

SENATE BILL NO. 374—COMMITTEE ON NATURAL RESOURCES

MARCH 23, 2009

Referred to Committee on Legislative Operations and Elections

SUMMARY—Creates the Legislative Committee to Oversee the Southern Nevada Water Authority. (BDR S-848)

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 to Oversee the Southern Nevada Water Authority; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing general law authorizes the governing bodies of various local
2 governments to consolidate the provision of services by those local governments
3 pursuant to interlocal agreement. (NRS 277.080-277.180) The Southern Nevada
4 Water Authority was created by various public entities in 1991, pursuant to such an
5 interlocal agreement, to address water issues on a regional basis in an area
6 governed by unique conditions and circumstances. Under the Nevada Constitution,
7 the Legislature may pass a special or local law if the subject matter of the law does
8 not fall within one of certain enumerated categories and a general law cannot be
9 made applicable because of special circumstances and conditions. (Nev. Const. Art.
10 4, §§ 20, 21) **Section 2** of this bill specifies the unique conditions and
11 circumstances in those portions of Clark County served by the Southern Nevada
12 Water Authority that justify special legislation for the purpose of regional planning
13 and management of water resources and the legislative oversight of those
14 processes.

15 Existing law created the Western Regional Water Commission by special act of
16 the Legislature for the purpose of regional planning and management of water
17 resources in certain areas of Washoe County. (Chapter 531, Statutes of Nevada
18 2007, pp. 3285-3304) Existing law provides for the oversight of the programs and
19 activities of the Western Regional Water Commission by a statutory legislative
20 committee. (Chapter 531, Statutes of Nevada 2007, p. 3302) **Section 3** of this bill
21 creates a statutory legislative committee to oversee the programs and activities of
22 the Southern Nevada Water Authority.



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

Section 1. As used in sections 2 and 3 of this act, unless the context otherwise requires, "Southern Nevada Water Authority" means the political subdivision of the State of Nevada created on July 25, 1991, by a cooperative agreement entered into on that date pursuant to the provisions of NRS 277.080 to 277.180, inclusive.

Sec. 2. The Legislature hereby finds that:

1. The area served by the Southern Nevada Water Authority is a hydrologically unique area which is distinguished by the presence of Lake Mead and the Colorado River and a unique combination of state and federal law which governs the manner in which water is distributed within the area.

2. The unique hydrological conditions of the area served by the Southern Nevada Water Authority 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 the legislative oversight of the programs and activities of the Southern Nevada Water Authority.

Sec. 3. 1. There is hereby created the Legislative Committee to Oversee the Southern Nevada Water Authority. The Committee must:

(a) Consist of six Legislators as follows:

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

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

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

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

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

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

(b) Insofar as practicable, represent various areas within the region served by the Southern Nevada Water Authority.

(c) Elect a Chairman and a Vice Chairman from among its members. The Chairman must be elected from one House of the Legislature and the Vice Chairman from the other House. After the initial selection of a Chairman and a Vice Chairman, each of those officers holds office for a term of 2 years commencing on July 1 of



1 each odd-numbered year. If a vacancy occurs in the chairmanship or
2 vice chairmanship, the members of the Committee shall select a
3 replacement for the remainder of the unexpired term.

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

7 3. Vacancies on the Committee must be filled in the same
8 manner as original appointments.

9 4. The members of the Committee shall meet throughout each
10 year at the times and places specified by a call of the Chairman or a
11 majority of the Committee.

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

14 6. The Committee shall prescribe regulations for its own
15 management and government.

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

19 8. Any recommended legislation proposed by the Committee
20 must be approved by a majority of the members of the Senate and
21 by a majority of the members of the Assembly appointed to the
22 Committee.

23 9. Except during a regular or special session of the Legislature,
24 the members of the Committee are entitled to receive the
25 compensation provided for a majority of the members of the
26 Legislature during the first 60 days of the preceding regular session,
27 the per diem allowance provided for state officers and employees
28 generally and the travel expenses provided pursuant to NRS
29 218.2207 for each day or portion of a day of attendance at a meeting
30 of the Committee and while engaged in the business of the
31 Committee. The salaries and expenses paid pursuant to this
32 subsection and the expenses of the Committee must be paid from the
33 Legislative Fund.

34 10. The Committee shall review the programs and activities of
35 the Southern Nevada Water Authority.

36 11. The Committee may:

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

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

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

44 (a) The Secretary of the Committee or, in his absence, any
45 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



- 1 review conducted pursuant to subsection 10 and any
- 2 recommendations for legislation.
- 3 **Sec. 4.** This act becomes effective on July 1, 2009.

