

ASSEMBLY BILL NO. 347—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF CLARK COUNTY)

MARCH 1, 1999

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Referred to Committee on Government Affairs

SUMMARY—Makes various changes to the statutory provisions relating to Southern Nevada Water Authority. (BDR S-279)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State or on Industrial Insurance: No.

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EXPLANATION – Matter in ***bolded italics*** is new; matter between brackets ~~for omitted material~~ is material to be omitted.

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AN ACT relating to the Southern Nevada Water Authority; authorizing the Southern Nevada Water Authority, under specified circumstances, to increase certain fees; authorizing the Southern Nevada Water Authority to assist certain property owners to connect their property to a public water system; authorizing the Southern Nevada Water Authority to operate a project for the recharge and recovery or underground storage and recovery of water; 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 572, Statutes of Nevada 1997, at page 2799, is  
2 hereby amended by adding thereto new sections to be designated as  
3 sections 14.3 and 14.5, immediately following section 14, to read  
4 respectively as follows:

5 ***Sec. 14.3. 1. The Southern Nevada Water Authority may,***  
6 ***in consultation with the advisory committee, establish a program***  
7 ***under which it may enter into an agreement with an owner of real***  
8 ***property located in the basin to:***

9 ***(a) Abandon or plug a well located on the real property;***  
10 ***(b) Install pipes and other appurtenances to deliver water to***  
11 ***the real property; and***

12 ***(c) Pay fees related to the connection of the property to a***  
13 ***public water***

***system.***

2. *An agreement entered into pursuant to subsection 1 must:*

(a) *Provide for the repayment, over time, to the Southern Nevada Water Authority by the owner of the real property all money expended by the Southern Nevada Water Authority pursuant to the agreement;*

(b) *Provide that all money to be repaid to the Southern Nevada Water Authority pursuant to the agreement be due and payable upon the sale or other transfer of the real property;*

(c) *Be secured by a lien upon the real property; and*

(d) *Be acknowledged and recorded in the same manner as conveyances affecting real property are required to be acknowledged and recorded pursuant to chapter 111 of NRS.*

3. *An abandonment or plugging of a well pursuant to an agreement entered into pursuant to subsection 1 must be conducted in a manner approved by the State Engineer.*

4. *As used in this section, "public water system" has the meaning ascribed to it in NRS 445A.840.*

**Sec. 14.5.** *The Southern Nevada Water Authority may, in consultation with the advisory committee, operate a project for the recharge and recovery or underground storage and recovery of water pursuant to chapter 534 of NRS for the benefit of owners of wells in the basin.*

**Sec. 2.** Section 1 of chapter 572, Statutes of Nevada 1997, at page 2799, is hereby amended to read as follows:

Section 1. As used in sections 2 to 16, inclusive, *and sections 14.3 and 14.5* of this act, unless the context otherwise requires, the words and terms defined in sections 2 to 6, inclusive, of this act have the meanings ascribed to them in those sections.

**Sec. 3.** Section 13 of chapter 572, Statutes of Nevada 1997, at page 2802, is hereby amended to read as follows:

**Sec. 13.** 1. The Southern Nevada Water Authority may establish and collect each calendar year a fee to be assessed on users of ground water in the basin. Money raised from the fees must be used as provided in section 14 of this act.

2. Except as otherwise provided in this section:

(a) Users of ground water, other than owners of domestic wells, may be assessed a fee each calendar year of not more than \$10 per acre-foot, or its equivalent, of ground water in the basin to which they have a water right in that year.

(b) Owners of domestic wells may be assessed a flat fee each calendar year of not more than \$10.

3. *Except as otherwise provided in subsections 4 and 5, if the Southern Nevada Water Authority operates a project for the*

1 *recharge and recovery or underground storage and recovery of*  
2 *water pursuant to section 14.5 of this act:*

3 *(a) Users of ground water, other than owners of domestic*  
4 *wells, may be assessed a fee each calendar year of not more than*  
5 *\$27 per acre-foot, or its equivalent, of ground water in the basin*  
6 *to which they have a water right in that year.*

7 *(b) Owners of domestic wells may be assessed a flat fee each*  
8 *calendar year of not more than \$27.*

9 4. The maximum fees specified in ~~subsection~~ *subsections 2*  
10 *and 3* may be adjusted once each year for inflation. The maximum  
11 amount of the adjustment must be determined by multiplying the  
12 respective amounts of the fees by the percentage of inflation, if  
13 any. The Consumer Price Index published by the United States  
14 Department of Labor for July preceding the year for which the  
15 adjustment is made must be used in determining the percentage of  
16 inflation.

17 ~~4.5.~~ 5. The maximum fees may be increased by an amount  
18 ~~which~~ *that* is greater than the amount of the adjustment for  
19 inflation as calculated pursuant to subsection ~~3~~ 4 only if:

20 (a) A majority of all of the voting members of the advisory  
21 committee recommends the change;

22 (b) The board of directors approves the recommendation; and

23 (c) The increase is approved by the Legislature.

24 ~~5.6.~~ 6. As used in this section, "water right" means the legal  
25 right to use water that has been appropriated pursuant to chapters  
26 533 and 534 of NRS by means of application, permit, certificate,  
27 decree or claim of vested right.

28 **Sec. 4.** Section 14 of chapter 572, Statutes of Nevada 1997, at page  
29 2802, is hereby amended to read as follows:

30 Sec. 14. Money collected pursuant to section 13 of this act  
31 must be used to:

32 1. Develop and distribute information promoting education and  
33 the conservation of ground water in the basin.

34 2. Perform such comprehensive inventories of wells of all  
35 types located within the basin as may be needed. Such inventories  
36 must be done in conjunction with the State Engineer.

37 3. Prepare, for use by the advisory committee, such cost-  
38 benefit analyses relating to the recharge *and recovery or*  
39 *underground storage and recovery* of ~~the ground~~ water in the  
40 basin as may be needed.

41 4. Develop recommendations for additional activities for the  
42 management of the basin and the protection of the aquifer in which

1 the basin is located ~~[.]~~, *and to conduct such activities if the*  
2 *activities have been approved by the board of directors.*

3 5. Perform such other duties as are necessary for the Southern  
4 Nevada Water Authority and the advisory committee to carry out  
5 the provisions of this act . ~~[related to the management program.]~~

6 **Sec. 5.** Section 20 of chapter 572, Statutes of Nevada 1997, at page  
7 2803, is hereby amended to read as follows:

8 Sec. 20. ~~[1.]~~ This act becomes effective upon passage and  
9 approval.

10 ~~[2.—If the Advisory Committee for the Management of Ground~~  
11 ~~Water in the Las Vegas Valley Ground Water Basin pursuant to~~  
12 ~~section 18 of this act includes in the joint report to the 70th session~~  
13 ~~of the Nevada Legislature the advisory committee's~~  
14 ~~recommendation that the management program be terminated, this~~  
15 ~~act expires by limitation 90 days after the date on which the report~~  
16 ~~is submitted to the Director of the Legislative Counsel Bureau~~  
17 ~~pursuant to section 12 of this act.]~~

18 **Sec. 6.** Section 18 of chapter 572, Statutes of Nevada 1997, at page  
19 2803, is hereby repealed.

20 **Sec. 7.** This act becomes effective upon passage and approval.

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## TEXT OF REPEALED SECTION

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### Section 18 of chapter 572, Statutes of Nevada 1997:

Sec. 18. If, on or before December 31, 1998, the Advisory Committee for the Management of Ground Water in the Las Vegas Valley Ground Water Basin determines by majority vote of all of the voting members of the advisory committee that the program for the management of ground water in the Las Vegas Valley Ground Water Basin established by the Southern Nevada Water Authority is not working as intended, the advisory committee shall include in the joint report submitted to the 70th session of the Nevada Legislature the advisory committee's recommendation that the management program be terminated.