

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT S.C.R. 5

SENATE CONCURRENT RESOLUTION No. 5—COMMITTEE ON
NATURAL RESOURCES

(ON BEHALF OF PUBLIC LANDS SUBCOMMITTEE TO STUDY
DOMESTIC AND MUNICIPAL WATER WELLS)

FEBRUARY 15, 2001

Referred to Committee on Legislative Affairs and Operations

SUMMARY—Directs Legislative Committee on Public Lands to conduct certain interim studies. (BDR R-310)

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~omitted material~~ is material to be omitted.

SENATE CONCURRENT RESOLUTION—Directing the Legislative Committee on Public Lands to conduct interim studies concerning the quality and quantity of ground water, wilderness areas and wilderness study areas in this state and the establishment, use and maintenance of certain roads in this state.

- 1 WHEREAS, Nevada is located in an arid region where water is often in
- 2 short supply; and
- 3 WHEREAS, A large quantity of the water of this state is in the form of
- 4 ground water; and
- 5 WHEREAS, Many populated areas of this state rely upon domestic and
- 6 municipal wells for their supplies of water; and
- 7 WHEREAS, Many populated areas of this state also rely upon septic
- 8 tanks for the disposal of wastewater; and
- 9 WHEREAS, There are many areas within this state where the quantity of
- 10 water is not as grave a problem as the availability of water that is suitable
- 11 for public consumption; and
- 12 WHEREAS, A thorough examination of the laws and policies of this state
- 13 governing the use of ground water is vital to the continued prosperity and
- 14 public health of this state; and
- 15 WHEREAS, The provisions of 16 U.S.C. §§ 1131 et seq., commonly
- 16 referred to as the Wilderness Act, establish the National Wilderness
- 17 Preservation System, which consists of areas of federal public land that are
- 18 designated by Congress as wilderness areas; and
- 19 WHEREAS, In conjunction with the provisions of the Wilderness Act, the
- 20 Secretary of the Interior may identify certain portions of federal public
- 21 lands as wilderness study areas to determine the suitability of those areas
- 22 for designation by Congress as wilderness areas; and



1 WHEREAS, Because the designation or identification of an area of
2 federal public lands as a wilderness area or wilderness study area imposes
3 significant restrictions concerning the management and use of land located
4 in those areas, an examination must be made concerning the selection,
5 management and use of those areas and the laws, regulations and policies
6 of the Federal Government concerning that selection, management and use;
7 and

8 WHEREAS, Numerous roads in this state are governed by the laws and
9 regulations of the Federal Government or are subject to easements or other
10 rights of way created by prescriptive use or judicial decisions involving
11 private parties; and

12 WHEREAS, The provisions of federal Revised Statute 2477, formerly
13 codified at 43 U.S.C. § 932, state the "[t]he right of way for the
14 construction of highways over public lands, not reserved for public uses, is
15 hereby granted"; and

16 WHEREAS, Although the provisions of Revised Statute 2477 were
17 repealed by Congress on October 21, 1976, valid rights of way established
18 before that date continue to exist, thereby creating controversies relating to
19 the ownership, scope of use and liability for control and maintenance of
20 those rights of way; and

21 WHEREAS, Similarly, the status of other roads in this state that are not
22 specifically recognized in statute or claimed or maintained by a
23 governmental entity or person is often in doubt, thereby creating
24 controversies and issues concerning liability for injury to persons who use
25 those roads; now, therefore, be it

26 RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY
27 CONCURRING, That the Legislative Committee on Public Lands is hereby
28 directed to conduct an interim study of the quality and quantity of ground
29 water in this state; and be it further

30 RESOLVED, That the Legislative Commission shall appoint two
31 additional Senators and two additional Assemblymen who are
32 representative of various geographical areas of the state to the Legislative
33 Committee on Public Lands for the purpose of this interim study; and be it
34 further

35 RESOLVED, That the study must include, without limitation, an
36 examination of:

37 1. Whether there are sufficient controls in place to protect the quality
38 of ground water, especially with respect to septic tanks;

39 2. The availability and adequacy of data concerning the quality of
40 ground water;

41 3. The manner in which laws governing the division of land, including,
42 without limitation, chapter 278 of NRS, affect the quality and quantity of
43 ground water; and be it further

44 RESOLVED, That the Legislative Committee on Public Lands consult
45 with an advisory committee consisting of 11 members who are
46 representative of various geographical areas of the state and are appointed
47 by the Chairman of the Legislative Committee on Public Lands as follows:

48 1. A member who represents the Division of Water Resources of the
49 State Department of Conservation and Natural Resources;



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- 1 2. A member who represents the Division of Environmental Protection
- 2 of the State Department of Conservation and Natural Resources;
- 3 3. A member who represents the Health Division of the Department of
- 4 Human Resources;
- 5 4. A member who represents the office of a county manager;
- 6 5. A member who represents a county whose population is less than
- 7 100,000 or the planning commission of such a county;
- 8 6. A member who represents a county whose population is 100,000 or
- 9 more or the regional planning commission of such a county;
- 10 7. A member who represents residential well owners;
- 11 8. A member who represents residential housing developments that are
- 12 typically served by domestic wells and septic tanks;
- 13 9. A member who represents the University and Community College
- 14 System of Nevada, except the Desert Research Institute, and who has
- 15 specific expertise in ground water;
- 16 10. A member who represents the Desert Research Institute and who
- 17 has specific expertise in ground water; and
- 18 11. A member who represents the United States Geological Survey
- 19 and who has specific expertise in ground water; and be it further
- 20 RESOLVED, That the members of the advisory committee serve without
- 21 compensation, per diem allowance, travel expenses or other
- 22 reimbursement; and be it further
- 23 RESOLVED, That any recommended legislation proposed by the
- 24 Legislative Committee on Public Lands and its additional members
- 25 appointed for the purpose of this study concerning ground water must be
- 26 approved by a majority of the members of the Senate and a majority of the
- 27 members of the Assembly appointed to the Legislative Committee on
- 28 Public Lands; and be it further
- 29 RESOLVED, That the Legislative Committee on Public Lands shall
- 30 submit a report of the results of this study concerning ground water and
- 31 any recommendations for legislation to the 72nd session of the Nevada
- 32 Legislature; and be it further
- 33 RESOLVED, That the Legislative Committee on Public Lands is hereby
- 34 directed to conduct an interim study of wilderness areas and wilderness
- 35 study areas in this state; and be it further
- 36 RESOLVED, That the Legislative Commission shall appoint two
- 37 additional Senators and two additional Assemblymen who are
- 38 representative of various geographical areas of the state to the Legislative
- 39 Committee on Public Lands for the purpose of this interim study; and be it
- 40 further
- 41 RESOLVED, That the study must include, without limitation:
- 42 1. An examination of the manner in which wilderness areas and
- 43 wilderness study areas are selected, managed and used and the laws,
- 44 regulations and policies of the Federal Government relating to that
- 45 selection, management and use;
- 46 2. Consideration of whether any area of this state is suitable for
- 47 possible designation by Congress as a wilderness area; and



1 3. A review of any other issues or subjects concerning the
2 establishment, management and use of a wilderness area or wilderness
3 study area in this state; and be it further

4 RESOLVED, That any recommended legislation proposed by the
5 Legislative Committee on Public Lands and its additional members
6 appointed for the purpose of this study concerning wilderness areas and
7 wilderness study areas must be approved by a majority of the members of
8 the Senate and a majority of the members of the Assembly appointed to the
9 Legislative Committee on Public Lands; and be it further

10 RESOLVED, That the Legislative Committee on Public Lands shall
11 submit a report of the results of this study concerning wilderness areas and
12 wilderness study areas and any recommendations for legislation to the
13 72nd session of the Nevada Legislature; and be it further

14 RESOLVED, That the Legislative Committee on Public Lands is hereby
15 directed to study the establishment and maintenance of roads by various
16 governmental entities and persons in this state and the use of those roads
17 by members of the public; and be it further

18 RESOLVED, That the study must include, without limitation:

19 1. An examination of the meaning and effect of the provisions of
20 Revised Statute 2477 or any other provision of state or federal law or
21 regulation that recognizes or creates a right of way over public or private
22 land in this state;

23 2. A review of the effects, if any, associated with the establishment,
24 use and maintenance of roads in this state that are not claimed or
25 maintained by a governmental entity or person in this state, including
26 issues of liability of this state and political subdivisions of this state
27 concerning the establishment, use and maintenance of those roads and the
28 construction of new roads in urban and rural areas of this state; and

29 3. Consideration of any other issues relating to roads and the
30 establishment, use and maintenance of roads in this state other than issues
31 concerning the costs and practices of maintaining a road that are
32 considered by the subcommittee appointed by the Legislative Committee to
33 Study the Distribution Among Local Governments of Revenue from State
34 and Local Taxes pursuant to the provisions of NRS 218.53884; and be it
35 further

36 RESOLVED, That any recommended legislation proposed by the
37 Legislative Committee on Public Lands concerning the establishment, use
38 and maintenance of various roads in this state be approved by a majority of
39 the members of the Senate and a majority of the members of the Assembly
40 appointed to the committee; and be it further

41 RESOLVED, That the Legislative Committee on Public Lands shall
42 submit a report of the results of this study concerning the establishment,
43 use and maintenance of various roads in this state and any
44 recommendations for legislation to the 72nd session of the Nevada
45 Legislature.

