

SENATE BILL NO. 499—COMMITTEE ON
LEGISLATIVE OPERATIONS AND ELECTIONS

(ON BEHALF OF THE LEGISLATIVE COMMITTEE TO OVERSEE
THE WESTERN REGIONAL WATER COMMISSION)

MARCH 25, 2013

Referred to Committee on Legislative Operations and Elections

SUMMARY—Creates the Legislative Committee on Water Issues.
(BDR 17-144)

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 legislative affairs; creating the Legislative Committee on Water Issues; prescribing the powers and duties of the Committee; transferring certain matters and duties from the jurisdiction of the Legislative Committee on Public Lands to the Legislative Committee on Water Issues; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 3 of this bill creates the Legislative Committee on Water Issues, consisting of three members of the Senate and three members of the Assembly appointed by the Legislative Commission. **Sections 5, 9 and 10** of this bill transfer to the Committee the powers and duties currently vested in the Legislative Committee on Public Lands over matters relating to water resources in this State. (NRS 218E.520, 218E.525) Specifically, **section 5** requires the Legislative Committee on Water Issues to review the programs and activities of the Colorado River Commission of Nevada and public water authorities, districts and systems in the State, and authorizes the Committee to review and comment on other issues relating to water resources. An exception to the Committee's authority is provided for those matters that under existing law are within the purview of the Legislative Committee for the Review and Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System. (NRS 218E.550-218E.580)

Section 6 of this bill authorizes the Legislative Committee on Water Issues to conduct investigations and hold hearings, and requires the Committee to report biennially to the Legislature on its activities and its findings, conclusions and recommendations for legislation. **Sections 7 and 8** of this bill provide for the



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18 issuance and enforcement of subpoenas issued by the Chair of the Committee and
19 for the payment of witness fees and mileage to persons who appear before the
20 Committee.

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

1 **Section 1.** Chapter 218E of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 8, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 8, inclusive, of this act, unless*
5 *the context otherwise requires, "Committee" means the Legislative*
6 *Committee on Water Issues created by section 3 of this act.*

7 **Sec. 3. 1.** *There is hereby created the Legislative*
8 *Committee on Water Issues, consisting of three members of the*
9 *Senate and three members of the Assembly appointed by the*
10 *Legislative Commission with appropriate regard for their*
11 *experience with and knowledge of matters relating to water as*
12 *described in section 5 of this act. Insofar as practicable, the*
13 *members of the Committee must be appointed to provide*
14 *representation from the various geographical regions of the State.*

15 **2.** *The Legislative Commission shall review and approve the*
16 *budget and work program for the Committee and any changes to*
17 *the budget or work program.*

18 **3.** *The Committee shall elect a Chair and a Vice Chair from*
19 *among its members. The Chair must be elected from one House of*
20 *the Legislature and the Vice Chair from the other House. After the*
21 *initial selection of the Chair and Vice Chair, each of those officers*
22 *holds office for a term of 2 years commencing on July 1 of each*
23 *odd-numbered year. The office of Chair must alternate each*
24 *biennium between the Houses. If a vacancy occurs in the office of*
25 *Chair or Vice Chair, the members of the Committee shall select a*
26 *replacement for the remainder of the unexpired term.*

27 **4.** *A member of the Committee who is not a candidate for*
28 *reelection or who is defeated for reelection continues to serve after*
29 *the general election until the next regular or special session of the*
30 *Legislature convenes.*

31 **5.** *A vacancy on the Committee must be filled in the same*
32 *manner as the original appointment for the remainder of the*
33 *unexpired term.*

34 **Sec. 4. 1.** *Except as otherwise ordered by the Legislative*
35 *Commission, the members of the Committee shall meet not earlier*
36 *than November 1 of each odd-numbered year and not later than*
37 *August 31 of the following even-numbered year at the times and*



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1 *places specified by a call of the Chair or a majority of the*
2 *Committee.*

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

6 3. *The Committee may prescribe rules for its own*
7 *management and government.*

8 4. *Four members of the Committee constitute a quorum, and*
9 *a quorum may exercise all the power and authority conferred on*
10 *the Committee.*

11 5. *Except during a regular or special session, for each day or*
12 *portion of a day during which members of the Committee attend a*
13 *meeting of the Committee or are otherwise engaged in the*
14 *business of the Committee, the members are entitled to receive:*

15 (a) *The compensation provided for a majority of the*
16 *Legislators during the first 60 days of the preceding regular*
17 *session;*

18 (b) *The per diem allowance provided for state officers and*
19 *employees generally; and*

20 (c) *The travel expenses provided pursuant to NRS 218A.655.*

21 ➔ *All such compensation, per diem allowances and travel*
22 *expenses must be paid from the Legislative Fund.*

23 **Sec. 5. 1.** *Except as otherwise provided in subsection 2, the*
24 *Committee:*

25 (a) *Shall review the programs and activities of:*

26 (1) *The Colorado River Commission of Nevada;*

27 (2) *All public water authorities, districts and systems in the*
28 *State of Nevada, including, without limitation, the Southern*
29 *Nevada Water Authority, the Truckee Meadows Water Authority,*
30 *the Virgin Valley Water District, the Carson Water*
31 *Subconservancy District, the Humboldt River Basin Water*
32 *Authority and the Truckee-Carson Irrigation District; and*

33 (3) *All other public or private entities with which any*
34 *county in the State has an agreement regarding the planning,*
35 *development or distribution of water resources, or any*
36 *combination thereof.*

37 (b) *May review and comment on other issues relating to water*
38 *resources in this State, including, without limitation:*

39 (1) *The laws, regulations and policies regulating the use,*
40 *allocation and management of water in this State;*

41 (2) *Any proposed or existing administrative policy, rule or*
42 *regulation of any official or agency of the Federal Government*
43 *relating to water in this State; and*



1 (3) *The status of existing information and studies relating*
2 *to water use, surface water resources and groundwater resources*
3 *in this State.*

4 (c) *May advise the Attorney General if it believes that any*
5 *proposed or enacted or adopted federal policy, rule or regulation*
6 *which it has reviewed encroaches on the sovereignty respecting*
7 *water or its use which has been reserved to the State pursuant to*
8 *the Constitution of the United States.*

9 2. *The Committee may not review or comment on any issue*
10 *within the jurisdiction of the Legislative Committee for the Review*
11 *and Oversight of the Tahoe Regional Planning Agency and the*
12 *Marlette Lake Water System as set forth in NRS 218E.550 to*
13 *218.580, inclusive.*

14 **Sec. 6. 1. The Committee may:**

15 (a) *Conduct investigations and hold hearings in connection*
16 *with its powers and duties pursuant to section 5 of this act.*

17 (b) *Request that the Legislative Counsel Bureau assist in the*
18 *research, investigations, hearings and reviews of the Committee.*

19 2. *The Committee shall, on or before January 15 of each odd-*
20 *numbered year, submit to the Director of the Legislative Counsel*
21 *Bureau for transmittal to the Legislature a report:*

22 (a) *Concerning the powers and duties conducted pursuant to*
23 *section 5 of this act; and*

24 (b) *Setting forth its findings, conclusions and any*
25 *recommendations for legislation.*

26 **Sec. 7. 1. In conducting the investigations and hearings of**
27 **the Committee:**

28 (a) *The Chair of the Committee or, in his or her absence, any*
29 *member of the Committee may administer oaths.*

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

34 (c) *The Chair of the Committee may issue subpoenas to*
35 *compel the attendance of witnesses and the production of books,*
36 *papers, accounts, records and other documents.*

37 2. *If any witness fails or refuses to attend or testify or*
38 *produce any books, papers, accounts, records or other documents*
39 *as required by a subpoena issued pursuant to this section, the*
40 *Chair of the Committee may report the failure or refusal to the*
41 *district court by petition, setting forth that:*

42 (a) *Due notice has been given of the time and place of*
43 *attendance of the witness or the production of the books, papers,*
44 *accounts, records or other documents;*



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

3 (c) The witness has failed or refused to attend or testify or to
4 produce the books, papers, accounts, records or other documents
5 required by the subpoena before the Committee,

6 and asking for an order of the court compelling the witness to
7 attend and testify or produce the documents before the Committee.

8 3. Upon a petition filed pursuant to subsection 2, the court
9 shall:

10 (a) Enter an order directing the witness:

11 (1) To appear before the court at a time and place to be
12 fixed by the court in its order, the time to be not more than 10 days
13 after the date of the order; and

14 (2) To show cause why the witness has not attended or
15 testified or produced the books, papers, accounts, records or other
16 documents before the Committee; and

17 (b) Serve a certified copy of the order upon the witness.

18 4. If, on or after the return date set forth in its order to
19 appear, the court finds that the subpoena was regularly issued by
20 the Committee, the court shall enter an order that the witness:

21 (a) Must appear before the Committee at the time and place
22 fixed in the order;

23 (b) Must testify or produce the required books, papers,
24 accounts, records or other documents; and

25 (c) Upon failure to obey the order, must be dealt with as for
26 contempt of court.

27 **Sec. 8. 1. Each witness who appears before the Committee**
28 **by its order, except a state officer or employee, is entitled to receive**
29 **for such attendance the fees and mileage provided for witnesses in**
30 **civil cases in the courts of record of this State.**

31 **2. The fees and mileage must be audited and paid upon the**
32 **presentation of proper claims sworn to by the witness and**
33 **approved by the Secretary and Chair of the Committee.**

34 **Sec. 9.** NRS 218E.520 is hereby amended to read as follows:

35 218E.520 1. The Committee may:

36 (a) Review and comment on any administrative policy, rule or
37 regulation of the:

38 (1) Secretary of the Interior which pertains to policy
39 concerning or management of public lands under the control of the
40 Federal Government; and

41 (2) Secretary of Agriculture which pertains to policy
42 concerning or management of national forests;

43 (b) Conduct investigations and hold hearings in connection with
44 its review, including, but not limited to, investigating the effect on



1 the State, its citizens, political subdivisions, businesses and
2 industries of those policies, rules, regulations and related laws;

3 (c) Consult with and advise the State Land Use Planning
4 Agency on matters concerning federal land use, policies and
5 activities in this State;

6 (d) Direct the Legislative Counsel Bureau to assist in its
7 research, investigations, review and comment;

8 (e) Recommend to the Legislature as a result of its review any
9 appropriate state legislation or corrective federal legislation;

10 (f) Advise the Attorney General if it believes that any federal
11 policy, rule or regulation which it has reviewed encroaches on the
12 sovereignty respecting land ~~for water~~ or ~~their~~ *its* use which has
13 been reserved to the State pursuant to the Constitution of the United
14 States;

15 (g) Enter into a contract for consulting services for land
16 planning and any other related activities, including, but not limited
17 to:

18 (1) Advising the Committee and the State Land Use
19 Planning Agency concerning the revision of the plans pursuant to
20 NRS 321.7355;

21 (2) Assisting local governments in the identification of lands
22 administered by the Federal Government in this State which are
23 needed for residential or economic development or any other
24 purpose; and

25 (3) Assisting local governments in the acquisition of federal
26 lands in this State;

27 (h) Apply for any available grants and accept any gifts, grants or
28 donations to assist the Committee in carrying out its duties; and

29 (i) Review and comment on any other matter relating to the
30 preservation, conservation, use, management or disposal of public
31 lands deemed appropriate by the Chair of the Committee or by a
32 majority of the members of the Committee.

33 2. Any reference in this section to federal policies, rules,
34 regulations and related federal laws includes those which are
35 proposed as well as those which are enacted or adopted.

36 **Sec. 10.** NRS 218E.525 is hereby amended to read as follows:

37 218E.525 ~~11~~ The Committee shall:

38 ~~11~~ *1.* Actively support the efforts of state and local
39 governments in the western states regarding public lands and state
40 sovereignty as impaired by federal ownership of land.

41 ~~12~~ *2.* Advance knowledge and understanding in local,
42 regional and national forums of Nevada's unique situation with
43 respect to public lands.



~~(e)~~ 3. Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

~~2. The Committee:~~

~~(a) Shall review the programs and activities of:~~

~~(1) The Colorado River Commission of Nevada;~~

~~(2) All public water authorities, districts and systems in the State of Nevada, including, without limitation, the Southern Nevada Water Authority, the Truckee Meadows Water Authority, the Virgin Valley Water District, the Carson Water Subconservancy District, the Humboldt River Basin Water Authority and the Truckee-Carson Irrigation District; and~~

~~(3) All other public or private entities with which any county in the State has an agreement regarding the planning, development or distribution of water resources, or any combination thereof;~~

~~(b) Shall, on or before January 15 of each odd-numbered year, submit to the Director for transmittal to the Legislature a report concerning the review conducted pursuant to paragraph (a); and~~

~~(c) May review and comment on other issues relating to water resources in this State, including, without limitation:~~

~~(1) The laws, regulations and policies regulating the use, allocation and management of water in this State; and~~

~~(2) The status of existing information and studies relating to water use, surface water resources and groundwater resources in this State.~~

Sec. 11. Section 5 of this act is hereby amended to read as follows:

Sec. 5. 1. Except as otherwise provided in subsection 2, the Committee:

(a) Shall review the programs and activities of:

(1) The Colorado River Commission of Nevada;

(2) All public water authorities, districts and systems in the State of Nevada, including, without limitation, the Southern Nevada Water Authority, the Truckee Meadows Water Authority, the Virgin Valley Water District, the Carson Water Subconservancy District, the Humboldt River Basin Water Authority and the Truckee-Carson Irrigation District; and

(3) All other public or private entities with which any county in the State has an agreement regarding the planning, development or distribution of water resources, or any combination thereof.

(b) May review and comment on other issues relating to water resources in this State, including, without limitation:



(1) The laws, regulations and policies regulating the use, allocation and management of water in this State;

(2) Any proposed or existing administrative policy, rule or regulation of any official or agency of the Federal Government relating to water in this State; and

(3) The status of existing information and studies relating to water use, surface water resources and groundwater resources in this State.

(c) May advise the Attorney General if it believes that any federal policy, rule or regulation which it has reviewed encroaches on the sovereignty respecting water or its use which has been reserved to the State pursuant to the Constitution of the United States.

2. The Committee may not review or comment on any issue within the jurisdiction of the Legislative Committee for the Review and Oversight of the *Nevada* Tahoe Regional Planning Agency and the Marlette Lake Water System as set forth in NRS 218E.550 to 218.580, inclusive.

Sec. 12. 1. This section and sections 1 to 10, inclusive, of this act become effective on July 1, 2013.

2. Except as otherwise provided in subsection 3, section 11 of this act becomes effective on October 1, 2015, unless, by that date, all of the following events have occurred:

(a) The State of California has enacted amendments that are substantially identical to the amendments to the Tahoe Regional Planning Compact contained in section 1.5 of chapter 530, Statutes of Nevada 2011, at page 3711;

(b) The amendments to the Tahoe Regional Planning Compact contained in section 1.5 of chapter 530, Statutes of Nevada 2011, at page 3711, have been approved pursuant to Public Law 96-551; and

(c) The governing board of the Tahoe Regional Planning Agency has adopted an update to the 1987 Regional Plan.

3. In the event that the Governor of this State issues a proclamation pursuant to section 23.5 of chapter 530, Statutes of Nevada 2011, at page 3742, section 11 of this act becomes effective on October 1, 2017.

