

(REPRINTED WITH ADOPTED AMENDMENTS)
FOURTH REPRINT

EXEMPT

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 concerning Colorado River commission. (BDR 48-354)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

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; 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:

- 1 **Section 1.** NRS 538.041 is hereby amended to read as follows:
2 538.041 As used in NRS 538.041 to 538.251, inclusive, unless the
3 context otherwise requires:
4 1. “Colorado River” means the Colorado River and all of the
5 tributaries of the river.
6 2. “Commission” means the Colorado River commission ~~H~~ *of*
7 *Nevada.*
8 3. “Commissioner” means a commissioner of the Colorado River
9 commission ~~H~~ *of Nevada.*
10 4. ~~“Director”~~ *“Executive director”* means the *executive* director of
11 the Colorado River commission ~~H~~ *of Nevada.*
12 5. “Southern Nevada Water Authority” means the political subdivision
13 of the State of Nevada created on July 25, 1991, by a cooperative
14 agreement entered into on that date pursuant to the provisions of NRS
15 277.080 to 277.180, inclusive.
16 6. “Supplemental water” means water from any source which, if
17 acquired, would allow water to be used consumptively from the
18 mainstream of the Colorado River in excess of Nevada’s apportionment



* S B 5 3 1 R 4 *

1 pursuant to the Boulder Canyon Project Act of 1928. The term does not
2 include water from:
3 (a) Lake Tahoe;
4 (b) The Truckee, Carson or Walker river;
5 (c) Any ground water within the State of Nevada, other than ground
6 water within Clark County; or
7 (d) Any surface water within the State of Nevada or that flows into
8 the State of Nevada, other than the waters of the Colorado
9 River,
10 unless the state engineer authorizes the transfer of that water to the
11 Colorado River pursuant to the provisions of this chapter or chapter 532,
12 533 or 534 of NRS.

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

15 (a) Is engaged in:

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

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

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

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

22 538.051 The Colorado River commission ~~H~~ *of Nevada*, consisting of
23 seven members, is hereby created. Four members must be appointed by the
24 governor. Three members must be appointed by the board of directors of
25 the Southern Nevada Water Authority. The governor shall designate one of
26 his appointees to serve as chairman of the commission.

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

28 538.101 1. While engaged in official business of the commission,
29 each commissioner appointed by the governor is entitled to receive a salary
30 of not more than \$80 per day, as fixed by the commission.

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

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

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

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

46 538.111 At the first meeting of the commission in each calendar year,
47 the commission shall select the vice chairman for the ensuing calendar
48 year. The *executive* director shall provide necessary secretarial service for
49 the commission.



* S B 5 3 1 R 4 *

1 **Sec. 5.** NRS 538.121 is hereby amended to read as follows:
2 538.121 The principal place of business of the commission must be in
3 Clark County, as particularly determined by the *executive* director.

4 **Sec. 6.** NRS 538.131 is hereby amended to read as follows:
5 538.131 1. The commissioners shall meet at such times and in such
6 places as are designated by the chairman; but a majority of the
7 commissioners may call a meeting of the commission at any time and place
8 designated by them in a written notice thereof given all commissioners as
9 provided in this subsection. Except in cases of an emergency, written
10 notice of all meetings must be given to each commissioner by the *executive*
11 director at least 3 working days before each meeting. Every notice must
12 include information concerning the time, location and agenda for the
13 meeting. A meeting of the commission must be held at least quarterly.

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

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

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

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

22 **Sec. 7.** NRS 538.133 is hereby amended to read as follows:
23 538.133 1. The commission shall appoint ~~††~~ *an executive* director.

24 2. The *executive* director ~~††~~ :

25 ~~(a) Is in the unclassified service of the state †;~~

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

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

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

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

32 538.135 The *executive* director:

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

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

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

41 4. Shall perform any lawful act which he considers necessary or
42 desirable to carry out the purposes and provisions of ~~†this chapter,†~~ NRS
43 321.480 to 321.536, inclusive, and 538.010 to 538.251, inclusive, and any
44 other provisions of law relating to the powers and duties of the
45 commission.

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

47 538.137 1. The *executive* director shall appoint a deputy *executive*
48 director and shall designate his duties.

49 2. The deputy *executive* director of the commission ~~††~~ :



1 (a) *Is* in the unclassified service of the state ~~†~~.
2 ~~—3.— Except as otherwise provided in NRS 284.143, the deputy director~~
3 ~~shall~~ ; and

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

7 **Sec. 10.** NRS 538.141 is hereby amended to read as follows:
8 538.141 The *executive* director shall , *within the limits of available*
9 *money*, employ such assistants and employees as may be necessary to carry
10 out his functions and duties. The assistants and employees have such duties
11 as may be prescribed by the *executive* director.

12 **Sec. 11.** NRS 538.211 is hereby amended to read as follows:
13 538.211 ~~1.— The faith and credit of the State of Nevada hereby is~~
14 ~~irrevocably pledged for the performance and observance of all covenants,~~
15 ~~conditions, limitations, promises and undertakings made or specified to be~~
16 ~~kept, observed or fulfilled on the part of this state, in any contract entered~~
17 ~~into on or before January 1, 1996, with the United States of America~~
18 ~~relating to the Robert B. Griffith Water Project.~~

19 ~~—2.—~~ If the State of Nevada must purchase or otherwise acquire property,
20 or compensate for damage to property, for use in the transmission and
21 distribution of water or electrical power, the faith and credit of the State of
22 Nevada hereby is irrevocably pledged for the performance and observance
23 of all covenants, conditions, limitations, promises and undertakings made
24 or specified to be kept, observed or fulfilled on the part of the state, in any
25 contract entered into before, on or after July 1, 1981, pursuant to NRS
26 538.161 and 538.186.

27 **Sec. 12.** NRS 543.550 is hereby amended to read as follows:
28 543.550 1. There is hereby granted to a district the right of way for
29 the construction and maintenance of floodways, ditches, waterways,
30 conduits, canals, dikes, embankments, basins for retention or detention of
31 water and protective works in, over and across public lands of the State of
32 Nevada not otherwise disposed of or in use, but not in any case exceeding
33 the length or width necessary for the construction of those works and
34 adjuncts or for the protection thereof.

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

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

47 **Sec. 13.** NRS 321.490 is hereby amended to read as follows:
48 321.490 1. As used in NRS 321.480 to 321.536, inclusive, unless the
49 context otherwise requires:



- 1 (a) "Commission" means the Colorado River commission ~~H~~ of Nevada.
2 (b) "Development" and "develop" include the:
- 3 (1) Preparation of a proposal, plans for a subdivision, plans for a
4 zoning district or zoning regulations, or any other acts in conformance with
5 chapters 278 and 278A of NRS and any local master plans, regulations and
6 ordinances governing the improvement or use of land or the location and
7 construction of structures;
- 8 (2) Planning, design, construction or any other act necessary to
9 acquire, extend, alter, reconstruct, repair or make other improvements to a
10 project; and
- 11 (3) Solicitation, consideration and approval of proposals for the use
12 of land,
13 in the Fort Mohave Valley.
- 14 2. As used in this section, "project" means any structure, facility,
15 undertaking or system which a county, city, town, general improvement
16 district or special district is authorized to acquire, improve, equip, maintain
17 or operate, including all kinds of personal and real property, improvements
18 and fixtures thereon, property of any nature appurtenant thereto or used in
19 connection therewith and every estate, interest and right therein, legal or
20 equitable, including terms for years, or any combination thereof.
- 21 **Sec. 14.** NRS 349.225 is hereby amended to read as follows:
22 349.225 Except for bonds issued by the Colorado River commission of
23 Nevada which are additionally supported by pledged revenues of a project,
24 any general obligation bond authorized on the behalf and in the name of
25 the state is subject to the review and approval of the state board of finance,
26 unless otherwise provided by statute.
- 27 **Sec. 15.** NRS 353A.020 is hereby amended to read as follows:
28 353A.020 1. The director, in consultation with the committee and
29 legislative auditor, shall adopt a uniform system of internal accounting and
30 administrative control for agencies. The elements of the system must
31 include, without limitation:
- 32 (a) A plan of organization which provides for a segregation of duties
33 appropriate to safeguard the assets of the agency;
- 34 (b) A plan which limits access to assets of the agency to persons who
35 need the assets to perform their assigned duties;
- 36 (c) Procedures for authorizations and recordkeeping which effectively
37 control accounting of assets, liabilities, revenues and expenses;
- 38 (d) A system of practices to be followed in the performance of the
39 duties and functions of each agency; and
- 40 (e) An effective system of internal review.
- 41 2. The director, in consultation with the committee and legislative
42 auditor, may modify the system whenever he considers it necessary.
- 43 3. Each agency shall develop written procedures to carry out the
44 system of internal accounting and administrative control adopted pursuant
45 to this section.
- 46 4. For the purposes of this section, "agency" does not include:
- 47 (a) A board or commission created by the provisions of chapters 623 to
48 625, inclusive, 628 to 644, inclusive, 654 and 656 of NRS.
- 49 (b) The University and Community College System of Nevada.



- 1 (c) The public employees' retirement system.
- 2 (d) The housing division of the department of business and industry.
- 3 (e) The Colorado River ~~Commission~~ *commission of Nevada*.

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

5 353A.025 1. The head of each agency shall periodically review the
6 agency's system of internal accounting and administrative control to
7 determine whether it is in compliance with the uniform system of internal
8 accounting and administrative control for agencies adopted pursuant to
9 subsection 1 of NRS 353A.020.

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

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

- 16 (a) A board or commission created by the provisions of chapters 623 to
17 625, inclusive, 628 to 644, inclusive, 654 and 656 of NRS.
- 18 (b) The University and Community College System of Nevada.
- 19 (c) The public employees' retirement system.
- 20 (d) The housing division of the department of business and industry.
- 21 (e) The Colorado River ~~Commission~~ *commission of Nevada*.

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

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

- 26 (1) Senate standing committee on finance; and
- 27 (2) Assembly standing committee on ways and means;

28 (b) Governor; and

29 (c) Legislative auditor.

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

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

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

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

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

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

43 353A.020 1. The director, in consultation with the committee
44 and legislative auditor, shall adopt a uniform system of internal
45 accounting and administrative control for agencies. The elements of
46 the system must include, without limitation:

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



* S B 5 3 1 R 4 *

(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;



* S B 5 3 1 R 4 *

- 1 (b) Governor; and
- 2 (c) Legislative auditor.

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

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

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

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

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

14 **Sec. 19.** The Legislative Counsel shall:

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

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

