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FIRST REPRINT

S.B. 150

SENATE BILL NO. 150—SENATORS GOICOECHEA,
SETTELMAYER, HARDY; AND HANSEN

FEBRUARY 12, 2019

JOINT SPONSOR: ASSEMBLYMAN ELLISON

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to land use planning.
(BDR 22-775)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

CONTAINS UNFUNDED MANDATE (§ 1)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)

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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 land use planning; requiring, with limited exception, the governing body of a county or city to develop and maintain a water resource plan; authorizing grants of money to certain governing bodies for the development and maintenance of water resource plans; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, planning commissions and certain governing bodies prepare and adopt a comprehensive, long-term general plan for the physical development of the city, county or region called a master plan. (NRS 278.150) **Section 1** of this bill requires, with limited exception, the governing body of a county or city to develop and maintain a water resource plan. **Section 1** further sets forth the requirements for such a plan.

Existing law establishes a program to provide grants of money to purveyors of water and eligible recipients to pay certain costs relating to water. (NRS 349.981) **Section 4** of this bill provides that the program may also provide grants of money to the governing body of a county or city to develop and maintain a water resource plan.



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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 3, a governing body shall develop and maintain a water resource plan that must include, without limitation:

(a) The identification of all known sources of surface water, groundwater and effluent that are physically and legally available for use in the community;

(b) An analysis of the:

(1) Existing demand for water in the community; and

(2) Expected demand for water in the community caused by projected growth; and

(c) An analysis of whether the sources of water identified in paragraph (a) are of sufficient quality and quantity to satisfy the existing and expected demands described in paragraph (b).

(d) If the analysis required pursuant to paragraph (c) determines that the sources of water identified in paragraph (a) are not of sufficient quality or quantity to satisfy demands, a plan for obtaining additional water of sufficient quality and quantity.

2. The governing body shall update the water resource plan at least once every 10 years.

3. The governing body of:

(a) A city is not required to develop and maintain the water resource plan described in subsection 1 if the governing body of the county in which the city is located has adopted a water resource plan that includes the information described in subsection 1 pertaining to the city.

(b) A city or a county is not required to develop and maintain the water resource plan described in subsection 1 if:

(1) The city or county, as applicable, is included within a regional planning district; and

(2) The regional plan adopted by the regional planning commission of the district has included the information described in subsection 1 pertaining to the city or county, as applicable.

(c) A city or county is not required to develop and maintain the water resource plan described in subsection 1 if:

(1) The city or county, as applicable, is located in an area served by a water district created by a special act or a water authority organized as a public agency or entity created by cooperative agreement pursuant to chapter 277 of NRS; and

(2) The water district or water authority, as applicable, has developed and maintained a water resource plan that includes the



information described in subsection 1 pertaining to the city or county, as applicable.

Sec. 2. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 278.0235 is hereby amended to read as follows:

278.0235 No action or proceeding may be commenced for the purpose of seeking judicial relief or review from or with respect to any final action, decision or order of any governing body, commission or board authorized by NRS 278.010 to 278.630, inclusive, *and section 1 of this act*, unless the action or proceeding is commenced within 25 days after the date of filing of notice of the final action, decision or order with the clerk or secretary of the governing body, commission or board.

Sec. 4. NRS 349.981 is hereby amended to read as follows:

349.981 1. There is hereby established a program to provide grants of money to:

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

- (1) Piping or lining of an irrigation canal;
- (2) Recovery or recycling of wastewater or tailwater;
- (3) Scheduling of irrigation;
- (4) Measurement or metering of the use of water;
- (5) Improving the efficiency of irrigation operations; and
- (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) An eligible recipient to pay the following costs associated with connecting 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) Any local or regional fee for connection to the municipal water system.



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

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

(2) 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) An eligible recipient to pay the following costs associated with connecting 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) Any local or regional fee for connection to the municipal water system.

(2) 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.

(f) A governing body to pay the costs associated with developing and maintaining a water resource plan.

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

3. For any construction work paid for in whole or in part by a grant provided pursuant to this section to a nonprofit association or nonprofit cooperative corporation that is an eligible recipient, the provisions of NRS 338.013 to 338.090, inclusive, apply to:

(a) Require the nonprofit association or nonprofit cooperative corporation to include in the contract for the construction work the contractual provisions and stipulations that are required to be included in a contract for a public work pursuant to those statutory provisions.

(b) Require the nonprofit association or nonprofit cooperative corporation to comply with those statutory provisions in the same



manner as if it was a public body that had undertaken the project or had awarded the contract.

(c) Require the contractor who is awarded the contract for the construction work, or a subcontractor on the project, to comply with those statutory provisions in the same manner as if he or she was a contractor or subcontractor, as applicable, engaged on a public work.

4. As used in this section ~~["eligible"]~~:

(a) *"Eligible recipient"* means:

~~[(a)]~~ (1) 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)]~~ (2) A nonprofit association or nonprofit cooperative corporation that provides water service only to its members.

(b) *"Governing body" has the meaning ascribed to it in NRS 278.015.*

(c) *"Water resource plan" means a water resource plan created pursuant to section 1 of this act.*

Sec. 5. The provisions of NRS 354.599 do not apply to any additional expenses of a local government that are related to the provisions of this act.

Sec. 6. A governing body of a city or county that is required to develop and maintain a water resource plan pursuant to section 1 of this act must adopt the initial plan on or before July 1, 2029.

Sec. 7. This act becomes effective on July 1, 2019.

