

SENATE BILL NO. 531—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF COLORADO RIVER COMMISSION)

MARCH 26, 2001

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing employees of Colorado River commission.  
(BDR 48-354)

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 the Colorado River commission; removing certain employees of the office of the Colorado River commission from the classified and unclassified service of the state; requiring the Colorado River commission to adopt certain regulations relating to its employees; 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.** Chapter 538 of NRS is hereby amended by adding thereto a  
2     new section to read as follows:

3     ***1. Notwithstanding the provisions of chapter 284 of NRS, and except***  
4     ***as otherwise provided in NRS 538.137 and 538.141, the commission may,***  
5     ***within the limit of available money:***

6     ***(a) Create one or more positions of employment within the***  
7     ***commission, prescribe their duties, compensation and other terms and***  
8     ***conditions of employment, and fill, vacate or abolish any of those***  
9     ***positions; and***

10    ***(b) Contract for the services of such professional, technical and***  
11    ***operational personnel and consultants as the execution of its duties and***  
12    ***the operation of the commission may require,***  
13    ***without being subject to the provisions of chapter 284 of NRS.***

14    ***2. Any position created by the commission pursuant to subsection 1***  
15    ***is exempt from the provisions of chapter 284 of NRS. An employee filling***  
16    ***such a position is not in the classified or unclassified service of the state,***  
17    ***but is entitled to participate in the public employees' retirement system***  
18    ***and other programs for public employees as provided in chapters 286 and***  
19    ***287 of NRS.***



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1     3. *The commission shall, by regulation, establish a comprehensive*  
2 *plan governing employment, job classifications and performance*  
3 *standards, and retention or discharge of employees to ensure that*  
4 *termination or other adverse action is not taken against such employees*  
5 *except for cause. The regulations must include provisions for hearings in*  
6 *personnel matters and for review of adverse actions taken in those*  
7 *matters.*

8     **Sec. 2.** NRS 538.041 is hereby amended to read as follows:

9     538.041 As used in NRS 538.041 to 538.251, inclusive, *and section 1*  
10 *of this act*, unless the context otherwise requires:

11     1. "Colorado River" means the Colorado River and all of the  
12 tributaries of the river.

13     2. "Commission" means the Colorado River commission ~~H~~ *of*  
14 *Nevada.*

15     3. "Commissioner" means a commissioner of the Colorado River  
16 commission ~~H~~ *of Nevada.*

17     4. ~~"Director"~~ *"Executive director"* means the *executive* director of  
18 the Colorado River commission ~~H~~ *of Nevada.*

19     5. "Southern Nevada Water Authority" means the political subdivision  
20 of the State of Nevada created on July 25, 1991, by a cooperative  
21 agreement entered into on that date pursuant to the provisions of NRS  
22 277.080 to 277.180, inclusive.

23     6. "Supplemental water" means water from any source which, if  
24 acquired, would allow water to be used consumptively from the  
25 mainstream of the Colorado River in excess of Nevada's apportionment  
26 pursuant to the Boulder Canyon Project Act of 1928. The term does not  
27 include water from:

28     (a) Lake Tahoe;

29     (b) The Truckee, Carson or Walker river;

30     (c) Any ground water within the State of Nevada, other than ground  
31 water within Clark County; or

32     (d) Any surface water within the State of Nevada or that flows into the  
33 State of Nevada, other than the waters of the Colorado River,

34 unless the state engineer authorizes the transfer of that water to the  
35 Colorado River pursuant to the provisions of this chapter or chapter 532,  
36 533 or 534 of NRS.

37     7. "Water purveyor" means a public entity created by or pursuant to  
38 the laws of this state which:

39     (a) Is engaged in:

40         (1) The acquisition of water on behalf of, or the delivery of water to,  
41 another water purveyor; or

42         (2) The retail delivery of water in this state; and

43     (b) Is not a member of another such public entity that is itself engaged  
44 in the activities described in paragraph (a).

45     **Sec. 3.** NRS 538.051 is hereby amended to read as follows:

46     538.051 The Colorado River commission ~~H~~ *of Nevada*, consisting of  
47 seven members, is hereby created. Four members must be appointed by the  
48 governor. Three members must be appointed by the board of directors of



1 the Southern Nevada Water Authority. The governor shall designate one of  
2 his appointees to serve as chairman of the commission.

3 **Sec. 4.** NRS 538.101 is hereby amended to read as follows:

4 538.101 1. While engaged in official business of the commission,  
5 each commissioner appointed by the governor is entitled to receive a salary  
6 of not more than \$80 per day, as fixed by the commission.

7 2. While engaged in the business of the commission, each member and  
8 employee of the commission is entitled to receive the per diem allowance  
9 and travel expenses provided for state officers and employees generally.

10 3. The *executive* director or an employee of the commission  
11 designated by the *executive* director shall certify all bills and claims for  
12 compensation, per diem expense allowances and travel expenses of the  
13 commissioners, and shall submit them for payment in the same manner as  
14 all other state claims. The bills and claims must be paid from the Colorado  
15 River commission fund or any other fund administered by the commission  
16 and designated to be used for those expenses by the *executive* director.

17 4. The commission shall provide its members who are appointed by  
18 the governor with industrial insurance through a private carrier authorized  
19 to provide industrial insurance in this state and shall budget and pay for the  
20 premiums for that insurance.

21 **Sec. 5.** NRS 538.111 is hereby amended to read as follows:

22 538.111 At the first meeting of the commission in each calendar year,  
23 the commission shall select the vice chairman for the ensuing calendar  
24 year. The *executive* director shall provide necessary secretarial service for  
25 the commission.

26 **Sec. 6.** NRS 538.121 is hereby amended to read as follows:

27 538.121 The principal place of business of the commission must be in  
28 Clark County, as particularly determined by the *executive* director.

29 **Sec. 7.** NRS 538.131 is hereby amended to read as follows:

30 538.131 1. The commissioners shall meet at such times and in such  
31 places as are designated by the chairman; but a majority of the  
32 commissioners may call a meeting of the commission at any time and place  
33 designated by them in a written notice thereof given all commissioners as  
34 provided in this subsection. Except in cases of an emergency, written  
35 notice of all meetings must be given to each commissioner by the *executive*  
36 director at least 3 working days before each meeting. Every notice must  
37 include information concerning the time, location and agenda for the  
38 meeting. A meeting of the commission must be held at least quarterly.

39 2. A majority of the commissioners constitute a quorum for the  
40 transaction of business.

41 3. As used in this section, "emergency" means any unforeseen  
42 circumstance which requires immediate action by the commission and  
43 includes:

44 (a) Any disaster caused by a fire, flood, earthquake or other natural  
45 cause; or

46 (b) Any circumstance which impairs the health and safety of the public.

47 **Sec. 8.** NRS 538.133 is hereby amended to read as follows:

48 538.133 1. The commission shall appoint ~~the~~ *an executive* director.

49 2. The *executive* director ~~is~~ :



- 1 (a) *Is not* in the *classified or* unclassified service of the state ~~+~~  
2 ~~3. Except as otherwise provided in NRS 284.143, the director shall~~ ;  
3 (b) *Shall receive a salary determined pursuant to section 1 of this act*;  
4 (c) *Serves at the pleasure of the commission*; and  
5 (d) *Shall* devote his entire time and attention to the business of his  
6 office and shall not pursue any other business or occupation or hold any  
7 other office of profit.

8 **Sec. 9.** NRS 538.135 is hereby amended to read as follows:

9 538.135 The *executive* director:

- 10 1. Is responsible for administering and carrying out the policies of the  
11 commission.  
12 2. Shall direct and supervise all the technical and administrative  
13 activities of the commission.  
14 3. Shall report to the commission all relevant and important matters  
15 concerning the administration of his office. He is subject to the supervision  
16 of the commission and is responsible, unless otherwise provided by law,  
17 for the conduct of the administrative function of the commission's office.  
18 4. Shall perform any lawful act which he considers necessary or  
19 desirable to carry out the purposes and provisions of ~~this chapter,~~ NRS  
20 321.480 to 321.536, inclusive, and 538.010 to 538.251, inclusive, and any  
21 other provisions of law relating to the powers and duties of the  
22 commission.

23 **Sec. 10.** NRS 538.137 is hereby amended to read as follows:

24 538.137 1. The *executive* director shall appoint a deputy *executive*  
25 director and shall designate his duties.

26 2. The deputy *executive* director of the commission ~~is~~ :

- 27 (a) *Is not* in the *classified or* unclassified service of the state ~~+~~  
28 ~~3. Except as otherwise provided in NRS 284.143, the deputy director~~  
29 ~~shall~~ ;  
30 (b) *Shall receive a salary determined pursuant to section 1 of this act*;  
31 (c) *Serves at the pleasure of the executive director*; and  
32 (d) *Shall* devote his entire time and attention to the business of his  
33 office and shall not pursue any other business or occupation or hold any  
34 other office of profit.

35 **Sec. 11.** NRS 538.141 is hereby amended to read as follows:

36 538.141 The *executive* director shall , *within the limits of available*  
37 *money*, employ such assistants and employees as may be necessary to carry  
38 out his functions and duties. The assistants and employees ~~have~~ :

- 39 1. *Have* such duties as may be prescribed by the *executive* director ~~+~~ ;  
40 2. *Are not in the classified or unclassified service of the state*;  
41 3. *Shall receive a salary determined pursuant to section 1 of this act*;  
42 and  
43 4. *Serve at the pleasure of the executive director*.

44 **Sec. 12.** NRS 538.211 is hereby amended to read as follows:

45 538.211 ~~1. The faith and credit of the State of Nevada hereby is~~  
46 ~~irrevocably pledged for the performance and observance of all covenants,~~  
47 ~~conditions, limitations, promises and undertakings made or specified to be~~  
48 ~~kept, observed or fulfilled on the part of this state, in any contract entered~~



1 ~~into on or before January 1, 1996, with the United States of America~~  
2 ~~relating to the Robert B. Griffith Water Project.~~

3 ~~—2.~~ If the State of Nevada must purchase or otherwise acquire property,  
4 or compensate for damage to property, for use in the transmission and  
5 distribution of water or electrical power, the faith and credit of the State of  
6 Nevada hereby is irrevocably pledged for the performance and observance  
7 of all covenants, conditions, limitations, promises and undertakings made  
8 or specified to be kept, observed or fulfilled on the part of the state, in any  
9 contract entered into before, on or after July 1, 1981, pursuant to NRS  
10 538.161 and 538.186.

11 **Sec. 13.** NRS 543.550 is hereby amended to read as follows:

12 543.550 1. There is hereby granted to a district the right of way for  
13 the construction and maintenance of floodways, ditches, waterways,  
14 conduits, canals, dikes, embankments, basins for retention or detention of  
15 water and protective works in, over and across public lands of the State of  
16 Nevada not otherwise disposed of or in use, but not in any case exceeding  
17 the length or width necessary for the construction of those works and  
18 adjuncts or for the protection thereof.

19 2. Whenever any selection of right of way for those works or adjuncts  
20 is made by the district, the board shall transmit to the division of state lands  
21 of the state department of conservation and natural resources and any other  
22 agency or entity of the state owning land in the area, including the  
23 University and Community College System of Nevada ~~†~~ and the  
24 Colorado River ~~†Commission~~ *commission of Nevada*, and to the county  
25 recorder of the county in which the selected lands are situated a plat of the  
26 lands so selected, giving the extent thereof and the uses for which they are  
27 claimed or desired, verified to be correct.

28 3. If the division of state lands of the state department of conservation  
29 and natural resources approves the selection so made, it must be endorsed  
30 upon the plat and a permit must be issued to use the rights of way and land.

31 **Sec. 14.** NRS 284.140 is hereby amended to read as follows:

32 284.140 ~~†The~~ *Except as otherwise provided in NRS 223.085 and*  
33 *223.570, and section 1 of this act, the* unclassified service of the state  
34 consists of positions held by state officers or employees in the executive  
35 department of the state government as follows:

36 1. Persons chosen by election or appointment to fill an elective office.

37 2. Members of boards and commissions, and heads of departments,  
38 agencies and institutions required by law to be appointed.

39 3. At the discretion of the elective officer or head of each department,  
40 agency or institution, one deputy and one chief assistant in each  
41 department, agency or institution.

42 4. ~~†Except as otherwise provided in NRS 223.085 and 223.570, all~~ *All*  
43 persons required by law to be appointed by the governor or heads of  
44 departments or agencies appointed by the governor or by boards.

45 5. All employees other than clerical in the office of the attorney  
46 general and the state public defender required by law to be appointed by  
47 the attorney general or the state public defender.

48 6. Except as otherwise provided by the board of regents of the  
49 University of Nevada pursuant to NRS 396.251, officers and members of



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1 the teaching staff and the staffs of the agricultural extension department  
2 and experiment station of the University and Community College System  
3 of Nevada, or any other state institution of learning, and student employees  
4 of these institutions. Custodial, clerical or maintenance employees of these  
5 institutions are in the classified service. The board of regents of the  
6 University of Nevada shall assist the director in carrying out the provisions  
7 of this chapter applicable to the University and Community College  
8 System of Nevada.

9 7. Officers and members of the Nevada National Guard.

10 8. Persons engaged in public work for the state but employed by  
11 contractors when the performance of the contract is authorized by the  
12 legislature or another competent authority.

13 9. Patient and inmate help in state charitable, penal, mental and  
14 correctional institutions.

15 10. Part-time professional personnel who are paid for any form of  
16 medical, nursing or other professional service and who are not engaged in  
17 the performance of administrative or substantially recurring duties.

18 11. All other officers and employees authorized by law to be employed  
19 in the unclassified service.

20 **Sec. 15.** NRS 284.150 is hereby amended to read as follows:

21 284.150 1. ~~He~~ *Except where a position is exempted from the*  
22 *classified service by specific statute, the* classified service of the State of  
23 Nevada is comprised of all positions in the public service now existing or  
24 hereafter created which are not included in the unclassified service, and  
25 which provide services for any office, department, board, commission,  
26 bureau, agency or institution in the executive department of the state  
27 government operating by authority of the constitution or law and supported  
28 in whole or in part by any public money, whether the money is received  
29 from the Government of the United States or any branch or agency thereof,  
30 or from private or any other sources.

31 2. Appointments in the classified service must be made according to  
32 merit and fitness from eligible lists prepared upon the basis of examination,  
33 which must be open and competitive, except as otherwise provided in this  
34 chapter.

35 3. Except as otherwise provided in NRS 193.105 and 416.070, a  
36 person must not be appointed, transferred, promoted, demoted or  
37 discharged as an officer, clerk, employee or laborer in the classified service  
38 in any manner or by any means other than those prescribed in this chapter  
39 and the regulations adopted in accordance therewith.

40 4. A person must not be discriminated against on account of his  
41 religious opinions or affiliations, race, sex, age or disability.

42 **Sec. 16.** NRS 321.490 is hereby amended to read as follows:

43 321.490 1. As used in NRS 321.480 to 321.536, inclusive, unless the  
44 context otherwise requires:

45 (a) "Commission" means the Colorado River commission ~~of~~ *of Nevada.*

46 (b) "Development" and "develop" include the:

47 (1) Preparation of a proposal, plans for a subdivision, plans for a  
48 zoning district or zoning regulations, or any other acts in conformance with  
49 chapters 278 and 278A of NRS and any local master plans, regulations and



1 ordinances governing the improvement or use of land or the location and  
2 construction of structures;

3 (2) Planning, design, construction or any other act necessary to  
4 acquire, extend, alter, reconstruct, repair or make other improvements to a  
5 project; and

6 (3) Solicitation, consideration and approval of proposals for the use  
7 of land,  
8 in the Fort Mohave Valley.

9 2. As used in this section, "project" means any structure, facility,  
10 undertaking or system which a county, city, town, general improvement  
11 district or special district is authorized to acquire, improve, equip, maintain  
12 or operate, including all kinds of personal and real property, improvements  
13 and fixtures thereon, property of any nature appurtenant thereto or used in  
14 connection therewith and every estate, interest and right therein, legal or  
15 equitable, including terms for years, or any combination thereof.

16 **Sec. 17.** NRS 349.225 is hereby amended to read as follows:

17 349.225 Except for bonds issued by the Colorado River commission *of*  
18 *Nevada* which are additionally supported by pledged revenues of a project,  
19 any general obligation bond authorized on the behalf and in the name of  
20 the state is subject to the review and approval of the state board of finance,  
21 unless otherwise provided by statute.

22 **Sec. 18.** NRS 353A.020 is hereby amended to read as follows:

23 353A.020 1. The director, in consultation with the committee and  
24 legislative auditor, shall adopt a uniform system of internal accounting and  
25 administrative control for agencies. The elements of the system must  
26 include, without limitation:

27 (a) A plan of organization which provides for a segregation of duties  
28 appropriate to safeguard the assets of the agency;

29 (b) A plan which limits access to assets of the agency to persons who  
30 need the assets to perform their assigned duties;

31 (c) Procedures for authorizations and recordkeeping which effectively  
32 control accounting of assets, liabilities, revenues and expenses;

33 (d) A system of practices to be followed in the performance of the  
34 duties and functions of each agency; and

35 (e) An effective system of internal review.

36 2. The director, in consultation with the committee and legislative  
37 auditor, may modify the system whenever he considers it necessary.

38 3. Each agency shall develop written procedures to carry out the  
39 system of internal accounting and administrative control adopted pursuant  
40 to this section.

41 4. For the purposes of this section, "agency" does not include:

42 (a) A board or commission created by the provisions of chapters 623 to  
43 625, inclusive, 628 to 644, inclusive, 654 and 656 of NRS.

44 (b) The University and Community College System of Nevada.

45 (c) The public employees' retirement system.

46 (d) The housing division of the department of business and industry.

47 (e) The Colorado River ~~Commission~~ *commission of Nevada*.





1     **Sec. 19.** NRS 353A.025 is hereby amended to read as follows:  
2     353A.025 1. The head of each agency shall periodically review the  
3     agency's system of internal accounting and administrative control to  
4     determine whether it is in compliance with the uniform system of internal  
5     accounting and administrative control for agencies adopted pursuant to  
6     subsection 1 of NRS 353A.020.  
7     2. On or before July 1 of each even-numbered year, the head of each  
8     agency shall report to the director whether the agency's system of internal  
9     accounting and administrative control is in compliance with the uniform  
10    system adopted pursuant to subsection 1 of NRS 353A.020. The reports  
11    must be made available for inspection by the members of the legislature.  
12    3. For the purposes of this section, "agency" does not include:  
13    (a) A board or commission created by the provisions of chapters 623 to  
14    625, inclusive, 628 to 644, inclusive, 654 and 656 of NRS.  
15    (b) The University and Community College System of Nevada.  
16    (c) The public employees' retirement system.  
17    (d) The housing division of the department of business and industry.  
18    (e) The Colorado River ~~Commission~~ *commission of Nevada*.  
19    4. The director shall, on or before the first Monday in February of each  
20    odd-numbered year, submit a report on the status of internal accounting  
21    and administrative controls in agencies to the:  
22    (a) Director of the legislative counsel bureau for transmittal to the:  
23       (1) Senate standing committee on finance; and  
24       (2) Assembly standing committee on ways and means;  
25    (b) Governor; and  
26    (c) Legislative auditor.  
27    5. The report submitted by the director pursuant to subsection 4 must  
28    include, without limitation:  
29    (a) The identification of each agency that has not complied with the  
30    requirements of subsections 1 and 2;  
31    (b) The identification of each agency that does not have an effective  
32    method for reviewing its system of internal accounting and administrative  
33    control; and  
34    (c) The identification of each agency that has weaknesses in its system  
35    of internal accounting and administrative control, and the extent and types  
36    of such weaknesses.  
37    **Sec. 20.** NRS 704.981 is hereby amended to read as follows:  
38    704.981 1. An electric distribution utility shall provide all  
39    noncompetitive services within its territory unless the commission  
40    authorizes another entity to provide the noncompetitive service.  
41    2. A noncompetitive service is subject to NRS 704.001 to 704.655,  
42    inclusive, 704.701 to 704.751, inclusive, and 704.800 to 704.900,  
43    inclusive.  
44    3. The component rates for noncompetitive services established by the  
45    commission pursuant to NRS 704.986 must be used by customers who  
46    elect to receive competitive or potentially competitive services from  
47    alternative sellers or from the Colorado River ~~Commission~~ *commission*  
48    *of Nevada* pursuant to NRS 704.987.





1     4. The commission shall adopt regulations for noncompetitive services  
2 that allow innovative pricing methods for noncompetitive services upon a  
3 finding that the innovative pricing, when compared to pricing of services  
4 provided pursuant to subsections 1 and 2, improves the performance of the  
5 service or lowers the cost of the service to the customer, or both. The  
6 regulations for innovative pricing must specify:  
7     (a) The provisions that must be included in a plan of innovative pricing;  
8     (b) The procedures for submitting an innovative plan for pricing to the  
9 commission for approval and implementation; and  
10    (c) Which provisions of this chapter do not apply to pricing changes that  
11 are made during the period in which the innovative pricing plan is in effect.  
12     5. The commission shall adopt regulations which ensure that a person  
13 who owns a transmission or distribution facility, or both, or a facility that  
14 provides access to a competitive service shall make the facilities available  
15 on equal and nondiscriminatory terms and conditions to all alternative  
16 sellers or to the customers of the alternative sellers, or both, as the  
17 commission may determine.  
18     **Sec. 21.** NRS 704.987 is hereby amended to read as follows:  
19     704.987 1. Except as otherwise provided in this section, the  
20 Colorado River commission *of Nevada* may sell electricity and provide  
21 transmission service or distribution service, or both, to meet the existing  
22 and future requirements of:  
23     (a) Any customer that the Colorado River commission *of Nevada* on the  
24 effective date of this section was serving or had a contract to serve; and  
25     (b) The Southern Nevada Water Authority,  
26 without being subject to the provisions of NRS 704.965 to 704.990,  
27 inclusive, or to the jurisdiction of the commission.  
28     2. The Colorado River commission *of Nevada* may sell electricity or  
29 provide transmission service or distribution service, or both, to customers  
30 whom the Colorado River commission *of Nevada* was not serving, or with  
31 whom it did not have a contract, on July 16, 1997, if the Colorado River  
32 commission ~~is~~ *of Nevada*:  
33     (a) Obtains a license to act as an alternative seller; and  
34     (b) Allows its system for transmission and distribution to be utilized by  
35 other alternative sellers pursuant to such terms and conditions as may be  
36 established by the commission.  
37     3. As used in this section, "Southern Nevada Water Authority" has the  
38 meaning ascribed to it in NRS 538.041.  
39     **Sec. 22.** 1. Nothing in this act affects the rights and privileges  
40 granted by law to any employee of the Colorado River commission of  
41 Nevada who is employed by the commission on the effective date of this  
42 act. Notwithstanding sections 8, 10 and 11 of this act, the commission shall  
43 not require any such employee to transfer to a position of employment  
44 created pursuant to paragraph (a) of section 1 of this act.  
45     2. Except as otherwise provided in NRS 538.133 and 538.137, as  
46 amended by this act, a position of employment within the Colorado River  
47 commission of Nevada existing on the effective date of this act, other than  
48 the executive director and deputy executive director, which thereafter  
49 becomes vacant shall be deemed to be abolished.



1 3. Notwithstanding the provisions of sections 8, 10 and 11 of this act,  
2 the executive director, deputy executive director and other employees of  
3 the Colorado River commission of Nevada are entitled to receive annual  
4 salaries of not more than the maximum amounts otherwise provided by law  
5 for those positions, including, without limitation, any adjustments provided  
6 by law, until the salaries for those positions are set by the Colorado River  
7 commission of Nevada by regulation pursuant to section 1 of this act.

8 **Sec. 23.** This act becomes effective upon passage and approval.

9 **Sec. 24.** The Legislative Counsel shall:

10 1. In preparing the reprint and supplements to the Nevada Revised  
11 Statutes, appropriately change any references to an officer, agency or other  
12 entity whose name is changed or whose responsibilities are transferred  
13 pursuant to the provisions of this act to refer to the appropriate officer,  
14 agency or other entity.

15 2. In preparing supplements to the Nevada Administrative Code,  
16 appropriately change any references to an officer, agency or other entity  
17 whose name is changed or whose responsibilities are transferred pursuant  
18 to the provisions of this act to refer to the appropriate officer, agency or  
19 other entity.

