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ASSEMBLY GOVERNMENT AFFAIRS COMMITTEE

Revised May 16, 2003

Proposed Amendments to SB 487

Presented by
Lincoln County / Vidler Water Company
and Senator Warren Hardy

1. Add a new Section 3 to read as follows:

“The existence of an agreement entered into pursuant to this Act does not constitute a beneficial use for the purposes of Chapters 533 and 534 of the Nevada Revised Statutes. The State Engineer may deny any application submitted pursuant to an agreement entered into pursuant to this Act if he deems the application to be speculative.”

2. Add a new Section 4 to read as follows:

“A water resource procured pursuant to an agreement entered into pursuant to this Act shall not be sold, leased or otherwise transferred for use outside the State of Nevada.”

3. Add a new Section 5 to read as follows:

“No agreement entered into pursuant to this Act, nor any portion thereof, shall be the subject of a nondisclosure or confidentiality agreement for the purposes of NRS 241.020(4)(c)(1).”

4. Add a new Section 6 to read as follows:

“An agreement entered into pursuant to this Act must require the private corporation or other entity to submit an annual report to the board of county commissioners. The report must contain:

- 1) information regarding the status of each project or undertaking contemplated by the agreement; and
- 2) a financial report detailing any money spent in furtherance of the agreement and the amount and expected timing of any revenue to be received pursuant to the agreement.

The report required by this section shall be a public record and shall be considered by the board of county commissioners at a public hearing in accordance with Chapter 241 of the Nevada Revised Statutes.”

5. Add a new Section 7 to read as follows:

“The sale, lease or other transfer of a water resource procured pursuant to an agreement entered into pursuant to this Act shall not be sold, leased or transferred for use outside the County at a price higher than its fair market value at the time of the sale, lease or transfer.”

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SUBMITTED BY: Mark Fiorentino

6. Add a new Section 8 to read as follows:

“Any report data or other information provided to support an application filed with the State Engineer pursuant to Chapters 533 and 534 of the Nevada Revised Statutes shall be a public record and maintained in the office of the County Clerk in any County that enters an agreement authorized by this Act.”

7. Add a new Section 9 to read as follows:

“Nothing in this Act authorizes or permits a private corporation or other entity to obtain non-profit status or any benefit derived therefrom for the purpose of performing under the terms of an agreement entered into pursuant to this Act.”

8. Add a new Section 10 to read as follows:

“An agreement entered into pursuant to this Act shall contain a provision that requires the private corporation or other entity to indemnify the State of Nevada for any cost incurred to ensure performance of the private entity’s obligations under the agreement.”

9. Amend Section 2 to read as follows (deleted text indicated with ~~strikethrough~~; new language indicated with **underlined bold italics**):

2-1 **Sec. 2.** NRS 244.320 is hereby amended to read as follows:

2-2 244.320 1. A board of county commissioners may enter into

2-3 any contract, lease, franchise, exchange of property or other

2-4 transaction which extends beyond the terms of the county

2-5 commissioners then in office and voting on the matter **including any agreement entered into pursuant to Section 1 of this Act** ~~but~~ but ,

2-6 except as otherwise provided ~~in section 1 of this act or as otherwise~~

2-7 ~~provided~~ by law, the contract, lease, franchise, exchange or other

2-8 transaction is binding beyond those terms of office only to the extent

2-9 that money is appropriated therefor, or for a like item or service.

2-10 2. This section does not affect any contract, lease, franchise,

2-11 exchange of property or other transaction which does not extend

2-12 beyond the term of office of any member of the board who is part of

2-13 the quorum voting thereon.