

Amendment No. 348

Senate Amendment to Senate Bill No. 276

(BDR 30-207)

Proposed by: Senate Committee on Natural Resources**Amends:** Summary: No Title: Yes Preamble: Amend Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN a 2/3s majority vote requirement for final passage of S.B. 276 (§ 2 + NRS 349.982).

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/> _____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/> _____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/> _____

EXPLANATION: Matter in (1) *blue bold italic* 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.

TMC/BJE



Date: 4/17/2007

S.B. No. 276—Makes various changes relating to water. (BDR 30-207)



SENATE BILL NO. 276—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE LEGISLATIVE COMMISSION'S
COMMITTEE TO STUDY THE USE, MANAGEMENT,
AND ALLOCATION OF WATER RESOURCES)

MARCH 13, 2007

Referred to Committee on Natural Resources

SUMMARY—Makes various changes relating to water. (BDR 30-207)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included in
Executive Budget.

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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; authorizing the Board for Financing Water Projects to make grants ~~for loans~~ from the Fund for Grants for Water Conservation, Capital Improvements to Certain Water Systems and Improvements to Certain Sewage Disposal Systems to certain political subdivisions of this State to pay the cost of developing infrastructure relating to water resources and implementing water resource plans; changing the name of the Water Rights Technical Support Fund to the Water Rights and Resources Technical Support Fund; authorizing the Board for Financing Water Projects to make grants of money from the Water Rights and Resources Technical Support Fund to a local government to improve its water resource planning and management of information relating to water resources; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Board for Financing Water Projects is responsible for administering a program to make grants of money from the Fund for Grants for Water Conservation, Capital Improvements to Certain Water Systems and Improvements to Certain Sewage Disposal Systems to certain water systems for water conservation and capital improvements. (NRS 349.981, 349.982, 349.984)

Section 2 of this bill authorizes the Board to make grants ~~for loans~~ of money to certain political subdivisions of this State to develop infrastructure for water resources and implement water resource plans. ~~[The Board is required to give preference in making those grants or loans to eligible recipients in certain rural areas.]~~

~~Section 5 of this bill changes the name of the Fund for Grants for Water Conservation, Capital Improvements to Certain Water Systems and Improvements to Certain Sewage Disposal Systems.]~~

The Board also administers the Water Rights Technical Support Fund. (NRS 534.360) Existing law requires the Board to use the money in the Fund only to make grants of money to local governments to protect their existing water rights. (NRS 534.360)

Section 7 of this bill changes the name of the Water Rights Technical Support Fund. **Section 7** also authorizes the Board to make grants of money from the Fund to local governments for improvement of their water resource plans. The Board is required to give preference in making those grants to certain local governments.

Section 9 of this bill appropriates from the State General Fund to the Water Rights and Resources Technical Support Fund the sum of \$1,000,000.

WHEREAS, The waters of this State are among its most precious and vital resources; and

WHEREAS, Nevada is one of the most arid states in the nation and has relatively few supplies of surface water and groundwater; and

WHEREAS, The development of infrastructure for water systems and the implementation of water resource plans requires large investments of capital and involves projects which require many years to complete; and

WHEREAS, The adequate funding for water resource planning and the management of information relating to water resources is vitally important for the economic development and prosperity of this State; and

WHEREAS, To the extent that political subdivisions of this State ~~which are located in cities or towns whose population is less than 10,000 or in counties whose population is less than 100,000,~~ lack the money to develop water resource plans, manage information relating to water resources, develop infrastructure for water systems and implement a water resource plan, the economic development of those political subdivisions is limited; now, therefore,

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

Section 1. NRS 349.980 is hereby amended to read as follows:

349.980 As used in NRS 349.980 to 349.987, inclusive, unless the context otherwise requires:

1. "Board" means the Board for Financing Water Projects created pursuant to NRS 349.957.

2. "Community sewage disposal system" means a public system of sewage disposal which is operated for the benefit of a county, city, district or other political subdivision of this State.

3. "Community water system" means a public water system which:

(a) Has 15 or more service connections; or

(b) Serves 25 or more persons,

➤ at places which are intended for year-round occupancy.

4. "Costs of capital improvements to community water systems and nontransient water systems" means the costs traditionally associated with capital improvements to such systems and includes costs associated with the:

(a) Consolidation of existing systems; and

(b) Transfer and connection of a public water system to a system owned by a purveyor of water or a public utility.

5. "Division of Environmental Protection" means the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

6. "Fund" means the Fund for Grants ~~and Loans~~ for Water Conservation, Capital Improvements to Certain Water Systems and Improvements to Certain Sewage Disposal Systems ~~+~~ created pursuant to NRS 349.984.

7. "Individual sewage disposal system" means a single system of sewage treatment tanks and effluent disposal facilities that serves:

- (a) A single-family dwelling; or
- (b) One or more buildings that are used exclusively for commercial purposes and are not used as single-family dwellings.

8. "Nontransient water system" means a public water system that regularly serves 25 or more of the same persons for more than 6 months per year, but which is not a community water system.

9. "Public water system" has the meaning ascribed to it in NRS ~~445A.840.~~ 445A.235.

10. "Purveyor of water" means a political subdivision of this State engaged in the business of furnishing water, for compensation, to persons within the political subdivision.

Sec. 2. NRS 349.981 is hereby amended to read as follows:

349.981 1. There is hereby established a program to provide grants ~~+~~

~~(a) Grants~~ of money to:

~~(a) (1)~~ A purveyor of water to pay for costs of capital improvements to publicly owned community water systems and publicly owned nontransient water systems required or made necessary by the State Environmental Commission pursuant to NRS 445A.800 to 445A.955, inclusive, or made necessary by the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

~~(b) (2)~~ An eligible recipient to pay for the cost of improvements to conserve water, including, without limitation:

- ~~(1) (1)~~ Piping or lining of an irrigation canal;
- ~~(2) (2)~~ Recovery or recycling of wastewater or tailwater;
- ~~(3) (3)~~ Scheduling of irrigation;
- ~~(4) (4)~~ Measurement or metering of the use of water;
- ~~(5) (5)~~ Improving the efficiency of irrigation operations; and
- ~~(6) (6)~~ Improving the efficiency of the operation of a facility for the storage of water, including, without limitation, efficiency in diverting water to such a facility.

~~(c) (3)~~ An eligible recipient to pay the following costs associated with connecting a property formerly served by a domestic well or well with a temporary permit to a municipal water system, if the well was in existence on or before October 1, 1999, and the well is located in an area designated by the State Engineer pursuant to NRS 534.120 as an area where the groundwater basin is being depleted:

~~(1) (1)~~ Any local or regional fee for connection to the municipal water system.

~~(2) (2)~~ The cost of any capital improvement that is required to comply with a decision or regulation of the State Engineer.

~~(d) (4)~~ An eligible recipient to pay the following costs associated with abandoning an individual sewage disposal system and connecting the property formerly served by the abandoned individual sewage disposal system to a community sewage disposal system, if the Division of Environmental Protection requires the individual sewage disposal system to be abandoned and the property upon which the individual sewage disposal system was located to be connected to a community sewage disposal system pursuant to the provisions of NRS 445A.300 to 445A.730, inclusive, or any regulations adopted pursuant thereto:

(1) ~~(4)~~ Any local or regional fee for connection to the community sewage disposal system.

(2) ~~(4)~~ The cost of any capital improvement that is required to comply with a statute of this State or a decision, directive, order or regulation of the Division of Environmental Protection.

(e) ~~(5)~~ An eligible recipient to pay the following costs associated with connecting a property formerly served by a well to a municipal water system, if the quality of the water of the well fails to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto:

(1) ~~(4)~~ Any local or regional fee for connection to the municipal water system.

(2) ~~(4)~~ The cost of any capital improvement that is required for the water quality in the area where the well is located to comply with the standards of the Safe Drinking Water Act, 42 U.S.C. §§ 300f et seq., and the regulations adopted pursuant thereto.

~~[(b) Grants or loans of money to an]~~

~~[(f) An eligible recipient to pay the costs to develop infrastructure relating to water resources and implement a water resource plan, including, without limitation, expanding or constructing a facility or water system. [In making its determination which eligible recipients will receive grants or loans pursuant to this paragraph, the Board shall give preference to eligible recipients in rural areas.]~~

2. Except as otherwise provided in NRS 349.983, the determination of who is to receive a grant ~~for loan~~ is solely within the discretion of the Board.

3. As used in this section, "eligible f"

~~(a) "Eligible" recipient~~ means a political subdivision of this State, including, without limitation, a city, county, unincorporated town, water authority, conservation district, irrigation district, water district or water conservancy district.

~~(b) "Rural area" means an area in a town or city whose population is less than 10,000 or a county whose population is less than 100,000.~~

Sec. 3. ~~[NRS 349.982 is hereby amended to read as follows:]~~

~~349.982 1. The Board shall administer the program and shall adopt regulations necessary for that purpose.~~

~~2. The regulations must provide such requirements for participation in the program as the Board deems necessary.~~

~~3. The money in the Fund may be used to defray, in whole or in part, the costs of administering the Fund and the expenses of the Board in administering the program.~~

~~4. The Board may, by regulation, impose an administrative fee which must be collected from each recipient of a grant or loan from the Fund. If such a fee is imposed, all revenue derived from the fee must be used to defray, in whole or in part, the costs of administering the Fund and the expenses of the Board in administering the program.] (Deleted by amendment.)~~

Sec. 4. NRS 349.983 is hereby amended to read as follows:

349.983 1. Grants may be made pursuant to ~~subparagraph (1) of~~ paragraph (a) of subsection 1 of NRS 349.981 only for the Lincoln County Water District and those community and nontransient water systems that:

(a) Were in existence on January 1, 1995; and

(b) Are currently publicly owned.

2. In making its determination of which purveyors of water are to receive grants pursuant to ~~subparagraph (1) of~~ paragraph (a) of subsection 1 of NRS

349.981, the Board shall give preference to those purveyors of water whose public water systems regularly serve fewer than 6,000 persons.

3. Each recipient of a grant pursuant to ~~subparagraph (1) of~~ paragraph (a) of subsection 1 of NRS 349.981 shall provide an amount of money for the same purpose. The Board shall develop a scale to be used to determine that amount, but the recipient must not be required to provide an amount less than 15 percent or more than 75 percent of the amount of the ~~grant~~ water project. The scale must be based upon the average household income of the customers of the recipient, and provide adjustments for the demonstrated economic hardship of those customers, the existence of an imminent risk to public health and any other factor that the Board determines to be relevant.

Sec. 5. ~~[NRS 349.984 is hereby amended to read as follows:
349.984 1. The Fund for Grants and Loans for Water Conservation, Capital Improvements to Certain Water Systems and Improvements to Certain Sewage Disposal Systems is hereby created.~~

~~2. Except as otherwise provided by subsections 3 and 4 of NRS 349.982, the money in the Fund must be used only to make grants or loans in furtherance of the program.~~

~~3. All claims against the Fund must be paid as other claims against the State are paid.] (Deleted by amendment.)~~

Sec. 6. ~~[NRS 349.987 is hereby amended to read as follows:~~

~~349.987 1. The provisions of NRS 349.150 to 349.364, inclusive, which are not inconsistent with the provisions of NRS 349.980 to 349.987, inclusive, apply to the bonds issued pursuant to NRS 349.986.~~

~~2. The provisions of NRS 349.935 to 349.956, inclusive, and 349.961 do not apply to the program or to any grants or loans made or bonds issued pursuant to NRS 349.986.] (Deleted by amendment.)~~

Sec. 7. NRS 534.360 is hereby amended to read as follows:

534.360 1. There is hereby created in the State Treasury a fund to be designated as the Water Rights and Resources Technical Support Fund to be administered by the Board for Financing Water Projects.

2. The Water Rights and Resources Technical Support Fund is a continuing fund without reversion. Money in the Fund must be invested as the money in other funds is invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

3. The Board for Financing Water Projects may accept gifts, grants and donations from any source for deposit in the Water Rights and Resources Technical Support Fund.

4. Except as otherwise provided in subsection 5, money in the Water Rights and Resources Technical Support Fund must be used by the Board for Financing Water Projects only to make grants to a local government to:

(a) Obtain and provide expert and technical assistance to gather data to protect its existing water rights; ~~or~~

(b) Fund projects to enhance or protect its existing water rights ~~or~~; or

(c) Fund projects to enhance its water resource planning and management of information relating to water resources. In making its determination which local governments will receive grants pursuant to this paragraph, the Board shall give preference to a county whose population is less than 100,000 or any other local government whose population is less than 10,000.

5. Any grant of money from the Water Rights and Resources Technical Support Fund must not be used by a local government to pay for any assistance or projects as set forth in subsection 4 if the only purpose of the assistance or project is

to obtain evidence, including, without limitation, technical evidence and oral testimony or to pay for expert witnesses or attorney's fees for or in anticipation of any administrative or judicial proceeding, including, without limitation, hearings before the State Engineer or in any state or federal court.

Sec. 8. ~~NRS 540.051 is hereby amended to read as follows:~~

~~540.051 The Section shall:~~

~~1. Include in its planning;~~

~~(a) Recognition and protection of existing water rights consistent with chapters 532 and 534 of NRS; and~~

~~(b) Consideration of the factors relating to the quality of water in this State and the importance of considering the issues of quantity and quality simultaneously, but the State Environmental Commission and Division of Environmental Protection of the Department retain full responsibility for the management of water quality;~~

~~2. Suggest to the Legislature changes in water policy which may be necessary to meet new requirements of law or of the people of the State;~~

~~3. Assist the State Engineer in dealings with the Federal Government and other states, but the State Engineer is solely responsible for the allocation of water resources and litigation;~~

~~4. Review local and federal documents regarding water planning that are relevant to the use of water in Nevada, including, without limitation, local water and resource plans. Reviews conducted pursuant to this subsection must consider, without limitation:~~

~~(a) The accuracy of information relating to water use and water planning;~~

~~(b) Compliance with the water law of this State; and~~

~~(c) General advice relating to water planning;~~

~~5. Compile and update summarized data relating to hydrographic basins to support decisions that the State Engineer makes regarding [such] *those* basins, and provide summarized information regarding [such] *those* basins to the public. The Section shall cause to be generated and updated a summary for each hydrographic basin to show critical information regarding that basin, including, without limitation:~~

~~(a) Whether the basin is designated;~~

~~(b) All appurtenant or associated studies related to the availability of water;~~

~~(c) Rulings and orders affecting new appropriations of water;~~

~~(d) The availability of crop and pumpage inventories;~~

~~(e) The availability of data regarding water levels; and~~

~~(f) Current commitments of water from the basin that are attributable to existing water rights;~~

~~The information described in this subsection must, insofar as practicable, be provided in an electronic format and made available on the website of the State Engineer on the Internet or its successor;~~

~~6. Upon request, provide technical assistance to the Board for Financing Water Projects created by NRS 349.957, including, without limitation, the review of letters of intent and applications for grants [.] *and loans*;~~

~~7. Promote water conservation by:~~

~~(a) Consulting with suppliers of water concerning:~~

~~(1) Community water conservation plans; and~~

~~(2) The content and scope of water plans; and~~

~~(b) Reviewing plans for compliance with the applicable provisions of NRS 540.121 to 540.151, inclusive;~~

~~8. Assist federal, state and local governments and the general public in obtaining information regarding water planning, the availability of water and issues relating to water rights;~~

~~9. Support activities in response to drought as provided for under the drought plan established for the State.~~

~~10. Administer the statewide program established for the management of floodplains.~~

~~11. Upon request, provide updates to local governments on water issues relevant to this State, changes in policy and the availability of new information concerning water resources.~~ **(Deleted by amendment.)**

Sec. 9. There is hereby appropriated from the State General Fund to the Water Rights and Resources Technical Support Fund created pursuant to NRS 534.360 , **as amended by section 7 of this act**, the sum of \$1,000,000.

Sec. 10. This act becomes effective on July 1, 2007.