

SENATE BILL NO. 74—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE DIVISION OF WATER RESOURCES
OF THE STATE DEPARTMENT OF
CONSERVATION AND NATURAL RESOURCES)

PREFILED NOVEMBER 17, 2016

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to water. (BDR 48-178)

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; revising provisions relating to a plan of water conservation; revising the membership of the Western Regional Water Commission; providing for the transfer to the State General Fund of certain fee revenue collected by the State Engineer; 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, which the Water Planning Section of the Division of Water Resources of the State Department of Conservation and Natural Resources is charged with reviewing within 30 days. (NRS 540.131, 540.141) **Section 12** of this bill revises the period from 30 days to 120 days. **Section 13** of this bill revises the provisions which must be included in a plan or a joint plan of water conservation.

Section 14 of this bill eliminates the member of the Western Regional Water Commission who is appointed by the Chief of the Water Planning Section of the Division.

Section 15.5 provides for the transfer of certain revenue from fees collected by the State Engineer from the Water Distribution Revolving Account to the State General Fund.



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

Section 1. (Deleted by amendment.)

Sec. 2. (Deleted by amendment.)

Sec. 3. (Deleted by amendment.)

Sec. 4. (Deleted by amendment.)

Sec. 5. (Deleted by amendment.)

Sec. 6. (Deleted by amendment.)

Sec. 7. (Deleted by amendment.)

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. (Deleted by amendment.)

Sec. 11. (Deleted by amendment.)

Sec. 12. 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 ~~130~~ **120** 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



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(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 water 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. 13. 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 or joint plan.

(f) *A plan for how the supplier of water will progress towards the installation of meters on all connections.*

(g) *Standards for water efficiency for new development.*

(h) *Tiered rate structures for the pricing of water to promote the conservation of water, including, without limitation, an estimate of the manner in which the tiered rate structure will impact the consumptive use of water.*

(i) *Watering restrictions based on the time of day and the day of the week.*



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2. *In addition to the requirements of subsection 1, a plan or joint plan of water conservation submitted to the Section for review by a supplier of water providing service for 500 or more connections must include provisions relating to:*

(a) Measures to evaluate the effectiveness of the plan or joint plan.

~~[(e)]~~ (b) 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:~~

~~(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.]~~ *saved annually.*

3. The Section shall review any plan or joint plan submitted to it within ~~30~~ 120 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. 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 the Internet website of the State Engineer 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 the Internet website are accurate and current.

Sec. 14. Section 37 of the Western Regional Water Commission Act, being chapter 531, Statutes of Nevada 2007, at page 3294, is hereby amended to read as follows:

Sec. 37. In addition to the voting members, the Water Planning Commission includes the following nonvoting members:

1. One member appointed by the Public Utilities Commission of Nevada;

2. One member appointed by the Consumer's Advocate of the Bureau of Consumer Protection in the Office of the Attorney General;

3. One member appointed by the Administrator of the Division;



4. One member appointed by the State Engineer;

5. ~~{One member appointed by the Chief of the Water Planning Section of the Division of Water Resources of the State Department of Conservation and Natural Resources;~~

~~—6.}~~ One member appointed by the board of directors of the water conservancy district which is largest in area in the planning area;

~~{7.}~~ 6. One member appointed by the county or district board of health;

~~{8.}~~ 7. One member of the public at large appointed by the affirmative vote of a majority of the voting members; and

~~{9.}~~ 8. Additional members with expertise in an area that the majority of the voting members determines is necessary, appointed by the affirmative vote of a majority of the voting members.

Sec. 15. (Deleted by amendment.)

Sec. 15.5. On July 1, 2017, the State Controller shall transfer to the State General Fund the unencumbered balance, if any, remaining on June 30, 2017, in the Water Distribution Revolving Account created pursuant to NRS 532.210 that is attributable to the fees collected by the State Engineer pursuant to NRS 533.135 and 533.435, except fees received for a copy of a drawing or map pursuant to subsection 3 of NRS 533.435.

Sec. 16. This act becomes effective upon passage and approval.

