

SENATE BILL NO. 526—COMMITTEE ON NATURAL RESOURCES

MARCH 22, 1999

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to plan for use of water resources. (BDR 48-1601)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: 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 water resources; revising the provisions regarding the plan relating to water resources developed by the division of water planning of the state department of conservation and natural resources; requiring governmental agencies to consider the plan when developing and implementing policies relating to water resources; requiring the administrator of the division to submit a written report to the legislature; requiring the administrator to report to the legislative commission at certain times; and providing other matters properly relating thereto.

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

- 1 **Section 1.** NRS 540.041 is hereby amended to read as follows:
2 540.041 1. The administrator:
3 (a) Must be selected with special reference to his training, experience,
4 capability and interest in the field of water resource planning.
5 (b) Except as otherwise provided in NRS 284.143, shall devote his
6 entire time and attention to the business of his office and shall not pursue
7 any other business or occupation or hold any other office of profit.
8 (c) Shall coordinate the activities of the division.
9 2. The administrator is responsible for the administration of all
10 provisions of law relating to the functions of the division.
11 3. The administrator may employ, within the limits of legislative
12 appropriations, such staff as is necessary to the performance of his duties.
13 ***4. The administrator shall, not later than the fifth calendar day of***
14 ***each regular session of the legislature, submit to the director of the***
15 ***legislative counsel bureau for distribution to the legislature a written***

1 *report summarizing the actions of the division taken pursuant to the*
2 *provisions of NRS 540.051 and 540.101 during the preceding biennium.*

3 **Sec. 2.** NRS 540.101 is hereby amended to read as follows:

4 540.101 1. The division shall develop a plan *to provide guidance*
5 *and coordination* for the *development, management, conservation and*
6 use of water resources within the state.

7 2. The division shall coordinate with local governments in developing
8 the plan pursuant to subsection 1. Upon request of the division, each local
9 government shall cooperate with and assist the division in the development
10 of the plan.

11 3. The water plan developed pursuant to subsection 1 must include
12 provisions designed to protect the identified needs for water for current and
13 future development in the rural areas of the state, giving consideration to
14 relevant factors, including, but not limited to, the economy of the affected
15 areas and the quality of life in the affected areas.

16 4. *The provisions of the plan developed pursuant to subsection 1*
17 *must not be construed to supersede, replace, amend or add to the law of*
18 *the State of Nevada.*

19 5. *A state or local governmental agency:*

20 (a) *Shall consider the plan developed pursuant to subsection 1 when*
21 *developing or implementing its mission, programs, plans and*
22 *responsibilities regarding water resources; and*

23 (b) *Is not bound by a recommendation or provision of the plan*
24 *developed pursuant to subsection 1 unless it formally adopts the*
25 *recommendation or provision.*

26 6. The division shall submit to the legislature for its review and
27 consideration:

28 (a) The plan developed pursuant to subsection 1; and

29 (b) The recommendations regarding the plan provided to the division by
30 the advisory board on water resources planning and development pursuant
31 to NRS 540.111.

32 ~~{The division must obtain the approval of the legislature before the plan is~~
33 ~~implemented.}~~

34 ~~[5.]~~ 7. As used in this section, "local government" means a political
35 subdivision of this state, including, without limitation, a city, county,
36 irrigation district, water district or water conservancy district.

37 **Sec. 3.** NRS 540.111 is hereby amended to read as follows:

38 540.111 1. The advisory board on water resources planning and
39 development, consisting of 15 members appointed by the governor, is
40 hereby created within the division.

41 2. The governor shall appoint to the advisory board:

42 (a) Six members who are representatives of the governing bodies of the
43 county with the largest population in the state and the cities in that county;

1 (b) One member who is a representative of the largest water utility in the
2 county with the largest population in the state;

3 (c) Two members who are representatives of the county with the second
4 largest population in the state and the cities in that county;

5 (d) One member who is a representative of the largest water utility in the
6 county with the second largest population in the state;

7 (e) One member who is representative of the general public; and

8 (f) Four members, each of whom represents a different one of the
9 following interests:

10 (1) Farming;

11 (2) Mining;

12 (3) Ranching; and

13 (4) Wildlife.

14 The governor shall make the appointments required by this subsection so
15 that at least seven members of the advisory board are residents of the
16 county with the largest population in the state, at least three members are
17 residents of the county with the second largest population in the state and at
18 least three members are residents of a county whose population is less than
19 100,000.

20 3. The members of the advisory board serve at the pleasure of the
21 governor.

22 4. All vacancies on the advisory board must be filled in the same
23 manner of appointment as the member who created the vacancy.

24 5. The members of the advisory board are entitled to receive a salary of
25 \$60 for each day's attendance at a meeting of the advisory board and the
26 travel and subsistence allowances provided by law for state officers and
27 employees generally.

28 6. The advisory board shall, at its first meeting and annually thereafter,
29 elect a chairman from among its members.

30 7. The advisory board may meet at least once in each calendar quarter
31 and at other times upon the call of the chairman or a majority of the
32 members.

33 8. A majority of the members of the advisory board constitutes a
34 quorum. A quorum may exercise all of the powers and duties of the
35 advisory board.

36 9. The advisory board shall:

37 (a) Advise the administrator on matters relating to the planning and
38 development of water resources;

39 (b) Be informed on and interested in the administrative duties of the
40 division and any legislation recommended by the division;

41 (c) Advise and make recommendations through the division and the
42 state department of conservation and natural resources to the governor and

1 the legislature concerning policies for water planning and the development
2 of water resources in this state;

3 (d) Advise the administrator concerning the policies of the division and
4 areas of emphasis for the planning of water resources; and

5 (e) Review, and provide written recommendations to the division
6 regarding, the plan ~~for the use of water resources~~ developed pursuant to
7 NRS 540.101.

8 **Sec. 4.** The administrator of the division of water planning of the state
9 department of conservation and natural resources shall report to the
10 legislative commission on or before July 1, 1999, January 1, 2000, and
11 July 1, 2000, regarding the actions of the division taken pursuant to NRS
12 540.101.

13 **Sec. 5.** This act becomes effective upon passage and approval.

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