

(REPRINTED WITH ADOPTED AMENDMENTS)
SECOND REPRINT S.B. 531

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.***



- 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 4. *No regulation adopted pursuant to subsection 3 may deny a person*
9 *the opportunity to obtain or retain employment because of his*
10 *membership or nonmembership in a labor organization.*
11 **Sec. 2.** NRS 538.041 is hereby amended to read as follows:
12 538.041 As used in NRS 538.041 to 538.251, inclusive, *and section 1*
13 *of this act*, unless the context otherwise requires:
14 1. "Colorado River" means the Colorado River and all of the
15 tributaries of the river.
16 2. "Commission" means the Colorado River commission ~~H~~ *of*
17 *Nevada.*
18 3. "Commissioner" means a commissioner of the Colorado River
19 commission ~~H~~ *of Nevada.*
20 4. ~~["Director"]~~ *"Executive director"* means the *executive* director of
21 the Colorado River commission ~~H~~ *of Nevada.*
22 5. "Southern Nevada Water Authority" means the political subdivision
23 of the State of Nevada created on July 25, 1991, by a cooperative
24 agreement entered into on that date pursuant to the provisions of NRS
25 277.080 to 277.180, inclusive.
26 6. "Supplemental water" means water from any source which, if
27 acquired, would allow water to be used consumptively from the
28 mainstream of the Colorado River in excess of Nevada's apportionment
29 pursuant to the Boulder Canyon Project Act of 1928. The term does not
30 include water from:
31 (a) Lake Tahoe;
32 (b) The Truckee, Carson or Walker river;
33 (c) Any ground water within the State of Nevada, other than ground
34 water within Clark County; or
35 (d) Any surface water within the State of Nevada or that flows into
36 the State of Nevada, other than the waters of the Colorado
37 River,
38 unless the state engineer authorizes the transfer of that water to the
39 Colorado River pursuant to the provisions of this chapter or chapter 532,
40 533 or 534 of NRS.
41 7. "Water purveyor" means a public entity created by or pursuant to
42 the laws of this state which:
43 (a) Is engaged in:
44 (1) The acquisition of water on behalf of, or the delivery of water to,
45 another water purveyor; or
46 (2) The retail delivery of water in this state; and
47 (b) Is not a member of another such public entity that is itself engaged
48 in the activities described in paragraph (a).



1 **Sec. 3.** NRS 538.051 is hereby amended to read as follows:
2 538.051 The Colorado River commission **H of Nevada**, consisting of
3 seven members, is hereby created. Four members must be appointed by the
4 governor. Three members must be appointed by the board of directors of
5 the Southern Nevada Water Authority. The governor shall designate one of
6 his appointees to serve as chairman of the commission.

7 **Sec. 4.** NRS 538.101 is hereby amended to read as follows:
8 538.101 1. While engaged in official business of the commission,
9 each commissioner appointed by the governor is entitled to receive a salary
10 of not more than \$80 per day, as fixed by the commission.

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

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

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

25 **Sec. 5.** NRS 538.111 is hereby amended to read as follows:
26 538.111 At the first meeting of the commission in each calendar year,
27 the commission shall select the vice chairman for the ensuing calendar
28 year. The **executive** director shall provide necessary secretarial service for
29 the commission.

30 **Sec. 6.** NRS 538.121 is hereby amended to read as follows:
31 538.121 The principal place of business of the commission must be in
32 Clark County, as particularly determined by the **executive** director.

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

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

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

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



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- 1 (a) Any disaster caused by a fire, flood, earthquake or other natural
2 cause; or
3 (b) Any circumstance which impairs the health and safety of the public.
- 4 **Sec. 8.** NRS 538.133 is hereby amended to read as follows:
5 538.133 1. The commission shall appoint ~~an~~ *an executive* director.
6 2. The *executive* director ~~is~~ :
7 (a) *Is not* in the *classified or* unclassified service of the state ~~is~~ ;
8 ~~3. Except as otherwise provided in NRS 284.143, the director shall ;~~
9 (b) *Shall receive a salary determined pursuant to section 1 of this act;*
10 (c) *Serves at the pleasure of the commission; and*
11 (d) *Shall* devote his entire time and attention to the business of his
12 office and shall not pursue any other business or occupation or hold any
13 other office of profit.
- 14 **Sec. 9.** NRS 538.135 is hereby amended to read as follows:
15 538.135 The *executive* director:
16 1. Is responsible for administering and carrying out the policies of the
17 commission.
18 2. Shall direct and supervise all the technical and administrative
19 activities of the commission.
20 3. Shall report to the commission all relevant and important matters
21 concerning the administration of his office. He is subject to the supervision
22 of the commission and is responsible, unless otherwise provided by law,
23 for the conduct of the administrative function of the commission's office.
24 4. Shall perform any lawful act which he considers necessary or
25 desirable to carry out the purposes and provisions of ~~this chapter,~~ NRS
26 321.480 to 321.536, inclusive, and 538.010 to 538.251, inclusive, and any
27 other provisions of law relating to the powers and duties of the
28 commission.
- 29 **Sec. 10.** NRS 538.137 is hereby amended to read as follows:
30 538.137 1. The *executive* director shall appoint a deputy *executive*
31 director and shall designate his duties.
32 2. The deputy *executive* director of the commission ~~is~~ :
33 (a) *Is not* in the *classified or* unclassified service of the state ~~is~~ ;
34 ~~3. Except as otherwise provided in NRS 284.143, the deputy director~~
35 ~~shall ;~~
36 (b) *Shall receive a salary determined pursuant to section 1 of this act;*
37 (c) *Is governed by the regulations adopted by the commission*
38 *pursuant to subsection 3 of section 1 of this act; and*
39 (d) *Shall* devote his entire time and attention to the business of his
40 office and shall not pursue any other business or occupation or hold any
41 other office of profit.
- 42 **Sec. 11.** NRS 538.141 is hereby amended to read as follows:
43 538.141 The *executive* director shall , *within the limits of available*
44 *money*, employ such assistants and employees as may be necessary to carry
45 out his functions and duties. The assistants and employees ~~have~~ :
46 1. *Have* such duties as may be prescribed by the *executive* director ~~is~~ ;
47 2. *Are not in the classified or unclassified service of the state;*
48 3. *Shall receive a salary determined pursuant to section 1 of this act;*
49 *and*



1 *4. Are governed by the regulations adopted by the commission*
2 *pursuant to subsection 3 of section 1 of this act.*

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

4 538.211 ~~1. The faith and credit of the State of Nevada hereby is~~
5 ~~irrevocably pledged for the performance and observance of all covenants,~~
6 ~~conditions, limitations, promises and undertakings made or specified to be~~
7 ~~kept, observed or fulfilled on the part of this state, in any contract entered~~
8 ~~into on or before January 1, 1996, with the United States of America~~
9 ~~relating to the Robert B. Griffith Water Project.~~

10 ~~2.~~ If the State of Nevada must purchase or otherwise acquire property,
11 or compensate for damage to property, for use in the transmission and
12 distribution of water or electrical power, the faith and credit of the State of
13 Nevada hereby is irrevocably pledged for the performance and observance
14 of all covenants, conditions, limitations, promises and undertakings made
15 or specified to be kept, observed or fulfilled on the part of the state, in any
16 contract entered into before, on or after July 1, 1981, pursuant to NRS
17 538.161 and 538.186.

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

19 543.550 1. There is hereby granted to a district the right of way for
20 the construction and maintenance of floodways, ditches, waterways,
21 conduits, canals, dikes, embankments, basins for retention or detention of
22 water and protective works in, over and across public lands of the State of
23 Nevada not otherwise disposed of or in use, but not in any case exceeding
24 the length or width necessary for the construction of those works and
25 adjuncts or for the protection thereof.

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

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

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

39 284.140 ~~The~~ *Except as otherwise provided in NRS 223.085 and*
40 *223.570, and section 1 of this act, the* unclassified service of the state
41 consists of positions held by state officers or employees in the executive
42 department of the state government as follows:

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

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

46 3. At the discretion of the elective officer or head of each department,
47 agency or institution, one deputy and one chief assistant in each
48 department, agency or institution.



- 1 4. ~~Except as otherwise provided in NRS 223.085 and 223.570, all~~ *All*
2 persons required by law to be appointed by the governor or heads of
3 departments or agencies appointed by the governor or by boards.
- 4 5. All employees other than clerical in the office of the attorney
5 general and the state public defender required by law to be appointed by
6 the attorney general or the state public defender.
- 7 6. Except as otherwise provided by the board of regents of the
8 University of Nevada pursuant to NRS 396.251, officers and members of
9 the teaching staff and the staffs of the agricultural extension department
10 and experiment station of the University and Community College System
11 of Nevada, or any other state institution of learning, and student employees
12 of these institutions. Custodial, clerical or maintenance employees of these
13 institutions are in the classified service. The board of regents of the
14 University of Nevada shall assist the director in carrying out the provisions
15 of this chapter applicable to the University and Community College
16 System of Nevada.
- 17 7. Officers and members of the Nevada National Guard.
- 18 8. Persons engaged in public work for the state but employed by
19 contractors when the performance of the contract is authorized by the
20 legislature or another competent authority.
- 21 9. Patient and inmate help in state charitable, penal, mental and
22 correctional institutions.
- 23 10. Part-time professional personnel who are paid for any form of
24 medical, nursing or other professional service and who are not engaged in
25 the performance of administrative or substantially recurring duties.
- 26 11. All other officers and employees authorized by law to be employed
27 in the unclassified service.
- 28 **Sec. 15.** NRS 284.150 is hereby amended to read as follows:
29 284.150 1. ~~The~~ *Except where a position is exempted from the*
30 *classified service by specific statute, the* classified service of the State of
31 Nevada is comprised of all positions in the public service now existing or
32 hereafter created which are not included in the unclassified service, and
33 which provide services for any office, department, board, commission,
34 bureau, agency or institution in the executive department of the state
35 government operating by authority of the constitution or law and supported
36 in whole or in part by any public money, whether the money is received
37 from the Government of the United States or any branch or agency thereof,
38 or from private or any other sources.
- 39 2. Appointments in the classified service must be made according to
40 merit and fitness from eligible lists prepared upon the basis of examination,
41 which must be open and competitive, except as otherwise provided in this
42 chapter.
- 43 3. Except as otherwise provided in NRS 193.105 and 416.070, a
44 person must not be appointed, transferred, promoted, demoted or
45 discharged as an officer, clerk, employee or laborer in the classified service
46 in any manner or by any means other than those prescribed in this chapter
47 and the regulations adopted in accordance therewith.
- 48 4. A person must not be discriminated against on account of his
49 religious opinions or affiliations, race, sex, age or disability.



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1 **Sec. 16.** NRS 321.490 is hereby amended to read as follows:
2 321.490 1. As used in NRS 321.480 to 321.536, inclusive, unless the
3 context otherwise requires:

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

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

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

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

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

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

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

25 349.225 Except for bonds issued by the Colorado River commission *of*
26 *Nevada* which are additionally supported by pledged revenues of a project,
27 any general obligation bond authorized on the behalf and in the name of
28 the state is subject to the review and approval of the state board of finance,
29 unless otherwise provided by statute.

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

31 353A.020 1. The director, in consultation with the committee and
32 legislative auditor, shall adopt a uniform system of internal accounting and
33 administrative control for agencies. The elements of the system must
34 include, without limitation:

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

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

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

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

43 (e) An effective system of internal review.

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

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



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- 1 4. For the purposes of this section, "agency" does not include:
2 (a) A board or commission created by the provisions of chapters 623 to
3 625, inclusive, 628 to 644, inclusive, 654 and 656 of NRS.
4 (b) The University and Community College System of Nevada.
5 (c) The public employees' retirement system.
6 (d) The housing division of the department of business and industry.
7 (e) The Colorado River ~~Commission~~ *commission of Nevada*.

8 **Sec. 19.** NRS 353A.025 is hereby amended to read as follows:

9 353A.025 1. The head of each agency shall periodically review the
10 agency's system of internal accounting and administrative control to
11 determine whether it is in compliance with the uniform system of internal
12 accounting and administrative control for agencies adopted pursuant to
13 subsection 1 of NRS 353A.020.

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

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

- 20 (a) A board or commission created by the provisions of chapters 623 to
21 625, inclusive, 628 to 644, inclusive, 654 and 656 of NRS.
22 (b) The University and Community College System of Nevada.
23 (c) The public employees' retirement system.
24 (d) The housing division of the department of business and industry.
25 (e) The Colorado River ~~Commission~~ *commission of Nevada*.

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

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

- 30 (1) Senate standing committee on finance; and
31 (2) Assembly standing committee on ways and means;
32 (b) Governor; and
33 (c) Legislative auditor.

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

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

44 **Sec. 20.** 1. Except as otherwise provided in this section, nothing in
45 this act affects the rights and privileges granted by law to any current
46 employee, including, without limitation, vested rights concerning
47 retirement benefits, and the right to join or not join a labor organization.

48 2. Notwithstanding sections 8, 10 and 11 of this act:



1 (a) The Colorado River commission of Nevada shall not require any
2 current employee to transfer to an exempt position;

3 (b) The position of a current employee who elects to remain in the
4 classified or unclassified service of the state continues to be governed by
5 all applicable provisions of chapter 284 of NRS; and

6 (c) A current employee who elects to transfer to an exempt position is
7 governed by the provisions of the regulations adopted by the Colorado
8 River commission of Nevada pursuant to subsection 3 of section 1 of this
9 act.

10 3. The Colorado River commission of Nevada shall adopt regulations
11 providing a procedure by which a current employee who is offered an
12 exempt position may elect to remain in the classified or unclassified
13 service of the state or may elect to transfer to the exempt position.

14 4. Except as otherwise provided in NRS 538.133 and 538.137, as
15 amended by this act, a position of employment within the Colorado River
16 commission of Nevada existing on the effective date of this act, other than
17 the executive director and deputy executive director, which thereafter
18 becomes vacant shall be deemed to be abolished.

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

26 6. As used in this section:

27 (a) "Current employee" means an employee of the Colorado River
28 commission of Nevada who is employed by the commission on the
29 effective date of this act.

30 (b) "Exempt position" means a position of employment created
31 pursuant to paragraph (a) of subsection 1 of section 1 of this act.

32 **Sec. 21.** This act becomes effective upon passage and approval.

33 **Sec. 22.** The Legislative Counsel shall:

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

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

