



NEVADA'S 82ND LEGISLATIVE SESSION

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STRATEGIES

PREPARED FOR
MOAPA VALLEY WATER DISTRICT

Moapa Valley Water District 2023 End of Session Report

2023 Legislature

The Nevada 2023 legislative session began February 1st, 2023, and adjourned Sine Die on June 6th, 2023. The session began with considerable starts and stops as Carson City received historic snowfall causing several “snow day” cancellations. Once the session got rolling the consensus among observers was there seemed to be a lack of urgency in the process. This led to a worse than usual rush and the legislature worked toward adjournment. This was made worse by the late session introduction of legislation to provide tax incentives for the Oakland A’s major league baseball team to relocate to Southern Nevada and for Sony Pictures to relocate their business to the Las Vegas area. Ultimately the A’s stadium proposal passed during a special session with bipartisan support while it was decided to leave the Sony Entertainment proposal to a potential special session in the Fall.

As might be expected during a session when the Democrats controlled both houses of the legislature and the Republicans controlled the governor’s mansion, there was plenty of disagreement about policy. This led to an unprecedented veto of one of the budget bills at the end of session. As a result, two separate special sessions were required for the legislature to complete its business. The first lasted less than a day as the legislature adopted the budget that had been vetoed by the governor. The second lasted several days and ultimately saw the legislature approve incentives for the A’s to relocate.

In the end, after periods of uncertainty regarding their performance, most observers gave high marks to the legislative leaders of both houses.

Governor

Governor Joe Lombardo generally earned high marks for his initial legislative effort. Surrounded by a strong team who served him well, the governor navigated a difficult process well. At times he was bipartisan and accommodating and at others he was aggressive and unyielding. In the end, he was able to get many of his priorities on the table and passed in amendment form.

Legislation

As with every legislative session, Warren Hardy Strategies tracked and monitored hundreds of bills for potential impact on the water district. A complete spreadsheet of the bills we monitored is available upon request. However, many pieces of legislation required additional engagement. Those bills are listed below:

Approved by the Governor

Assembly Bill 27

This bill requires a general building contractor who provides management and counseling services on a construction project to have an active license in the same classifications and subclassifications that are required to be held by the prime contractor.

Assembly Bill 34

This bill provides that if a newspaper of general circulation fails to publish the notice or order submitted by the State Engineer the required number of times or consecutively, the State Engineer is not required to republish the notice. This bill received a constitutional majority vote in both houses and was signed into law by the governor.

Assembly Bill 52

This bill revises provisions relating to the determination of a quorum of a public body and the number of votes necessary for a public body to act.

Assembly Bill 91

This bill revises provisions relating to sinking or boring certain wells for water already appropriated.

Assembly Bill 189

This bill gives authority to county commissioners in a county whose population is 700,000 or more (Clark County) to restrict the hours in which construction work may begin in a common-interest community.

Assembly Bill 191

This bill exempts any water supplier that has less than 15 service connections from having to update their 5-year conservation plans or conduct a water loss audit.

Assembly Bill 210

This bill requires contractors on a public work to provide a worker with written or electronic notice of certain information; requiring a person found by the Labor Commissioner to have willfully and repeatedly failed to pay prevailing wages to a worker, to pay certain damages to the affected worker.

Assembly Bill 220

This bill requires certain property owners with a septic system to connect to a community sewage disposal system. This is a priority of the Southern Nevada Water authority. We were able to get clarification that the requirements to sewer systems does not apply to the Water District at this point. This bill became law without the governor's signature.

Senate Bill 82

This bill eliminates the threshold number of workers for the applicability of the requirements for using apprentices. Also, expands the circumstances under which a person is treated as an apprentice for those requirements.

Senate Bill 113

This bill requires the State Engineer to affirm or modify the perennial yield of a basin in a designated critical management area.

Senate Bill 115

This bill authorizes a board of county commissioners to establish, use and operate an in-lieu fee program for compensatory mitigation in accordance with guidelines set forth in certain federal regulations.

Senate Bill 226

As originally drafted, this bill dramatically expands the payment of prevailing wage to workers on public works projects, potentially making residential and private construction subject to prevailing wage and bidding requirements. As a result, this was a top priority for the city. While we began the process in staunch opposition, we were able to secure an amendment to clarify that prevailing wage must be paid on projects that were lease purchase projects as defined in current law. This amendment removed our opposition.

Senate Bill 258

This bill authorizes the State Engineer to grant an application for a temporary change order for a period not to exceed 3 years.

Senate Bill 261

Governing bodies are required to notify trade associations, owners and officers of businesses likely to have a significant burden imposed on them by a proposed ruling. This bill requires the notification to extend to the chamber of commerce as well.

Vetoed by Governor

Assembly Bill 172

This bill would have required, with certain exceptions, that each local government employer provide each employee organization recognized by the local government employer the name, address, email address, telephone number, work contact information and work location of each employee in the bargaining unit represented by the employee organization at least on a semiannual basis.

Assembly Bill 235

This bill originally required the payment of prevailing wage to workers who perform custom fabrication of non-standard goods or materials. An amendment has been made to now only be applicable to the following: sheet metal products, plumbing or pipe fitting, ventilation system, air conditioning system, and heating systems. We opposed this bill though the session and requested the governor veto the bill, which he did.

Senate Bill 433

This bill provides criteria that a Labor Commissioner is required to examine when determining whether prevailing wages are required to be paid on a project. This would have potentially led to a dramatic increase of projects to which prevailing wage applied.

Failed to Pass the Legislative Process

Assembly Bill 5

This bill would have required the Department of Taxation to contract for the services of an independent contractor to conduct a study and prepare a report of unfunded mandates on local governments. While we supported this bill, and it was introduced by the Nevada League of Cities, the legislature did not see the value in the bill, and it failed to pass the deadline.

Assembly Bill 89

This bill would have required contractors and subcontractors on public work to use the federal E-Verify employment verification system to verify eligibility for employment.

Assembly Bill 90

This bill would have revised provisions governing an application for a temporary change relating to water and revised certain fees collected by the State Engineer.

Assembly Bill 171

This bill would have authorized a public body or its authorized representatives to award a contract for a public work for which the estimated cost exceeds \$100,000 to the responsive and responsible bidder to offer the best value bid if the public works project presents unique and complex construction challenges.

Assembly Bill 186

This bill would have prohibited a food establishment from providing water unless requested by a customer.

Assembly Bill 387

This bill would have required the State Engineer to consider the best available science when rendering decisions.

Senate Bill 52

This bill would have given the State Public Works Board or the State Public Works Division of the Department of Administration, the authority to establish standards for the efficient use of energy. This bill failed to meet the deadline.

Senate Bill 102

This bill would have awarded grant money to governing bodies of cities and counties in Nevada for the development and maintenance of water resource plans.

Senate Bill 136

This bill would have provided that a state of emergency or declaration of disaster proclaimed by the Governor terminates automatically 30 days after it is proclaimed by the Governor.

Senate Bill 176

This bill would have required the Director of the State Department of Conservation and Natural Resources to purchase certain water rights. It also created an account for Purchasing and Retiring Water Rights and allocated just under a million dollars to fund the program.

Senate Bill 180

This bill would have authorized a board of county commissioners to request that the State Engineer establish a groundwater board and appoint seven members to serve on the groundwater board.