

COMMITTEE ON GOVERNMENT AFFAIRS

Minutes of Meeting - February 5, 1975

Present: Chairman Gibson
Senator Dodge
Senator Walker
Senator Hilbrecht
Senator Foote
Senator Gojack
Senator Schofield

Also Present:

Bob Warren, Nev. League of Cities
Jack Mitchell, City of North Las Vegas
Elmo DeRicco, Department of Conservation
John, Meder, Division of State Lands
Harold Provence, Division of State Lands
Michael Blomdul, Nevada Tax Commission
Norman Hall, Department of Conservation
W. E. Adams, City of Las Vegas
Don Paff, Div. of Colorado River Resources
Ed Stolche, Department of Conservation
John Crossley, Leg. Counsel Bureau Audit Staff
Roland Westergard, State Engineers
Mr. Burnett, L.C.B.
B. Baxter, State Planning
John Sparkel, State Planning Coord. Office
Jim Rathburn, Tax Commission
U.P.I.

Chairman Gibson opened the fifth meeting by asking that the records reflect a quorum present. February 5, 1975 at 2:30 P.M. Two of the senators on the committee arrived shortly after the meeting had begun. The first bill under discussion was SB-97

SB-97 Repeals provision which allows State of Nevada to sell land received from United States in exchange for state land. Fiscal Note (BDR 26-552)

Mr. John Meder, representing the Division of State Lands, spoke in favor of SB-97. He indicated that there was a misprint in the summary which stated that it was somewhat optional to sell state land and as the law now stands they are required to sell state lands. Mr. Meder wants the bill to eliminate the requirement to sell state lands.

Mr. Burnett clarified the technicality in the use of the word "shall" as indicated that lands shall be subject for sale and not shall be sold. Therefore, the summary is correct in indicating that it repeals a provision which allows the state to do this.

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Mr. Elmo DeRicco, representing the Department of Conservation, spoke in favor of this bill also. He stated that when he became Director he asked for a moratorium on state lands as some were very valuable and if they should dispose of those lands it should be by legislative act only. He clarified that the moratorium would only be a temporary act and does not want this to be made a permanent act.

Upon further discussion Chairman Gibson asked that Senator Hilbrecht handle the changes in SB-97 and report back to the committee.

SB-102 Transfers management of real property acquisitions for Nevada State Park System from system to division of lands of State Department of Conservation and natural resources. Fiscal Note (BDR 35-225)

Mr. Elmo DeRicco spoke on behalf of SB-102. He felt that his division would have a greater efficiency program by having SB-102 enacted and keeping the consulting/negotiations within the department, handled by their own men. It would also provide a good check and balance system within the program.

Senator Hilbrecht felt it might explain the issue better if after the end of paragraph 2, line 13 we put in a comma and added, "selected by the Director of Parks under recommendation of the Legislature". Chairman Gibson suggested they discuss this further later in the meeting.

Upon return to SB-102 it was moved by Senator Hilbrecht to amend and "Do Pass" seconded by Senator Dodge, motion carried unanimously.

SB-104 Exempts certain powers of administrator of division of Colorado River Resources from regulation by public service commission. Fiscal Note (BDR 48-342)

Mr. Don Paff, representing the Division of Colorado River Resources spoke in support of SB-104 (See attached testimony). Discussion followed regarding the working of "wholesale distribution" and the possibilities of this being misunderstood .

Later in the meeting Senator Dodge moved a "Do Pass", seconded by Senator Schofield. Motion carried unanimously.

SB-105 Eliminate state engineer's revolving fund and provides for use and accounting of certain state engineer fees. Fiscal Note (BDR 48-488)

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Both Mr. Roland Westergard, representing State Engineers and Mr. John Crossley, representing the Legal Counsel Bureau Audit Staff spoke in favor of SB-105. Mr. Westergard called the committee's attention to Section 2 reflecting that NRS 532.195 is hereby repealed. NRS 532.195 establishes and provides for the State Engineer's revolving fund. The language in the statute refers to payment of emergency bills and expenses. In the last audit it was found that this fund was not being used specifically as the language provided that it should be. Currently the fund is to receive application fees to appropriate water and proofs of appropriation. The law requires advertisement in the newspaper when these applications are received. A portion of this \$25. fee goes for that cost and this is the intent of SB-105. Would rather have an amendment to indicate that: (line 50 page 2) "and fees for applications for permits to appropriate" be deleted. Thus it would read as follows: "any publication fees received which are not used for publication expenses shall be returned to the persons who paid such fees."

Later in the meeting the committee voted on this bill. Senator Dodge moved amend and "Do Pass", seconded by Senator Foote. Motion carried unanimously.

SB-42 Provides for branch office of district attorney's office community other than county seat, where population warrants. Fiscal Note (BDR 20-530)

Chairman Gibson indicated to the committee that Austin is the County Seat of Lander County but the major city is Battle Mountain. This appears to be the only county in the state where this situation exists. The language provides for an office to be set up in Battle Mountain.

Senator Monroe stated that 90% of the population in Lander County lived in Battle Mountain and this bill does apply only to Lander County. Discussion followed and the committee agreed to change the word "shall" on line 33 to "May". This change makes it more acceptable to the committee.

Motion of amend and "Do Pass" by Senator Hilbrecht, seconded by Senator Walker, Motion carried unanimously.

SB-55 Increases monthly dollar limit on supplies a member of local government governing body may sell to such governing body. Fiscal Note: (BDR 27-578)

Senator Foote felt this bill had more to do with services rather than supplies. Mr. Bob Warren, representing the Nevada League of Cities stated that this bill would be helpful in the larger communities but could be a hindrance to the smaller communities with a smaller working capital.

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Chairman Gibson indicated that the bill had come up in previous sessions and in his committee they had made them narrow the language down and did consent to the \$100.00 limit.

Further discussion on this bill was set aside until the Thursday (2-6-75) meeting when Senator Blakemore could be present to discuss this bill with the committee.

SB-16 Designates Indian Ricegrass as official state grass.
Fiscal Note (BDR 19-453)

Motion of "Do Pass" from Senator Foote, seconded by Senator Dodge, motion carried unanimously.

SB-45 Expands authority of county commissioners to enact, enforce ordinances licensing all animals and limiting numbers of animals per owner in residential districts.
Fiscal Note (BDR 20-534)

Chairman Gibson read a letter from Senator Sheerin that stated SB-45 was introduced at the request of Carson City. After reviewing line 13 of SB-45 he believed the area should be redefined to include only incorporated cities in the urban area of Carson City.

Discussion followed in regards to what animals would be limited by this provision and Mr. Warren stated that it was the intent to control the cat population.

Senator Dodge stated that 359 gives general authority but limits it to dogs and discussion followed with regards to licensing of cats also.

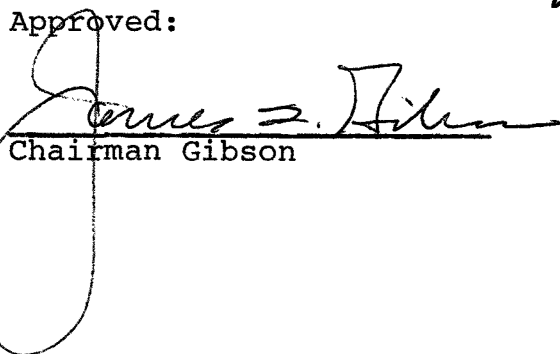
It was decided by the committee to hold this bill over and discuss it further in Thursdays meeting.

With no further business the meeting was adjourned at 4:00 P.M.

Respectfully submitted,


Janice Marie Peck

Approved:


Chairman Gibson

S E N A T E

45

Page 2

AGENDA FOR COMMITTEE ONGovernment Affairs.....

DATE ..2-5-75.....TIME..2:30 P.M:.....ROOM...345.....

Bills or Resolutions
to be considered

Subject

Counsel
Requested*

SB-105

Eliminate state engineer's revolving
fund and provides for use and accounting
of certain state engineer fees.
Fiscal Note No. (BDR 48-488)

Hearing

* Please do not ask for counsel unless necessary

DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES

DIVISION OF COLORADO RIVER RESOURCES

Testimony Regarding Senate Bill No. 104

Committee on Governmental Affairs

February 5, 1975

Mr. Chairman, and members of the Committee. My name is Don Paff, and I am the Administrator of the Division of Colorado River Resources, formerly known as the Colorado River Commission. My brief testimony is in support of Senate Bill 104.

Under existing statutes of the Division and the Public Service Commission there could be an interpretation of conflict relating to purchase and distribution of power and water by the Division and the regulatory authorities of the Public Service Commission. Senate Bill 104 seeks to eliminate the potential conflict and clarify the interface of the two State agencies. There have been no conflicts or problems to date, however, the potential currently does exist.

Senate Bill 104 was drafted in cooperation with the Public Service Commission and it is my understanding that they are in agreement with it. The Bill does not affect any existing authorities of either agency, nor does it affect any ongoing or future contractual or regulatory activity or authority of either the Division or the Public Service Commission.

For specific reference, I believe the potential area of conflict could result from a reading of NRS 704.020 2(b) and NRS 538.161, 538.171 and 538.181.

I urge your favorable consideration and action on Senate Bill 104. I would be pleased to answer any questions you may have.

S. B. 16

SENATE BILL NO. 16—SENATOR SHEERIN

JANUARY 22, 1975

Referred to Committee on Government Affairs

SUMMARY—Designates Indian ricegrass as official state grass.
Fiscal Note: No. (BDR 19-453)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT designating Indian ricegrass as the official state grass.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 235 of NRS is hereby amended by adding
- 2 thereto a new section which shall read as follows:
- 3 *The grass known as Indian ricegrass (Oryzopsis hymenoides) is hereby*
- 4 *designated as the official state grass of the State of Nevada.*

S. B. 42

SENATE BILL NO. 42—SENATOR MONROE

JANUARY 28, 1975

Referred to Committee on Government Affairs

SUMMARY—Provides for branch office of district attorney's office in community other than county seat, where population warrants. Fiscal Note: No. (BDR 20-530)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT amending NRS 252.050, relating to the location and hours of the district attorney's office in certain counties, by providing for a branch office of the district attorney to be maintained at public expense in a community other than the county seat, where such other community is the principal population center; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 252.050 is hereby amended to read as follows:
- 2 252.050 1. In counties where, at the preceding general election, the
- 3 total votes cast for the office of Representative in the Congress of the
- 4 United States exceeded 2,500, district attorneys shall keep an office at
- 5 the county seat of their county, which shall be kept open on all days
- 6 except Sundays and nonjudicial days from 9 a.m. to 12 m., and on all days
- 7 except Sundays, nonjudicial days and Saturdays from 1 p.m. to 5 p.m.
- 8 Notwithstanding the provisions of this section, the board of county com-
- 9 missioners of any county may, by an order regularly made and entered
- 10 in the record of its proceedings, designate the days and hours during
- 11 which the office of the district attorney shall be kept open for the trans-
- 12 action of public business. Any order so made and entered shall require
- 13 the office to be kept open for not less than 40 hours during each week
- 14 for the transaction of public business. The provisions of this subsection
- 15 shall not apply to a district attorney when called away from his office by
- 16 official duties.
- 17 2. In counties [where, at the preceding general election, the total
- 18 votes cast for the office of Representative in the Congress of the United
- 19 States were 2,500 or less, a district attorney shall not be required to keep
- 20 an office at the county seat of the county, but may, at his own expense,
- 21 locate, equip and maintain an office anywhere within the boundaries of
- 22 the county. Any district attorney who locates, equips and maintains an

1 office elsewhere than at the county seat of his county shall first give writ-
2 ten notice thereof to the board of county commissioners.] *in which the*
3 *county seat is not the principal population center, the county commission-*
4 *ers shall authorize the district attorney to rent, equip, and operate, at pub-*
5 *lic expense, a branch office at the county's principal population center.*
6 Any [office so located, equipped and maintained] *such branch office*
7 shall be kept open for the transaction of public business on the days and
8 during the hours specified in subsection 1, but the requirements thereof
9 shall not apply to a district attorney when called away from [his] *such*
10 *branch office* by official duties.

11 3. Any district attorney violating the provisions of subsection 1 or 2
12 is guilty of a misdemeanor. If any district attorney shall absent himself
13 from his office, except:

14 (a) When called away from his office by official duties; or

15 (b) When expressly permitted so to do by the board of county com-
16 missioners or a majority of the members thereof in writing; or

17 (c) When he first makes provision to leave his office open for the
18 transaction of public business on the days and during the hours pre-
19 scribed in subsection 1 and in charge of a deputy duly qualified to act
20 in his absence,

21 there shall be withheld from his monthly salary that proportion thereof
22 as the number of days of the absence bears to the number of days of the
23 month in which such absence occurs. Such sum shall be withheld from
24 payment of salary to the district attorney for the next succeeding month
25 by order of the board of county commissioners; but no order in the prem-
26 ises shall be made without first giving him reasonable notice and an
27 opportunity to appear before the board and defend the charge against
28 him.

29 4. Notwithstanding any other provision of this section, the district
30 attorney in each county having a population of 700 or less, as determined
31 by the last-preceding national census of the Bureau of the Census of the
32 United States Department of Commerce, regardless of where he resides
33 or where he keeps his office, shall:

34 (a) Attend all meetings, regular or special, of the board of county
35 commissioners.

36 (b) Spend the hours from 9 a.m. to 5 p.m. of not less than 1 day each
37 week at the county seat, and shall make himself available to the county
38 officers during such hours. The district attorney shall select the day of
39 the week for his attendance at the county seat and shall thereafter spend
40 such day each week at the county seat.

S. B. 45

SENATE BILL NO. 45—SENATOR SHEERIN

JANUARY 28, 1975

Referred to Committee on Government Affairs

SUMMARY—Expands authority of county commissioners to enact, enforce ordinances licensing all animals and limiting number of animals per owner in residential districts. Fiscal Note: No. (BDR 20-534)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT authorizing boards of county commissioners to enact and enforce ordinances licensing all animals and limiting the number of animals per owner in residential districts.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 244.359 is hereby amended to read as follows:
- 2 244.359 1. Each board of county commissioners may enact and
- 3 enforce an ordinance or ordinances:
- 4 (a) Fixing, imposing and collecting an annual license fee on [dogs]
- 5 *all animals* and providing for the capture and disposal of all [dogs]
- 6 *animals* on which the license fee is not paid.
- 7 (b) Regulating or prohibiting the running at large and disposal of all
- 8 kinds of animals.
- 9 (c) Establishing a pound, appointing a poundkeeper and prescribing
- 10 his duties.
- 11 (d) Prohibiting cruelty to animals.
- 12 (e) *Limiting the number of animals permissible for each owner to keep*
- 13 *in any area zoned for residential purposes.*
- 14 2. Any ordinance or ordinances enacted pursuant to the provisions
- 15 of paragraphs (a) and (b) of subsection 1 may apply throughout an
- 16 entire county or govern only a limited area within the county which shall
- 17 be specified in the ordinance or ordinances.

S. B. 55

SENATE BILL NO. 55—SENATOR BLAKEMORE

JANUARY 29, 1975

Referred to Committee on Government Affairs

SUMMARY—Increases monthly dollar limit on supplies a member of local government governing body may sell to such governing body. Fiscal Note: No. (BDR 27-578)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the Local Government Purchasing Act; increasing the aggregate monthly value of supplies a member of a local government governing body may sell to such governing body.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 332.150 is hereby amended to read as follows:
- 2 332.150 1. No member of the governing body may be interested;
- 3 directly or indirectly, in any contract entered into by the governing body;
- 4 but the governing body may purchase supplies, not to exceed **[\$100]**
- 5 **\$250** in the aggregate in any 1 calendar month, from such a member,
- 6 when not to do so would be of great inconvenience due to a lack of other
- 7 local source.
- 8 2. A member who supplies pursuant to subsection 1 shall not vote
- 9 on the allowance of the claim therefor.
- 10 3. A violation of this section is a misdemeanor and cause for
- 11 removal from office.

S. B. 97

**SENATE BILL NO. 97—COMMITTEE ON
GOVERNMENT AFFAIRS**

JANUARY 30, 1975

Referred to Committee on Government Affairs

SUMMARY—Repeals provision which allows State of Nevada to sell land received from United States in exchange for state land. Fiscal Note: No. (BDR 26-552)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the exchange of state lands; repealing a provision which allows the State of Nevada to sell land received from the United States in exchange for state land.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. NRS 323.050 is hereby repealed.
- 2 SEC. 2. This act shall become effective upon passage and approval.

S. B. 102**SENATE BILL NO. 102—COMMITTEE ON
GOVERNMENT AFFAIRS**

JANUARY 30, 1975

Referred to Committee on Government Affairs

SUMMARY—Transfers management of real property acquisitions for Nevada state park system from system to division of lands of state department of conservation and natural resources. Fiscal Note: No. (BDR 35-225)



EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the Nevada state park system; transferring management responsibility for real property acquisitions from the system to the division of lands of the state department of conservation and natural resources; and providing other matters properly relating thereto.

*The People of the State of Nevada, represented in Senate and Assembly,
do enact as follows:*

- 1 SECTION 1. NRS 407.063 is hereby amended to read as follows:
2 407.063 1. The system may acquire, with the concurrence of the
3 interim finance committee, and within the limits of legislative appropria-
4 tion where funds are required, real or personal property by lease, purchase,
5 gift, grant, devise or in any other manner. The right of eminent domain as
6 provided by chapter 37 of NRS may be exercised by the system. The
7 interim finance committee may clarify the legislative intent of an appropria-
8 tion at the request of any member of the commission [or], the admin-
9 istrator [.] *or the director of the state department of conservation and*
10 *natural resources.*
11 2. *The division of state lands of the state department of conservation*
12 *and natural resources shall manage the process of acquiring all real prop-*
13 *erty for the system.*

S. B. 104

**SENATE BILL NO. 104—COMMITTEE ON
GOVERNMENT AFFAIRS**

JANUARY 30, 1975

Referred to Committee on Government Affairs

SUMMARY—Exempts. certain powers of administrator of division of Colorado River resources from regulation by public service commission. Fiscal Note: No. (BDR 48-342)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to interstate waters; exempting certain powers of the administrator of the division of Colorado River resources of the state department of conservation and natural resources from regulation by the public service commission of Nevada; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

- 1 SECTION 1. Chapter 538 of NRS is hereby amended by adding
- 2 thereto a new section which shall read as follows:
- 3 *Notwithstanding any provision of chapter 704 of NRS, any purchase*
- 4 *of power or water for distribution or exchange, and any subsequent dis-*
- 5 *tribution or exchange of such power or water by the administrator pursu-*
- 6 *ant to the provisions of NRS 538.041 to 538.251, inclusive, shall not be*
- 7 *subject to regulation by the public service commission of Nevada.*
- 8 SEC. 2. NRS 538.041 is hereby amended to read as follows:
- 9 538.041 As used in NRS 538.041 to 538.251, inclusive [:] , and
- 10 section 1 of this act:
- 11 1. "Administrator" means the administrator of the division of Colo-
- 12 rado River resources.
- 13 2. "Commission" means the Colorado River advisory commission.
- 14 3. "Director" means the director of the state department of con-
- 15 servation and natural resources.
- 16 4. "Division" means the division of Colorado River resources of the
- 17 state department of conservation and natural resources.
- 18 SEC. 3. NRS 538.141 is hereby amended to read as follows:
- 19 538.141 The administrator shall employ, pursuant to chapter 284 of
- 20 NRS, such assistants and employees as may be necessary to carry out the
- 21 purposes of NRS 538.041 to 538.251, inclusive, and section 1 of this act,
- 22 and NRS 321.390 to 321.536, inclusive, into effect. Such assistants and

1 employees shall have such duties as may be prescribed by the admin-
2 istrator.

3 SEC. 4. NRS 538.181 is hereby amended to read as follows:

4 538.181 1. The division shall hold and administer all rights and
5 benefits pertaining to the distribution of the power and water mentioned
6 in NRS 538.041 to 538.251, inclusive, and section 1 of this act for the
7 State of Nevada, and is empowered to lease, sublease, let, sublet, contract
8 or sell the same on such terms as the administrator shall determine.

9 2. Every applicant, except a federal or state agency or political sub-
10 division, for power or water to be used within the State of Nevada shall,
11 before the application is approved, provide an indemnifying bond by a
12 corporation qualified under the laws of this state, or other collateral,
13 approved by the state board of examiners, payable to the State of Nevada
14 in such sum and in such manner as the administrator may require, con-
15 ditioned for the full and faithful performance of such lease, sublease,
16 contract or other agreement.

17 3. The power and water shall not be sold for less than the actual cost
18 to the State of Nevada.

19 4. Before any such sale or lease is made, the same shall be advertised
20 in two papers of general circulation published in the State of Nevada for
21 a period of once a week for 2 weeks; and the administrator shall require
22 any person desiring to make objection thereto to file the objection with
23 the division within 10 days after the date of the last publication of the
24 notice. If any objection is filed pursuant to such notice then the admin-
25 istrator shall set a time and place for a hearing of the objection not more
26 than 30 days after the date of the last publication of the notice.

27 5. Any such lease, sublease, contract or sale, either of the water or
28 power mentioned in NRS 538.041 to 538.251, inclusive, and section 1 of
29 this act shall not become binding upon the State of Nevada until ratified
30 and approved by the governor and, where required by the provisions of
31 subsection 2 of NRS 538.211, until approved by the United States.

32 SEC. 5. NRS 538.201 is hereby amended to read as follows:

33 538.201 The administrator may adopt such written rules and regula-
34 tions governing the procedure described in NRS 538.131 to 538.191,
35 inclusive, and section 1 of this act as may be just and reasonable.

36 SEC. 6. NRS 538.211 is hereby amended to read as follows:

37 538.211 1. Notwithstanding anything in NRS 538.041 to 538.251,
38 inclusive, and section 1 of this act to the contrary, the administrator may
39 request, on behalf of the State of Nevada, from the Secretary of the
40 Interior of the United States the installation of water service facilities and
41 electrical generating machinery and equipment or water service facilities
42 or electrical generating machinery and equipment as the administrator in
43 his discretion may deem necessary or convenient to meet and serve the
44 future water and power demands and requirements of the State of
45 Nevada, and he shall negotiate for and obtain and enter into and execute
46 and cause to be executed such contracts, documents and instruments as
47 are appropriate and requisite to carry such requests into effect.

48 2. In the contracts, documents and instruments referred to in subsec-
49 tion 1, the administrator may:

1 (a) Obligate the State of Nevada to repay the cost of water service
2 facilities constructed by the United States;

3 (b) Obligate the division to operate and maintain water service facili-
4 ties constructed by the United States;

5 (c) Sell Colorado River water, at wholesale, and deliver it through
6 water service facilities constructed by the United States under contracts
7 to be approved by the United States and upon charges which will yield
8 to the division revenues sufficient to repay the costs of such facilities and
9 their operation and maintenance and, in addition, the cost of the water;

10 (d) Require each purchaser of Colorado River water from the division
11 to exercise such powers as such purchaser may possess to levy and collect
12 taxes or assessments for the purposes of meeting the charges payable to
13 the division; and

14 (e) Agree to institute in the eighth judicial district court of the State
15 of Nevada, and to prosecute to final judgment, including appellate review,
16 proceedings to determine the validity of any contract or other obligation
17 entered into with the United States under the provisions of subsection 1.
18 Jurisdiction is hereby conferred upon such court, and generally upon
19 each of the district courts of the State of Nevada, to conduct proceedings
20 for such purpose as in the ordinary case of the judicial determination of
21 proceedings, contracts, bonds and obligations of water conservancy dist-
22 tricts as provided in NRS 541.380 to 541.420, inclusive. Such proceed-
23 ings may be initiated by and in the name of the administrator.

24 3. In the event of the installation of any water service facilities and
25 electrical generating machinery and equipment or water service facilities
26 or electrical generating machinery and equipment pursuant to a request
27 therefor by the administrator, the faith and credit of the State of Nevada
28 hereby is and shall be irrevocably pledged for the performance and
29 observance of all covenants, conditions, limitations, promises and under-
30 takings made or specified to be kept, observed or fulfilled on the part of
31 this state, in any contract heretofore or hereafter entered into with the
32 United States of America.

33 SEC. 7. NRS 538.221 is hereby amended to read as follows:

34 538.221 1. The administrator may:

35 (a) Hold hearings.

36 (b) Receive and hear objections filed to the granting of contracts after
37 advertisement.

38 (c) Require the attendance of witnesses.

39 (d) Take testimony whenever he deems it necessary to carry out the
40 provisions of NRS 538.041 to 538.251, inclusive [.] , and section 1 of
41 this act.

42 2. The administrator may administer oaths to any witnesses called
43 to testify at any hearing or proceeding before him.

44 SEC. 8. NRS 538.231 is hereby amended to read as follows:

45 538.231 1. Revenues received from the sale of water delivered
46 through the water service facilities referred to in NRS 538.211 shall be
47 applied and disbursed by the division in the following order:

48 (a) To the payment to the Federal Government or to the division for
49 the cost of operation and maintenance of such works and facilities.

1 (b) To the payment to the Federal Government of cost of construc-
2 tion of such works and facilities allocated by the Secretary of the Interior
3 for reimbursement under any contracts therefor.

4 (c) To the payment of compensation and expenses of the division and
5 all other obligations incurred through performance by the division of the
6 duties designated in NRS 538.041 to 538.251, inclusive [.] , and section
7 1 of this act.

8 (d) To the repayment to the State of Nevada of any moneys advanced
9 or appropriated to the division, such repayment to be placed in and to
10 be a part of the general fund of the state.

11 2. Revenues received from the sale of power or water other than
12 provided for in subsection 1 or otherwise shall be applied and disbursed
13 by the division in the following order:

14 (a) To the payment to the Federal Government of the cost of electrical
15 energy and the generation and delivery thereof in accordance with bills
16 rendered by the Secretary of the Interior of the United States.

17 (b) To the payment to other entities of the cost of water and the cost
18 of electrical energy and the generation thereof or the cost of water or the
19 cost of electrical energy and the generation thereof in accordance with
20 bills rendered by such entities.

21 (c) To the payment of compensation and expenses of the division and
22 all other obligations incurred through performance by the division of the
23 duties designated in NRS 538.041 to 538.251, inclusive [.] , and section
24 1 of this act.

25 (d) To the repayment to the State of Nevada of any moneys advanced
26 or appropriated to the division, such repayment to be placed in and to
27 be a part of the general fund of the state.

S. B. 105

SENATE BILL NO. 105—COMMITTEE ON
GOVERNMENT AFFAIRS

JANUARY 30, 1975

Referred to Committee on Government Affairs

SUMMARY—Eliminates state engineer's revolving fund and provides for use and accounting of certain state engineer fees. Fiscal Note: No. (BDR 48-488)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to the state engineer; eliminating the state engineer's revolving fund; providing for use and accounting of certain fees; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

1	SECTION 1. NRS 533.435 is hereby amended to read as follows:	
2	533.435 Fees of state engineer.	
3	1. The following fees shall be collected by the state engineer:	
4	For examining and filing an application for permit to	
5	appropriate water.....	\$25.00
6	The \$25 fee shall include the cost of publication,	
7	which publication fee is [fixed at] \$15.	
8	For examining and filing an application for permit to	
9	change the point of diversion, manner of use, or	
10	place of use.....	30.00
11	The \$30 fee shall include the cost of permit	
12	should the same issue thereunder, and the	
13	cost of publication of such application,	
14	which publication fee is [fixed at] \$15.	
15	For issuing and recording permit to appropriate water for	
16	irrigation purposes, for each acre to be irrigated, up	
17	to and including 100 acres, per acre.....	.10
18	For each acre in excess of 100 acres up to and	
19	including 1,000 acres.....	.05
20	For each acre in excess of 1,000 acres.....	.03
21	For issuing and recording permit for power purposes, for	
22	each theoretical horsepower to be developed.....	.05
23	For issuing final certificate under permit for power pur-	
24	poses, for each theoretical horsepower to be devel-	
25	oped up to and including 100 horsepower.....	.25

1			
2		For each horsepower in excess of 100 horse-	
3		power up to and including 1,000 horse-	
4		power.....	\$0.20
5		For each horsepower in excess of 1,000 horse-	
6		power.....	.15
7		For issuing and recording permit to store water.....	25.00
8		For issuing final certificate under permit to store water,	
9		for each acre-foot of water stored up to and including	
10		1,000 acre-feet.....	.05
11		For each acre-foot in excess of 1,000 acre-feet....	.03
12		For issuing and recording permit to appropriate water for	
13		any other purpose, for each second-foot of water	
14		applied for or fraction thereof.....	10.00
15		For filing secondary permit under reservoir permit.....	5.00
16		For approving and recording permit under reservoir per-	
17		mit.....	5.00
18		For filing proof of commencement of work.....	1.00
19		For filing proof of completion of work.....	1.00
20		For filing proof of beneficial use.....	1.00
21		For filing any protest.....	10.00
22		For filing any application for extension of time within	
23		which to file proofs.....	5.00
24		For filing any assignment or water right deed, for each	
25		water right assigned.....	1.00
26		For filing any other instrument.....	1.00
27		For making copy of any document recorded or filed in his	
28		office, for the first 100 words.....	1.00
29		For each additional 100 words or fraction	
30		thereof.....	.20
31		Where the amount exceeds \$5, then only the	
32		actual cost in excess of that amount shall	
33		be charged.	
34		For certifying to copies of documents, records or maps, for	
35		each certificate.....	1.00
36		For blueprint copy of any drawing or map, per square foot..	.15
37		The minimum charge for a blueprint copy,	
38		[shall be,] per print.....	1.00

38 2. When fees are not specified in subsection 1 for such other work
39 as may be required of his office, the state engineer shall collect the actual
40 cost of the work.

41 3. The [sum of \$10 shall be the] minimum fee for issuing and
42 recording any permit [.] is \$10.

43 4. Except as otherwise provided in this subsection, all fees collected
44 by the state engineer under the provisions of this section shall be
45 [accounted for and paid by him into the general fund of] deposited in
46 the state treasury [once each month.] for credit to the general fund. All
47 fees received [by the state engineer] for blueprint copies of any drawing
48 or map shall be kept by him and used only to pay costs of printing
49 and maintenance of printing equipment. Any [moneys received by the
50 state engineer as] publication fees [and] and fees for applications for

1 *permits to appropriate water and for proofs of appropriation received*
 2 *which are not used by him for [that purpose] publication expenses shall*
 3 *be returned to the [person who paid the same.] persons who paid the*
 4 *fees. If, after [exercise of] exercising due diligence, the state engineer is*
 5 *unable to [refund such moneys to the person who paid the same,] make*
 6 *the refunds, he shall [pay such moneys into the general fund in the state*
 7 *treasury.] deposit the fees in the state treasury for credit to the general*
 8 *fund. The state engineer may maintain, with the approval of the state*
 9 *board of examiners, a checking account in any bank qualified to handle*
 10 *state moneys for the purpose of carrying out the provisions of this sub-*
 11 *section. The bank account shall be secured by a depository bond satis-*
 12 *factory to the state board of examiners to the extent the account is not*
 13 *insured by the Federal Deposit Insurance Corporation.*

14 SEC. 2. NRS 532.195 is hereby repealed.