on prevailing claims of unlawful employment practices; prohibiting employers from discriminating against an employee with respect to a physical characteristic of the employee; revising provisions relating to the time in which an employee may seek relief in district court for a claim of unlawful employment practices; and providing other matters properly relating thereto.	Not Scheduled as of 2/21				M	N	
11	AB	101	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB101.pdf	AN ACT relating to local improvement districts (converting overhead electric to underground in counties >400k) ; authorizing certain modifications after a local improvement project has begun and assessments have been levied; and providing other matters properly relating thereto.	Not Scheduled as of 2/21		W		M	N	
12	AB	102	PW	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB102.pdf	AN ACT relating to professional licenses; revising the requirements for licensure as a professional engineer or professional land surveyor for certain applicants; and providing other matters properly relating thereto.	Heard Comm/Labor on 2/16 - no action		W		M	N	

2-25-11 JLS Agenda Item 4 Assembly Bills

		ASSEMBLY BILLS										
Bill No.	TOPIC	SUMMARY	BILL STATUS	Board Position	Initial Position	Date Action Taken	Lead Lobbyist	Testify: N-no ?-Uknwn Witness	COMMENTS			
	F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation			S- Support SA- Support if amended W-Watch O- Oppose N-Neutral			G-DePaoli M-MacDonald W-Walker					
13	AB	114	WR	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB114.pdf	AN ACT relating to water; revising the amount of the fee for issuing and recording a permit to change the point of diversion or place of use only of an existing water right for irrigational purposes; and providing other matters properly relating thereto.	Not Scheduled as of 2/21		SA		W	?	
14	AB	115	WR	http://leg.state.nv.us/Session/76th2011/Bills/AB/AB115.pdf	AN ACT relating to water; revising provisions governing the approval or rejection by the State Engineer of an application to appropriate water for beneficial use; and providing other matters properly relating thereto.	Not Scheduled as of 2/21 Not Scheduled as of 2/21		SA		W/GP	Y	
15	AB	144		http://www.leg.state.nv.us/Session/76th2011/Bills/AB/AB144.pdf	AN ACT relating to public works; revising provisions relating to preferences in bidding for contracts for certain public works projects; requiring the inclusion in a contract for a public work of certain conditions that must be satisfied to obtain such a preference in bidding; providing for the investigation of a failure to satisfy the conditions for such a preference in bidding; providing for the recovery of damages for a failure to satisfy the provisions in a contract relating to preferences in bidding; prohibiting the use of a certificate of eligibility to receive a preference in bidding in certain circumstances; prohibiting a person from bidding on a public work in certain circumstances; revising provisions relating to the keeping, by certain persons, of records relating to public works; and providing other matters properly relating thereto.	Passed out of Assembly to Senate - This bill is on a fast track and the Governor has implied support		W		M	?	
16	AB											
17	AB											

SENATE BILLS											
Bill No.	TOPIC	SUMMARY	BILL STATUS	Board Position	Initial Position	Date Action Taken	Lead Lobbyist	Testify: N-no ?-Uknwn Witness	COMMENTS		
	F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation			S- Support SA- Support if amended W-Watch O- Oppose N-Neutral			G-DePaoli M-MacDonald W-Walker				
1	SB 41	F	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB41.pdf Eliminates mandatory collective bargaining for local government employers. (BDR 23-412)	No hearing scheduled as of 2/21		W		M	?		
2	SB 60	PW	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB60.pdf AN ACT relating to energy; revising certain provisions governing the administration of the Fund for Renewable Energy, Energy Efficiency and Energy Conservation Loans; authorizing the Director of the Office of Energy to make loans from the Fund to qualified applicants for the construction of an energy efficiency project or an energy conservation project or the construction, expansion or operation of a renewable energy system; and providing other matters properly relating thereto.	Scheduled Comm/Labor 2/23 - 1:00		S		M	N		
3	SB 68	WR	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB68.pdf Requires the State Engineer to allow a city, county or other political subdivision to participate in developing and carrying out a plan or conducting a study relating to the appropriation of water for beneficial use under certain circumstances. (BDR 48-525)	Heard Govt. Affairs 2/14 - no action				W	N		
4	SB 76	PE	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB76.pdf Prohibits the use of a cellular telephone or other handheld wireless communications device while operating a motor vehicle in certain circumstances. (BDR 43-461)	No Hearing scheduled as of 2/21		N		M	N		
5	SB 77	O	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB77.pdf Revises provisions relating to notaries public. (BDR 19-404)	Heard Govt Affairs 2/14 - no action		N		M	N		
6	SB 78	F	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB78.pdf Revises provisions governing collective bargaining between local government employers and local government employees. (BDR 23-316)	No Hearing scheduled as of 2/21		W		M			
7	SB 100	PW	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB100.pdf AN ACT relating to local improvement districts; authorizing certain modifications after a local improvement project has begun and assessments have been levied; and providing other matters properly relating thereto.	No Hearing scheduled as of 2/21		W		M	N		
8	SB 105	PE	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB105.pdf AN ACT relating to employee organizations; requiring each employee organization recognized by a local government employer in this State to prepare an annual report concerning the dues, expenditures, compensation and other finances of the employee organization; requiring the employee organization to make the report available for inspection by certain members of the employee organization and to submit a copy of the report to the Legislative Auditor if requested by the Legislative Commission; and providing other matters properly relating thereto.	No Hearing scheduled as of 2/21		N		M	N		

SENATE BILLS				BILL STATUS	Board Position	Initial Position	Date Action Taken	Lead Lobbyist	Testify: N-no ?-Ukwn Witness	COMMENTS
Bill No.	TOPIC	SUMMARY								
		F-Financial G-Governance L-Property O-Opening meeting, records PE-PERS, employment PW-Public works WQ-Water quality, NDEP WR-rights, resources, conservation								
9	SB 153	WR	http://leg.state.nv.us/Session/76th2011/Bills/SB/SB153.pdf AN ACT relating to water; declaring the appropriation of certain water by a municipality or public utility to serve the present and reasonably anticipated future municipal, industrial or domestic needs of the municipality or public utility to be a beneficial use of that water; providing that certain provisions governing consideration by the State Engineer of the consumptive use of a water right do not apply to an application to appropriate water filed by a municipality under certain circumstances; revising the period within which an application of water for a certain municipal or quasi-municipal use must be made; setting forth the measure of reasonable diligence for determining whether a municipality is proceeding with good faith and reasonable diligence to perfect an appropriation of water for a beneficial use; revising the provisions which must be included in certain statements filed with the State Engineer concerning the application of water for municipal or quasi-municipal use; requiring the State Engineer to issue a certificate for a partially perfected application under certain circumstances; and providing other matters properly relating thereto.			S		W	?	
10	SB									

Western Regional Water Commission

DATE: February 18, 2011
TO: Chairman and Members, Legislative Subcommittee
FROM: John Rhodes, Legal Counsel
SUBJECT: Bill Draft Requests that may affect the Western Regional Water Commission (“WRWC”) / Northern Nevada Water Planning Commission (“NNWPC”)

The following report lists Bill Draft Requests ("BDR's") in the 2011 Nevada Legislature, as of February 18, 2011 that may affect or are of interest to the WRWC and NNWPC. BDR's that have been drafted are noted with an "AB" (Assembly) or "SB" (Senate) designation. Staff recommendations as to these items will be made at the Legislative Subcommittee meeting on February 25, 2011.

Bill Drafts Requested

Water Issues

- 48--206 **Legislative Committee on Public Lands (NRS 218E.510)**
Revises provisions governing the use of water for evaporation in a pit lake or gravel pit. (8/04/2010)
- 48--207 **Legislative Committee on Public Lands (NRS 218E.510)**
AB115 Revises provisions governing certain notices and hearings concerning applications to appropriate water for beneficial use.
- 48--208 **Legislative Committee on Public Lands (NRS 218E.510)**
Repeals provisions requiring a public hearing before the issuance of an order granting domestic well credits to a public water system. (8/04/2010)
- 48--209 **Legislative Committee on Public Lands (NRS 218E.510)**
AB114 Revises the amount of the fees collected for issuing a permit to appropriate water for agricultural use. (8/04/2010)
- 20--243 **Legislative Committee to Oversee the Western Regional Water Commission (SB 487)**
Authorizes the issuance of bonds to finance loans made to provide financial assistance to persons to connect to the public water or sewer system in certain counties. (8/19/2010)
- 20--244 **Legislative Committee to Oversee the Western Regional Water Commission (SB 487)**
Allows issuance of County Bond Bank bonds for refunding of securities previously issued to an entity other than the County Bond Bank. (8/19/2010)

- 285 **Senator Rhoads**
Provides for temporary water use for restoration of burned areas.
(8/30/2010)
- 299 **Assemblyman Goicoechea**
Revises provision relating to ground water basins. (8/31/2010)
- 312 **Assemblyman Goicoechea**
Revises provisions relating to stock water. By Request (8/31/2010)
- 347 **Assemblyman Ohrenschall**
Revises provisions relating to water. (8/31/2010)
- 48--360 **Assemblyman Goedhart**
Revises provisions relating to the filing of a protest to an application to appropriate water. (9/01/2010)
- 48--467 **Water Resources, Division of-Conservation and Natural Resources**
AB73 Clarifies provisions governing notices and the right of entry by State Engineer and staff for inspection and eliminates hearings for domestic well credit programs. (9/01/2010)
- 32--468 **Water Resources, Division of-Conservation and Natural Resources**
AB46 Clarifies requirements for payment of State Engineer assessments for the management of water. (9/01/2010)
- 48--525 **Eureka County**
SB68 Includes participation by local governments in monitoring, management and mitigation of water resources. (9/01/2010)
- 32--542 **Assemblyman Segerblom (Originally requested by Assemblyman Mortenson)**
Imposes sales tax on bottled water. By Request (10/04/2010)
- 681 **Assemblywoman Kirkpatrick**
Allows for public water agencies to lease water. (12/12/2010)
- R--730 **Assemblyman Elliot Anderson**
ACR: Provides for the study of water. (12/14/2010)
- 48—821 **Senate Committee on Government Affairs**
SB153 Revises provisions relating to water. (12/15/10)
On Behalf Of the City of Caliente
- 829 **Senator McGinness**
Makes various changes relating to water. (12/15/2010)
- 45—847 **Assemblywoman Bustamante Adams**
AB167 Enacts provisions for the protection of the waters of this State from aquatic invasive species. (12/15/10)

Assemblyman Goedhart

R--895 AJR: Urges the Federal Government to enter into discussions with the State of Nevada and Nye County concerning mitigation for contamination of certain waters in the State. (12/15/2010)

926 **Senator Schneider**

Makes various changes relating to the regulation and use of water. (12/15/2010) By Request

Open Meeting Issues

19--107 **Assemblyman Carpenter**

Revises provisions governing the Open Meeting Law. (6/10/2010)

19--226 **Assemblyman Ohrenschall**

Revises provisions regarding the Open Meeting Law. (8/10/2010)

19--288 **Attorney General**

AB59 Makes various changes to the Open Meeting Law. 8/30/2010

527 **Assemblyman Bobzien**

Joint Requester: Assemblywoman Kirkpatrick
Revises provisions governing the use of websites by local governments to comply with the Open Meeting Law. (9/02/2010)