

SENATE BILL NO. 267—COMMITTEE ON LEGISLATIVE
OPERATIONS AND ELECTIONS

(ON BEHALF OF THE LEGISLATIVE COMMISSION’S
COMMITTEE TO STUDY THE USE, MANAGEMENT,
AND ALLOCATION OF WATER RESOURCES)

MARCH 13, 2007

Referred to Committee on Legislative Operations and Elections

SUMMARY—Creates the Legislative Committee on Water
Resources. (BDR 17-205)

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 water; creating the Legislative Committee on
Water Resources; providing for its membership;
prescribing the powers and duties of the Committee;
providing for the prospective expiration of the
Committee; and providing other matters properly relating
thereto.

Legislative Counsel’s Digest:

Senate Concurrent Resolution No. 26 of the 2005 Regular Session of the Nevada Legislature directed the Legislative Commission to appoint a committee of Legislators to conduct an interim study of the use, management and allocation of water resources in Nevada. This resolution also required the Legislative Commission to submit a report setting forth the results of the interim study and any recommendations for legislation to the 74th Session of the Nevada Legislature.

Section 3 of this bill creates a permanent statutory committee relating to water designated the Legislative Committee on Water Resources. **Section 4** of this bill sets forth the duties of the Committee concerning meetings, voting, recommending legislation and the payment of compensation and travel expenses of the members of the Committee. **Section 5** of this bill authorizes the Committee to engage in various activities relating to water resources, including, without limitation, studying and commenting on laws, regulations and policies regulating the use, allocation and management of water resources in Nevada. **Section 6** of this bill authorizes the Committee to administer oaths, cause the deposition of witnesses and issue subpoenas for certain purposes. **Section 7** of this bill entitles a witness, other than a state officer or employee, to receive certain fees and payment for mileage if the



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18 witness appears before the Committee. **Section 8** of this bill provides that the bill
19 becomes effective upon passage and approval and expires by limitation on June 30,
20 2015.

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

1 **Section 1.** Chapter 218 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 7, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 7, inclusive, of this act, unless*
5 *the context otherwise requires, "Committee" means the Legislative*
6 *Committee on Water Resources.*

7 **Sec. 3. 1.** *The Legislative Committee on Water Resources is*
8 *hereby created. The Committee consists of:*

9 *(a) The Chairman of the Senate Standing Committee on*
10 *Government Affairs;*

11 *(b) The Chairman of the Senate Standing Committee on*
12 *Natural Resources;*

13 *(c) One member appointed by the Majority Leader of the*
14 *Senate;*

15 *(d) One member appointed by the Minority Leader of the*
16 *Senate;*

17 *(e) The Chairman of the Assembly Standing Committee on*
18 *Government Affairs;*

19 *(f) The Chairman of the Assembly Standing Committee on*
20 *Natural Resources, Agriculture, and Mining;*

21 *(g) One member appointed by the Speaker of the Assembly;*
22 *and*

23 *(h) One member appointed by the Minority Leader of the*
24 *Assembly.*

25 **2.** *The members of the Committee shall elect a Chairman and*
26 *a Vice Chairman from among their members. The Chairman must*
27 *be elected from one House of the Legislature and the Vice*
28 *Chairman from the other House. After the initial election of a*
29 *Chairman and a Vice Chairman, each of those officers holds*
30 *office for a term of 2 years commencing on July 1 of each odd-*
31 *numbered year. If a vacancy occurs in the chairmanship or vice*
32 *chairmanship, the members of the Committee shall elect a*
33 *replacement for the remainder of the unexpired term.*

34 **3.** *Any member of the Committee who is not a candidate for*
35 *reelection or who is defeated for reelection continues to serve until*
36 *the convening of the next regular session of the Legislature.*

37 **4.** *Vacancies on the Committee must be filled in the same*
38 *manner as the original appointments.*



1 **Sec. 4. 1. The members of the Committee shall meet**
2 *throughout each year at the times and places specified by a call of*
3 *the Chairman or a majority of the Committee.*

4 2. The Director of the Legislative Counsel Bureau or his
5 *designee shall act as the nonvoting recording Secretary.*

6 3. The Committee shall prescribe regulations for its own
7 *management and government.*

8 4. Except as otherwise provided in subsection 5, five members
9 *of the Committee constitute a quorum, and a quorum may exercise*
10 *all the powers conferred on the Committee.*

11 5. Any recommended legislation proposed by the Committee
12 *must be approved by a majority of the members of the Senate and*
13 *by a majority of the members of the Assembly appointed to the*
14 *Committee.*

15 6. Except during a regular or special session of the
16 *Legislature, the members of the Committee are entitled to receive*
17 *the compensation provided for a majority of the members of the*
18 *Legislature during the first 60 days of the preceding regular*
19 *session, the per diem allowance provided for state officers and*
20 *employees generally and the travel expenses provided pursuant to*
21 *NRS 218.2207 for each day or portion of a day of attendance at a*
22 *meeting of the Committee and while engaged in the business of*
23 *the Committee. The salaries and expenses paid pursuant to this*
24 *subsection and the expenses of the Committee must be paid from*
25 *the Legislative Fund.*

26 **Sec. 5. The Committee may:**

27 1. Study and comment on issues relating to water resources
28 *in this State, including, without limitation:*

29 (a) *The laws, regulations and policies regulating the use,*
30 *allocation and management of water in this State;*

31 (b) *The status of existing information and studies relating to*
32 *water use, surface water resources and groundwater resources in*
33 *this State;*

34 (c) *The need, if any, for additional information or studies of*
35 *water use and water resources in this State, including, without*
36 *limitation, an analysis of whether:*

37 (1) *A need exists for additional field investigations to*
38 *quantify surface water resources, groundwater resources and*
39 *water uses, and, if so, the procedures and costs associated with*
40 *those investigations; and*

41 (2) *Valuable information is obtainable through placing*
42 *groundwater basins, or portions thereof, under hydrologic stress*
43 *by drilling and pumping wells over a period of time within those*
44 *basins, and, if so, the procedures and costs associated with those*
45 *actions;*



- (d) Reports submitted by the State Engineer;
 - (e) Administrative procedures and penalties to be imposed upon a person who violates any provision of law concerning water;
 - (f) The potential ramifications of initiating procedures for the adjudication of existing rights within hydrologic basins in this State;
 - (g) The feasibility and desirability of quantifying the groundwater resources of this State using existing information;
 - (h) Statewide water use and the efficiency of water use, including, without limitation:
 - (1) Per capita water consumption;
 - (2) Water use by the economic sector; and
 - (3) Potential methods of increasing the efficiency of water use in this State;
 - (i) The effectiveness of existing water systems for administering, controlling, allocating, distributing and protecting the water resources of this State;
 - (j) The potential for the government of this State to provide:
 - (1) Technical assistance and information services regarding water resources to local governments within this State; and
 - (2) Increased access to informational and educational services regarding water resources to the residents of this State; and
 - (k) Any other matters that, in the determination of the Committee, affect water resources in this State.
2. Conduct investigations and hold hearings in connection with its authority pursuant to this section.
 3. Contract with one or more consultants to obtain technical advice concerning its review and study.
 4. Apply for any available grants and accept any gifts, grants or donations and use any such gifts, grants or donations to assist the Committee in exercising its authority pursuant to this section.
 5. Request that the Legislative Counsel Bureau assist in any research, investigation, hearing, study or review conducted by the Committee.
 6. Recommend to the Legislature, as a result of its study, any appropriate legislation.
- Sec. 6. 1. If the Committee conducts investigations or holds hearings pursuant to subsection 2 of section 5 of this act:**
- (a) The Secretary of the Committee or, in his absence, a member designated by the Committee may administer oaths.
 - (b) The Secretary or Chairman of the Committee may cause the deposition of witnesses, residing within or outside of this State,



1 *to be taken in the manner prescribed by rule of court for taking*
2 *depositions in civil actions in the district courts.*

3 *(c) The Chairman of the Committee may issue subpoenas to*
4 *compel the attendance of witnesses and the production of books*
5 *and papers.*

6 *2. If any witness refuses to attend or testify or produce any*
7 *books and papers as required by the subpoena, the Chairman of*
8 *the Committee may report to the district court by petition, setting*
9 *forth that:*

10 *(a) Due notice has been given of the time and place of*
11 *attendance of the witness or the production of the books and*
12 *papers;*

13 *(b) The witness has been subpoenaed by the Committee*
14 *pursuant to this section; and*

15 *(c) The witness has failed or refused to attend or produce the*
16 *books and papers required by the subpoena before the Committee*
17 *which is named in the subpoena, or has refused to answer*
18 *questions propounded to him,*

19 *and requesting the issuance of an order of the court compelling*
20 *the witness to attend and testify or produce the books and papers*
21 *before the Committee.*

22 *3. Upon such a petition, the court shall enter an order*
23 *directing the witness to appear before the court at a time and place*
24 *to be fixed by the court in its order, the time to be not more than*
25 *10 days after the date of the order, and to show cause why he has*
26 *not attended or testified or produced the books or papers before*
27 *the Committee. A certified copy of the order must be served upon*
28 *the witness.*

29 *4. If it appears to the court that the subpoena was regularly*
30 *issued by the Committee, the court shall enter an order that the*
31 *witness appear before the Committee at the time and place fixed in*
32 *the order and testify or produce the required books or papers.*
33 *Failure to obey the order constitutes contempt of court.*

34 **Sec. 7.** *Each witness who appears before the Committee by*
35 *its order, except a state officer or employee, is entitled to receive*
36 *for his attendance the fees and mileage provided for witnesses in*
37 *civil cases in the courts of record of this State. The fees and*
38 *mileage must be audited and paid upon the presentation of proper*
39 *claims sworn to by the witness and approved by the Secretary and*
40 *Chairman of the Committee.*

41 **Sec. 8.** *This act becomes effective upon passage and approval*
42 *and expires by limitation on June 30, 2015.*

