

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON ELECTIONS, PROCEDURES, ETHICS, AND  
CONSTITUTIONAL AMENDMENTS**

**Seventy-Third Session  
May 24, 2005**

The Committee on Elections, Procedures, Ethics, and Constitutional Amendments was called to order at 3:49 p.m., on Tuesday, May 24, 2005. Co-Chairwoman Ellen Koivisto presided in Room 3142 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Mrs. Ellen Koivisto, Co-Chairwoman  
Mr. Harry Mortenson, Co-Chairman  
Mr. Marcus Conklin, Co-Vice Chairman  
Mrs. Sharron Angle  
Mr. Mo Denis  
Mrs. Heidi S. Gansert  
Ms. Chris Giunchigliani  
Mr. Brooks Holcomb  
Ms. Kathy McClain  
Mr. Harvey J. Munford  
Mr. Bob Seale  
Mr. Scott Sibley

**COMMITTEE MEMBERS ABSENT:**

Mr. Bob McCleary, Co-Vice Chairman (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Peggy Pierce, Assembly District No. 3, Clark County  
Assemblywoman Sheila Leslie, Assembly District No. 27, Washoe County

**STAFF MEMBERS PRESENT:**

Michelle Van Geel, Committee Policy Analyst  
Sarah Gibson, Committee Attaché

**OTHERS PRESENT:**

Allen Biaggi, Director, Department of Conservation and Natural Resources, State of Nevada  
Hugh Ricci, State Engineer, Division of Water Resources, Department of Conservation and Natural Resources, State of Nevada  
Kaitlin Backlund, Political Director, Nevada Conservation League  
Tina Nappe, Executive Committee Chair, Toiyabe Chapter of the Sierra Club  
Jan Gilbert, Northern Nevada Coordinator, Progressive Leadership Alliance of Nevada  
Julie Wilcox, Legislative Advocate, representing Southern Nevada Water Authority and the Las Vegas Valley Water District  
Andy Belanger, Legislative Advocate, representing Southern Nevada Water Authority and the Las Vegas Valley Water District

**Co-Chairwoman Koivisto:**

[Called the meeting to order. Roll was called.] Let's start out with the Subcommittee report on A.B. 543.

**Assembly Bill 543:** Provides for specified information to be confidential to assist legislative committees and studies in obtaining information.  
(BDR 17-470)

**Michelle Van Geel, Committee Policy Analyst:**

Assembly Bill 543, as the Committee will recall, provides for specified information to be confidential to assist legislative committees in studies in obtaining information.

The bill was originally heard in Committee on April 19. It was sent to a Subcommittee chaired by Mr. Denis, with the other two members being Mr. Conklin and Mr. Seale. The Subcommittee held two meetings. One was held on May 3, and one was held earlier this afternoon. The Subcommittee took testimony from numerous concerned parties and deliberated. The consensus was that the Subcommittee made a motion to refer it back to the Committee without recommendation. I'll let Mr. Denis provide other comments.

**Assemblyman Denis:**

We had many individuals that helped, particularly Sprint, to spearhead an amendment, to put together a really good bill on confidentiality. However, there were still questions as we discussed the bill. There were many individuals from different industries that worked on it and gave input. I appreciate that.

**Co-Chairwoman Koivisto:**

Thank you. Since the bill was reported back without recommendation, we'll let the subject rest.

Let's close the hearing on A.B. 543 and let it rest in peace. We'll bring up A.B. 331.

**Assembly Bill 331 (1st Reprint): Directs Legislative Commission to conduct interim study concerning water resources in State. (BDR S-490)**

**Assemblywoman Peggy Pierce, Assembly District No. 3, Clark County:**

Assembly Bill 331 was a bill that had to do with water. Assemblywoman Sheila Leslie, on my right, also had a bill to do with water. At this point, my bill is now a study. I wanted to talk about the fact that, when you live in a state that has as little rainfall as we have, water is probably the most vital natural resource that we have. The use of that resource and the conservation of that resource are incredibly important policy issues that we deal with all the time.

One of the things that struck me was this article from the *Las Vegas Sun* that was sent to me today. Apparently, yesterday there was a meeting that spoke about the plans of Southern Nevada Water Authority to build a series of pipelines to get water out of the rural counties. That's a controversial plan. There's an article in the paper this morning that actually puts a dollar figure on that plan. That dollar figure is \$7.6 billion. Water—what we do with it, how we save it, and where we get it—is the most important issue that we face in this state. It's going to be the most important issue in this state for at least 50 years. The article goes on to say that folks will finish paying it off in 2059.

These are long-term plans and they have to do with water use in the urban counties, where that water comes from. Does it come from the rural counties, and how does that affect both the environment in the rural counties and the economies in the rural counties? It's a very complicated issue. I would encourage this Committee to approve of the study that is in A.B. 331, so that

when we make decisions in this state about water, they are the most that they can possibly be. Thank you.

**Co-Chairwoman Koivisto:**

Thank you, Ms. Pierce. The \$7.6 billion, what does that encompass? What period of time are we talking about?

**Assemblywoman Pierce:**

For the next three decades, it says, and then it goes on to say, "With potential financing charges on the bond issues, the ultimate price could be \$12.8 billion and would not be paid off until 2059." This is from the *Las Vegas Sun*, today.

**Assemblywoman Sheila Leslie, Assembly District No. 27, Washoe County:**

This is one of those situations where you start off with a bill, A.B. 434, and get to the end of the session with just a little piece left in A.B. 331. So I'm here to lend my support. Assembly Bill 434 was a bipartisan bill. We worked closely with Assemblyman Goicoechea, Assemblyman Carpenter, and others in this House. Unfortunately, all we have left of that bill is here in A.B. 331. Clearly, water is the most important public policy crisis issue facing our state. Obviously, we must have a study.

The Senate has S.C.R. 26. Senator Rhoads also has a lot of concern about water. Ms. Pierce and I were just looking on the computer and reviewing the language in that resolution. I think we prefer the Senate's resolution; it's a little broader, a little more focused on some of the issues that we're concerned about. If this Committee, in negotiating with the Senate, determines that it should be a Senate study, we would be fine with that. We want to make sure that this issue is studied in this interim.

We cannot afford to wait another session without studying it. Hopefully today you're going to hear testimony that people are in support of the study. We've run into resistance this session on even studying the issue. Today they're here to say they would support an interim study. We need one. I don't need to take up any more of your time, but I'm here in support of my colleague and her bill.

**Assemblyman Holcomb:**

I'm skeptical. I introduced a water plan because we have a water plan in Washoe County. My bill came before the Committee and it merely stated that the regional plan would recognize the resource constraints—just recognize—and here we're talking about studying. In Washoe County we already have a water plan, but we couldn't even get it to come up for a vote for the Regional

Planning Commission to recognize that we have a water plan. You come up with a study, and where do you go from there?

**Assemblywoman Leslie:**

It's amazing, the resistance on this topic. I've been there, and I hear you. Nevertheless, we have to press forward. We have to shine the legislative light on this. People who know me know I don't walk away from items that I truly care about. We have to force people to the table and say we're going to look at this. We represent the people of our communities who are very concerned throughout the state: Las Vegas, Reno, and rural Nevada. I know there's a lot of legislative interest. I think we have to keep going forward on it.

**Assemblyman Holcomb:**

I recognize you as a real environmentalist. You're right; rather than saying to heck with it, you just keep trying. I support this bill one hundred percent.

**Co-Chairwoman Koivisto:**

We have a number of people signed up in support of this.

**Allen Biaggi, Director, Department of Conservation and Natural Resources, State of Nevada:**

[Mr. Biaggi read from prepared testimony, [Exhibit B](#), which is incorporated herein.]

**Assemblywoman Angle:**

As I look through this bill, I don't see any mention of domestic wells. Would this be a part of this study?

**Allen Biaggi:**

I think if you look at A.B. 331, there is a component which would further quantify the groundwater resource. Tangentially, that has a domestic well component that would evaluate the groundwater available for use in water basins throughout the state. There is no direct reference to domestic wells in the bill.

**Assemblywoman Angle:**

The reason I asked is that I know we need a survey of existing domestic wells. We don't even know how many wells we have, or who has a well. Many of my constituents have domestic wells. When we have development going into our area, we have large production wells going in without a survey of the domestic wells, nor of the impact that those production wells may have on those domestic wells. That's where I want to go with this study: something that

would at least have a survey, so we'd know who has a well, how deep those wells are, what the static water level is in those wells, and how development and growth are going to impact already existing wells.

**Assemblyman Mortenson:**

I'm confused about the water inventory process. I was under the impression that, in order to determine the amount of water one could pump from a given bowl, one had to drill monitor wells. Then you pump the devil out of those wells and check how much the water depletes or recedes, and compare that with how much you're pulling. You try to determine what the recharge rate is going to be and how much you can eventually pull without lowering the water table. But we have huge areas where we have no estimates whatsoever of what level we can pull from those wells. Isn't that true, or am I wrong about that?

**Allen Biaggi:**

What you're referring to is called "stressing the aquifer," in determining what the impacts of pumping that aquifer would be. I think it is somewhat of a mischaracterization to say that we have no idea what is the perennial yield or the water resource availability in basins in Nevada. There have been ongoing studies for 30 or 40 years to evaluate that. You're exactly right—the real way to assess what the water resource availability is to stress that water resource basin.

While A.B. 331, the bill that we're discussing here today, doesn't have any provisions for that, Assemblywoman Pierce and Assemblywoman Leslie referred to S.C.R. 26, and that does have a study evaluation component, which would look at stress in water basins.

**Assemblyman Mortenson:**

That's very good. I should have opened by saying that I'm very happy that these two bills did make their appearance. What worries me is that we're talking about a \$7.6 billion pipe, which may end up being \$12.8 billion after we pay the interest. Do we know that we're going to be able to fill that pipe up, or even keep it running for 50 years, until we stress these wells and determine what kind of capacity we have?

**Allen Biaggi:**

You make a very good point. You may be aware there are ongoing studies that were appropriated by Congress, the BLM [U.S. Bureau of Land Management], and other studies that may be done through the auspices of the State Engineer, to evaluate and determine what the water resources are within those basins north of Clark County and what water resources can be obtained, if any, that

will be sustainable and provide the pipe to be filled, yet not cause a detriment to those other basins.

**Assemblyman Mortenson:**

Then, you will hopefully extrapolate growths that are occurring in these communities where the water is coming out of the ground and determine their needs in the future. Actually, it would seem that if these communities grow, your pumping rate would have to decrease as a function of time.

**Allen Biaggi:**

One of the statutory responsibilities of the State Engineer in determining the appropriateness of interbasin transfers is to consider the long-term economics of the basin from where the water is originating. That is already a responsibility in statute.

**Assemblyman Mortenson:**

Good. I hope we're going to study this and do a good job.

**Co-Chairwoman Koivisto:**

Thank you, Mr. Mortenson. I think that the questions you asked are probably what are driving the need for a water study. Mr. Ricci?

**Hugh Ricci, State Engineer, Division of Water Resources, Department of Conservation and Natural Resources, State of Nevada:**

Mr. Biaggi touched on most of the issues dealing with this. Consistent with my previous testimony on bills this session, if the Legislature deems that it is necessary to create the interim study committee to review and study the current water law, the State Engineer and my staff will stand ready to provide whatever information and data that is necessary to support that study.

**Kaitlin Backlund, Political Director, Nevada Conservation League:**

I would like to go on record that we are in support of A.B. 331. We are also on record in support of S.C.R. 26. The testimony is directed today towards the critical necessity for such an interim study.

I think we would all be surprised if the proposed pipeline project came in even at \$12 billion. We all know how projects like that can go. For economics, if nothing else, I think it's really important that the state of Nevada move slowly. I think we have a very long journey ahead of us. At the same time, it's essential that we move forward. We can't stick our head in the sand and pretend that we don't have a problem with water in this state. It's a limited resource, and we're talking about moving around large quantities of it.

[Kaitlin Backlund, continued.] Some of the concepts put out, like sinking test wells, can be very expensive, so we need to do that with great thought. We also have to consider the fact that we're talking about tapping into an ancient water resource in those deep basin aquifers. Even pumping for five years, I'm not confident that is going to produce the long-term answers we're going to need to confidently proceed with the major transfer of water. To that effect, I would also hope that this study encourages other scientific data to be looked at, aside from what we have in the State Engineer's office.

Typically in science, you often have peer reviews. I think that would be helpful. We have a terrific scientific community at the Desert Research Institute that could potentially offer another perspective. It's not to discredit any person's outlook on science and not to say that we don't have very talented people working for the State, but I think it's helpful to get a lot of viewpoints brought into the study. With that, I would encourage you to recognize the essential importance of having all lawmakers increase their overall knowledge of this issue.

We are doing our best as a grassroots organization to try and increase the overall awareness of the general public about water and the state in which we live, as well as the necessity for implementing conservation measures. You all represent large groups of people, and they're going to turn to you for guidance. The more that you know about these issues, the better off the whole state will be. Thank you.

**Assemblywoman Angle:**

Another issue that I don't see addressed, but I hope will be addressed, is the resolution of water dispute. I have several constituents that go before the Well Mitigation Board. They've been told, "We feel your pain, but we can't do anything for you." There doesn't seem to be anyone that's ultimately accountable for the dispute. They're told that the Water Engineer gives the okay to go ahead and get the water. The Water Engineer says that it's the county that actually gave the permit.

There seems to be some kind of roving responsibility here, and I'm wondering if we're going to deal with dispute resolution and ultimate responsibility when we get to this study. I'm hoping for that. You were talking about peer review; my constituents would like a review that would actually lead to resolution.

**Hugh Ricci:**

The Well Mitigation Board that was set up by Washoe County was for those persons who had problems to go to, so they could determine some agreement

as to what money could be allotted for each one of those. Based on the Well Mitigation Board's decision or recommendation, they would negotiate to see if they would agree. If they did not agree, they would come to the State Engineer. Those were the rules set up under that mitigation board. Not one single person yet has brought one of those disputes back to me. I'd be happy to discuss that more with you later if you wish.

**Kaitlin Backlund:**

I am not well-versed on that particular aspect of water law, so I would defer to the State Engineer and his response. I think it's an interesting point.

**Co-Chairwoman Koivisto:**

Are there any other questions for this Committee? If what you're going to tell us is pretty much the same as what we've already heard, "me too" would be good.

**Tina Nappe, Executive Committee Chair, Toiyabe Chapter of the Sierra Club:**

It is a "me too". Maybe a slightly different angle on my full support for A.B. 331 and S.C.R. 26 is that the Sierra Club has worked for years on water issues, and we never questioned the State Engineer's Office before. Over the last year, we have started to do so, partly because we feel that the State Engineer may be falling behind if the agency is not adequately funded. We would like to see a look at the ability to meet with the public—and I hope this might deal with it—and also a harder look at the carbonic aquifer and many of the terms the State Engineer uses. We feel that the State Engineer must absolutely be in the preeminent, strongest position it can, and we all must maintain our faith in the findings and the decisions of the State Engineer. Therefore, anything that this Body can help to do towards that end, we fully support.

**Jan Gilbert, Northern Nevada Coordinator, Progressive Leadership Alliance of Nevada:**

I will add "me too." We helped organize a Nevada Water Network over the interim period because of the concerns many of our member groups had regarding the transfer water from basins. This is a real nonpartisan issue, and I think it's so important that this Body take a look at it and examine it closely.

We also have to think about the adjacent states. Water doesn't stop at the line of Nevada's border. Western Utah folks are getting involved in this dialogue, and I think it would be great to include those issues. It's bigger than just Nevada. It's a very important issue, and I know you will do a study of this, whether in the other House or this one. I appreciate your having this hearing.

**Julie Wilcox, Legislative Advocate, representing Southern Nevada Water Authority and the Las Vegas Valley Water District:**

Andy's going to do the "me too." I wanted to lend clarification to the numbers that were in the newspaper. If you read the article clearly, you'll see that it's not just the in-state water project that it is referred to. It's also talking about the third intake. We're in the fifth year of a drought in southern Nevada. It's very possible that if it continues, we could lose one of our intakes. Part of the numbers that the Committee is looking at—and there is also a citizen's committee looking at this—is to look at the third intake. That, as well as our continuing commitment to conservation, is also in those numbers. I wanted to make that clarification for you.

**Co-Chairwoman Koivisto:**

So, the cost of the new intake is part of these numbers that we're hearing?

**Julie Wilcox:**

Yes. And whether or not the in-state project goes forward, the third intake is critical. The two intakes that we currently have do not have the capacity to deliver all of the water that is currently demanded in the summertime on the hottest days.

**Andy Belanger, Legislative Advocate, representing Southern Nevada Water Authority and the Las Vegas Valley Water District:**

We are in support of A.B. 331. We would also like to echo the comments that Mr. Biaggi and Ms. Nappe made regarding funding the State Engineer's Office. We believe that is also an important component in water management.

**Co-Chairwoman Koivisto:**

Are there any questions from the Committee? For those of you that have been following the Committee, we have about five interim studies and we hope we can pick the right ones. We are not going to make any decisions today. These are all exempt. We'll decide before we go home, though. Is there anything else to come before the Committee? All right, we're adjourned [at 4:24 p.m.]

RESPECTFULLY SUBMITTED:

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Sarah Gibson  
Committee Attaché

APPROVED BY:

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Assemblywoman Ellen Koivisto, Co-Chairwoman

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Committee on Elections, Procedures, Ethics, and Constitutional Amendments

**Date:** May 24, 2005

**Time of Meeting:** 3:45 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
N/A	A	Committee	Agenda
A.B. 331	B	Allen Biaggi, Director, Department of Conservation and Natural Resources, State of Nevada	Prepared testimony in support of A.B. 331