

ASSEMBLY BILL NO. 408—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 5, 1999

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to appropriation of water and revises method for calculating certain charge for water. (BDR 48-1541)

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 ~~[omitted material]~~ is material to be omitted.

AN ACT relating to water; establishing the circumstances under which certain temporary permits for the appropriation of ground water may be revoked; restricting the authority of the state engineer to limit the depth of or prohibit the repair of certain wells; requiring the state engineer to file certain notices with the county recorder; revising the method for calculating the fee charged to a user of water for the beautification of the City of North Las Vegas; requiring the legislative committee on public lands to conduct a study of water wells; 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 534 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 *If the state engineer issues a temporary permit pursuant to NRS*
4 *534.120 or if a well for domestic use is drilled in an area in which he has*
5 *issued such a temporary permit, he shall file a notice with the county*
6 *recorder of the county in which the permit is issued or the well is drilled.*
7 *The notice must include a statement indicating that, if and when water*
8 *can be furnished by an entity such as a water district or a municipality*
9 *engaged in furnishing water to the inhabitants of the designated area:*
10 1. *A temporary permit may be revoked;*
11 2. *The owner of a domestic well may be prohibited from deepening*
12 *or repairing the well; and*
13 3. *The owner of the property served by the well may be required to*
14 *connect to this water source at his own expense.*

1 **Sec. 2.** NRS 534.120 is hereby amended to read as follows:

2 534.120 1. Within an area that has been designated by the state
3 engineer, as provided for in this chapter where, in his judgment, the ground
4 water basin is being depleted, the state engineer in his administrative
5 capacity is herewith empowered to make such rules, regulations and orders
6 as are deemed essential for the welfare of the area involved.

7 2. In the interest of public welfare, the state engineer is authorized and
8 directed to designate preferred uses of water within the respective areas so
9 designated by him and from which the ground water is being depleted, and
10 in acting on applications to appropriate ground water he may designate
11 such preferred uses in different categories with respect to the particular
12 areas involved within the following limits: Domestic, municipal,
13 quasi-municipal, industrial, irrigation, mining and stock-watering uses and
14 any uses for which a county, city, town, public water district or public
15 water company furnishes the water.

16 3. ~~{The}~~ *Except as otherwise provided in subsection 5, the* state
17 engineer may:

18 (a) Issue temporary permits to appropriate ground water which can be
19 limited as to time and which may , *except as limited by subsection 4,* be
20 revoked if and when water can be furnished by an entity such as a water
21 district or a municipality presently engaged in furnishing water to the
22 inhabitants thereof.

23 (b) Deny applications to appropriate ground water for any ~~{purpose}~~ *use*
24 in areas served by such an entity.

25 (c) Limit *the* depth of domestic wells.

26 (d) Prohibit the drilling of wells for domestic use, as defined in NRS
27 *534.013 and 534.0175 , ~~{and 534.180,}~~* in areas where water can be
28 furnished by an entity such as a water district or a municipality presently
29 engaged in furnishing water to the inhabitants thereof.

30 4. *The state engineer may revoke a temporary permit issued pursuant*
31 *to subsection 3 for residential use, and require a person to whom ground*
32 *water was appropriated pursuant to the permit to obtain water from an*
33 *entity such as a water district or a municipality engaged in furnishing*
34 *water to the inhabitants of the designated area, only if:*

35 (a) *The distance from the property line of any parcel served by a well*
36 *pursuant to a temporary permit to the pipes and other appurtenances of*
37 *the proposed source of water to which the property will be connected is*
38 *not more than 180 feet;*

39 (b) *The well providing water pursuant to the temporary permit needs*
40 *to be redrilled or have repairs made which require the use of a well-*
41 *drilling rig; and*

42 (c) *The holder of the permit will be offered financial assistance to pay*
43 *not more than 85 percent, as determined by the entity providing the*

1 *financial assistance, of the cost of the local and regional connection fees*
2 *and capital improvements necessary for making the connection to the*
3 *proposed source of water.*

4 *In a basin that has a water authority that has a ground water*
5 *management program, the state engineer shall not revoke the temporary*
6 *permit unless the water authority abandons and plugs the well and pays*
7 *the costs related thereto. If there is not a water authority in the basin that*
8 *has a ground water management program, the person shall abandon and*
9 *plug his well in accordance with the rules of the state engineer.*

10 5. *The state engineer may, in an area in which he has issued*
11 *temporary permits pursuant to subsection 3, limit the depth of a domestic*
12 *well pursuant to paragraph (c) of subsection 3 or prohibit repairs from*
13 *being made to a well, and may require the person proposing to deepen or*
14 *repair the well to obtain water from an entity such as a water district or a*
15 *municipality engaged in furnishing water to the inhabitants of the*
16 *designated area, only if:*

17 (a) *The distance from the property line of any parcel served by the*
18 *well to the pipes and other appurtenances of the proposed source of water*
19 *to which the property will be connected is not more than 180 feet;*

20 (b) *The deepening or repair of the well would require the use of a*
21 *well-drilling rig; and*

22 (c) *The person proposing to deepen or repair the well will be offered*
23 *financial assistance to pay not more than 85 percent, as determined by*
24 *the entity providing the financial assistance, of the cost of the local and*
25 *regional connection fees and capital improvements necessary for making*
26 *the connection to the proposed source of water.*

27 *In a basin that has a water authority that has a ground water*
28 *management program, the state engineer shall not prohibit the*
29 *deepening or repair of a well unless the water authority abandons and*
30 *plugs the well and pays the costs related thereto. If there is not a water*
31 *authority in the basin that has a ground water management program, the*
32 *person shall abandon and plug his well in accordance with the rules of*
33 *the state engineer.*

34 6. For good and sufficient reasons the state engineer may exempt the
35 provisions of this section with respect to public housing authorities.

36 **Sec. 3.** Section 2.280 of the charter of the City of North Las Vegas,
37 being chapter 573, Statutes of Nevada 1971, as last amended by chapter
38 565, Statutes of Nevada 1997, at page 2758, is hereby amended to read as
39 follows:

40 **Sec. 2.280** Powers of city council: Provision of utilities.

41 1. Except as otherwise provided in subsection 3 and section
42 2.285, the city council may:

1 (a) Provide, by contract, franchise and public enterprise, for any
2 utility to be furnished to the city for residents located ~~either~~ within
3 or without the city.

4 (b) Provide for the construction and maintenance of any facilities
5 necessary for the provision of all such utilities.

6 (c) Prescribe, revise and collect rates, fees, tolls and charges for
7 the services, facilities or commodities furnished by any municipally
8 operated or municipally owned utility or undertaking.

9 Notwithstanding any provision of this charter to the contrary or in
10 conflict herewith, no rates, fees, tolls or charges for the services,
11 facilities or commodities furnished by any municipally operated or
12 municipally owned utility or undertaking may be prescribed,
13 revised, amended or altered, increased or decreased, without this
14 procedure first being followed:

15 (1) There must be filed with the city clerk schedules of rates,
16 fees, tolls or charges which must be open to public inspection,
17 showing all rates, fees, tolls or charges which the city has
18 established and which are in force at the time for any service
19 performed or product furnished in connection therewith by any
20 utility controlled and operated by the city.

21 (2) No changes may be made in any schedule so filed with the
22 city clerk except upon 30 days' notice to the inhabitants of the city
23 and a public hearing held thereon. Notice of the proposed change or
24 changes must be given by at least two publications in a newspaper
25 published in the city during the 30-day period before the hearing
26 thereon.

27 (3) At the time set for the hearing on the proposed change, any
28 person may appear and be heard and offer any evidence in support
29 of or against the proposed change.

30 (4) Every utility operated by the city shall furnish reasonably
31 adequate service and facilities, and the charges made for any service
32 rendered or to be rendered, or for any service in connection
33 therewith or incidental thereto, must be just and reasonable.

34 (d) Provide, by ordinance, for an additional charge to each
35 **business** customer **and for each housing unit** within the city to
36 which water is provided by a utility of up to 25 cents per month. If
37 such a charge is provided for, the city council shall, by ordinance,
38 provide for the expenditure of that money for any purpose relating
39 to the beautification of the city.

40 2. Any charges due for services, facilities or commodities
41 furnished by the city or by any utility operated by the city pursuant
42 to this section is a lien upon the property to which the service is
43 rendered and must be perfected by filing with the county recorder of

Clark County of a statement by the city clerk stating the amount due and unpaid and describing the property subject to the lien. Each such lien must:

(a) Be coequal with the latest lien thereon to secure the payment of general taxes.

(b) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(c) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

3. The city council:

(a) Shall not sell telecommunications service to the general public.

(b) May purchase or construct facilities for providing telecommunications that intersect with public rights of way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

4. Any information relating to the study conducted pursuant to subsection 3 must be maintained by the city clerk and made available for public inspection during the business hours of the office of the city clerk.

5. Notwithstanding the provisions of paragraph (a) of subsection 3, an airport may sell telecommunications service to the general public.

6. As used in this section:

(a) *“Housing unit” means a:*

(1) Single-family dwelling;

(2) Townhouse, condominium or cooperative apartment;

(3) Unit in a multiple-family dwelling or apartment

complex; or

(4) Mobile home.

(b) “Telecommunications” has the meaning ascribed to it in 47 U.S.C. § 153(43), as that section existed on July 16, 1997.

~~(b)~~ (c) “Telecommunications service” has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on July 16, 1997.

Sec. 4. The legislative committee on public lands shall conduct a study of issues related to residential, municipal and quasi-municipal water wells in the State of Nevada and report its findings and recommendations to the 71st session of the Nevada legislature. The legislative commission shall appoint two additional senators and two additional assemblymen to the

1 legislative committee on public lands for the purposes of this study. The
2 chairman of the legislative committee on public lands shall appoint a
3 technical advisory committee to assist in conducting the study with
4 representation from urban and rural areas, well owners, suppliers of
5 municipal water, holders of water rights, and ratepayers.

6 **Sec. 5.** 1. This section and sections 2 and 4 of this act become
7 effective on July 1, 1999.

8 2. Sections 1 and 3 of this act become effective on October 1, 1999.

9 3. Section 2 of this act expires by limitation on July 1, 2005.

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