

CARSON WATER SUBCONSERVANCY DISTRICT
Legislative Committee Meeting

NOTICE OF PUBLIC MEETING

DATE: February 1, 2021

TIME: 2 pm

LOCATION: Video Conference ZOOM Meeting

***NOTICE TO PUBLIC:** The State of Nevada and Carson City are currently in a declared State of Emergency in response to the global pandemic caused by the coronavirus (COVID-19) infectious disease outbreak.*

In accordance with the Governor's Declaration of Emergency Directive 006, which has suspended the provisions of NRS 241.020 requiring the designation of a physical location for meetings of public bodies where members of the public are permitted to attend and participate, public meetings of Carson Water Subconservancy District will NOT have a physical location open to the public until such time this Directive is removed.

Members of the public who wish to participate during a public meeting may do so by providing public comment during the two designated public comment periods, indicated on the agenda, via telephone.

*To join by telephone, you must call **(712)451-0750** and then enter **Access Code: 411219**. You may also provide public comment in advance of a meeting by written submission to the following email address: catrina@cwsd.org. For inclusion or reference in the minutes of a meeting, your public comment must include your full name and be submitted via e-mail by not later than 3pm the day before the date of the meeting.*

AGENDA

***Please Note:** A quorum of the CWSD Board of Directors will not be present at this committee meeting. Any action on the part of the committee is for recommendation to the full CWSD Board of Directors for ultimate action. Reasonable efforts will be made to assist and accommodate individuals with disabilities who wish to attend the meeting. Please contact Catrina Schambra at (775)887-7450 (catrina@cwsd.org), at least two business days in advance so that arrangements can be made.*

1. Call to Order the CWSD Legislative Committee
 2. For Discussion Only: Public Comment - Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting.
 3. For Possible Action: Approval of the Legislative Committee Meeting Minutes of January 31, 2020.
 4. For Possible Action: Discussion regarding the upcoming 2021 Legislation Session and a review of various BDRs/bills that CWSD may want to support, oppose, or monitor.
 5. For Discussion Only: Public Comment - Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting.
 6. For Possible Action: Adjournment
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Supporting material for this meeting may be requested from Catrina Schambra at 775-887-7450 (catrina@cwsd.org) and is available on the CWSD website at www.cwsd.org.

In response to COVID-19 Emergency Directive:

Posting in public buildings in accordance with NRS 241.020 has been waived by COVID-19 Emergency Directive #6 of Governor Sisolak. Therefore, this notice and agenda of video conference meeting has been posted on or before 9am on January 26, 2021 on the following websites for the February 1, 2021 regular meeting of the CWSD Committee, in accordance with NRS 241.020:

Carson Water Subconservancy District Website:

<http://www.cwsd.org>

State of Nevada Public Meetings Website:

<http://notice.nv.gov>

**CARSON WATER SUBCONSERVANCY DISTRICT
LEGISLATIVE COMMITTEE
January 31, 2020, 9am**

DRAFT Meeting Minutes

Committee Members present:

Stacey Giomi, Carson City (*via teleconference*)
Ken Gray, Lyon County
David Griffith, Alpine County
Jack Jacobs, Douglas County
Austin Osborne, Storey County (*via teleconference*)
Barry Penzel, Douglas County
Ernie Schank, Churchill County (*via teleconference*)

Staff present:

Ed James, General Manager
Catrina Schambra, Administrative Assistant/Secretary to the Board

Others present:

Patrick King, CWSD Legal Counsel

Ken Gray called the meeting to order at 9am in the Carson Water Subconservancy District Conference Room, 777 East William Street, #110, Carson City, Nevada. Roll call was taken, and a quorum of the Legislative Committee was present.

Item #3 – For Discussion Only - Public Comment: None

Item #4 & 5 – For Possible Action - Approval of Agenda & Approval of Legislative Committee Meeting Minutes of January 28, 2019:

Committee Member Griffith made a motion to approve today's Agenda and the Minutes of the January 28, 2019 Legislative Committee meeting. The motion was seconded by Committee Member Jacobs and approved unanimously by the Legislative Committee.

Item #6 – For Possible Action – Discussion on a proposal to request Nevada Legislation to make Alpine County and Storey County Committee Members official CWSD Directors

Mr. James opened the discussion explaining that he has had a conversation with Austin Osborne regarding Storey County becoming a CWSD member through the Nevada legislative process. Mr. James and Mr. Osborne discussed some of the mutual benefits of Storey County becoming an official CWSD member as recognized by Nevada statute. Mr. James also discussed the possibility of Alpine County becoming an official member of CWSD. He mentioned that this may be a little more challenging since Alpine County is in California.

To move forward with the process, it would require a Nevada Legislator as a sponsor. Mr. James said that he ran into an Assembly Member and mentioned this idea and they seemed amenable to sponsoring our proposed legislation.

There was discussion regarding the proper procedure to get this accomplished. The consensus was that the first step would be to request letters from the counties expressing their desire for CWSD to pursue Nevada legislation to make their members full CWSD Directors. It was agreed that Patrick King would write up the language needed from the counties to be used in their request to their respective Boards to get action in time for the item to be placed on the CWSD agenda for the February 19, 2020 Board meeting. Meanwhile staff will explore the process to move forward once approved by the CWSD Board.

Committee Member Griffith made a motion to request Alpine County and Storey County to make prepare a letter to CWSD requesting to move forward in the process to make their Committee Members full Directors recognized by the Nevada statute. The motion was seconded by Committee Member Jacobs and approved unanimously by the Legislative Committee.

Item #7 – For Discussion Only - Public Comment: None

The Legislative Committee meeting was adjourned at 9:50am.

Respectfully submitted,

Catrina Schambra
Secretary to the Board

CARSON WATER SUBCONSERVANCY DISTRICT

TO: Legislative Committee Members

FROM: EDWIN D. JAMES

DATE: February 1, 2021

SUBJECT: For Possible Action: Discussion regarding the upcoming 2021 Legislation Session and a review of various BDRs/bills that CWSD may want to support, oppose, or monitor.

DISCUSSION: CWSD staff is beginning to monitor the various Bill Draft Requests (BDRs) for 2021 Nevada Legislative Session. Attached is the list of BDRs that staff is watching. The Legislative Committee will look into details on each bill and to make recommendations on possible action, if any, CWSD may want to take.

Below is a summary of the various BDRs that have draft bill language:

AB 5

Legislative Counsel's Digest:

Existing law provides that any person feeling aggrieved by an order or decision of the State Engineer that affects the person's interests may have the order or decision reviewed by a court. The review is conducted as an informal summary review in the nature of an appeal. (NRS 533.450) This bill limits the circumstances in which such an aggrieved person may have a determination of the State Engineer reviewed by a court to require that the determination: (1) be a formal order, ruling or decision that is a final determination issued in writing; and (2) materially affect the person's interests. This bill also clarifies that the practice in civil appellate cases applies to the judicial review of an order, ruling or decision of the State Engineer.

AB 6

Legislative Counsel's Digest:

With certain exceptions, existing law requires a person who wishes to change the place of diversion, manner of use or place of use of water already appropriated to apply to the State Engineer for a permit to do so. (NRS 533.325) Existing law requires the State Engineer to hold a hearing on an application for a temporary change to the place of diversion, manner of use or place of use of water already appropriated if the State Engineer determines that such a change may not be in the public interest or may impair the water rights of others. (NRS 533.345) This bill makes the holding of a hearing on such an application discretionary.

AB 34

Legislative Counsel's Digest:

During the 2015 Legislative Session, Assembly Bill No. 77 replaced references to the cutting, eradication, removal, or destruction of weeds with the term "control." (Chapter 526, Statutes of Nevada 2015, at page 3588) **Section 1** of this bill defines "control" to mean the cutting, destruction, or eradication of established noxious weed populations to prevent: (1) the spread,

maturation, and dispersal of any propagative part of the noxious weed; and (2) the reproduction and spread of such noxious weeds.

Existing law authorizes the Director of the State Department of Agriculture to, by regulation, establish and administer a program to certify agricultural products as being free from noxious weeds to: (1) support the control and prevention of the spread of noxious weeds in this State; and (2) allow businesses in this State to market such agricultural products as being in compliance with any applicable federal law or regulation or any other requirement specified by the Director. (NRS 555.010) **Sections 1 and 2** of this bill expand the program by authorizing the Director to: (1) adopt such regulations to certify agricultural products as being free from any propagative parts from which a noxious weed may grow; and (2) establish and collect reasonable fees for the program. **Section 2** additionally expands the purposes of the program to include allowing businesses in this State to market agricultural products as being in compliance with the guidelines set forth by the North American Invasive Species Management Association, in addition to applicable federal law or regulation or any other requirement specified by the Director.

Existing law authorizes the Department to provide a written notice of its finding that an area is infested with certain pests, noxious weeds or plant diseases to the owner or occupant of the area. (NRS 555.100) Existing law also authorizes the State Quarantine Officer to serve notice on the owner or occupant of land where noxious weeds are found. (NRS 555.160) **Sections 3 and 4** of this bill authorize such notices to be served by electronic mail.

SB 10

Legislative Counsel's Digest:

Existing law provides for a partial abatement of property taxes, which has the effect of establishing an annual cap on increases of property taxes. The formula for calculating the partial abatement provides that the property taxes on properties other than certain single-family residences or certain residential rental dwellings may not increase by more than a percentage that is the lesser of: (1) the average percentage of change in the assessed valuation of property in the county over the last 10 years, twice the average percentage of increase in the Consumer Price Index for the previous year or zero, whichever is greater; or (2) 8 percent. If the application of this formula results in a cap on increases of property taxes for a fiscal year that is less than 3 percent, the property taxes imposed on certain single-family residences and certain residential rental dwellings may not increase by more than the percentage cap calculated under that formula. However, if the application of the formula results in a cap on increases of property taxes for a fiscal year that is 3 percent or more, the property taxes on those single-family residences and residential rental properties may not increase by more than 3 percent. (NRS 361.4722-361.4724)

This bill revises the formula for calculating the partial abatement so that the annual cap on increases of the property taxes on certain single-family residences and residential rental property is 3 percent. Under this bill, the annual cap on increases of property taxes on any other property cannot be less than 3 percent or more than 8 percent.

SB 64

Legislative Counsel's Digest:

Under current law, the taxable value of an improvement made on real property must be determined by subtracting from the cost of replacement of the improvement all applicable depreciation and obsolescence. That depreciation is required to be calculated at the rate of 1.5 percent of the cost of replacement of the improvement for each year that the improvement has aged, up to a maximum of 50 years. (NRS 361.227) The application of this formula for the entire 50-year period results in a maximum rate of depreciation of 75 percent of the cost of replacement.

Section 1 of this bill reduces the future rate of depreciation for an improvement made on real property to 1 percent of the cost of replacement of the improvement for each year that the improvement ages after calendar year 2021. **Section 1** does not affect the maximum rate of depreciation allowed under current law. **Section 6** of this bill clarifies that the change in the rate of depreciation pursuant to **section 1** does not affect the determination of the taxable value of any improvements for the purposes of any property taxes imposed before July 1, 2022.

Existing law provides for a partial abatement of property taxes, which has the effect of establishing an annual cap on increases of property taxes. The formula for calculating the partial abatement provides that the property taxes on properties other than certain single-family residences or certain residential rental dwellings may not increase by more than a percentage that is the lesser of: (1) the average percentage of change in the assessed valuation of property in the county over the last 10 years, twice the average percentage of increase in the Consumer Price Index for the previous year or zero, whichever is greater; or (2) 8 percent. If the application of this formula results in a cap on increases of property taxes for a fiscal year that is less than 3 percent, the property taxes imposed on certain single-family residences and certain residential rental dwellings may not increase by more than the percentage cap calculated under that formula. However, if the application of the formula results in a cap on increases of property taxes for a fiscal year that is 3 percent or more, the property taxes on those single-family residences and residential rental properties may not increase by more than 3 percent. (NRS 361.4722-361.4724)

Section 2 of this bill revises the formula for calculating the partial abatement of property taxes so that the annual cap on increases of the property taxes on property other than certain single-family residences and residential rental property is 8 percent. **Sections 3** and **4** of this bill make conforming changes to reflect that because of the amendatory provisions of **section 2**, the annual cap on increases of the property taxes on certain single-family residences and residential rental properties will be 3 percent.

SJR 1

Legislative Counsel's Digest:

Under the Nevada Constitution, the district courts of this State have original jurisdiction over all cases excluded by law from the original jurisdiction of the justice courts, and the Nevada Supreme Court and Nevada Court of Appeals have appellate jurisdiction over civil cases arising in district courts and in criminal cases within the original jurisdiction of the district courts. (Nev. Const. Art. 6, §§ 4, 6) This resolution proposes to amend the Nevada Constitution to provide that the Nevada Court of Appeals has original jurisdiction in any civil case brought by a person challenging a final order or decision of the State Engineer.

STAFF RECOMMENDATION: Make recommendations to the Board on upcoming 2021 Legislation.

2021 Legislation				
BDR #	Bill #	BDR Title	Sponsor	Action
				Propose
43		SJR: Proposes to amend the Nevada Constitution to protect the State's water, land, and air.	Senator Brooks	Withdrawn
100		Revises provisions governing the Office of Grant Procurement, Coordination and Management, including expanding the existing Office, expanding the duties of the Office with regard to all agencies of the executive, legislative, and judicial branches of government as well as private nonprofit organizations, establishing a compliance team to assist certain grant recipients, establishing an audit team to ensure that grant requirements are met, and establishing a government affairs team to ensure proper communication with the Governor, Legislature and Nevada Supreme Court	Senator Pickard	
117		Revises provisions relating to tax incentives and abatements	Senator Kieckhefer	
123		Revises provisions governing water	Assemblywoman Peters	
127		Revises provisions relating to taxation.	Senator Kieckhefer	
161		Revises provisions pertaining to taxation.	Senator Pickard	
197		Revises provisions governing taxation.	Assemblyman Leavitt	
272	AB 34	Revises provisions governing control of insects, pests, and noxious weeds.	State Department of Agriculture	
309	AB 6	Revises provisions governing hearings on applications for temporary changes relating to existing water rights	Division of Water Resources of the State Department of Conservation and Natural Resources	
310	SJR 1	Revises provisions relating to appeals of orders and decisions of the State Engineer	Division of Water Resources of the State Department of Conservation and Natural Resources	
311	AB 5	Clarifies the orders and decisions of the State Engineer that are subject to judicial review	Division of Water Resources of the State Department of Conservation and Natural Resources	
339	withdrawn	Creates a water conservation credit program for irrigation manners of use	Division of Water Resources of the State Department of Conservation and Natural Resources	Withdrawn

340	withdrawn	Creates an irrigation manner of use water rights banking and leasing program	Division of Water Resources of the State Department of Conservation and Natural Resources	Withdrawn
408	SB 64	Makes various changes relating to property taxes.	Nevada League of Cities and Municipalities	
435	SB 10	Revises provisions governing property taxes.	Nevada Association of Counties	
462		Revises provisions relating to groundwater boards.	Legislative Committee on Public Lands (NRS 218E.510)	
463		Revises the membership of the Legislative Committee on Public Lands.	Legislative Committee on Public Lands (NRS 218E.510)	
466		Revises provisions relating to the Open Meeting Law.	Legislative Committee on Public Lands (NRS 218E.510)	
471		Revises the qualifications of the State Engineer.	Legislative Committee on Public Lands (NRS 218E.510)	
525		Revises provisions relating to bidding for public works	Senator Goicoechea	
571		Revises provisions governing taxation	Senate Committee on Revenue and Economic Development	
579		Revises provisions relating to the Carson Water Subconservancy District	Senator Settelmeyer	
660		Revises provisions relating to taxation	Senator Settelmeyer	
711		Revises provisions relating to local governments	Senator Spearman	
775		Urges the President, Congress, and certain federal entities to protect 30 percent of lands and waters in Nevada by 2030	Assemblywoman Gonzalez	
793		Revises provisions relating to taxation	Senator Brooks	
800		Revises provisions relating to grants.	Assemblywoman Monroe-Moreno	
803		Revises provisions governing public employment	Assemblyman Matthews	
883		Revises provisions governing local government	Assemblywoman Benitez-Thompson	
884		Revises provisions governing public records.	Assemblyman Matthews	
885		Revises provisions relating to community water systems.	Senator Goicoechea	