

SENATE BILL NO. 216—SENATOR TITUS

MARCH 21, 2005

Referred to Committee on Natural Resources

SUMMARY—Transfers Division of Water Planning from State Department of Conservation and Natural Resources to Office of State Engineer. (BDR 18-469)

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

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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 administration of public agencies; transferring the Division of Water Planning from the State Department of Conservation and Natural Resources to the Office of the State Engineer; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, the Division of Water Planning is part of the State
2 Department of Conservation and Natural Resources. (NRS 232.090)
3 This bill transfers the Division of Water Planning to the Office of the State
4 Engineer.

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

- 1 **Section 1.** NRS 232.090 is hereby amended to read as follows:
2 232.090 1. The Department consists of the Director and the
3 following divisions:
4 (a) The Division of Water Resources.
5 (b) The Division of State Lands.
6 (c) The Division of Forestry.
7 (d) The Division of State Parks.
8 (e) The Division of Conservation Districts.
9 (f) The Division of Environmental Protection.
10 (g) ~~The Division of Water Planning.~~



1 ~~—(h)—~~ Such other divisions as the Director may from time to time
2 establish.

3 2. The State Environmental Commission, the State
4 Conservation Commission, the Commission for the Preservation of
5 Wild Horses, the Nevada Natural Heritage Program and the Board
6 to Review Claims are within the Department.

7 **Sec. 2.** Chapter 540 of NRS is hereby amended by adding
8 thereto a new section to read as follows:

9 *1. The Division of Water Planning consists of the*
10 *Administrator and any other necessary personnel.*

11 *2. The Administrator is appointed by the State Engineer and*
12 *is in the unclassified service of the State.*

13 **Sec. 3.** NRS 540.021 is hereby amended to read as follows:

14 540.021 As used in this chapter:

15 1. "Administrator" means the Administrator of the Division.

16 2. "Division" means the Division of Water Planning in the
17 ~~{State Department of Conservation and Natural Resources.}~~ *Office*
18 *of the State Engineer.*

19 **Sec. 4.** NRS 540.031 is hereby amended to read as follows:

20 540.031 The Division of Water Planning ~~{of the State~~
21 ~~Department of Conservation and Natural Resources}~~ *in the Office of*
22 *the State Engineer* is hereby created.

23 **Sec. 5.** NRS 540.051 is hereby amended to read as follows:

24 540.051 The Division shall:

25 1. Provide political subdivisions and private enterprises in arid
26 regions with information, alternatives and recommendations bearing
27 upon regional shortages of water , including feasible selections or
28 courses of planning and action for acquiring additional water or for
29 conserving water now available, or both.

30 2. Include in its planning:

31 (a) The investigation of new sources of water such as
32 desalinization, importation and conservation, and means of
33 transporting existing water;

34 (b) Recognition and protection of existing water rights
35 consistent with chapters 533 and 534 of NRS; and

36 (c) Consideration of the factors relating to the quality of water in
37 this State and the importance of considering the issues of quantity
38 and quality simultaneously, but the State Environmental
39 Commission and *the* Division of Environmental Protection of the
40 State Department of Conservation and Natural Resources retain full
41 responsibility for the management of water quality.

42 3. Evaluate previous studies and compile existing information
43 to assist in determining the suitability of potential sites as facilities
44 for the storage of water upstream.



1 4. Develop forecasts of supply and demand for future needs.
2 5. Advise the State Department of Conservation and Natural
3 Resources and the Legislature concerning economic and social
4 effects of water policy.

5 6. Suggest to the Legislature changes in water policy which
6 may be necessary to meet new requirements of law or of the people
7 of the State.

8 7. ~~{Cooperate with}~~ **Assist** the State Engineer in dealings with
9 the Federal Government and other states, but the State Engineer is
10 solely responsible for the allocation of water resources and
11 litigation.

12 8. Provide the Board for Financing Water Projects and the
13 Director of the Department of Business and Industry with necessary
14 technical and clerical assistance in financing water projects.

15 **Sec. 6.** NRS 540A.090 is hereby amended to read as follows:
16 540A.090 In addition to the voting members, the commission
17 includes the following nonvoting members:

18 1. One member appointed by the Public Utilities Commission
19 of Nevada;

20 2. One member appointed by the **Consumer's** Advocate ~~{for~~
21 ~~Customers of Public Utilities}~~ **of the Bureau of Consumer**
22 **Protection** in the Office of the Attorney General;

23 3. One member appointed by the Administrator of the Division
24 of Environmental Protection of the State Department of
25 Conservation and Natural Resources;

26 4. One member appointed by the State Engineer;

27 5. One member appointed by the Administrator of the Division
28 of Water Planning ~~{of the State Department of Conservation and~~
29 ~~Natural Resources;}~~ **in the Office of the State Engineer;**

30 6. One member appointed by the board of directors of the
31 water conservancy district which is largest in area which includes
32 any part of the region;

33 7. One member appointed by the county or district board of
34 health;

35 8. One member of the public at large appointed by the
36 affirmative vote of a majority of the voting members; and

37 9. Additional members with expertise in an area that the
38 majority of the voting members determines is necessary, appointed
39 by the affirmative vote of a majority of the voting members.

40 **Sec. 7.** NRS 232.137 is hereby repealed.

41 **Sec. 8.** This act becomes effective on July 1, 2005.



TEXT OF REPEALED SECTION

232.137 Division of Water Planning: Composition; appointment of Administrator.

1. The Division of Water Planning consists of the Administrator and any other necessary personnel.
2. The Administrator is appointed by the Director and is in the unclassified service of the State.

