

PUBLIC NOTICE

A MEETING OF THE LEGISLATIVE COMMITTEE OF THE CARSON WATER SUBCONSERVANCY DISTRICT WILL BE HELD ON FRIDAY, FEBRUARY 6, 2015, AT 2:00 P.M. IN THE CARSON WATER SUBCONSERVANCY DISTRICT CONFERENCE ROOM AT 777 EAST WILLIAM STREET, #110, CARSON CITY, NEVADA.

**s/TONI LEFFLER
SECRETARY**

AGENDA

1. Call to Order
2. Public Comment
3. Discussion for possible action regarding approval of the Legislative Committee minutes from February 13, 2013.
4. Discussion for possible action regarding a review of various BDRs/bills that CWSD may want to support, oppose, or monitor during the 2015 Legislation Session.
5. Discussion for possible action regarding presentation to the legislators on CWSD activities.
6. Public Comment
7. Adjournment

Supporting information is available through Toni Leffler, 777 E. William St., #110A, Carson City, NV 89701, 775-887-7450, toni@cwsd.org and on CWSD website at www.cwsd.org. This notice has been posted on FEBRUARY 2, 2015, at the following locations:

- Dayton Utilities Complex
- Lyon County Administrative Building
- Carson City Hall
- Alpine County Administrative Building

- Minden Inn Office Complex
- Churchill County Administrative Complex
- Carson Water Subconservancy District Office

**CARSON WATER SUBCONSERVANCY DISTRICT
LEGISLATIVE COMMITTEE
February 6, 2015**

Item # 4 - Discussion for possible action regarding a review of various BDRs/bills that CWSD may want to support, oppose, or monitor during the 2015 Legislation Session.

Attached is a list of various BDR/Bills that staff is currently monitoring. We only have titles for the BDRs. As of January, 30, 2015, only seven BDRs have become bills. Below is a summary of the bills:

AB 19 (formerly BDR 456) - This bill modifies when you need to hold a public hearing on the tentative budget. Under the current law, CWSD must hold a public hearing on the third Thursday or Friday in May. The change would allow CWSD to hold the hearing on or before the third Thursday or Friday in May. Since CWSD meets on the third Wednesday of the month this change in law would allow CWSD to hold the public hearing at our regular board meeting. Staff recommends supporting this bill.

AB 77 (formerly BDR 346) - This is a large bill but most of the bill does not affect CWSD. There is some discussion regarding noxious weeds. Staff recommends monitoring this bill.

SB 28 (formerly BDR 464) - This bill would allow government agencies to charge a fee for the actual time it takes for someone to gather information for a public records request. Since we do not get many requests, this bill has very little impact on CWSD. Staff recommends monitoring this bill.

SB 45 (formerly BDR 361) - This bill would allow the State Conservation Commission “... ***to distribute grants of money to conservation districts in unequal amounts.***” This bill could help or hurt the various conservation districts in the watershed. Staff recommends monitoring this bill.

SB 65 (formerly BDR 366) - This is a State Engineer's bill. The State Engineer calls this bill a “clean up bill.” This bill will not change the way the State Engineer administers the water in Nevada. The bill clarifies some of language in the NRS. Staff recommends monitoring this bill.

SB 70 (formerly BDR 155) - This bill makes some general changes to the Open Meeting law. Some of the changes are:

- Clarifies a “Quorum” for a public meeting. This does not impact CWSD since our quorum is defined in NRS.
- Defines “Working Days” for posting.

- Prohibits a member of a public body from designating someone else to attend the meeting on their behalf.
- Requires public bodies to approve the minutes of a meeting at the next board meeting.
- Modifies Attorney General rules regarding Open Meeting violations.

Most of the changes do not impact CWSD, but staff recommends monitoring this bill.

SB 81 (formerly BDR 367) - This bill relates to the designation and regulation of groundwater basins by the State Engineer. The bill also deals with “critical management areas” and perennial yields. Most of what is being proposed does not relate to the Carson River Watershed because our pumping rates are not exceeding the perennial yield; however, this could change in the future. Also, I believe this bill may get modified if the drought continues. This is one bill that staff will be activity monitoring.

SB 108 (formerly BDR 598) - This bill raises the cost threshold on public works projects. This bill does not affect CWSD since we do not do public works projects, but it may help the conservation districts. Staff recommends monitoring this bill.

Item #5 - Discussion and possible action regarding presentation to the legislators on CWSD activities. CWSD has been asked to give a presentation to the Assembly Committee on Natural Resources on February 19, 2015. Staff will review the presentation with the committee members.

**CARSON WATER SUBCONSERVANCY DISTRICT
LEGISLATIVE COMMITTEE
February 13, 2013, 9:00 a.m.**

MINUTES

Directors present:

Karen Abowd, Carson City
Doug Johnson, Douglas County
Greg Lynn, Douglas County
John McKenna, Carson City
Ernie Schank, Churchill County (by teleconference)

Staff present:

Ed James, General Manager
Toni Leffler, Administrative Assistant

Others present:

Donna Giboney (for Austin Osborne), Storey County (by teleconference)

Director Abowd called the meeting to order at 9:08 a.m. at the Carson Water Subconservancy District Conference Room, 777 East William Street, #110, Carson City, Nevada. There was no public comment.

Item #3 - Discussion for possible action regarding approval of the Legislative Committee minutes from February 15, 2011. *Director Abowd noted that she and Director Schank were the only current Legislative Committee members who were present at the last meeting. Therefore, Director Schank made the motion to approve the minutes from February 15, 2011 and the motion was seconded by Director Abowd. Directors Schank and Abowd voted to approve the motion, with Directors McKenna, Johnson, and Lynn abstaining as not present at that meeting.*

Item #4 - Discussion for possible action regarding a review of various BDRs/bills that CWSD may want to support, oppose, or monitor during the 2013 Legislation Session. Mr. James handed out a list of BDRs/bills of interest to CWSD and noted that only one of those had become a bill at this point. AB 65 makes various changes to the Open Meeting Law, primarily requiring that all board materials are posted on our website the day the board packets go out, and we already do that.

Director McKenna asked about how AB 65 proposes to handle confidential material which shouldn't be publicized. Mr. James responded that CWSD doesn't deal with confidential matters so that doesn't affect us, but he encouraged the Directors to read the bill for information about how it might affect other boards on which they serve.

Mr. James asked how the Board wants him to handle reacting to bills as they come up quickly. He said he usually contacts Legislative Committee for direction and then follows the bill accordingly. Director Lynn asked if Mr. James can call our legislators about a bill of interest. Mr. James responded that as a register lobbyist he can contact the legislators to ask questions or express our concerns. However, he advised the committee that he will be taking some time off for vacation before the legislative session is over, and his assistant, Toni Leffler, will continue to monitor his watch list.

Director Abowd asked about BDR #763 regarding revisions to provisions governing the waters of this State. Mr. James responded that more explicit language hadn't come out for that BDR yet, but he will be following it.

Director Schank related that he had spoken to Assemblyman Settlemeyer regarding BDR #864 to revise provisions relating to water. It deals primarily with the fee structure.

Mr. James pointed out BDR #144 providing for an ongoing study of water issues in Nevada. He noted that this is the study which is currently being conducted on the Truckee River with the intent of expanding it to whole state. Mr. James noted that if it incorporates the whole state, he has no concern, but if only incorporates the Carson River, we should watch the bill. Director Schank mentioned that will be meeting with Assemblymen Grady and Settlemeyer on February 21, so he will ask them any questions we might have.

Mr. James went to the Carson Valley Conservation District (CVCD) meeting to talk about beaver control, and Assemblyman Settlemeyer mentioned that the proposed marginal tax on land assessed value over \$1 million could affect farmers. Director Lynn mentioned that it will also affect the development business as land values go back up before the land can be developed.

Mr. James noted that he will give a presentation about the regional water system and other activities of the CWSD to the Assembly and Senate to try to get accurate information to them. Director Schank asked that the five legislators with whom the CWSD officers and General Manager met recently have open invitations to come to our Board meeting next week. Mr. James agreed to contact each legislator to extend the invitation, and they can be introduced under public comment.

Director Lynn noted that the Assembly is two-thirds freshmen assemblymen, mostly Democrats, most of whom bring their Social Services Directors to the meeting because social services are the focus. There are too many unfamiliar new people in the legislature to have a feel for where we stand. We live in a state that is concerned with social programs instead of infrastructure maintenance and preservation.

Director Johnson commented that we are trying to show legislators that we are already looking at some things that are not necessary for them to address. He would like to see the legislature give the counties the ability to act and not take up legislative time.

Mr. James mentioned that probably next session Carl Ruschmeyer may be pushing to deal with the nitrate plumes in Carson Valley created by so many septic systems. The USGS will give a presentation in March on their Carson Valley groundwater nitrates study. We are seeing that it is expensive to put in sewer systems, and AB 198 funding from state isn't available until there is a violation. It doesn't make sense to have to pollute the entire area before addressing the problem. Director Lynn noted that we are heading toward a disaster. Director McKenna mentioned that if Carson City were to put in a new sewer plant south of the prison that could also be used for fee by northern Douglas County, it would benefit everyone.

Mr. James would like to keep Committee informed as things develop. *Director Schank made the motion for the Legislative Committee to recommend that the Board authorize staff to keep track of bills and, if anything comes up, to notify Committee. If anything becomes serious enough to warrant a meeting, the committee can get together. Director Lynn seconded the motion which was unanimously approved by the Legislative Committee.*

There being no further business to come before the Legislative Committee, Director Lynn made the motion, seconded by Director Abowd, that the meeting be adjourned at 9:25 a.m.

Respectfully submitted,

Toni Leffler
Secretary

ASSEMBLY BILL NO. 19—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA LEAGUE OF
CITIES AND MUNICIPALITIES)

PREFILED DECEMBER 20, 2014

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the timing of the adoption of tentative budgets by certain local governments. (BDR 31-456)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to local governments; revising provisions governing the day on which certain governing bodies must hold budget hearings on tentative budgets prepared by those governing bodies; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, certain local governmental entities which have the right to
2 levy or receive money from ad valorem or other taxes, or any mandatory
3 assessments, are required to prepare a tentative budget for the ensuing fiscal year.
4 (NRS 354.596) Such a local governmental entity must submit the tentative budget
5 to the Department of Taxation and then give notice of a public hearing on the
6 tentative budget. Existing law requires that the budget hearings must be held: (1)
7 for county budgets, on the third Monday in May; (2) for city budgets, on the third
8 Tuesday in May; (3) for school districts, on the third Wednesday in May; and (4)
9 for all other local governments, on the third Thursday in May or the Friday
10 immediately succeeding the third Thursday in May. (NRS 354.596) This bill
11 revises the provision regarding the days on which the budget hearings must be held
12 to require that the budget hearings instead be held on or before the specified day.



ASSEMBLY BILL NO. 77—COMMITTEE ON NATURAL
RESOURCES, AGRICULTURE, AND MINING

(ON BEHALF OF THE STATE DEPARTMENT OF AGRICULTURE)

PREFILED DECEMBER 20, 2014

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Makes various changes relating to the regulation of
agriculture. (BDR 49-346)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to state governmental administration; revising certain provisions governing district boards of agriculture, agricultural associations and the operation of a state fair or regional fair in this State; making various changes to provisions governing noxious weeds; increasing the maximum rate of certain taxes on sheep; revising certain provisions governing public sales of livestock and licenses for the operation of public livestock auctions; authorizing the issuance of a free-sale certificate for an agricultural product under certain circumstances; requiring a person to register as a produce vendor under certain circumstances; requiring the State Sealer of Consumer Equitability to take certain actions concerning cash registers and to establish fees for any tests of point-of-sale systems and cash registers; revising certain provisions governing the inspection of meat and poultry, pesticides and the sale of antifreeze; repealing and reenacting, without substantive change, provisions relating to the cleanup of discharged petroleum and provisions relating to dangerous caustic or corrosive acids, alkalis and other substances; authorizing the imposition of a civil penalty for certain violations relating to apiaries, quarantines, noxious weeds and meat, fish, produce, poultry and eggs; providing penalties; and providing other matters properly relating thereto.



AB77

Legislative Counsel's Digest:

1 Existing law regulates the formation and powers of district boards of
2 agriculture. (Chapter 547 of NRS) Existing law provides that the eight members of
3 the district boards must be divided into different classes to provide for staggered
4 terms. (NRS 547.040) **Sections 1 and 3** of this bill deletes those provisions.
5 Existing law requires the district boards of agriculture to organize annual fairs or
6 exhibitions of the industries in their districts, and that counties may appropriate not
7 more than \$1,500 from their general funds to aid in this effort. (NRS 547.110,
8 547.120, 547.140) **Sections 4-6** of this bill make these fairs optional and increase
9 the allowable county appropriation to not more than \$150,000 in any 1 year.
10 Existing law requires that an annual mineral industries exhibition be held in Ely,
11 Nevada. (NRS 551.010) **Section 9** of this bill renames this exhibition, makes it
12 optional and removes the requirement that it be held in Ely. **Section 8** of this bill
13 authorizes the State Department of Agriculture to hold a state fair once a year.
14 **Sections 10-12** of this bill place the control of the apiary industry under the
15 Director of the Department. **Sections 13-21** of this bill revise punitive provisions
16 relating to quarantines of agricultural products, increasing penalties and providing
17 for civil penalties. **Sections 22 and 40** of this bill revise the definitions of "pest"
18 and "pesticide" as those definitions relate to the control of pests and weeds. **Section**
19 **23** of this bill authorizes the Director to adopt a program certifying certain
20 agricultural products as being free of noxious weeds. **Sections 30-35** of this bill
21 replace references to the eradication, removal or destruction of weeds with the term
22 "control." **Sections 36, 39 and 43** of this bill replace criminal penalties relating to
23 the control of weeds with civil penalties. **Section 102** of this bill increases the
24 maximum amount of the tax on sheep from 18 cents per head to \$1.50 per head.
25 **Sections 103-105** of this bill place the proceeds of those taxes solely under the
26 control of the State Controller and adjust the amount of the proceeds that may be
27 spent on advancing the interests of the sheep industry. **Sections 108-113** of this bill
28 revise provisions for the licensing of persons operating public livestock auctions to
29 increase the amounts of surety bonds and available credit, provide for financial
30 audits and increase fines for violations. **Section 125** of this bill requires sellers of
31 certain farm products to register as produce vendors. **Sections 127 and 128** of this
32 bill remove requirements for agricultural brokers, dealers, commission merchants
33 and agents to disclose arrests and civil suits during the application process and to
34 show good character. Existing law authorizes the State Sealer of Consumer
35 Equitability to test and license commercial weighing and measuring devices. (NRS
36 581.075) **Sections 136 and 137** of this bill add point-of-sale systems and cash
37 registers to the devices which may be regulated. Existing law prohibits the sale of
38 spoiled or diseased meat, fish, produce and poultry in any city or town. (NRS
39 583.010, 583.060, 583. 070) **Sections 142, 149 and 150** of this bill expand this
40 prohibition to include any location in the State. **Sections 143, 145, 151, 157, 159,**
41 **165 and 166** of this bill replace references to the Department of Health and Human
42 Services with the State Department of Agriculture. **Sections 144, 147, 151, 152,**
43 **161, 163 and 164** of this bill revise the punitive provisions governing the regulation
44 of meat, fish, produce, poultry and eggs. **Sections 191 and 193** of this bill replace
45 the criminal provisions governing pesticides with civil penalties. **Sections 68-94** of
46 this bill reenact in chapter 445C of NRS, without substantive change, provisions
47 currently in chapter 590 of NRS which relate to the cleanup of discharged
48 petroleum and which are repealed by **section 210** of this bill. **Sections 168-174** of
49 this bill reenact in chapter 585 of NRS, without substantive change, provisions
50 currently in chapter 586 of NRS which relate to dangerous caustic or corrosive
51 acids, alkalis and other substances and which are repealed by **section 210** of this
52 bill. The purpose of repealing and reenacting these two groups of provisions is to
53 move the provisions, without substantive change, from one chapter in NRS to
54 another chapter in NRS. **Section 210** of this bill also repeals provisions dealing



AB77

55 with mineral content in fertilizer. **Section 194** of this bill authorizes the Director to
56 adopt certain national standards concerning fertilizer. **Section 198** of this bill
57 revises punitive provisions governing fertilizer. Existing law requires used and
58 recycled oil to be clearly labelled on the package. (NRS 590.060) **Section 201** of
59 this bill requires bulk deliveries of used or recycled oil to be clearly identified on
60 the receipt. **Section 202** of this bill revises the testing procedures for motor oil
61 viscosity. **Section 204** of this bill removes the requirement for the State Sealer of
62 Consumer Equitability to inspect antifreeze before the antifreeze is sold, but
63 requires the State Sealer of Consumer Equitability to issue a license authorizing its
64 sale if it is in compliance with certain standards.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 547.040 is hereby amended to read as follows:
2 547.040 1. Not later than 10 days after an agricultural
3 association is formed within an agricultural district listed in NRS
4 547.010 pursuant to the provisions of this chapter:
5 (a) The Governor, if the agricultural district is composed of
6 more than one county, shall appoint eight persons who are residents
7 of the agricultural district and who are members of the agricultural
8 association to be members of the district board of agriculture for the
9 agricultural district; or
10 (b) The board of county commissioners, if the agricultural
11 district constitutes a single-county agricultural district, shall appoint
12 eight persons who are residents of the agricultural district to be
13 members of the district board of agriculture for the agricultural
14 district.
15 2. Within 10 days after their appointment, the persons so
16 appointed shall meet at a place within the agricultural district and
17 organize by the election of:
18 (a) One of their number as president of the district board of
19 agriculture and the agricultural association, who shall hold the office
20 of president for 1 year and until his or her successor is elected.
21 (b) A secretary and a treasurer.
22 ~~[3.—At the same meeting the members of the district board of~~
23 ~~agriculture shall, by lot or otherwise, classify themselves into four~~
24 ~~classes of two members each. The terms of office of:~~
25 ~~—(a) The first class expire:~~
26 ~~—(1) At the end of the first fiscal year if the member was~~
27 ~~appointed to a district board of agriculture for an agricultural district~~
28 ~~whose population is 100,000 or more as determined by the~~
29 ~~population of the county or counties that compose the district; or~~
30 ~~—(2) On December 31 of the first fiscal year if the member~~
31 ~~was appointed to a district board of agriculture for an agricultural~~



AB77

SENATE BILL NO. 28—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA LEAGUE OF
CITIES AND MUNICIPALITIES)

PREFILED DECEMBER 20, 2014

Referred to Committee on Government Affairs

SUMMARY—Clarifies provisions governing the fees that may be charged for providing copies of certain public records. (BDR 19-464)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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.

Legislative Counsel’s Digest:

1 Existing law allows a governmental entity to charge a fee for providing a copy
2 of certain public records. Any such fee may not exceed the actual cost incurred by
3 the entity for making the copy of the record. (NRS 239.052) Existing law also
4 allows a governmental entity to charge an additional fee, not to exceed 50 cents per
5 page, if the request requires the governmental entity to make extraordinary use of
6 its personnel or technological resources. (NRS 239.055) This bill defines what
7 constitutes an “extraordinary use of personnel or technological resources” and
8 allows a governmental entity to charge a fee for the actual cost of time utilized by
9 an employee when responding to a request for public records that requires an
10 extraordinary use of personnel.



SENATE BILL NO. 45—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE STATE DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES)

PREFILED DECEMBER 20, 2014

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing the distribution of grants of money by the State Conservation Commission to conservation districts. (BDR 49-361)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to conservation; revising provisions governing the distribution of grants of money by the State Conservation Commission to conservation districts; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law sets forth the general rule that the State Conservation Commission
2 must distribute grants of money provided by legislative appropriation to qualifying
3 conservation districts in equal amounts. (NRS 548.178) This bill provides an
4 exception to the general rule for the distribution of such grants of money if: (1) the
5 grants of money are for a specific competitive grant program for which the
6 Legislature expressly appropriated money; and (2) the competitive grant program is
7 governed by regulations specifically adopted to govern that competitive grant
8 program and those regulations expressly state that the grants of money may be
9 distributed in unequal amounts.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 548.178 is hereby amended to read as follows:
2 548.178 1. The Commission may establish programs for
3 distributing, within the limits of legislative appropriations and other



SB45

SENATE BILL NO. 65—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE DIVISION OF WATER RESOURCES)

PREFILED DECEMBER 20, 2014

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the use of water.
(BDR 48-366)

FISCAL NOTE: Effect on Local Government: Increases or Newly
Provides for Term of Imprisonment in County or City
Jail or Detention Facility.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

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.

Legislative Counsel’s Digest:

1 Existing law declares that the water of all sources of water within the
2 boundaries of Nevada, whether above or below the surface of the ground, belongs
3 to the public. (NRS 533.025) Subject to existing rights, water in the State may be
4 appropriated only for beneficial use, which existing law declares to be a public use.
5 (NRS 533.030, 533.050) The unauthorized use of water to which another person is
6 entitled and the willful waste of water to the detriment of another is prohibited, as is
7 causing, suffering or permitting any artesian well to discharge unnecessarily so that
8 the waters of the well are lost for beneficial use. (NRS 533.460, 534.0165, 534.070)

9 **Sections 4, 67 and 75** of this bill revise the definition of, and prohibition on,
10 wasting water. Under the provisions of this bill, “wasting” water includes causing
11 or permitting water from any source to discharge or flow unnecessarily so that the
12 water is lost for beneficial use, or misusing water such that it discharges or flows
13 unnecessarily so that the water is lost for beneficial use.

14 **Sections 5-8 and 12-44** of this bill revise provisions governing the adjudication
15 of certain vested water rights. Under existing law, after receiving a petition
16 requesting the determination of the relative rights of the various claimants to the



SB65

17 waters of any stream or stream system, the State Engineer must enter an order
18 granting the petition and proceed with the determination. The State Engineer then
19 must prepare a notice of that order to be published in one or more newspapers of
20 general circulation within the boundaries of the stream system. (NRS 533.090,
21 533.095) **Section 13** requires the notice to also set forth the date on which the State
22 Engineer will begin taking proofs of appropriation and the date by which such
23 proofs must be filed. **Section 13** also requires the State Engineer to provide the
24 notice to each person whom the State Engineer knows or should know claims rights
25 in or to the water.

26 **Section 14** provides specifications for the information and documents that must
27 accompany a proof of appropriation. **Section 5** requires any proof of appropriation
28 or accompanying map that is found to be defective to be returned to the claimant
29 with an explanation of why the proof or map is defective. A corrected proof or map
30 must be refiled with the State Engineer within 60 days. **Section 15** provides that
31 amendments to proofs of appropriation may not, with certain exceptions, be
32 received by or filed with the State Engineer after the date set forth in the notice by
33 which proofs must be filed. **Section 17** increases the amount of the fees that the
34 State Engineer must collect for the filing of proofs of appropriation.

35 **Section 6** requires the State Engineer, when investigating a source of surface
36 water or groundwater for the purpose of adjudicating the vested rights of the water,
37 to gather any essential data and information, compile a list of all proofs of
38 appropriation filed for the area being adjudicated, conduct any necessary field
39 investigations and verifications of the proofs and reduce his or her observations and
40 measurements to writing. If the State Engineer causes a survey or map to be
41 executed, the survey or map must be prepared by a licensed state water right
42 surveyor and conform to certain specifications.

43 Existing law requires the State Engineer, after receiving the proofs of
44 appropriation, to prepare a preliminary order of determination regarding the rights
45 of claimants to the water and to deliver a copy of the preliminary order to each
46 person who has filed a proof of appropriation. (NRS 533.140) **Section 18**
47 authorizes the State Engineer to make a copy of the preliminary order available
48 online in lieu of sending a copy to each claimant. Any person claiming any interest
49 in the water may file an objection to the preliminary order, and **section 20** requires
50 the hearing on objections to be held not less than 60 days after the date of the
51 preliminary order. **Section 20** also requires all testimony taken at such a hearing to
52 be reported and transcribed by a certified court reporter, whose fees and expenses
53 must be paid by the claimants objecting to the preliminary order.

54 Existing law requires the State Engineer to make an order of determination as
55 soon as practicable after the hearing on objections to the preliminary order. (NRS
56 533.160) **Section 21** authorizes the State Engineer to make a copy of the order of
57 determination available online in lieu of sending a copy to each claimant. A copy of
58 the order of determination must be filed with the district court of the county in
59 which the stream system is located, after which a time is set for a hearing by the
60 district court on the order. (NRS 533.165) Any parties aggrieved or dissatisfied
61 with the order of determination may file with the clerk of the district court a notice
62 of exception to the order. (NRS 533.170) **Section 23** authorizes parties affected by
63 or having an interest in any exception to file a response to the exception. Existing
64 law requires the district court, after the hearing on the order of determination, to
65 enter a decree affirming or modifying the order. (NRS 533.185) **Section 8**
66 authorizes the district court to require, under certain circumstances, that a revised
67 map which accurately reflects the decree and conforms with the rules and
68 regulations of the State Engineer to be prepared and filed with the district court and
69 the State Engineer. Under existing law, the district court's decree may be appealed,
70 and notice of the appeal must be served upon the attorneys of record for claimants
71 who have filed exceptions to the final order of determination by the State Engineer.



72 (NRS 533.200) **Sections 28 and 29** require any notice of appeal and notice of
73 intention to move for a new trial to be served upon claimants who have filed
74 exceptions but for whom there is no attorney of record.

75 Under existing law, after the filing of the order of determination in the district
76 court, the distribution of adjudicated water is under the supervision and control of
77 the district court. (NRS 533.220) **Section 32** authorizes the State Engineer, under
78 certain circumstances, to require certain water users to rotate in the use of the water
79 to which they are entitled.

80 Finally, **section 37** amends provisions requiring the State Engineer to prepare
81 an annual budget of the estimated expenses of administering and regulating each
82 adjudicated source of surface water or groundwater. (NRS 533.280)

83 **Sections 9 and 45-63** of this bill revise provisions regarding applications,
84 permits and certificates for the appropriation of public waters. Existing law
85 authorizes the State Engineer to extend the deadline by which construction related
86 to such an appropriation must be completed. (NRS 533.380) **Section 54** provides
87 that the failure by an applicant to provide proof and evidence of the good faith and
88 reasonable diligence with which the applicant is pursuing the perfection of an
89 application is prima facie evidence of failure to proceed in good faith and with
90 reasonable diligence. **Section 54** also authorizes the State Engineer to approve or
91 deny an extension if the water right in question lies within a basin that is an area of
92 active management or has been designated as a critical management area.

93 Existing law authorizes the holder of a permit to appropriate water whose
94 permit is cancelled to request a review of the cancellation. (NRS 533.395) **Section**
95 **60** revises provisions governing the deadline by which such a request must be filed
96 with the State Engineer.

97 Existing law provides for the issuance by the State Engineer of certificates
98 relating to the appropriation of water. (NRS 533.425) **Section 62** prohibits the State
99 Engineer from issuing certificates based on certain revocable permits to appropriate
100 water and requires the State Engineer to cancel a permit if the holder or holders of
101 the permit do not pay the required fee for issuing and recording the certificate.
102 **Section 9** requires the State Engineer to quantify in acre-feet the amount of water
103 that has been beneficially used for certificates which express the amount of
104 appropriation only in terms of cubic feet per second.

105 **Section 64** of this bill amends provisions relating to certain fees collected by
106 the State Engineer.

107 Existing law governs the appropriation and use of groundwater. (Chapter 534
108 of NRS) **Section 73** of this bill requires a person wishing to obtain a right to the use
109 of groundwater from a basin to ensure that wildlife which customarily uses spring
110 sources in the basin which could be impaired by any groundwater pumping will
111 continue to have access to those sources. **Section 76** of this bill authorizes the use
112 of certain assessments levied by boards of county commissioners for the
113 implementation of a groundwater management plan and the oversight of an area of
114 active management or an area designated as a critical management area. Existing
115 law authorizes the State Engineer to notify the owner of a right to underground
116 water that has not been used for at least 4 consecutive years, but less than 5
117 consecutive years, that the owner has 1 year after the date of the notice in which to
118 use the water beneficially and to provide proof of such use to the State Engineer to
119 avoid forfeiting the water right. Upon request of the holder of the right, the State
120 Engineer may extend the time necessary to work the forfeiture. (NRS 534.090)
121 **Section 77** of this bill provides that such an extension may not exceed 1 year from
122 the expiration of the time otherwise necessary to work the forfeiture.

123 **Section 78** of this bill prohibits the user of a domestic well who is furnished
124 water by an entity such as a water district or municipality from using water from
125 the well for the watering of a family garden or lawn or the watering of livestock or



126 any domestic animals or household pets. **Section 78** also requires such a well to be
127 plugged in accordance with any applicable regulation of the State Engineer.
128 **Sections 86 and 87** of this bill provide for the imposition of administrative
129 fines against persons who violate certain provisions relating to the planning and
130 development of water resources.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 533 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 9, inclusive, of this
3 act.

4 **Sec. 2.** *“Perennial yield” has the meaning ascribed to it in*
5 *section 72 of this act.*

6 **Sec. 3.** *“Source of surface water or groundwater” includes,*
7 *without limitation, a stream or stream system.*

8 **Sec. 4.** *“Waste” has the meaning ascribed to it in*
9 *NRS 534.0165.*

10 **Sec. 5. 1.** *Upon the filing of a proof of appropriation*
11 *pursuant to NRS 533.115, the State Engineer shall make an*
12 *endorsement thereon of the date of its receipt and shall keep a*
13 *record of the date.*

14 **2.** *If a proof of appropriation or an accompanying map is*
15 *found to be defective, it must be returned by registered or certified*
16 *mail with a statement explaining why the proof was found to be*
17 *defective, and the date of the return to the claimant must be*
18 *endorsed upon the proof and a record made of it in the Office of*
19 *the State Engineer.*

20 **3.** *A proof of appropriation, properly corrected and*
21 *accompanied by such maps and drawings as may be required and*
22 *by the fee required pursuant to NRS 533.135, must be refiled with*
23 *the Office of the State Engineer within 60 days after the date of*
24 *the return to the claimant.*

25 **4.** *Except as otherwise provided in this subsection, any proof*
26 *of appropriation returned for correction or completion that is not*
27 *refiled in proper form within 60 days must be rejected. For good*
28 *cause shown, upon application made before the expiration of the*
29 *60-day period, the State Engineer may, in his or her discretion,*
30 *grant an extension of time not to exceed 60 days in which to file*
31 *the instruments.*

32 **Sec. 6. 1.** *In investigating a source of surface water or*
33 *groundwater for the purpose of determining the relative rights of*
34 *the various claimants to the waters thereto, the State Engineer*
35 *shall:*



SB65

SENATE BILL NO. 70—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE ATTORNEY GENERAL)

PREFILED DECEMBER 20, 2014

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing meetings of public bodies. (BDR 19-155)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public bodies; making various changes relating to meetings of public bodies; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 The Open Meeting Law only applies to meetings of a quorum of the members
2 of certain public bodies. (NRS 241.016) “Quorum” is defined in existing law as “a
3 simple majority of the constituent membership of a public body or another
4 proportion established by law.” **Section 2** of this bill deletes the extraneous word
5 “constituent” from this definition, thereby clarifying that a quorum consists of a
6 simple majority of the members of the public body unless a different number is
7 prescribed in law.

8 The Open Meeting Law specifies a certain number of working days by which a
9 public body is mandated to comply with certain requirements with respect to its
10 meetings, such as providing notice of its meetings and making available minutes or
11 audio recordings of its meetings. (NRS 241.020, 241.033-241.035) **Section 2**
12 defines “working day” for purposes of these requirements as every day of the week
13 except Saturday, Sunday and legal holidays prescribed in existing law. Therefore, if
14 an agency has a 4-day workweek and is closed on Fridays, for example, Friday
15 would nevertheless count as a working day for that agency for purposes of the
16 requirements of the Open Meeting Law unless a particular Friday is a legal holiday.

17 Under existing law, any provision of law which provides that a meeting,
18 hearing or other proceeding is not subject to the Open Meeting Law or otherwise
19 authorizes or requires a closed meeting, hearing or proceeding prevails over the
20 general provisions of the Open Meeting Law. (NRS 241.016) **Section 3** of this bill
21 lists examples of other such provisions of law that prevail over the general
22 provisions of the Open Meeting Law.

23 The Open Meeting Law sets forth the minimum public notice required for
24 meetings of public bodies subject to the Open Meeting Law. (NRS 241.020)



SB70

25 **Section 4** of this bill requires such a public body to certify in writing, on a form
26 prescribed by the Attorney General, its compliance with the requirements for
27 minimum public notice for each of its meetings.

28 Under the Open Meeting Law, a member of a public body is prohibited from
29 designating a person to attend a meeting of the public body in the place of the
30 member unless the designation is expressly authorized by the legal authority
31 pursuant to which the public body was created. (NRS 241.025) **Section 5** of
32 this bill extends this prohibition to the public body itself, thereby prohibiting a public
33 body from designating a person to attend a meeting of the public body in the place
34 of a member of the public body without specific legal authority.

35 Under the Open Meeting Law, a public body is required to keep written
36 minutes of each of its meetings. (NRS 241.035) **Section 6** of this bill requires a
37 public body to approve the minutes of a meeting of the public body at the next
38 meeting of the public body, unless good cause for delay is shown.

39 With certain exceptions, the Attorney General is required under existing law to
40 investigate and prosecute violations of the Open Meeting Law. (NRS 241.039)
41 **Section 7** of this bill authorizes the filing of a complaint alleging a violation of the
42 Open Meeting Law with the Office of the Attorney General. **Section 7** also makes
43 such a complaint a public record but makes any other record, document or
44 information obtained by the Attorney General during an investigation of a violation
45 of the Open Meeting Law confidential until the investigation is closed.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** NRS 239.010 is hereby amended to read as follows:
2 239.010 1. Except as otherwise provided in this section and
3 NRS 1.4683, 1A.110, 49.095, 62D.420, 62D.440, 62E.516,
4 62E.620, 62H.025, 62H.030, 62H.170, 62H.220, 62H.320, 76.160,
5 78.152, 80.113, 81.850, 82.183, 86.246, 86.54615, 87.515, 87.5413,
6 87A.200, 87A.580, 87A.640, 88.3355, 88.5927, 88.6067, 88A.345,
7 88A.7345, 89.045, 89.251, 90.730, 91.160, 116.757, 116A.270,
8 116B.880, 118B.026, 119.260, 119.265, 119.267, 119.280,
9 119A.280, 119A.653, 119B.370, 119B.382, 120A.690, 125.130,
10 125B.140, 126.141, 126.161, 126.163, 126.730, 127.007, 127.057,
11 127.130, 127.140, 127.2817, 130.312, 159.044, 172.075, 172.245,
12 176.015, 176.0625, 176.09129, 176.156, 176A.630, 178.39801,
13 178.4715, 178.5691, 179.495, 179A.070, 179A.165, 179A.450,
14 179D.160, 200.3771, 200.3772, 200.5095, 200.604, 202.3662,
15 205.4651, 209.392, 209.3925, 209.419, 209.521, 211A.140,
16 213.010, 213.040, 213.095, 213.131, 217.105, 217.110, 217.464,
17 217.475, 218E.625, 218F.150, 218G.130, 218G.240, 218G.350,
18 228.270, 228.450, 228.495, 228.570, 231.069, 233.190, 237.300,
19 239.0105, 239.0113, 239B.030, 239B.040, 239B.050, 239C.140,
20 239C.210, 239C.230, 239C.250, 239C.270, 240.007, 241.020,
21 241.030, **241.039**, 242.105, 244.264, 244.335, 250.087, 250.130,
22 250.140, 250.150, 268.095, 268.490, 268.910, 271A.105, 281.195,
23 281A.350, 281A.440, 281A.550, 284.4068, 286.110, 287.0438,



SB70

SENATE BILL NO. 81—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE DIVISION OF WATER RESOURCES)

PREFILED DECEMBER 20, 2014

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to the management and appropriation of water. (BDR 48-367)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to water; revising provisions relating to the designation and regulation of groundwater basins by the State Engineer; revising provisions relating to the appropriation of water for beneficial use; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under existing law, the State Engineer has various powers and duties with
2 respect to the management of the water resources of this State, including the
3 groundwater. Existing law: (1) authorizes the State Engineer to designate as a
4 critical management area any groundwater basin or portion therein in which
5 withdrawals of groundwater consistently exceed the perennial yield of the basin;
6 and (2) requires the State Engineer to designate as a critical management area any
7 groundwater basin or portion therein in which withdrawals of groundwater
8 consistently exceed the perennial yield of the basin upon receipt of a petition for
9 such a designation. (NRS 534.110) Existing law requires the State Engineer to
10 designate certain areas as areas of active management, which are groundwater
11 basins in which the State Engineer conducts close monitoring and regulation of the
12 water supply because of heavy use. (NRS 534.011, 534.030) This bill eliminates
13 the classification “area of active management” and renames the classification
14 “critical management area” as “active management area.” Similar to the former
15 designation of critical management area, **section 3** of this bill authorizes the State
16 Engineer to designate a basin or portion therein as an active management area if the
17 State Engineer determines that: (1) withdrawals of groundwater exceed the
18 perennial yield of the basin; (2) groundwater levels continue to decline; or (3)
19 pumping of groundwater conflicts with existing water rights. **Section 3** requires the
20 State Engineer to designate any basin or portion therein as an active management
21 area if the State Engineer receives a petition for such a designation which is signed
22 by not less than 40 percent of the combined total of holders of adjudicated or



23 unadjudicated claims of vested rights and permits or certificates to appropriate
24 water and owners of domestic wells in the basin or portion therein. Additionally,
25 **section 3** authorizes the State Engineer to rescind the designation of a groundwater
26 basin or portion therein as an active management area if the State Engineer
27 determines that the designation is no longer warranted. **Section 4** of this bill
28 specifies the powers of the State Engineer in basins or portions therein that are
29 designated as an active management area.

30 Under existing law, the State Engineer is required to supervise certain artesian
31 water, underground aquifers and percolating water. (NRS 534.030) **Section 7** of
32 this bill clarifies that the State Engineer is required to supervise all groundwater and
33 wells, including domestic wells for which a permit is not required.

34 Existing law authorizes the submittal to the State Engineer of a petition for the
35 approval of a groundwater management plan for a critical management area by a
36 majority of the holders of permits or certificates to appropriate water. (NRS
37 534.037) **Section 8** of this bill changes the signature requirement for such petitions
38 to signatures from not less than 40 percent of the combined total of the holders of
39 adjudicated or unadjudicated claims of vested rights and permits or certificates to
40 appropriate water and owners of domestic wells in the basin or portion therein.

41 Under existing law, the State Engineer is required to hold public hearings on
42 the designation of a basin as in need of administration and on groundwater
43 management plans for certain basins. Depending on whether adequate facilities are
44 available, the hearings are required to be held within the basin or in the county in
45 which the basin lies or, if the basin lies in more than one county, within the county
46 where the major portion of the basin lies. (NRS 534.030, 534.037) **Sections 7 and**
47 **8** of this bill authorize the State Engineer to also hold such a hearing at the location
48 in closest proximity to the basin where an adequate facility exists for holding a
49 hearing.

50 Under existing law, the holder of a water right forfeits that right if the holder
51 does not put the water to beneficial use within a certain period. However, existing
52 law authorizes the State Engineer to extend this period and requires the State
53 Engineer to consider certain factors when determining whether to make such an
54 extension. (NRS 534.090) **Section 9** of this bill requires the State Engineer to
55 consider as an additional factor in an application for an extension of time to prevent
56 forfeiture whether the basin or portion therein where the water right is located has
57 been designated as an active management area.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 534 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2, 3 and 4 of this act.

3 **Sec. 2.** *“Appropriator of record” means a holder of an*
4 *adjudicated or unadjudicated claim of a vested right or a permit or*
5 *certificate to appropriate water.*

6 **Sec. 3. 1. The State Engineer:**

7 *(a) May designate as an active management area any basin or*
8 *a portion therein which has been designated previously as a*
9 *groundwater basin by the State Engineer pursuant to NRS*
10 *534.030 and where:*

11 *(1) Withdrawals of groundwater exceed the perennial yield*
12 *of the basin;*



SENATE BILL NO. 108—SENATOR SETTELMAYER

PREFILED FEBRUARY 1, 2015

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to public works projects. (BDR 28-598)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to public works; raising the estimated cost thresholds at or above which certain requirements apply to public works projects; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law sets forth general provisions applicable to public works for which
2 the cost is in excess of \$100,000, including provisions requiring: (1) reports by the
3 public body undertaking the public work to the Labor Commissioner; (2)
4 enforcement of certain provisions regarding public works contracts by the Labor
5 Commissioner, with prosecution of any violations by the Attorney General; (3) the
6 payment of prevailing wages to employees on the public work; and (4) the
7 advertisement in certain publications for bids on the public work. (NRS 338.013,
8 338.015, 338.080, 338.1385, 338.143) The prevailing wage requirements and
9 certain reporting requirements also apply to a redevelopment project if a
10 redevelopment agency provides financial incentives to the developer with a value
11 of more than \$100,000. (NRS 279.500, 279.6098) Existing law also sets forth
12 certain provisions applicable to public works for which the cost is less than
13 \$100,000, including a provision requiring a preference in bidding for certain
14 businesses owned by a veteran with a service-connected disability, and provisions
15 authorizing a state or local government to: (1) perform the work itself; or (2) solicit
16 bids from three licensed contractors if the estimated cost of the public work is more
17 than \$25,000 but not more than \$100,000, or solicit bids from at least one licensed
18 contractor if the estimated cost of the public work is \$25,000 or less. (NRS
19 338.13844, 338.1386, 338.13862, 338.13864, 338.1442, 338.1444, 338.1446) This
20 bill changes the \$100,000 threshold to \$1,000,000, and in several sections, a
21 technical correction is made clarifying that if the relevant work will cost exactly
22 \$1,000,000, the requirements for those public works estimated to cost in excess of
23 \$1,000,000 will apply.

