

Senate Bill No. 531—Committee on Natural Resources

CHAPTER.....

AN ACT relating to the Colorado River commission; changing the name of the commission to the Colorado River commission of Nevada; changing the titles of certain officers of the commission; removing the option of the executive director of the commission and the deputy executive director of the commission to engage, under certain circumstances, in a business or occupation or hold another office for profit that is in addition to their employment with the commission; and providing other matters properly relating thereto.

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

Section 1. NRS 538.041 is hereby amended to read as follows:

538.041 As used in NRS 538.041 to 538.251, inclusive, unless the context otherwise requires:

1. “Colorado River” means the Colorado River and all of the tributaries of the river.
2. “Commission” means the Colorado River commission ~~H~~ of Nevada.
3. “Commissioner” means a commissioner of the Colorado River commission ~~H~~ of Nevada.
4. ~~“Director”~~ “Executive director” means the executive director of the Colorado River commission ~~H~~ of Nevada.
5. “Southern Nevada Water Authority” means the political subdivision of the State of Nevada created on July 25, 1991, by a cooperative agreement entered into on that date pursuant to the provisions of NRS 277.080 to 277.180, inclusive.
6. “Supplemental water” means water from any source which, if acquired, would allow water to be used consumptively from the mainstream of the Colorado River in excess of Nevada’s apportionment pursuant to the Boulder Canyon Project Act of 1928. The term does not include water from:
 - (a) Lake Tahoe;
 - (b) The Truckee, Carson or Walker river;
 - (c) Any ground water within the State of Nevada, other than ground water within Clark County; or
 - (d) Any surface water within the State of Nevada or that flows into the State of Nevada, other than the waters of the Colorado River,unless the state engineer authorizes the transfer of that water to the Colorado River pursuant to the provisions of this chapter or chapter 532, 533 or 534 of NRS.
7. “Water purveyor” means a public entity created by or pursuant to the laws of this state which:
 - (a) Is engaged in:
 - (1) The acquisition of water on behalf of, or the delivery of water to, another water purveyor; or
 - (2) The retail delivery of water in this state; and
 - (b) Is not a member of another such public entity that is itself engaged in the activities described in paragraph (a).

Sec. 2. NRS 538.051 is hereby amended to read as follows:

538.051 The Colorado River commission ~~H~~ *of Nevada*, consisting of seven members, is hereby created. Four members must be appointed by the governor. Three members must be appointed by the board of directors of the Southern Nevada Water Authority. The governor shall designate one of his appointees to serve as chairman of the commission.

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

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

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

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

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

Sec. 4. NRS 538.111 is hereby amended to read as follows:

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

Sec. 5. NRS 538.121 is hereby amended to read as follows:

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

Sec. 6. NRS 538.131 is hereby amended to read as follows:

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

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

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

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

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

Sec. 7. NRS 538.133 is hereby amended to read as follows:

538.133 1. The commission shall appoint ~~{a}~~ *an executive* director.

2. The *executive* director ~~{is}~~ :

(a) Is in the unclassified service of the state ~~{}~~;

~~3. Except as otherwise provided in NRS 284.143, the director shall} ;~~

(b) Serves at the pleasure of the commission; and

(c) Shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

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

538.135 The *executive* director:

1. Is responsible for administering and carrying out the policies of the commission.

2. Shall direct and supervise all the technical and administrative activities of the commission.

3. Shall report to the commission all relevant and important matters concerning the administration of his office. He is subject to the supervision of the commission and is responsible, unless otherwise provided by law, for the conduct of the administrative function of the commission's office.

4. Shall perform any lawful act which he considers necessary or desirable to carry out the purposes and provisions of ~~{this chapter,}~~ NRS 321.480 to 321.536, inclusive, and 538.010 to 538.251, inclusive, and any other provisions of law relating to the powers and duties of the commission.

Sec. 9. NRS 538.137 is hereby amended to read as follows:

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

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

(a) Is in the unclassified service of the state ~~{}~~;

~~3. Except as otherwise provided in NRS 284.143, the deputy director shall} ; and~~

(b) Shall devote his entire time and attention to the business of his office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 10. NRS 538.141 is hereby amended to read as follows:

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

Sec. 11. NRS 538.211 is hereby amended to read as follows:

538.211 ~~{1. The faith and credit of the State of Nevada hereby is irrevocably pledged for the performance and observance of all covenants, conditions, limitations, promises and undertakings made or specified to be kept, observed or fulfilled on the part of this state, in any contract entered into on or before January 1, 1996, with the United States of America relating to the Robert B. Griffith Water Project.~~

~~2.}~~ If the State of Nevada must purchase or otherwise acquire property, or compensate for damage to property, for use in the transmission and distribution of water or electrical power, the faith and credit of the State of Nevada hereby is irrevocably pledged for the performance and observance

of all covenants, conditions, limitations, promises and undertakings made or specified to be kept, observed or fulfilled on the part of the state, in any contract entered into before, on or after July 1, 1981, pursuant to NRS 538.161 and 538.186.

Sec. 12. NRS 543.550 is hereby amended to read as follows:

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

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

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

Sec. 13. NRS 321.490 is hereby amended to read as follows:

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

(a) “Commission” means the Colorado River commission ~~†~~ *of Nevada*.

(b) “Development” and “develop” include the:

(1) Preparation of a proposal, plans for a subdivision, plans for a zoning district or zoning regulations, or any other acts in conformance with chapters 278 and 278A of NRS and any local master plans, regulations and ordinances governing the improvement or use of land or the location and construction of structures;

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

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

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

Sec. 14. NRS 349.225 is hereby amended to read as follows:

349.225 Except for bonds issued by the Colorado River commission *of Nevada* which are additionally supported by pledged revenues of a project,

any general obligation bond authorized on the behalf and in the name of the state is subject to the review and approval of the state board of finance, unless otherwise provided by statute.

Sec. 15. NRS 353A.020 is hereby amended to read as follows:

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

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

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

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

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

(e) An effective system of internal review.

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

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

4. For the purposes of this section, “agency” does not include:

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

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

(c) The public employees’ retirement system.

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

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

Sec. 16. NRS 353A.025 is hereby amended to read as follows:

353A.025 1. The head of each agency shall periodically review the agency’s system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

2. On or before July 1 of each even-numbered year, the head of each agency shall report to the director whether the agency’s system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the legislature.

3. For the purposes of this section, “agency” does not include:

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

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

(c) The public employees’ retirement system.

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

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

4. The director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:

- (a) Director of the legislative counsel bureau for transmittal to the:
 - (1) Senate standing committee on finance; and
 - (2) Assembly standing committee on ways and means;
- (b) Governor; and
- (c) Legislative auditor.

5. The report submitted by the director pursuant to subsection 4 must include, without limitation:

- (a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;
- (b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and
- (c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.

Sec. 17. Sections 2 and 3 of Senate Bill No. 561 of this session are hereby amended to read as follows:

Sec. 2. NRS 353A.020 is hereby amended to read as follows:

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

- (a) A plan of organization which provides for a segregation of duties appropriate to safeguard the assets of the agency;
- (b) A plan which limits access to assets of the agency to persons who need the assets to perform their assigned duties;
- (c) Procedures for authorizations and recordkeeping which effectively control accounting of assets, liabilities, revenues and expenses;
- (d) A system of practices to be followed in the performance of the duties and functions of each agency; and
- (e) An effective system of internal review.

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

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

4. For the purposes of this section, “agency” does not include:

- (a) A board ~~for commission~~ created by the provisions of chapters 623 to ~~625,~~ *625A*, inclusive, 628 , *630* to *640A, inclusive, 641 to 644*, inclusive, 654 and 656 of NRS.
- (b) The University and Community College System of Nevada.
- (c) The public employees’ retirement system.
- (d) The housing division of the department of business and industry.
- (e) The Colorado River commission of Nevada.

Sec. 3. NRS 353A.025 is hereby amended to read as follows:

353A.025 1. The head of each agency shall periodically review the agency’s system of internal accounting and administrative control to determine whether it is in compliance with the uniform system of

internal accounting and administrative control for agencies adopted pursuant to subsection 1 of NRS 353A.020.

2. On or before July 1 of each even-numbered year, the head of each agency shall report to the director whether the agency's system of internal accounting and administrative control is in compliance with the uniform system adopted pursuant to subsection 1 of NRS 353A.020. The reports must be made available for inspection by the members of the legislature.

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

(a) A board ~~for commission~~ created by the provisions of chapters 623 to ~~625~~, *625A*, inclusive, 628, ~~630~~ to *640A*, inclusive, 641 to 644, inclusive, 654 and 656 of NRS.

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

(c) The public employees' retirement system.

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

(e) The Colorado River commission of Nevada.

4. The director shall, on or before the first Monday in February of each odd-numbered year, submit a report on the status of internal accounting and administrative controls in agencies to the:

(a) Director of the legislative counsel bureau for transmittal to the:

(1) Senate standing committee on finance; and

(2) Assembly standing committee on ways and means;

(b) Governor; and

(c) Legislative auditor.

5. The report submitted by the director pursuant to subsection 4 must include, without limitation:

(a) The identification of each agency that has not complied with the requirements of subsections 1 and 2;

(b) The identification of each agency that does not have an effective method for reviewing its system of internal accounting and administrative control; and

(c) The identification of each agency that has weaknesses in its system of internal accounting and administrative control, and the extent and types of such weaknesses.

Sec. 18. This act becomes effective upon passage and approval.

Sec. 19. The Legislative Counsel shall:

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

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