

Amendment No. 475

Senate Amendment to Senate Bill No. 487	(BDR 48-183)
Proposed by: Senate Committee on Natural Resources	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 487 (§§ 29, 36).

ASSEMBLY ACTION		Initial and Date	SENATE ACTION		Initial and Date
Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/>	Adopted	<input type="checkbox"/>	Lost <input type="checkbox"/>
Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/>	Concurred In	<input type="checkbox"/>	Not <input type="checkbox"/>
Receded	<input type="checkbox"/>	Not <input type="checkbox"/>	Receded	<input type="checkbox"/>	Not <input type="checkbox"/>

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

JRS/TMC



Date: 4/22/2007

S.B. No. 487—Revises provisions relating to water resources in certain counties.
(BDR 48-183)



SENATE BILL NO. 487—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE LEGISLATIVE COMMISSION’S SUBCOMMITTEE TO STUDY THE
FEASIBILITY AND ADVISABILITY OF CONSOLIDATING WATER-RELATED SERVICES IN
WASHOE COUNTY)

MARCH 26, 2007

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to water resources in certain counties.
(BDR 48-183)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 water; providing for the regional acquisition, development, management and conservation of water resources in certain portions of Washoe County; creating the Northern Nevada Water Authority; setting forth the powers and duties of the Authority; creating the Northern Nevada Water Planning Commission to advise and assist the Authority; repealing provisions relating to regional planning and management of water in certain counties; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing general law provides for regional planning and management of water by a water planning commission in counties whose population is 100,000 or more but less than 400,000 (currently Washoe County). Under that general law, a board of county commissioners is required to adopt a comprehensive plan for the supply of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm water and control of floods and is required to take action by a two-thirds majority. This general law also provides for a water planning commission, which reports to and advises the board of county commissioners concerning issues relating to water resources. (NRS 540A.010-540A.310)

This bill repeals that general law and creates by special legislation a new structure for regional planning and management of water resources in certain portions of Washoe County based on the unique conditions and circumstances existing in those areas. Under the Nevada Constitution, the Legislature may pass a special or local law if the subject matter of the law does not fall within one of certain enumerated categories and a general law cannot be made applicable because of special circumstances and conditions. (Nev. Const. Art. 4, §§ 20, 21) **Section 5** of this bill specifies the unique conditions and circumstances in these portions of Washoe County that justify special legislation for the purpose of regional planning and management of water resources.

Sections 23 ~~and~~ **and 24-28** of this bill create the Northern Nevada Water Authority, which is governed by a Board of Trustees consisting of representatives of Washoe County, the cities of Reno and Sparks and various public entities that provide services relating to water and

wastewater in Washoe County. **Sections 37-42** of this bill create the Northern Nevada Water Planning Commission, which reports to and advises the Board of Trustees of the Authority.

In lieu of creating the Northern Nevada Water Authority pursuant to section 23 of this bill, section 23.5 of this bill authorizes the City of Reno, City of Sparks, Washoe County, Sun Valley General Improvement District and Truckee Meadows Water Authority to create the Northern Nevada Water Authority by cooperative agreement. The cooperative agreement must be entered into and become effective before January 1, 2008.

Sections 35-53 of this bill require the development and adoption of a comprehensive plan for the area over which the Authority has jurisdiction, which must address the supply of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm water and control of floods. **Sections 29-36 and 54-57** of this bill authorize the Board of Trustees to: (1) subject to certain exceptions, acquire and dispose of, in any manner, water rights, water supplies and related facilities; (2) schedule the delivery of water ~~resources~~ **supplies** held by certain water purveyors before January 1, 2008; (3) establish service territories of those purveyors for new water service provided on and after January 1, 2008; (4) establish, charge and collect various fees for services relating to the provision of water **supplies**; (5) provide for water conservation by various means; (6) **subject to certain exceptions**, exercise the power of eminent domain as necessary **to acquire private property**; and (7) issue bonds and other obligations.

Section 61 of this bill creates a temporary statutory legislative committee to oversee the programs and activities of the Authority.

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

Section 1. NRS 533.550 is hereby amended to read as follows:

533.550 1. Notwithstanding any other provision of law, a public body shall not sell or lease for a term of more than 5 years a water right owned by the public body unless the public body, after holding at least one public hearing at which public comment was solicited, has issued written findings that:

(a) The sale or lease of the water right is consistent with the prudent, long-term management of the water resources within the jurisdiction of the public body;

(b) The sale or lease of the water right will not deprive residents and businesses within the jurisdiction of the public body of reasonable access to water resources for growth and development;

(c) The sale or lease of the water right is a reasonable means of promoting development and use of the water right; and

(d) The means by which the water right is sold or leased reasonably ensures that the public body will receive the actual value of the water right or comparable economic benefits.

2. As used in this section, "public body" means the State or a county, city, town, school district or any public agency of this State or its political subdivisions. The term does not include a water district organized pursuant to a special act of the Legislature or a water authority organized as a political subdivision created by a cooperative agreement **or created by a special act of the Legislature.**

Sec. 2. NRS 540A.010 is hereby amended to read as follows:

540A.010 As used in this chapter, unless the context otherwise requires:

1. "Board" means the board of county commissioners.

2. ~~"Commission" means the water planning commission created by NRS 540A.080.~~

3. ~~"Comprehensive plan" or "plan" means the plan developed pursuant to NRS 540A.130.~~

~~4.]~~ “Division” means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Sec. 3. Sections 3 to 58, inclusive, of this Act may be cited as the Northern Nevada Water Authority Act.

Sec. 4. 1. The Legislature hereby finds that:

(a) The provisions of section 22 of this Act describe a hydrologically unique area which is distinguished by the presence of Lake Tahoe and the Truckee River, a water system which is governed by a unique combination of state and federal law, by federal decree and by the Truckee River Operating Agreement; and

(b) The unique hydrological conditions of the area described in section 22 of this Act and the complex legal framework governing the use of water within that area are special circumstances and conditions to which a general law cannot be made applicable and necessitate this special Act which provides for a special structure for the coordinated planning and management of water resources in that area.

2. It is hereby declared as a matter of legislative determination that:

(a) The organization of the Northern Nevada Water Authority having the purposes, powers, rights, privileges and immunities provided in this Act will serve a public use and will promote the general welfare by facilitating unified and cooperative efforts to secure and develop additional water supplies, maintain and cooperatively ~~manage~~ **establish policies for managing** existing water resources ~~and~~ **water supplies, provide for integrated regional water resources and management of water supplies, provide for integration of efforts to manage storm water, provide for protection of watersheds and** provide for regional conservation efforts, subject to and in accordance with the Truckee River Operating Agreement.

(b) The acquisition, development, management and conservation of regional water ~~resources~~ **supplies and any associated facilities** by the Authority is for a public and governmental purpose and a matter of public necessity.

(c) The ~~Authority is a body corporate and politic and a municipal corporation, the~~ geographical boundaries of ~~which~~ **the Authority** are within the area described in section 22 of this Act.

(d) **The Authority shall, in carrying out the provisions of this Act:**

(1) Make full use of any available resources for sustainability, economic viability and maintenance of environmental values;

(2) Provide for a centralized system of decision making;

(3) Assign service territories using a procedure based upon available resources;

(4) Communicate the decisions and policies of the Authority in an effective manner;

(5) Facilitate the effective coordination of land use and resource planning;

(6) Facilitate the effective and efficient planning, management and operation of facilities; and

(7) Provide for the effective stewardship of water resources, including, without limitation, ensuring the quantity and quality of surface water and groundwater and the control point and nonpoint sources of pollution.

(e) For the accomplishment of the purposes stated in this subsection, the provisions of this Act shall be broadly construed.

Sec. 5. As used in this Act, unless the context otherwise requires, the words and terms defined in sections 6 to 21, inclusive, of this Act have the meanings ascribed to them in those sections.

1 **Sec. 6.** “Authority” means the Northern Nevada Water Authority created
2 pursuant to section 23 of this Act.

3 **Sec. 7.** “Board of Trustees” or “Board” means the Board of Trustees of the
4 Authority.

5 **Sec. 8.** “City of Reno” means the municipal corporation in Washoe County,
6 Nevada, created and existing pursuant to the provisions of chapter 662, Statutes of
7 Nevada 1971, as amended.

8 **Sec. 9.** “City of Sparks” means the municipal corporation in Washoe County,
9 Nevada, created and existing pursuant to the provisions of chapter 470, Statutes of
10 Nevada 1975, as amended.

11 **Sec. 10.** “Commission” means the Northern Nevada Water Planning
12 Commission created pursuant to section 37 of this Act.

13 **Sec. 11.** “Comprehensive Plan” means the plan developed pursuant to
14 sections 35 to 53, inclusive, of this Act.

15 **Sec. 12.** “Division” means the Division of Environmental Protection of the
16 State Department of Conservation and Natural Resources.

17 **Sec. 13.** “Facilities” means any facility necessary for the beneficial use of
18 water ~~for~~ **supplies**, including, without limitation, any diversion, dam, reservoir,
19 other water storage facility ~~for~~ **for the water supplies**, water conveyance, well,
20 pump, treatment facility, storage tank, pipe, turnout and any other facility required
21 to ~~deliver~~ **provide** water **services** to the **wholesale** customers of the Authority ~~for~~
22 **or to provide for the conservation of water or enhanced control of floods.**

23 **Sec. 14.** “Planning area” means the area described in section 22 of this Act.

24 **Sec. 15.** “Public purveyor” means:

- 25 1. The Truckee Meadows Water Authority, or its successor;
- 26 2. The Washoe County Department of Water Resources, or its successor;
- 27 3. The South Truckee Meadows General Improvement District, or its
28 successor;
- 29 4. The Sun Valley General Improvement District, or its successor; or
- 30 5. Any other governmental entity engaged in the retail delivery of potable
31 water in the planning area.

32 **Sec. 16.** “Truckee Meadows Water Authority” means the political
33 subdivision of the State of Nevada created by a cooperative agreement effective
34 December 4, 2000, pursuant to the provisions of NRS 277.080 to 277.180,
35 inclusive.

36 **Sec. 17.** “Truckee River Operating Agreement” means all agreements
37 relating to the implementation of Public Law 101-618, 104 Stat. 3324, as amended,
38 including, without limitation, the Operating Agreement referenced in section 205(a)
39 of Public Law 101-618, 104 Stat. 3324, as amended, **whether entered into before,**
40 **on or after January 1, 2008,** to which the Truckee Meadows Water Authority, its
41 predecessor or its successor, if any, is a party.

42 **Sec. 18.** “Washoe County” means the county created by and described in
43 NRS 243.340.

44 **Sec. 19.** “Water Quality Settlement Agreement” means the Agreement
45 entered into on October 10, ~~1966,~~ **1996**, by the City of Reno, the City of Sparks,
46 Washoe County, the United States Department of the Interior, the United States
47 Department of Justice, the United States Environmental Protection Agency, the
48 Division and the Pyramid Lake Paiute Tribe, and any agreements entered into to
49 implement that Agreement including, without limitation, any applicable provisions
50 of the Truckee River Operating Agreement.

51 **Sec. 20.** “Water right” means any entitlement to the beneficial use of surface
52 water or groundwater supplies, including, without limitation, an entitlement that
53 exists by contract, by interest in real property, by decree or by rights granted or

1 recognized by the State of Nevada, the State of California or any other
2 governmental agency.

3 **Sec. 21.** "Water supplies" means surface water, groundwater, wastewater or
4 effluent capable of being put to beneficial use.

5 **Sec. 22.** 1. The planning area in which water is to be ~~developed,~~ managed
6 and conserved, for which water is to be acquired and developed and with respect to
7 which plans for its use are to be made, pursuant to this Act, is the entire area within
8 the boundaries of Washoe County except:

9 (a) Any land within the region defined by NRS 277.200, the Tahoe Regional
10 Planning Compact;

11 (b) Land located within any Indian reservation or Indian colony which is held
12 in trust by the United States;

13 (c) Land located within the Gerlach General Improvement District or its
14 successor created pursuant to chapter 318 of NRS; ~~land~~

15 (d) **Land located within the following administrative groundwater basins
16 established by the United States Geological Survey and the Division of Water
17 Resources of the State Department of Conservation and Natural Resources:**

18 (1) **Basin 22 (San Emidio Desert);**

19 (2) **Basin 23 (Granite Basin); and**

20 (3) **Basin 24 (Hualapai Flat); and**

21 (e) Any land excluded by the Board pursuant to subsection 2 and not otherwise
22 included pursuant to subsection 3.

23 2. The Board may exclude from the planning area any land which it
24 determines is unsuitable for inclusion because of its remoteness from the water
25 supplies acquired, developed, managed and conserved pursuant to this Act or
26 because it lies within a separate hydrologic basin neither affecting nor affected by
27 conditions within the remainder of the planning area.

28 3. The Board may include within the planning area any land otherwise
29 excluded pursuant to subsection 2 if it finds that the land requires alleviation of the
30 effect of flooding or drainage of storm waters or requires another benefit from
31 planning or management performed in the planning area.

32 **Sec. 23.** 1. The Northern Nevada Water Authority is hereby created. **The
33 Authority is a body corporate and politic and a municipal corporation.**

34 2. The property and revenues of the Authority, any interest of any creditor
35 therein and any possessory interest in or right to use that property which the
36 Authority may grant are exempt from all state, county and municipal taxation.

37 **Sec. 23.5. The City of Reno, City of Sparks, Washoe County, Sun Valley
38 General Improvement District and Truckee Meadows Water Authority may
39 create the Northern Nevada Water Authority as a joint powers authority by
40 cooperative agreement entered into pursuant to NRS 277.080 to 277.180,
41 inclusive. The South Truckee Meadows General Improvement District may
42 participate in the establishment of the cooperative agreement but is not a
43 mandatory party. If the cooperative agreement is entered into and becomes
44 effective before January 1, 2008:**

45 1. **The Authority created by the cooperative agreement shall be deemed
46 to have been created by operation of law pursuant to section 23 of this Act and
47 shall be deemed to be the Authority for purposes of this Act; and**

48 2. **The Board of Trustees or similar board created by the cooperative
49 agreement shall be deemed to be the Board of Trustees of the Authority for the
50 purposes of this Act.**

51 **Sec. 24.** 1. The Authority must be directed and governed by a Board of
52 Trustees composed of the following nine members appointed pursuant to this
53 section:

- (a) Two members of the City Council of the City of Reno;
- (b) Two members of the City Council of the City of Sparks;
- (c) Two members of the Board of County Commissioners of Washoe County;
- (d) One member representing the Truckee Meadows Water Reclamation Facility or its successor;
- (e) One member designated by the Board of Trustees of the South Truckee Meadows General Improvement District or its successor; and
- (f) One member of the Board of Trustees of the Sun Valley General Improvement District or its successor.

2. The City Council of the City of Reno, the City Council of the City of Sparks and the Board of County Commissioners of Washoe County shall each appoint one trustee from their membership for an initial term of 2 years.

3. The Board of Directors of the Truckee Meadows Water Authority or its successor shall appoint from its membership, for initial terms of 3 years:

- (a) One trustee who is a member of the City Council of the City of Reno;
- (b) One trustee who is a member of the City Council of the City of Sparks; and
- (c) One trustee who is a member of the Board of County Commissioners of Washoe County.

➤ The trustees appointed pursuant to this subsection must be different persons than those appointed pursuant to subsection 2.

4. The Board of Trustees of the Sun Valley General Improvement District or its successor and the Board of Trustees of the South Truckee Meadows General Improvement District or its successor shall each appoint one trustee from its membership for an initial term of 3 years.

5. The owners of the Truckee Meadows Water Reclamation Facility or its successor shall jointly appoint one trustee for an initial term of 2 years.

6. Except as otherwise provided in subsection 7, after the initial terms, each trustee who is appointed to the Board serves for a term of 2 years. A trustee may be reappointed.

7. Except for the trustee representing the Truckee Meadows Water Reclamation Facility or its successor, all trustees must be elected officials. No trustee who is an elected official may serve beyond his or her term of office.

8. The position of a trustee must be considered vacated upon his loss of any of the qualifications required for his appointment, and in such event the appointing authority shall appoint a successor to fill the remainder of the unexpired term.

Sec. 25. Each member of the Board shall file with the County Clerk of Washoe County:

1. His oath of office.

2. A corporate surety bond furnished at the Authority's expense, in an amount not to exceed \$5,000, and conditioned for the faithful performance of his duties as a member of the Board.

Sec. 26. 1. The Board shall elect one of its members as Chairman and one of its members as Vice Chairman, and shall elect a Secretary and a Treasurer, who may be members of the Board. The Secretary and the Treasurer may be the same person. The terms of the officers expire on December 31 of each year.

2. The Secretary shall keep audio recordings or transcripts of all meetings of the Board and, in a well-bound book, a record of all of the proceedings of the Board, minutes of all meetings, certificates, contracts, bonds given by employees, and all other acts of the Board. Except as otherwise provided in NRS 241.035, the minute book, audio recordings, transcripts and records must be open to the inspection of all interested persons, at all reasonable times and places.

1 3. The Treasurer shall keep, in permanent records, strict and accurate
2 accounts of all money received by and disbursed for and on behalf of the Board and
3 the Authority.

4 **Sec. 27.** 1. The Board shall meet regularly at a time and in a place to be
5 designated by the Board. The Board shall provide for the calling of a special
6 meeting when action is required before a regular meeting would occur.

7 2. Except as otherwise provided in **this subsection and** subsection 3, a
8 majority of the members ~~present~~ **of the Board** constitutes a quorum at any
9 meeting. Each motion and resolution of the Board must be adopted by at least a
10 majority of the members present ~~and constituting the quorum~~ at such meeting.

11 3. If a public purveyor elects not to receive the benefits of a regional capital
12 improvement project provided for pursuant to section 29 of this Act, any member
13 representing the public purveyor on the Board must be excluded from the quorum
14 of the Board for purposes of voting on matters concerning the project.

15 **Sec. 28.** The Authority is a public employer within the meaning of NRS
16 286.070, and the provisions of chapter 286 of NRS apply to the Authority and its
17 employees.

18 **Sec. 29.** The Authority may do all things necessary to accomplish the
19 purposes of this Act. The Authority has perpetual succession and, except as
20 otherwise provided in sections 30, 32 and 34 of this Act, has the following powers to:
21

22 1. Sue and be sued.

23 2. Acquire, appropriate, perfect, possess, use, lease, sell, exchange, encumber
24 and dispose of any interest in water rights and water supplies and any real or
25 personal property or interest therein, within or without the State of Nevada, for any
26 of the purposes provided in this section.

27 3. Acquire, finance, construct, operate, maintain and replace facilities and to
28 dispose of such facilities.

29 4. Develop and implement projects with respect to the acquisition,
30 development, treatment, scheduling of delivery, storage, transportation and
31 conservation of water supplies.

32 5. Acquire an interest of any nature in, and to finance, construct, operate,
33 maintain, replace, acquire and construct additions and improvements to, any
34 facilities necessary or convenient for the acquisition, development, conveyance,
35 treatment, management and conservation of water supplies, and to dispose of such
36 facilities.

37 6. Enter into agreements with Washoe County, the cities of Reno and Sparks,
38 and any public purveyor:

39 (a) To acquire, by lease, gift, purchase or otherwise, or to manage or
40 cooperatively administer any water supplies, water ~~resources~~ **rights** or regional
41 water conveyance and treatment facilities of such entity; and

42 (b) For the wholesale delivery of water.

43 7. Prepare, adopt, update and oversee the implementation of the
44 Comprehensive Plan pursuant to sections 35 to 53, inclusive, of this Act.

45 8. Establish a mechanism for scheduling the delivery of water ~~resources~~
46 **supplies** held by public purveyors ~~before January 1, 2008,~~ to maximize the yield
47 of regional water supplies and facilitate the cooperative administration of regional
48 water conveyance and treatment facilities for the benefit of the public purveyors.

49 9. Designate the service territories of public purveyors for customers seeking
50 water service on and after January 1, 2008, pursuant to section 31 of this Act.

51 10. Establish and charge rates, tolls, rental fees, hookup fees, impact fees,
52 connection charges, commodity charges, fees for a commitment by a public
53 purveyor to provide water **supplies held by the Authority** to a person, and other

1 fees or charges on users of water supplies held by the Authority , ~~for any public~~
2 ~~purveyor within the planning area,~~ and collect revenues from the use of ~~its~~ water
3 supplies ~~of the Authority,~~ and enter into agreements with wholesale customers
4 for the payment of fees, rates and other charges.

5 11. Prepare, adopt, update and oversee the implementation of a water
6 conservation plan for the use of municipal, industrial and domestic water
7 ~~resources~~ supplies within the planning area, and enter into water conservation
8 agreements with water purveyors and local governmental entities.

9 12. Study and recommend to the Board of County Commissioners of Washoe
10 County, the City Council of the City of Reno and the City Council of the City of
11 Sparks ordinances for the implementation of a water conservation plan adopted
12 pursuant to subsection 11 and the Comprehensive Plan.

13 13. Deliver or contract with other parties to deliver available water supplies to
14 public purveyors on a wholesale basis.

15 14. Prepare, update and implement plans for capital improvements of the
16 Authority.

17 15. Assess public purveyors directly for any costs, including, without
18 limitation, administrative costs, arising from regional capital improvement projects
19 related to the acquisition and delivery of water supplies. If a public purveyor elects
20 not to receive the benefits of such a regional capital improvement project, any
21 assessment for the project must not be imposed against the public purveyor for that
22 project. If a public purveyor that elected not to participate in a capital improvement
23 project receives direct benefits from that project, the Board may assess the public
24 purveyor for those benefits.

25 16. Contract with public purveyors or any other public entity for the provision
26 of services to or by the Authority and, in the performance of its functions, use the
27 officers, agents, employees, services, facilities, records and equipment of any
28 public purveyor, Washoe County, the City of Reno or the City of Sparks, with the
29 consent of the respective public purveyor or governmental entity, and subject to
30 such terms and conditions as may be agreed upon.

31 17. Employ or contract with such persons as it deems necessary and hire and
32 retain officers, agents and employees, including fiscal advisers, engineers, attorneys
33 or other professional or specialized personnel.

34 18. Sell, lease or otherwise dispose of any real property in such manner and
35 upon such terms and conditions as the Board deems proper and in the best interests
36 of the Authority consistent with applicable law.

37 19. Exercise the power of eminent domain in the manner provided by law for
38 the condemnation of private property for public use to take any private property
39 within the planning area necessary to the exercise of its powers ~~and~~ , **except that the**
40 **power of eminent domain may not be used to take:**

41 (a) **Any water right; or**

42 (b) **Any property of a public purveyor without the consent of that public**
43 **purveyor.**

44 20. Apply directly to the proper federal, state, county and municipal officials
45 and agencies or to any other source, public or private, for loans, grants, guarantees
46 or seek other financial assistance in aid of acquiring, developing, delivering or
47 managing water ~~resources~~ supplies and associated facilities owned, operated
48 or managed by the Authority or which the Authority determines is necessary or
49 convenient for the exercise of any of its powers, and accept the same.

50 21. Participate with relevant agencies of the United States, the State of
51 Nevada and other ~~governmental~~ entities on issues concerning the supply of water.

52 22. Issue revenue and other bonds, notes, and other obligations and incur
53 liability for the purposes and in accordance with the procedure and requirements set

1 forth in this Act, NRS 350.087 to 350.093, inclusive, 350.350 to 350.490, inclusive,
2 and 377B.010 to 377B.210, inclusive, and as otherwise permitted by law.

3 23. Adopt such rules and regulations for the conduct of the affairs of the
4 Authority or of the Board as the Board may deem necessary or desirable.

5 24. Perform such other functions conferred on the Authority in this Act.

6 **Sec. 30.** Except as otherwise authorized by the Board ~~[established in]~~ **and**
7 **except with respect to water supplies available to the Truckee Meadows Water**
8 **Authority under or acquired by it for use in connection with the Truckee River**
9 **Operating Agreement or provided in the Water Quality Settlement Agreement, on**
10 **and after January 1, 2008, any rights to water supplies required for use by any**
11 **public purveyor may only be acquired by the Board.**

12 **Sec. 31.** The Board ~~[shall]~~ **may** establish the service territories within the
13 planning area in which the public purveyors and all systems for the supply of
14 water which are controlled or operated by the public purveyors will, on and after
15 January 1, 2008, provide new retail or wholesale water services ~~[for provide existing~~
16 ~~retail or wholesale water services]~~ to new customers. The provisions of this section
17 do not affect the ability of public purveyors to continue to provide retail and
18 wholesale water services to customers who received that type of service before
19 January 1, 2008, or pursuant to agreements for water service existing before
20 January 1, 2008. In determining the boundaries of such service territories, the
21 Board shall:

22 1. ~~[Ensure that water service is provided]~~ **Plan for the delivery of water** at
23 the lowest reasonable cost, considering all the facilities, improvement and
24 operations required to provide that water ~~[service]~~ as measured by the net present
25 value of those facilities, improvements and operations existing at the time of the
26 determination, generally using current dollars;

27 2. ~~[Ensure]~~ **Seek to ensure** that existing or future customers are not affected
28 inequitably; ~~[and]~~

29 3. ~~[Provide]~~ **Seek to provide** for the most effective management,
30 development and integration of systems for the efficient use of water ~~[resources]~~
31 **supplies and associated facilities; and**

32 4. **Consider:**

33 (a) **Any specific planning conducted by public purveyors before**
34 **January 1, 2008, for existing or new customers;**

35 (b) **The topography of the service territories and the readiness and ability**
36 **of public purveyors to serve customers with existing facilities;**

37 (c) **Any policies for land use that affect the service territories; and**

38 (d) **The rate of growth within the service territories projected over a**
39 **reasonable period.**

40 **Sec. 32.** The Authority shall not:

41 1. Control the use **or impair the ownership** of water supplies, **water rights**
42 **or facilities** owned by any public purveyor within that public purveyor's own retail
43 service territory, other than scheduling the delivery of such water supplies **or**
44 **facilities** to maximize the yield of such water supplies ~~[or]~~ **or facilities.**

45 2. Fix the rates **or rules** of a public purveyor for the ~~[retail]~~ delivery of water
46 by the public purveyor, acquire, without the consent of the public purveyor,
47 ownership of any water supplies, **water rights**, facilities or other assets of a public
48 purveyor, ~~[which were acquired by the public purveyor before January 1, 2008,]~~ or
49 take any action which will impair any bond obligations of a public purveyor
50 existing before January 1, 2008.

51 3. **Provide wholesale water services to a public purveyor if:**

52 (a) **Wholesale water services are already provided by a public purveyor; or**

(b) A public purveyor that has additional unused capacity is willing and able to provide wholesale water services, unless otherwise provided by an agreement between the public purveyor and wholesale customer.

Sec. 33. The Board has and may exercise all rights and powers necessary or incidental to or implied from the specific powers granted in this Act. Such specific powers are not a limitation upon any power necessary or appropriate to carry out the purposes and intent of this Act.

Sec. 34. Notwithstanding the provisions of this Act, the Truckee Meadows Water Authority or its successor is and shall remain the entity with the sole and exclusive power and authority to negotiate and execute and to implement its obligations under that Agreement, as the successor in interest to Sierra Pacific Power Company. All water supplies provided or available to the Truckee Meadows Water Authority or its successor pursuant to the Truckee River Operating Agreement must be considered as acquired before January 1, 2008, and must be managed, scheduled and operated in accordance with that Agreement. Nothing in this Act alters the rights and obligations of the Water Quality Settlement Agreement, and all water supplies must be managed, scheduled and operated in accordance with the Water Quality Settlement Agreement.

Sec. 35. The Board may, upon the recommendation of the Commission:

1. Adopt and revise the Comprehensive Plan;
2. Develop methods for conserving existing water supplies which are consistent with any other plans required by law;
3. Develop methods of collecting and treating sewage to protect and conserve water supplies;
4. Provide information to members of the public regarding present and potential uses of water; and
5. Make recommendations concerning the management and use of water within the planning area to:
 - (a) The governing body and the Planning Commission of Washoe County and the cities of Reno and Sparks;
 - (b) The Governing Board for Regional Planning and the Regional Planning Commission established in Washoe County pursuant to NRS 278.0264 and 278.0262, respectively;
 - (c) The State Engineer;
 - (d) The Federal Government; and
 - (e) Such other entities as the Board deems appropriate.

Sec. 36. 1. To fund the planning and administration required by this Act and the implementation of the Comprehensive Plan, the Board may impose a fee at a rate not to exceed 1.5 percent of the amount otherwise billed, to be collected by each public purveyor and supplier of water from customers within the planning area. If the Board determines to impose such a fee, the Board must impose the fee by resolution after holding a hearing.

2. A public purveyor or supplier of water must state separately on its billings to customers the amount charged as a result of any fee imposed pursuant to subsection 1.

Sec. 37. 1. The Northern Nevada Water Planning Commission is hereby created in the planning area. The Commission must consist of ~~at least 11~~ the following voting members who are residents of Nevada : ~~appointed as follows:~~

- (a) The Director of Public Works for the City of Reno, or his designee;
- (b) The Director of Public Works for the City of Sparks, or his designee;
- (c) The Director of Water Resources for Washoe County, or his designee;

(d) The General Manager of the South Truckee Meadows General Improvement District or its successor, or his designee;

(e) The General Manager of the Sun Valley General Improvement District or its successor, or his designee;

(f) The General Manager of the Truckee Meadows Water Authority or its successor, or his designee;

(g) The General Manager of the Truckee Meadows Wastewater Reclamation Facility or its successor, or his designee;

(h) One member appointed by the governing body of the Indian reservation which is the largest in area in the planning area, if the planning area contains an Indian reservation, or, if there is not an Indian reservation located within the planning area or the governing body of the reservation does not appoint a member, one member appointed by the Board to represent the public at large;

(i) One member of the public at large appointed by the Board to represent environmental, biological, conservation or public concerns;

(j) One member appointed by the Board to represent owners of domestic wells;

(k) One member appointed by the Board of Supervisors of the Washoe-County Water Conservation District or its successor; and

(l) Such additional members with expertise in any area that the Board determines is necessary, appointed by the Board.

➤ The **terms of the ex officio** members ~~{appointed pursuant to}~~ **described in paragraphs (a) ~~[(b) and (c)]~~ serve initial terms of 4 years.** **to (g), inclusive, are concurrent with the employment of those members in the respective positions specified in those paragraphs.** The members appointed pursuant to paragraphs ~~{(d), (f) and (h)}~~ **to (l), inclusive,** serve initial terms of ~~{2}~~ **2 years.** ~~{The members appointed pursuant to paragraphs (e), (g), (i), (j) and (k) serve initial terms of 2 years.}~~

2. After the initial terms, the term of office of each member **appointed pursuant to paragraphs (h) to (l), inclusive, of subsection 1** is 3 years. A member may be reappointed. A vacancy must be filled for the unexpired term by the appointing entity.

Sec. 38. In addition to the voting members, the commission includes the following nonvoting members:

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

2. One member appointed by the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General;

3. One member appointed by the Administrator of the Division;

4. One member appointed by the State Engineer;

5. One member appointed by the Chief of the Water Planning Section of the Division of Water Resources of the State Department of Conservation and Natural Resources;

6. One member appointed by the board of directors of the water conservancy district which is largest in area in the planning area;

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

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

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

Sec. 39. The members of the Commission appointed pursuant to paragraphs (h) to (l), inclusive, of subsection 1 of section 37 of this Act or any alternative designees appointed pursuant to paragraphs (a) to (g), inclusive, of subsection 1 of section 37 of this Act may not hold any elective governmental office but may be

engaged or employed in private enterprise or be employees of state or local government, and each member must be qualified pursuant to at least one of the following subsections:

1. A professional engineer licensed pursuant to the provisions of chapter 625 of NRS;

2. Experienced in comprehensive planning, natural resources or environmental protection;

3. A specialist in hydrologic science;

4. Experienced in law, management or planning related to water;

5. Experienced in municipal finance or resource economics;

6. Experienced in construction, planning or operation of facilities or systems for supplying or treating water, for collecting or treating sewage, for drainage of storm water or for control of floods; or

7. Knowledgeable in the areas of water conservation, biology, natural systems, water quality and water management.

Sec. 40. The Commission shall establish a schedule for the selection of its Chairman for a term of 1 year, in rotation, from among the members.

Sec. 41. 1. The Commission shall meet at the call of the Chairman or any three members. The Commission shall establish a schedule of regular meetings and provide for the calling of a special meeting when action is required before a regular meeting would occur.

2. A quorum consists of a majority of the members. The affirmative vote of a majority of the members present is required to take action, unless a larger proportion is required by this Act for a particular action.

3. A member of the Commission is not entitled to compensation for his services as a member.

Sec. 42. 1. The Commission shall develop, and as necessary recommend revisions to, a Comprehensive Plan for the planning area covering the supply of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm waters and control of floods. The initial Comprehensive Plan must be developed on or before January 1, 2011. **The provisions of the comprehensive plan developed and revised pursuant to the former provisions of NRS 540A.130 before January 1, 2008, remain in effect until the Board adopts the initial Comprehensive Plan.**

2. The Comprehensive Plan must consist of written text, appropriate maps and goals and policies to deal with current and future problems affecting the planning area as a whole with respect to the subjects of the Comprehensive Plan set forth in subsection 1. In developing the Comprehensive Plan, the Commission shall consider any water resource plan developed by a public purveyor and, to the extent feasible and consistent with the objectives of the Authority, seek to incorporate such a plan.

3. The Comprehensive Plan must:

(a) Describe the problems and needs of the planning area relating to the subjects of the Comprehensive Plan set forth in subsection 1;

(b) Identify the providers of services relating to the subjects of the Comprehensive Plan within the planning area and the area within which each provides service, including service territories of public utilities and public purveyors;

(c) Identify alternatives to reduce demand or increase water supply;

(d) Identify and provide for existing and future sources of water needed to meet the present or future needs of the planning area, including, without limitation, existing and future demand for water within each public purveyor's service territory;

(e) Define priorities and general location for additional major facilities needed to provide services relating to the subjects of the Comprehensive Plan set forth in subsection 1;

(f) Describe programs to mitigate drought, achieve conservation of water, protect wellheads and otherwise manage water;

(g) Provide for the development, acquisition and stabilization of surface water and groundwater supply in the planning area, including policies regarding dedication of privately held water resources by applicants for water service;

(h) Provide for the oversight of, protection of, regional management of and maximization of efficient conjunctive use of, the supply of surface water and groundwater and major water resource facilities in the planning area, including use of reclaimed water and recharge and recovery or underground storage and recovery of water, and the scheduling of the delivery of water supplies held by public purveyors;

(i) Identify and provide for the extent to which reuse or effluent water ~~is available to each public purveyor~~ is to be put to beneficial use or discharged, directly or indirectly, into the Truckee River;

(j) Provide for the regional conservation and prevention of long-term depletion of surface water and groundwater resources in the planning area in support of the Comprehensive Plan;

(k) Provide for adequate supplies of municipal and industrial water, quality of water, sanitary sewerage, treatment of sewage, drainage of storm waters and control of floods within the planning area;

(l) Identify and provide for the peaking capacity required for delivery of water supplies by the Authority to each public purveyor, if applicable, and the means by which such requirements will be met; ~~and~~

(m) Include a water budget identifying water supplies available to the Authority and separately to each public purveyor from all sources ~~and~~; and

(n) Seek to make full use of any unused capacity of facilities that are owned by public purveyors, if such use is otherwise economical and efficient.

4. The Commission shall make recommendations to the Board for the adoption of, and any revisions to, the Comprehensive Plan.

Sec. 43. The Comprehensive Plan must include the following elements:

1. Quality of surface water, which must include, without limitation:

(a) Compliance with standards of quality for bodies of water;

(b) Locations and capacities of plants to treat wastewater;

(c) Intended quantity and quality of discharge from those plants and its reuse, service areas and interceptors; and

(d) Programs to attain protection from pollution by both concentrated and diffuse sources.

2. Quality of groundwater, which must include, without limitation:

(a) Compliance with standards of quality for hydrographic basins and septic tanks;

(b) Capacities for withdrawal of water from hydrographic basins;

(c) Programs to protect wellheads;

(d) Programs to clean up contaminated groundwater from hydrographic basins; and

(e) Programs to attain protection from pollution by both concentrated and diffuse sources.

3. Supply of surface water, which must include, without limitation:

(a) Existing and planned sources of surface water;

(b) Existing and planned uses for all surface water, including municipal and industrial uses, requirements for return flow, reserves for drought and future

growth, uses to improve the quality of water, uses to provide habitat and uses in conjunction with underground water;

(c) Major facilities to convey and store surface water;

(d) Standards, service areas, rates of flow and reserves for storage; and

(e) Facilities to treat surface water.

4. Supply of underground water, which must include, without limitation:

(a) Existing and planned sources of underground water;

(b) Existing and planned uses for all underground water, including municipal and industrial uses, maintenance of minimum groundwater level and the need for recharge, reserves for drought and future growth, uses to improve the quality of water, uses to provide habitat and uses in conjunction with surface water;

(c) Major facilities to extract and convey underground water;

(d) Compliance with standards for treated and nontreated water, services areas, rates of flow and reserves for storage; and

(e) Facilities to treat and store underground water.

5. Control of floods and drainage of storm water, as it relates to surface water, which must include, without limitation:

(a) Minimum standards of design for controlling floods in the planning area;

(b) Nonstructural alternatives and standards for facilities to control floods in the planning area and single drainage basins;

(c) Regional facilities to control floods; and

(d) Generalized facilities and standards of design for single drainage basins.

6. Control of floods and drainage of storm water, as it relates to underground water, which must include, without limitation:

(a) Groundwater level and capacity for additional storage of water underground as a means of mitigating floods;

(b) Location and capacities of major facilities for controlling floods which utilize storage of water underground to mitigate floods; and

(c) Standards of design for devices to infiltrate storm water and other minor facilities for controlling floods which utilize storage of water underground to mitigate floods.

7. Cost and financing, which must include an estimate of the cost of each major facility, source of water or other requirement of the Comprehensive Plan and an analysis of alternatives for financing and funding the facility, source or other requirement, or alternatives thereto, as well as the effect of the funding alternatives on other facilities included in the Comprehensive Plan. The estimate of cost must state the financial impact on persons within the planning area, including, without limitation, all direct and indirect costs of connecting to a system for supplying water, if applicable.

8. Recommendations for developing and implementing consistent policies of, and among, the Authority and public purveyors concerning regional drought reserve standards, developer costs, impact fees, ~~and~~ dedication of water rights ~~and standards for the drainage of water.~~

9. Evaluation and recommendations regarding the consolidation of ~~the retail distribution systems and facilities of~~ public purveyors in the planning area, which must include costs and benefits of consolidation, the feasibility of various consolidation options, analysis of water ~~resources,~~ supplies, operations, facilities, human resources, assets, liabilities, bond covenants, and legal and financial impediments to consolidation and methods, if any, for addressing any such impediments.

Sec. 44. 1. The Comprehensive Plan must be consistent with and carry out the provisions of the Comprehensive Regional Plan adopted by the Governing Board for Regional Planning in Washoe County pursuant to NRS 278.0276 and the

1 master plans and any other plans for the use of land which are adopted by
2 governmental entities within the planning area.

3 2. The Comprehensive Plan must be consistent with and carry out or support
4 the carrying out of all aspects of the Truckee River Operating Agreement ~~and~~ **and**
5 **Water Quality Settlement Agreement.**

6 3. The Comprehensive Plan must be consistent with ~~any plan or~~
7 ~~recommendation of the State Engineer concerning the development, conservation~~
8 ~~and use of water resources existing~~ **the state water plan that is in effect** at the
9 time that the Comprehensive Plan is adopted.

10 **Sec. 45.** In developing the Comprehensive Plan, the Commission shall:

11 1. Receive and consider information from public purveyors, public utilities
12 and other entities supplying municipal and industrial water within the planning
13 area;

14 2. Receive and consider information from entities providing sanitary
15 sewerage, treatment of sewage, drainage of storm water and control of floods
16 within the planning area;

17 3. Receive and consider information from entities concerned with water
18 quality within the planning area;

19 4. Review and consider any plan or recommendation of the State Engineer
20 concerning the development, conservation and use of water resources, existing
21 water conservation plans, the regional plan and any master plan that has been
22 adopted pursuant to the provisions of chapter 278 of NRS and any similar plan of a
23 local government which applies to any area in the planning area, and may seek and
24 consider the advice of each local planning commission and any other affected
25 entity;

26 5. Coordinate and make consistent the elements of the Comprehensive Plan
27 set forth in section 43 of this Act;

28 6. Consider existing applicable laws;

29 7. Recognize and coordinate the needs of the incorporated areas of the
30 planning area with the needs of the unincorporated areas of the planning area; and

31 8. Receive and consider information from other interested persons.

32 **Sec. 46.** 1. Before submitting the Comprehensive Plan to the Board, the
33 Commission shall hold at least one public hearing on the Comprehensive Plan
34 within the planning area.

35 2. Before acting on a proposed amendment to the adopted Comprehensive
36 Plan, the Commission shall hold at least one public hearing on the proposed
37 amendment at a location in the planning area relevant to the proposed amendment.

38 3. Notice of the time and place of each hearing must be given by publication
39 in a newspaper of general circulation in the planning area at least 10 days before the
40 day of the hearing. If there is more than one newspaper of general circulation in the
41 planning area, notice must be given by publication in at least two such newspapers.

42 4. The decision to submit the proposed Comprehensive Plan or any
43 amendment to the adopted Comprehensive Plan to the Board must be made by
44 resolution of the Commission carried by the affirmative votes of a majority of the
45 total members of the Commission. The resolution must refer expressly to the text,
46 maps and descriptive or other matter intended by the Commission to constitute the
47 Comprehensive Plan or an amendment thereto.

48 **Sec. 47.** 1. An attested copy of the proposed Comprehensive Plan or an
49 amendment thereto must be submitted by the Commission to the Board.

50 2. Before taking any action on the proposed Comprehensive Plan or an
51 amendment thereto, the Board shall convene a public hearing.

52 3. Notice of the hearing must be given at least 10 days before the date of the
53 hearing. The notice must include, without limitation:

(a) A statement of the time, place and nature of the hearing;
(b) A statement of the legal authority under which the hearing is to be held;
and

(c) A reference to the particular sections of any applicable laws.

4. Not less than 30 days before the hearing, the Board shall cause to be placed a copy of the proposed Comprehensive Plan or amendment thereto in the office of the County Clerk of Washoe County and publish notice that the Comprehensive Plan or amendment thereto is available for public inspection.

5. Each notice required by this section must be published in a newspaper of general circulation in the planning area. If there is more than one newspaper of general circulation in the planning area, notice must be given by publication in at least two such newspapers. The notice must be a display advertisement not less than 3 by 5 inches in size.

Sec. 48. 1. The Board shall not change or add to the proposed Comprehensive Plan or an amendment thereto as submitted by the Commission until it has submitted the substance of the proposed change or addition to the Commission in writing with its reasons for the change or addition.

2. The Commission shall, if it agrees to the change or addition, revise the submitted Comprehensive Plan or amendment thereto accordingly. If the Commission does not agree, it shall report to the Board in writing its reason for disagreeing and any alternative proposal.

3. In either case, the Commission shall present its revision or report to the Board within 40 days after the Board's change or amendment is submitted to the Commission.

4. If the Commission does not agree with the proposed change or addition and the Board refuses to rescind its proposal or to accept an alternative proposal of the Commission, the Commission shall revise the originally submitted Comprehensive Plan or amendment thereto to incorporate the change or addition proposed by the Board.

Sec. 49. 1. After adoption by the Board, the Comprehensive Plan or an amendment thereto must be submitted for review to the Regional Planning Commission in Washoe County established pursuant to NRS 278.0262. The Regional Planning Commission shall review the Comprehensive Plan or amendment thereto only for ~~conformance~~ **consistency** with the Comprehensive Regional Plan adopted pursuant to NRS 278.0276 and the master plans and any other plans for the use of land which are adopted by local governmental entities within the planning area. The Regional Planning Commission shall review the Comprehensive Plan or amendment thereto at one or more public hearings. Notice of the time and place of a hearing must be given in accordance with NRS 278.0276.

2. If the Regional Planning Commission fails to make a determination within 40 days after the submission of the Comprehensive Plan or amendment thereto, the Comprehensive Plan or amendment thereto shall be deemed to ~~conform to~~ **be consistent with** the Comprehensive Regional Plan.

3. If the Regional Planning Commission determines that the Comprehensive Plan or amendment thereto ~~does not conform to~~ **is not consistent with** the Comprehensive Regional Plan, it shall state its reasons why the Comprehensive Plan or amendment thereto ~~does not conform~~ **is not consistent**. Unless an appeal is filed pursuant to section 50 of this Act, the Commission and the Board shall respectively develop and adopt, in accordance with sections 45 to 48, inclusive, of this Act, proposed revisions to the Comprehensive Plan or amendment thereto, and the Board shall resubmit the revised Comprehensive Plan or amendment thereto to the Regional Planning Commission.

1 **Sec. 50.** 1. An affected entity that disagrees with the reasons given by the
2 Regional Planning Commission for its determination of ~~{conformance or~~
3 ~~nonconformance}~~ **consistency or inconsistency** pursuant to section 49 of this Act
4 may file an appeal with the Governing Board for Regional Planning in Washoe
5 County not later than 10 days after the determination of ~~{conformance or~~
6 ~~nonconformance}~~ **consistency or inconsistency**. As used in this subsection,
7 “affected entity” means Washoe County, the City of Reno, the City of Sparks or
8 any other governmental entity or public purveyor or a public utility providing
9 services relating to the subject matter of the Comprehensive Plan within the
10 planning area.

11 2. Within 45 days after its receipt of an appeal, the Governing Board for
12 Regional Planning shall consider the appeal and issue its decision. If the decision of
13 the Governing Board for Regional Planning is that the Comprehensive Plan or
14 amendment thereto ~~{does not conform to}~~ **is not consistent with** the
15 Comprehensive Regional Plan, it shall state its reasons why the Comprehensive
16 Plan or amendment thereto ~~{does not conform to}~~ **is not consistent**. The Commission
17 and the Board shall then respectively develop and adopt, in accordance with
18 sections 45 to 48, inclusive, of this Act, proposed revisions to the Comprehensive
19 Plan or amendment thereto, and the Board shall resubmit the revised
20 Comprehensive Plan or amendment thereto to the Regional Planning Commission
21 for review.

22 **Sec. 51.** The adopted Comprehensive Plan must be reviewed by the
23 Commission on a schedule to be established by the Board, which must at least
24 provide for review of the Comprehensive Plan within 5 years after its adoption and
25 at least every 5 years thereafter. After each review, the Commission shall submit to
26 the Board any proposed amendment to the Comprehensive Plan or report that there
27 are no amendments.

28 **Sec. 52.** 1. Except as otherwise provided in subsection 2, on and after the
29 date the initial Comprehensive Plan is finally approved, no facility intended to
30 provide a service relating to a subject of the Comprehensive Plan within the
31 planning area may be constructed, if the facility is of such a kind or size as to affect
32 the working of the Comprehensive Plan as distinct from providing normal service
33 to customers, unless it is included in the Comprehensive Plan or has been reviewed
34 and approved as provided in subsection 3.

35 2. The Comprehensive Plan may allow for the construction of facilities not
36 included within the Comprehensive Plan in order to meet an emergency as defined
37 in the Comprehensive Plan.

38 3. A proposal to construct a facility described in subsection 1 within the
39 planning area must be submitted to the Commission for review and
40 recommendation to the Board concerning the conformance of the proposal with the
41 Comprehensive Plan. The review must include an evaluation of stranded costs, the
42 need for the facility within the planning area and the impact that construction of
43 the facility will have on any potential consolidation of public purveyors. If the
44 Commission fails to make such a recommendation within 30 days after the proposal
45 is submitted to it, the Commission shall be deemed to have made a recommendation
46 that the proposal conforms to the Comprehensive Plan. The Board shall consider
47 the recommendation of the Commission and approve or disapprove the proposal as
48 conforming to the Comprehensive Plan. Any disapproval must be accompanied by
49 recommended actions to be taken to make the proposal conform to the
50 Comprehensive Plan. The Commission and the Board shall limit their review to the
51 substance and content of the Comprehensive Plan and shall not consider the merits
52 or deficiencies of a proposal in a manner other than is necessary to enable them to
53 make a determination concerning conformance with the Comprehensive Plan.

4. The Board shall provide, by resolution after holding a hearing, for the Commission or its staff to make final decisions concerning the conformance of classes of proposed facilities to the Comprehensive Plan. A resolution adopted pursuant to this section must provide an opportunity for the applicant or a protestant to appeal from a decision of the Commission or its staff to the Board.

Sec. 53. Any water right or source of water belonging to a governmental entity within the planning area must be used in accordance with the Comprehensive Plan.

Sec. 54. The Board may issue bonds for the purpose of acquiring, managing, delivering or improving water supplies, and the bonds must be made payable out of the revenues of the Authority, including those derived from the sale, delivery or operation of such water supplies or the furnishing of services.

Sec. 55. 1. Except as otherwise provided in this Act, the Board, in accordance with NRS 350.500 to 350.720, inclusive, may issue on its behalf and in its name at any time or from time to time, as the Board may determine, revenue bonds and other securities constituting special obligations and payable from net revenues, but excluding the proceeds of any general ad valorem property taxes, which payment is secured by a pledge of and lien on such net revenues.

2. The provisions of this Act do not prevent the Authority from funding, refunding or reissuing any outstanding securities of the Authority of a type designated in subsection 1 as provided in NRS 350.500 to 350.720, inclusive.

3. Revenue bonds may be sold at public sale as provided in NRS 350.500 to 350.720, inclusive, or sold at private sale.

Sec. 56. The Board may provide for the appointment of a paying or fiscal agency within or without the State, in relation to any general obligation or revenue bonds of the Authority, which must be a bank possessing trust powers and which shall act in a fiduciary capacity and not as a depository, and may:

1. Provide for the powers, duties, functions and compensation of the agent.

2. Limit the liabilities of the agent.

3. Prescribe a method for his resignation and removal, and the merger or consolidation of agents.

4. Prescribe a method for the appointment of a successor agent and the transfer of rights and properties to the successor.

Sec. 57. 1. Except as otherwise provided in subsection 2, bonds issued pursuant to this Act, and the income therefrom, are exempt from all state, county and municipal taxation.

2. The provisions of subsection 1 do not apply to the tax on estates imposed pursuant to the provisions of chapter 375A of NRS or the tax on generation-skipping transfers imposed pursuant to the provisions of chapter 375B of NRS.

3. All public officers and bodies of the State, municipal corporations, political subdivisions, all insurance companies and associations, all savings banks and savings institutions, including savings and loan associations, all executors, administrators, guardians, trustees and all other fiduciaries in the State may legally invest funds within their control in bonds of the Authority.

Sec. 58. The provisions of this Act do not supersede the authority granted by law to the State Engineer, the State Environmental Commission and the State Department of Conservation and Natural Resources.

Sec. 59. NRS 540A.060, 540A.070, 40A.080, 540A.090, 540A.100, 540A.110, 540A.120, 540A.130, 540A.140, 540A.150, 540A.160, 540A.170, 540A.180, 540A.190, 540A.200, 540A.210, 540A.220, 540A.230, 540A.240, 540A.290, 540A.300 and 540A.310 are hereby repealed.

Sec. 60. The fee authorized pursuant to NRS 540A.070 must remain in effect and be collected by Washoe County and transferred to the Northern Nevada Water

1 Authority until such time as the Board of Trustees of the Authority adopts a
2 resolution pursuant to section 36 of this Act imposing a new fee.

3 **Sec. 61.** 1. There is hereby created the Legislative Committee to Oversee
4 the Northern Nevada Water Authority created pursuant to section 23 of this act. The
5 Committee must:

6 (a) Consist of six Legislators as follows:

7 (1) One member of the Senate appointed by the Chairman of the Senate
8 Committee on Natural Resources;

9 (2) One member of the Assembly appointed by the Chairman of the
10 Assembly Committee on Natural Resources, Agriculture, and Mining;

11 (3) One member of the Senate appointed by the Majority Leader of the
12 Senate;

13 (4) One member of the Senate appointed by the Minority Leader of the
14 Senate;

15 (5) One member of the Assembly appointed by the Speaker of the
16 Assembly; and

17 (6) One member of the Assembly appointed by the Minority Leader of the
18 Assembly.

19 (b) Insofar as practicable, represent the various areas within the planning area.

20 (c) Elect a Chairman and a Vice Chairman from among its members. The
21 Chairman must be elected from one House of the Legislature and the Vice
22 Chairman from the other House. After the initial selection of a Chairman and a
23 Vice Chairman, each of those officers holds office for a term of 2 years
24 commencing on July 1 of each odd-numbered year. If a vacancy occurs in the
25 chairmanship or vice chairmanship, the members of the Committee shall select a
26 replacement for the remainder of the unexpired term.

27 2. Any member of the Committee who is not a candidate for reelection or
28 who is defeated for reelection continues to serve until the next session of the
29 Legislature convenes.

30 3. Vacancies on the Committee must be filled in the same manner as original
31 appointments.

32 4. The members of the Committee shall meet throughout each year at the
33 times and places specified by a call of the Chairman or a majority of the
34 Committee.

35 5. The Director of the Legislative Counsel Bureau or his designee shall act as
36 the nonvoting recording Secretary.

37 6. The Committee shall prescribe regulations for its own management and
38 government.

39 7. Except as otherwise provided in subsection 8, four members of the
40 Committee constitute a quorum, and a quorum may exercise all the powers
41 conferred on the Committee.

42 8. Any recommended legislation proposed by the Committee must be
43 approved by a majority of the members of the Senate and by a majority of the
44 members of the Assembly appointed to the Committee.

45 9. Except during a regular or special session of the Legislature, the members
46 of the Committee are entitled to receive the compensation provided for a majority
47 of the members of the Legislature during the first 60 days of the preceding regular
48 session, the per diem allowance provided for state officers and employees generally
49 and the travel expenses provided pursuant to NRS 218.2207 for each day or portion
50 of a day of attendance at a meeting of the Committee and while engaged in the
51 business of the Committee. The salaries and expenses paid pursuant to this
52 subsection and the expenses of the Committee must be paid from the Legislative
53 Fund.

10. The Committee shall review the programs and activities of the Northern Nevada Water Authority. The review must include an analysis of potential consolidation of the retail distribution systems and facilities of all public purveyors in the planning area, which is described in section 22 of this Act.

11. The Committee may:

(a) Conduct investigations and hold hearings in connection with its powers pursuant to this section.

(b) Direct the Legislative Counsel Bureau to assist in the study of issues related to oversight of the Northern Nevada Water Authority.

12. In conducting the investigations and hearings of the Committee:

(a) The Secretary of the Committee or, in his absence, any member of the Committee may administer oaths.

(b) The Secretary or Chairman of the Committee may cause the deposition of witnesses, residing either within or outside of the State, to be taken in the manner prescribed by rule of court for taking depositions in civil actions in the district courts.

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

13. If any witness refuses to attend or testify or produce any books and papers as required by the subpoena issued pursuant to this section, the Chairman of the Committee may report to the district court by petition, setting forth that:

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

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

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

and asking for an order of the court compelling the witness to attend and testify or produce the books and papers before the Committee.

14. Upon a petition pursuant to subsection 13, the court shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in its order, the time to be not more than 10 days after the date of the order, and to show cause why he has not attended or testified or produced the books or papers before the Committee. A certified copy of the order must be served upon the witness.

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

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

17. On or before January 15 of each odd-numbered year, the Committee shall submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a report concerning the review conducted pursuant to subsection 10 and any recommendations for legislation.

Sec. 62. 1. This act becomes effective on January 1, 2008.

2. Section 23.5 of this act expires by limitation on January 1, 2008, if the cooperative agreement specified in that section has not been entered into and has not become effective before that date.

3. Sections 24, 25 and 26 of this act expire by limitation on January 1, 2008, if the cooperative agreement specified in section 23.5 of this act has been entered into and has become effective before that date.

4. Section 61 of this act expires by limitation on July 1, 2011.

LEADLINES OF REPEALED SECTIONS

540A.060 Conservation; sewerage; public information; recommendations concerning management and use of water.

540A.070 Imposition and collection of fee for planning and administration of chapter and implementation of certain plans.

540A.080 Creation; voting membership; terms of members; vacancies.

540A.090 Nonvoting membership.

540A.100 Qualifications of members.

540A.110 Selection of chairman.

540A.120 Meetings; quorum; compensation of members.

540A.130 Development and revision; contents.

540A.140 Required elements.

540A.150 Consistency with other plans and federal law.

540A.160 Consideration of information from other entities and persons; review of other plans; coordination.

540A.170 Public hearings; adoption of resolution for submission of plan or amendment.

540A.180 Submission of plan or amendment to board; board required to hold public hearing; notice; copy of proposed plan or amendment to be available for public inspection.

540A.190 Changes and additions.

540A.200 Review by regional planning commission; effect of nonconformity with comprehensive regional plan.

540A.210 Appeal of determination by regional planning commission.

540A.220 Periodic review.

540A.230 Construction of certain facilities following approval of plan.

540A.240 Acquisition and use of water rights and other sources of water in accordance with plan; imposition of charge by board.

540A.290 Property or facility of county: Transfer to or operation or management by largest supplier in region which is public utility.

540A.300 Agreement between board and largest supplier in region which is public utility; compliance with regulations of Public Utilities Commission of Nevada; withholding of certain information from board.

540A.310 Duties of largest supplier in region which is public utility.