

Amendment No. 367

Assembly Amendment to Assembly Bill No. 331

(BDR 48-915)

Proposed by: Assembly Committee on Government Affairs**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) **blue bold italics** is new language in the original bill; (2) **green bold italic underlining** is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) **green bold** is newly added transitory language.

HAC/MSM



Date: 4/15/2007

A.B. No. 331—Makes various changes relating to the conservation of water.
(BDR 48-915)



ASSEMBLY BILL NO. 331—ASSEMBLYMEN HOGAN, ANDERSON, CLABORN, DENIS,
KIHUEN, MUNFORD, PARKS, PIERCE, SEGERBLOM AND WOMACK

MARCH 15, 2007

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to the conservation of water.
(BDR 48-915)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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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; making various changes to the requirements for plans
and joint plans of water conservation; and providing other matters
properly relating thereto.

Legislative Counsel's Digest:

Existing law requires each supplier of water to prepare and adopt a plan of water conservation and sets forth the requirements for such a plan. Suppliers of water may also adopt joint plans of water conservation with other suppliers of water. (NRS 540.131, 540.141) **Section 3** of this bill requires such plans to include an estimate of the amount of water that will be conserved each year as the result of specified conservation measures and an analysis of how the rates proposed in the plans to be charged for the use of water will maximize water conservation. Also, **section 3** requires the State Engineer to ~~review and evaluate the accuracy of the estimate of the amount of water that will be conserved as a result of the adoption of the plans.~~ **post plans and joint plans on his Internet website.**

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 540.011 is hereby amended to read as follows:
540.011 1. The Legislature determines that it is the policy of the State of Nevada to continue to recognize the critical nature of the State's limited water resources. It is acknowledged that many of the State's surface water resources are committed to existing uses, under existing water rights, and that in many areas of the State the available groundwater supplies have been appropriated for current uses. It is the policy of the State of Nevada to recognize and provide for the protection of these existing water rights. It is ~~false~~ the policy of the State to encourage efficient and nonwasteful use of these limited supplies. *It is also the policy of the State to encourage suppliers of water to establish prices for the use of water that maximize water conservation with due consideration to the essential service needs of customers and the economic burdens on businesses, public services and low-income households.*

2. The Legislature further recognizes the relationship between the critical nature of the State's limited water resources and the increasing demands placed on these resources as the population of the State continues to grow.

3. The Legislature further recognizes the relationship between the quantity of water and the quality of water, and the necessity to consider both factors simultaneously when planning the uses of water.

4. The Legislature further recognizes the important role of water resource planning and that such planning must be based upon identifying current and future needs for water. The Legislature determines that the purpose of the State's water resource planning is to assist the State, its local governments and its citizens in developing effective plans for the use of water.

~~5. The Legislature further recognizes that many communities in the arid western United States have reduced system-wide water consumption to 200 gallons per person per day or less.~~

Sec. 2. NRS 540.131 is hereby amended to read as follows:

540.131 1. Except as otherwise provided in subsection 5, each supplier of water which supplies water for municipal, industrial or domestic purposes shall, on or before July 1, 1992, adopt a plan of water conservation based on the climate and the living conditions of its service area in accordance with the provisions of NRS 540.141, and shall update the plan pursuant to paragraph (c) of subsection 4. The provisions of the plan must apply only to the supplier's property and its customers. The supplier of water shall submit the plan to the Section for review by the Section pursuant to subsection 3.

2. As part of the procedure of adopting a plan, the supplier of water shall provide an opportunity for any interested person, including, but not limited to, any private or public entity that supplies water for municipal, industrial or domestic purposes, to submit written views and recommendations on the plan.

3. The plan must be reviewed by the Section within 30 days after its submission and approved for compliance with this section and NRS 540.141 before it is adopted by the supplier of water.

4. The plan:

(a) Must be available for inspection by members of the public during office hours at the offices of the supplier of water;

(b) May be revised from time to time to reflect the changing needs and conditions of the service area. Each such revision must be made available for inspection by members of the public; and

(c) Must be updated every 5 years and comply with the requirements of this section and NRS 540.141.

5. Suppliers of water:

(a) Who are required to adopt a plan of water conservation pursuant to this section; and

(b) Whose service areas are located in a common geographical area, may adopt joint plans of water conservation based on the climate and living conditions of that common geographical area. Such a plan must comply with the requirements of this section and NRS 540.141.

6. The board of county commissioners of a county, the governing body of a city and the town board or board of county commissioners having jurisdiction of the affairs of a town shall:

(a) Adopt any ordinances necessary to carry out a plan of conservation adopted pursuant to this section which applies to property within its jurisdiction;

(b) Establish a schedule of fines for the violation of any ordinances adopted pursuant to this subsection; and

(c) Hire such employees as it deems necessary to enforce the provisions of any ordinances it adopts pursuant to this subsection.

Sec. 3. NRS 540.141 is hereby amended to read as follows:

540.141 1. A plan or joint plan of water conservation submitted to the Section for review must include provisions relating to:

(a) Methods of public education to:

(1) Increase public awareness of the limited supply of water in this State and the need to conserve water.

(2) Encourage reduction in the size of lawns and encourage the use of plants that are adapted to arid and semiarid climates.

(b) Specific conservation measures required to meet the needs of the service area, including, but not limited to, any conservation measures required by law.

(c) The management of water to:

(1) Identify and reduce leakage in water supplies, inaccuracies in water meters and high pressure in water supplies; and

(2) Where applicable, increase the reuse of effluent.

(d) A contingency plan for drought conditions that ensures a supply of potable water.

(e) A schedule for carrying out the plan ~~H~~ *or joint plan*.

(f) Measures to evaluate the effectiveness of the plan ~~H~~ *or joint plan*.

(g) For each conservation measure specified in the plan or joint plan, an estimate of the amount of water that will be conserved each year as a result of the adoption of the plan or joint plan, stated in terms of gallons of water per person per day.

2. A plan or joint plan submitted for review must be accompanied by an analysis of ~~the~~ :

(a) The feasibility of charging variable rates for the use of water to encourage the conservation of water.

(b) How the rates that are proposed to be charged for the use of water in the plan or joint plan will maximize water conservation, including, without limitation, an estimate of the manner in which the rates will affect consumption of water.

~~3. ~~The~~ Within 30 days after the plan or joint plan is submitted, the State Engineer shall review and evaluate the accuracy of the estimate provided with the plan or joint plan pursuant to paragraph (g) of subsection 1 and paragraph (b) of subsection 2 and submit his findings to the Section.~~

~~4. Within 30 days after the State Engineer submits his findings to the Section pursuant to subsection 3, the~~ *The* Section shall review *any* ~~the~~ plan or joint plan *submitted to it within 30 days after its submission* and approve the plan if it is based on the climate and living conditions of the service area and complies with the requirements of this section.

~~4. ~~5.~~~~ The Chief may exempt wholesale water purveyors from the provisions of this section which do not reasonably apply to wholesale supply.

5. To the extent practicable, the State Engineer shall provide on his Internet website a link to the plans and joint plans that are submitted for review. In carrying out the provisions of this subsection, the State Engineer is not responsible for ensuring, and is not liable for failing to ensure, that the plans and joint plans which are provided on his Internet website are accurate and current.