

ASSEMBLY BILL NO. 220—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE JOINT INTERIM STANDING
COMMITTEE ON NATURAL RESOURCES)

FEBRUARY 23, 2023

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to water conservation.
(BDR 40-337)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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; authorizing a district board of health to establish a program to pay the costs for property owners with a septic system to connect to a community sewerage disposal system under certain circumstances; revising provisions relating to a permit to operate a water system; revising provisions relating to water systems; revising provisions relating to tentative maps and final maps for a subdivision of land; establishing minimum standards for certain landscaping irrigation fixtures in new construction and expansions and renovations in certain structures; revising provisions relating to grants of money for water conservation; exempting the use of water by certain entities to extinguish fires in an emergency from provisions governing the appropriation of water; revising provisions relating to groundwater in certain designated areas; revising conditions under which the State Engineer may require the plugging of certain wells used for domestic purposes; defining certain terms relating to the Conservation of Colorado River Water Act; authorizing the Board of Directors of the Southern Nevada Water Authority to enact certain restrictions on water use for single-family residences under certain circumstances; prohibiting, with certain exceptions, the use of the waters of the Colorado River for certain purposes; establishing requirements relating to an irrigation water efficiency monitoring program; revising certain provisions relating to the use of the waters of the Colorado River to irrigate nonfunctional turf; authorizing the Authority to operate a program to convert properties using a septic system to a municipal sewer system and to impose a fee for such a program; authorizing the Board of Directors to authorize the General Manager of the Authority to restrict the use of water under certain circumstances; and providing other matters properly relating thereto.



Legislative Counsel's Digest:

Under existing law, a district board of health may adopt regulations to control the use of a residential individual system for disposal of sewage in the district. (NRS 444.650) Existing law also authorizes a district board of health, upon approval of the State Board of Health, to adopt regulations to regulate sanitation and the sanitary protection of water and food supplies. (NRS 439.366, 439.410) **Section 1** of this bill authorizes a district board of health to create a voluntary financial assistance program to pay 100 percent of the costs for property owners with an existing septic system whose property is served by a municipal water system to connect to the community sewerage disposal system. **Section 1** also: (1) authorizes such a district board of health to, upon an affirmative vote of two-thirds of the members of the board, impose a voluntary fee on owners of such septic systems to carry out such requirements; and (2) if such a voluntary fee is imposed, prohibits the district board of health from paying the costs of connecting to the community sewerage disposal system for any property owner who does not pay the voluntary fee. **Section 2** of this bill makes a conforming change to indicate the proper placement of **section 1** in the Nevada Revised Statutes. **Section 34.5** of this bill requires a district board of health that creates such a voluntary financial assistance program to, on or before December 31, 2024, submit to the Director of the Legislative Counsel Bureau a report setting forth the number of participants in the program and recommendations for legislation.

Under existing law, a permit to operate a water system may not be issued by the Division of Environmental Protection of the State Department of Conservation and Natural Resources or certain district boards of health unless certain conditions are met, including, without limitation, that: (1) the local governing body assumes responsibility in case of default and assumes the duty of assessing the lands served; (2) the applicant furnishes the local governing body sufficient surety; (3) the owners of the lands to be served by the water system agree to be assessed by the local governing body for the cost of the water system if there is a default; and (4) the owners agree that if the Division determines that water provided by a public utility or a municipality or other public entity is reasonably available, all users may be required to connect to the water system provided by the public utility, municipality or other public entity and be assessed the costs for the connection. (NRS 445A.895) **Section 4** of this bill revises these conditions to: (1) provide that, with certain exceptions, the sole and exclusive obligation of the local governing body is to use the surety in the event of a default to contract and pay the operator responsible for the continued operation and maintenance of the water system; (2) require the owners of property served by the water system to also provide a surety to the local governing body; and (3) provide that if the Division determines that water provided by a public utility or a municipality or other public entity is reasonably available, all users of the water system in certain counties are required to connect. **Section 4.5** of this bill makes conforming changes to revise certain provisions relating to the disposition of the proceeds of assessments and sureties imposed by a local governing body for a public water system in the event of a default. **Section 3** of this bill revises a reference to certain findings. **Section 2.3** of this bill defines "local governing body" for the purposes of the provisions of **sections 4 and 4.5**. **Section 2.6** of this bill makes a conforming change to indicate the proper placement of **section 2.3** in the Nevada Revised Statutes.

Under existing law, if the State Environmental Commission determines that, in relevant part, water provided by a public utility or a municipality or other public entity is reasonably available to users of a water system, the board of county commissioners of that county may require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity. (NRS 244.3655) **Section 7** of this bill provides instead that if the Commission determines that water provided by a public utility or a municipality or



other public entity may be accessed within 1,250 feet of any lot or parcel served by the water system, the board of county commissioners shall, in a county whose population is 700,000 or more (currently only Clark County), and may, in all other counties, require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity.

Under existing law, if the State Environmental Commission or the governing body of certain cities determines certain water systems within the city limits are not serving the needs of its users and water provided by a public utility, the city or another municipality or public entity is reasonably available to those users, the governing body may require all users of the system to connect into the available water system and assess each lot or parcel for its share of the cost. (NRS 268.4102) **Section 10** of this bill provides instead that if the water system may be accessed within 1,250 feet of the property of such users, the governing body of a county whose population is 700,000 or more (currently only Clark County) shall require all users to connect. **Section 10** also provides that all other governing bodies of a county may require all users to connect in such circumstances.

Existing law sets forth an approval process for the subdivision of land that requires: (1) a subdivider of land to submit a tentative map to the planning commission or the governing body of a county or city, as applicable; and (2) the planning commission or governing body to forward a copy of the tentative map to certain other state and local agencies for review and comment. (NRS 278.330-278.460) **Sections 13 and 16** of this bill require that if a proposed subdivision will be served by a public water system: (1) in a county whose population is 700,000 or more, the planning commission or the governing body, as applicable, must file the tentative map with the supplier of water for review and comment; and (2) if the subdivision is located in a general improvement district, the planning commission or the governing body must file the tentative map with the supplier of water in the district. **Section 17** of this bill provides that such a governing body of a county or city may not approve a tentative map, unless the supplier of water determines that there is available water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

Under existing law, a final map presented for filing must include certificates and acknowledgments from certain entities. (NRS 278.374-278.378) **Section 14** of this bill requires that if a subdivision in a county whose population is 700,000 or more or in a general improvement district will be served by a public water system, the final map presented for filing must include a certificate of approval from the supplier of water.

Section 15 of this bill makes conforming changes to indicate the proper placement of **sections 13 and 14** in the Nevada Revised Statutes. **Section 18** of this bill makes a conforming change to require the certificate of approval required by **section 14** to appear on the final map. **Sections 19 and 21** of this bill make conforming changes to also require a map of reversion and a final map for a planned development to have such a certificate of approval, if applicable.

Existing law establishes certain minimum standards for plumbing fixtures in new construction, expansions and renovations in residential, commercial, industrial or manufactured structures, public buildings, manufactured homes and mobile homes and requires the use of certain plumbing fixtures that have been certified under the WaterSense program established by the United States Environmental Protection Agency if a final product specification has been developed by the WaterSense program. (NRS 278.582, 338.193, 461.175, 489.706) **Sections 6, 20, 22 and 24** of this bill require that, with certain exceptions, if the WaterSense program has established a final product specification for an irrigation controller or spray sprinkler body, any new construction, expansions and renovations on such structures, buildings and homes must install irrigation controllers and spray sprinkler bodies that have been certified under the WaterSense program.



Existing law establishes a program to provide grants of money for water conservation and capital improvements to certain water systems, including grants to an eligible recipient to pay certain costs associated with connecting a well to a municipal water system under certain circumstances. (NRS 349.981) **Section 23** of this bill provides instead for grants of money to pay certain costs associated with plugging and abandoning a well and connecting the property formerly served by the well to a municipal water system under certain circumstances.

Existing law exempts, under certain circumstances, the de minimus collection of precipitation from the requirements of the Nevada Revised Statutes relating to the appropriation of water. (NRS 533.027) **Section 24.5** of this bill also exempts the use of water by public agencies or volunteer fire departments to extinguish fires in an emergency.

Under existing law, the State Engineer may issue temporary permits to appropriate groundwater in certain designated areas which may be revoked if the property served by the permit is within 180 feet of water furnished by an entity such as a water district or a municipality and the well needs to be redrilled or have certain repairs made. (NRS 534.120) **Section 26** of this bill instead provides that the State Engineer: (1) may only issue a temporary permit if water cannot be furnished by a public entity that furnishes water; and (2) authorizes the State Engineer to revoke such a temporary permit if the property served by the temporary permit is within 1,250 feet of water furnished by a public entity such as a water district or a municipality. **Section 26** also requires the State Engineer to, in an area in which such temporary permits have been issued: (1) deny applications to appropriate groundwater if a public entity that furnishes water serves the area; (2) limit the depth of domestic wells; and (3) prohibit the drilling of wells for domestic use.

Under existing law, the State Engineer may require the plugging of certain domestic wells drilled in a basin in which such wells must be registered if water can be furnished by certain entities, but only if the charge for connecting to the furnished water is less than \$200. (NRS 534.180) **Section 27** of this bill: (1) removes the requirement that the charge for connecting be less than \$200; and (2) requires plugging of a well if the well is within 1,250 feet of a municipal water system.

Existing law requires that applications for the appropriation of water or to change the place of diversion, manner of use or place of use of certain waters must be made to the Colorado River Commission. (NRS 538.171) **Section 27.5** of this bill also requires that applications to change the holder of the entitlement to appropriate certain waters be submitted to the Colorado River Commission.

The Conservation of Colorado River Water Act prohibits, with certain exceptions, the waters of the Colorado River that are distributed by the Southern Nevada Water Authority or one of the member agencies of the Authority from being used to irrigate nonfunctional turf on any property that is not zoned exclusively for a single-family residence on and after January 1, 2027. (Section 39 of chapter 364, Statutes of Nevada 2021, at page 2180) **Section 31** of this bill prohibits the use of such waters of the Colorado River for irrigating nonfunctional turf on any parcel of property that is not used exclusively as a single-family residence.

Section 28 of this bill defines "General Manager" for the purposes of the Conservation of Colorado River Water Act. **Section 29** of this bill: (1) authorizes the Board of Directors of the Authority to restrict the use of water by a single-family residence to not more than 0.5 acre-feet of water during any year in which a shortage on the Colorado River has been declared by the Federal Government; and (2) requires the Board of Directors to establish a process to approve a waiver of such restrictions on the use of water. **Section 29** also prohibits, with certain exceptions, the installation of new turf on any parcel of property that uses such



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waters of the Colorado River for irrigation beginning on the effective date of this bill and ending on December 31, 2023. Any new turf installed on and after January 1, 2024, must meet the requirements established by the Board of Directors, unless the General Manager approves a waiver.

Section 29 further prohibits the installation of a new septic system on any parcel of property that uses such waters of the Colorado River.

Section 30 of this bill requires certain parcels of property which use such waters of the Colorado River to participate in an irrigation water efficiency monitoring program if the property: (1) is not used exclusively as a single-family residence; and (2) consists of 20,000 square feet or more of turf. **Section 30** also: (1) requires the Board of Directors to develop and establish policies, guidelines and deadlines for participation in such an irrigation water efficiency monitoring program; and (2) authorizes the General Manager to approve an extension or waiver from the irrigation water efficiency monitoring program.

The Southern Nevada Water Authority Act authorizes the Authority, in consultation with the Advisory Committee for the Management of Groundwater in the Las Vegas Valley Groundwater Basin, to operate a project for the recharge and recovery or underground storage and recovery of groundwater for the benefit of owners of wells in the Las Vegas Valley Groundwater Basin. (Section 14.5 of chapter 572, Statutes of Nevada 1997, as added by section 1 of chapter 468, Statutes of Nevada 1999, at page 2387) The Act also authorizes the Authority to assess certain fees on users of groundwater and owners of domestic wells, including a fee if the Authority operates such a project. (Section 13 of chapter 572, Statutes of Nevada 1997, as amended by chapter 468, Statutes of Nevada 1999, at page 2387)

Section 33 of this bill also authorizes the Authority, in consultation with the Advisory Committee, to operate a program to convert any property served by a septic system to a municipal sewer system. **Section 32** of this bill authorizes the Authority to assess a fee on users of groundwater and owners of domestic wells for the program to convert septic systems.

The Southern Nevada Water System Act of 1995 establishes certain powers and duties of the Authority. (Section 2 of chapter 393, Statutes of Nevada 1995, at page 963) **Section 34** of this bill authorizes the Board of Directors of the Authority, by resolution, to authorize the General Manager of the Authority to restrict water usage during certain water emergencies and shortages and provides that the Board of Directors must ratify any such restrictions imposed by the General Manager.

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

Section 1. Chapter 439 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The district board of health may create a voluntary financial assistance program to pay 100 percent of the cost for a property owner with an existing septic system whose property is served by a municipal water system to abandon the septic system and connect to the community sewerage disposal system.

2. Upon an affirmative vote of two-thirds of all the members of the district board of health, the district board of health may impose a voluntary annual fee on property owners with existing septic systems whose property is served by a municipal water system to carry out the provisions of this section.



3. If the district board of health imposes a voluntary annual fee pursuant to subsection 2:

(a) The fee must not exceed the annual sewer rate charged by the largest community sewerage disposal system in the county or counties, as applicable, in which the district board of health has been established; and

(b) The district board of health shall not provide financial assistance to any property owner who does not pay the voluntary fee.

4. As used in this section:

(a) “Community sewerage 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.

(b) “Septic system” means a well that is used to place sanitary waste below the surface of the ground that is typically composed of a septic tank and a subsurface fluid distribution or disposal system. The term includes a residential individual system for disposal of sewage.

Sec. 2. NRS 439.361 is hereby amended to read as follows:

439.361 The provisions of NRS 439.361 to 439.3685, inclusive, **and section 1 of this act**, apply to a county whose population is 700,000 or more.

Sec. 2.3. Chapter 445A of NRS is hereby amended by adding thereto a new section to read as follows:

“Local governing body” means:

1. The governing body of an incorporated city in which is located within the limits of the incorporated city all or any part of an area serviced by a water system; or

2. The board of county commissioners of a county in which is located within the unincorporated area of the county all of an area serviced by a water system.

Sec. 2.6. NRS 445A.805 is hereby amended to read as follows:

445A.805 As used in NRS 445A.800 to 445A.955, inclusive, **and section 2.3 of this act**, unless the context otherwise requires, the words and terms defined in NRS 445A.807 to 445A.850, inclusive, **and section 2.3 of this act** have the meanings ascribed to them in those sections.

Sec. 3. NRS 445A.890 is hereby amended to read as follows:

445A.890 Before making the finding specified in NRS 445A.910 and before making the determinations specified in NRS 244.3655, 268.4102 and 445A.895, the **Commission or Division, as applicable**, shall request comments from the:

1. Public Utilities Commission of Nevada;

2. State Engineer;



3. Local government within whose jurisdiction the water system is located; and

4. Owner of the water system.

Sec. 4. NRS 445A.895 is hereby amended to read as follows:

445A.895 A permit to operate a water system may not be issued pursuant to NRS 445A.885 unless all of the following conditions are met:

1. Neither water provided by a public utility nor water provided by a municipality or other public entity is available to the persons to be served by the water system.

2. The applicant fully complies with all of the conditions of NRS 445A.885 to 445A.915, inclusive.

3. The applicant submits to the Division or the district board of health designated by the Commission documentation issued by the State Engineer which sets forth that the applicant holds water rights that are sufficient to operate the water system.

4. The local governing body ~~{assumes:}~~ **agrees:**

(a) ~~{Responsibility in case of}~~ **That, except as otherwise provided in paragraph (b), in the event of a default by the builder, developer or owner of the water system, the sole and exclusive obligation of the local governing body shall be to use the surety furnished to the local governing body pursuant to subsection 5 to contract with and pay the operator of the water system for {its} the continued operation and maintenance {in accordance with all the terms and conditions of the permit.} of the water system.**

(b) ~~{The}~~ **To assume the** duty of assessing the lands served as provided in subsection 6 ~~{}~~ **in the event of default by the builder, developer or owner of the water system.**

5. The applicant furnishes the local governing body sufficient surety, in the form of a bond, certificate of deposit, investment certificate, **properly established and funded reserve account** or any other form acceptable to the governing body, to ensure the continued maintenance and operation of the water system:

(a) For 5 years following the date the system is placed in operation; or

(b) Until 75 percent of the lots or parcels served by the system are sold,

↳ whichever is later.

6. The owners of the lands to be served by the water system ~~{record}~~ :

(a) **Furnish the local governing body sufficient surety, in the form of a bond, certificate of deposit, investment certificate, properly established and funded reserve account or any other form acceptable to the governing body, to ensure the continued maintenance and operation of the water system and continued**



technical, financial and managerial capability of the water system; and

(b) Record a declaration of covenants, conditions and restrictions which is an equitable servitude running with the land and which must provide ~~{that}~~ :

(1) That each lot or parcel will be assessed by the local governing body for its proportionate share of the cost of *replenishing or augmenting the surety required pursuant to paragraph (a) as necessary for the* continued operation and maintenance of the water system if there is a default by the ~~{applicant or operator}~~ *builder, developer or owner* of the water system ~~{and a sufficient surety, as provided in subsection 5, is not available.}~~ ;

(2) That the owners of the lands will annually provide the local governing body with a financial audit of the water system, including, without limitation, any reserve account, if established, to ensure the adequacy of the financial management of the water system; and

(3) An acknowledgment of and agreement with the obligations of the local governing body pursuant to subsection 4 and subsection 3 of NRS 445A.905.

7. If the water system uses or stores ozone, the portion of the system where ozone is used or stored must be constructed not less than 100 feet from any existing residence, unless the owner and occupant of each residence located closer than 100 feet consent to the construction of the system at a closer distance.

8. The *owners of the lands to be served by the water system record a* declaration of covenants, conditions and restrictions ~~{recorded by the owners of the lands further}~~ , *which is an equitable servitude running with the land, and* provides that if the Division determines that:

(a) The water system is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity is reasonably available,

↳ the local governing body *shall, in a county whose population is 700,000 or more, and* may, *in all other counties,* pursuant to NRS 244.3655 or 268.4102, require all users of the water system to connect into the available water system provided by a public utility or a municipality or other public entity, and each lot or parcel will be assessed by the local governing body for its proportionate share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the



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assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

9. Provision has been made for disposition of the water system and the land on which it is situated after the local governing body requires all users to connect into an available water system provided by a public utility or a municipality or other public entity.

Sec. 4.5. NRS 445A.905 is hereby amended to read as follows:

445A.905 1. The proceeds of any assessments upon lots or parcels *and the sureties required pursuant to NRS 445A.895* must be deposited with the treasurer of the local governing body which received them, and they may be expended only for the:

(a) Continued maintenance and operation of the water system;

(b) Replacement of the water system if necessary; and

(c) Payment of the costs, including, but not limited to, the direct costs of connection and the costs of necessary new or rehabilitated facilities and any necessary water rights, associated with connection to any water system provided by a public utility or a municipality or other public entity that becomes reasonably available.

2. If any surplus exists in the proceeds of assessments *and the sureties required pursuant to NRS 445A.895* after all purposes of the assessments *and sureties* have been fully met, the surplus must be refunded to the persons who paid the assessments *and sureties*, in the proportion that their respective assessments *and sureties* bear to the gross proceeds of all assessments *and sureties* collected by the local governing body.

3. For the purposes set forth in subsection 1, the local governing body is not obligated to:

(a) Expend money from any source other than the assessments and surety deposited pursuant to NRS 445A.895;

(b) Extend credit on behalf of a builder, developer or owner of land to be served by the water system; or

(c) Collect any unpaid assessment, unless the local governing body has agreed to assume the duty for the assessments pursuant to subsection 4 of NRS 445A.895.

Sec. 5. (Deleted by amendment.)

Sec. 6. NRS 461.175 is hereby amended to read as follows:

461.175 1. Each manufactured building on which construction begins on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.



(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

2. Each manufactured building on which construction begins on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

3. Each manufactured building on which construction begins on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

4. For the purposes of subsection 3, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection ~~5~~ 6 of NRS 278.582.

5. Each manufactured building on which construction begins on or after January 1, 2024, and each existing manufactured building which is expanded or renovated on or after January 1, 2024:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray



sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.

6. For the purposes of subsection 5, a landscape irrigation fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.

Sec. 7. NRS 244.3655 is hereby amended to read as follows:

244.3655 1. If the State Environmental Commission determines that:

(a) A water system which is located in a county and was constructed on or after July 1, 1991, is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity ~~is reasonably available to those users,~~ may be accessed within 1,250 feet of any lot of parcel served by the water system,

↳ the board of county commissioners of that county shall, in a county whose population is 700,000 or more, and may, in all other counties, require all users of the system to connect into the available water system provided by a public utility or a municipality or other public entity, and may assess each lot or parcel served for its proportionate share of the costs associated with connecting into that water system. If the water system is being connected into a public utility, the Public Utilities Commission of Nevada shall determine the amount of the assessments for the purposes of establishing a lien pursuant to NRS 445A.900.

2. As used in this section, "water system" has the meaning ascribed to it in NRS 445A.850.

Sec. 8. (Deleted by amendment.)

Sec. 9. (Deleted by amendment.)

Sec. 10. NRS 268.4102 is hereby amended to read as follows:

268.4102 1. If the State Environmental Commission determines that:

(a) A water system which is located within the boundaries of a city and was constructed on or after July 1, 1991, is not satisfactorily serving the needs of its users; and

(b) Water provided by a public utility or a municipality or other public entity ~~is reasonably available to those users,~~ may be accessed within 1,250 feet of any lot or parcel served by the water system,

↳ the governing body of that city shall, in a county whose population is 700,000 or more, and may, in all other counties, require all users of the system to connect into the available water



1 system provided by a public utility or a municipality or other public
2 entity, and may assess each lot or parcel served for its share of the
3 costs associated with connecting into that water system. If the water
4 system is being connected into a public utility, the Public Utilities
5 Commission of Nevada shall determine the amount of the
6 assessments for the purposes of establishing a lien pursuant to
7 NRS 445A.900.

8 2. As used in this section, "water system" has the meaning
9 ascribed to it in NRS 445A.850.

10 **Sec. 11.** (Deleted by amendment.)

11 **Sec. 12.** Chapter 278 of NRS is hereby amended by adding
12 thereto the provisions set forth as sections 13 and 14 of this act.

13 **Sec. 13.** *In a county whose population is 700,000 or more,*
14 *when any subdivider proposes to subdivide land that will be served*
15 *by a public water system, the planning commission or its*
16 *designated representative, or, if there is no planning commission,*
17 *the clerk or other designated representative of the governing body,*
18 *shall file a copy of the subdivider's tentative map with the supplier*
19 *of water. The supplier of water shall, within 30 days, review and*
20 *comment in writing upon the tentative map to the planning*
21 *commission or the governing body regarding the availability of*
22 *water which meets applicable health standards and is sufficient in*
23 *quantity for the reasonably foreseeable needs of the subdivision.*

24 **Sec. 14.** *A final map presented for filing which is subject to*
25 *the provisions of NRS 278.347 or section 13 of this act must*
26 *include a certificate by the supplier of water showing that the final*
27 *map is approved by the supplier of water with regard to the*
28 *availability of water which meets applicable health standards and*
29 *is sufficient in quantity for the reasonably foreseeable needs of the*
30 *subdivision.*

31 **Sec. 15.** NRS 278.010 is hereby amended to read as follows:

32 278.010 As used in NRS 278.010 to 278.630, inclusive, *and*
33 *sections 13 and 14 of this act*, unless the context otherwise requires,
34 the words and terms defined in NRS 278.0103 to 278.0195,
35 inclusive, have the meanings ascribed to them in those sections.

36 **Sec. 16.** NRS 278.347 is hereby amended to read as follows:

37 278.347 **1.** When any subdivider proposes to subdivide land,
38 any part of which is located within the boundaries of any general
39 improvement district organized or reorganized pursuant to chapter
40 318 of NRS, the planning commission or its designated
41 representative, or, if there is no planning commission, the clerk or
42 other designated representative of the governing body shall file a
43 copy of the subdivider's tentative map with ~~the~~ :

44 *(a) The board of trustees of the district* ~~[- The board of trustees~~
45 ~~may within]~~ ; *and*



(b) If the subdivision will be served by a public water system, the supplier of water in the district.

2. Within 30 days :

(a) The board of trustees may review and comment in writing upon the tentative map filed pursuant to subsection 1 to the planning commission or governing body ~~H~~; and

(b) If applicable, the supplier of water shall review and comment in writing upon the tentative map filed pursuant to subsection 1 to the planning commission or the governing body regarding the availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

3. The planning commission or governing body shall take any such comments submitted pursuant to subsection 2 by the board of trustees and the supplier of water, if applicable, into consideration before approving the tentative map.

Sec. 17. NRS 278.349 is hereby amended to read as follows:

278.349 1. Except as otherwise provided in subsection 2, the governing body, if it has not authorized the planning commission to take final action, shall, by an affirmative vote of a majority of all the members, approve, conditionally approve or disapprove a tentative map filed pursuant to NRS 278.330:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

➤ after receipt of the planning commission's recommendations.

2. If there is no planning commission, the governing body shall approve, conditionally approve or disapprove a tentative map:

(a) In a county whose population is 700,000 or more, within 45 days; or

(b) In a county whose population is less than 700,000, within 60 days,

➤ after the map is filed with the clerk of the governing body.

3. The governing body, or planning commission if it is authorized to take final action on a tentative map, shall consider:

(a) Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

(b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

(c) The availability and accessibility of utilities;



(d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;

(e) Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;

(f) General conformity with the governing body's master plan of streets and highways;

(g) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

(h) Physical characteristics of the land such as floodplain, slope and soil;

(i) The recommendations and comments of those entities and persons reviewing the tentative map pursuant to NRS 278.330 to 278.3485, inclusive;

(j) The availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands;

(k) The potential impacts to wildlife and wildlife habitat; and

(l) The submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of paragraph (f) of subsection 1 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.

4. The governing body or planning commission shall, by an affirmative vote of a majority of all the members, make a final disposition of the tentative map. The governing body or planning commission shall not approve the tentative map unless ~~the~~ :

(a) The subdivider has submitted an affidavit stating that the subdivider will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of paragraph (f) of subsection 1 of NRS 598.0923, if applicable, by the subdivider or any successor in interest ~~and~~ ; and

(b) For any tentative map subject to the requirements of NRS 278.347 or section 13 of this act, the supplier of water that will serve the subdivision has determined that there is available water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

➡ Any disapproval or conditional approval must include a statement of the reason for that action.



1 **Sec. 18.** NRS 278.373 is hereby amended to read as follows:
2 278.373 The certificates and acknowledgments required by
3 NRS 116.2109 and 278.374 to 278.378, inclusive, *and section 14 of*
4 *this act, if applicable*, must appear on a final map and may be
5 combined where appropriate.

6 **Sec. 19.** NRS 278.4955 is hereby amended to read as follows:
7 278.4955 1. The map of reversion submitted pursuant to NRS
8 278.490 must contain the appropriate certificates required by NRS
9 278.376, ~~and~~ 278.377 *and section 14 of this act, if applicable*, for
10 the original division of the land, any agreement entered into for a
11 required improvement pursuant to NRS 278.380 for the original
12 division of the land, and the certificates required by NRS 278.496
13 and 278.4965. If the map includes the reversion of any street or
14 easement owned by a city, a county or the State, the provisions of
15 NRS 278.480 must be followed before approval of the map.

16 2. The final map of reversion must:

17 (a) Be prepared by a professional land surveyor licensed
18 pursuant to chapter 625 of NRS. The professional land surveyor
19 shall state in his or her certificate that the map has been prepared
20 from information on a recorded map or maps that are being reverted.
21 The professional land surveyor may state in the certificate that he or
22 she assumes no responsibility for the existence of the monuments or
23 for correctness of other information shown on or copied from
24 the document. The professional land surveyor shall include in the
25 certificate information which is sufficient to identify clearly the
26 recorded map or maps being reverted.

27 (b) Be clearly and legibly drawn in black permanent ink upon
28 good tracing cloth or produced by the use of other materials of a
29 permanent nature generally used for such a purpose in the
30 engineering profession. Affidavits, certificates and
31 acknowledgments must be legibly stamped or printed upon the map
32 with black permanent ink.

33 3. The size of each sheet of the final map must be 24 by 32
34 inches. A marginal line must be drawn completely around each
35 sheet, leaving an entirely blank margin of 1 inch at the top, bottom
36 and right edges, and of 2 inches at the left edge along the 24-inch
37 dimension.

38 4. The scale of the final map must be large enough to show all
39 details clearly, and enough sheets must be used to accomplish this
40 end.

41 5. The particular number of the sheet and the total number of
42 sheets comprising the final map must be stated on each of the sheets,
43 and its relation to each adjoining sheet must be clearly shown.

44 6. Each future conveyance of the reverted property must
45 contain a metes and bounds legal description of the property and



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1 must include the name and mailing address of the person who
2 prepared the legal description.

3 **Sec. 20.** NRS 278.582 is hereby amended to read as follows:

4 278.582 1. Each county and city shall include in its
5 respective building code the requirements of this section. If a county
6 or city has no building code, it shall adopt those requirements by
7 ordinance and provide for their enforcement by its own officers or
8 employees or through interlocal agreement by the officers or
9 employees of another local government. Additionally, each county
10 and city shall prohibit by ordinance the sale and installation of any
11 plumbing fixture *or landscape irrigation fixture* which does not
12 meet the standards made applicable for the respective county or city
13 pursuant to this section.

14 2. Except as otherwise provided in subsection ~~6.1~~ 7, each
15 residential, commercial or industrial structure on which construction
16 begins on or after March 1, 1992, and before March 1, 1993, and
17 each existing residential, commercial or industrial structure which is
18 expanded or renovated on or after March 1, 1992, and before
19 March 1, 1993, must incorporate the following minimal standards
20 for plumbing fixtures:

21 (a) A toilet which uses water must not be installed unless its
22 consumption of water does not exceed 3.5 gallons of water per
23 flush.

24 (b) A shower apparatus which uses more than 3 gallons of water
25 per minute must not be installed unless it is equipped with a device
26 to reduce water consumption to 3 gallons of water or less per
27 minute.

28 (c) Each faucet installed in a lavatory or kitchen must not allow
29 water to flow at a rate greater than 3 gallons per minute.

30 (d) A urinal which continually flows or flushes water must not
31 be installed.

32 3. Except as otherwise provided in subsection ~~6.1~~ 7, each
33 residential, commercial or industrial structure on which construction
34 begins on or after March 1, 1993, and before January 1, 2020, and
35 each existing residential, commercial or industrial structure which is
36 expanded or renovated on or after March 1, 1993, and before
37 January 1, 2020, must incorporate the following minimal standards
38 for plumbing fixtures:

39 (a) A toilet which uses water must not be installed unless its
40 consumption of water does not exceed 1.6 gallons of water per
41 flush.

42 (b) A shower apparatus which uses more than 2.5 gallons of
43 water per minute must not be installed unless it is equipped with a
44 device to reduce water consumption to 2.5 gallons of water or less
45 per minute.



(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.

(e) A urinal which continually flows or flushes water must not be installed.

(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.

4. Except as otherwise provided in subsection ~~6.1~~ 7, each residential, commercial or industrial structure on which construction begins on or after January 1, 2020, and each existing residential, commercial or industrial structure which is expanded or renovated on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

5. *Except as otherwise provided in subsection 7, each residential, commercial or industrial structure on which construction begins on or after January 1, 2024, and each existing residential, commercial or industrial structure which is expanded or renovated on or after January 1, 2024:*

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.



6. For the purposes of ~~subsection~~ *subsections 4 ~~H~~ and 5:*

(a) A plumbing fixture *or landscape irrigation fixture* is considered certified under the WaterSense program if the fixture has been:

(1) Tested by an accredited third-party certifying body or laboratory in accordance with the United States Environmental Protection Agency's WaterSense program or an analogous successor program;

(2) Certified by the certifying body or laboratory as meeting the performance and efficiency requirements of the WaterSense program or an analogous successor program; and

(3) Authorized by the WaterSense program or an analogous successor program to use the WaterSense label or the label of an analogous successor program.

(b) If the WaterSense program modifies the requirements for a plumbing fixture *or landscape irrigation fixture* to be certified under the WaterSense program, a plumbing fixture *or landscape irrigation fixture* that was certified under the previous requirements shall be deemed certified for use under the WaterSense program for a period of 12 months following the modification of the requirements for certification.

~~H~~ 7. The requirements of this section ~~for~~ :

(a) *For* the installation of certain plumbing fixtures do not apply to any portion of:

~~H(a)~~ (1) An existing residential, commercial or industrial structure which is not being expanded or renovated; or

~~H(b)~~ (2) An existing residential, commercial or industrial structure if the structure was constructed 50 years or more before the current year, regardless of whether that structure has been expanded or renovated since its original construction.

(b) Except as otherwise provided in federal law, do not prohibit the governing body of a county or city from adopting more stringent requirements for plumbing fixtures or landscape irrigation fixtures.

Sec. 21. NRS 278A.570 is hereby amended to read as follows:

278A.570 1. A plan which has been given final approval by the city or county must be certified without delay by the city or county and filed of record in the office of the appropriate county recorder before any development occurs in accordance with that plan. A county recorder shall not file for record any final plan unless it includes:

(a) A final map of the entire final plan or an identifiable phase of the final plan if required by the provisions of NRS 278.010 to 278.630, inclusive ~~H~~, *and sections 13 and 14 of this act;*

(b) The certifications required pursuant to NRS 116.2109; and



(c) The same certificates of approval as are required under NRS 278.377 *and section 14 of this act, if applicable*, or evidence that:

(1) The approvals were requested more than 30 days before the date on which the request for filing is made; and

(2) The agency has not refused its approval.

2. Except as otherwise provided in this subsection, after the plan is recorded, the zoning and subdivision regulations otherwise applicable to the land included in the plan cease to apply. If the development is completed in identifiable phases, then each phase can be recorded. The zoning and subdivision regulations cease to apply after the recordation of each phase to the extent necessary to allow development of that phase.

3. Pending completion of the planned unit development, or of the part that has been finally approved, no modification of the provisions of the plan, or any part finally approved, may be made, nor may it be impaired by any act of the city or county except with the consent of any landowners affected by the modification and in accordance with the provisions of NRS 278A.410.

4. For the recording or filing of any final map, plat or plan, the county recorder shall collect a fee of \$50 for the first sheet of the map, plat or plan plus \$10 for each additional sheet. The fee must be deposited in the general fund of the county where it is collected.

Sec. 22. NRS 338.193 is hereby amended to read as follows:

338.193 1. Each public building sponsored or financed by a public body must meet the standards made applicable for the building pursuant to this section.

2. Except as otherwise provided in subsection 8, each public building, other than a prison or jail, on which construction begins on or after March 1, 1992, and before March 1, 1993, and each existing public building which is expanded or renovated on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically irrespective of demand must not be installed.



3. Except as otherwise provided in subsection 8, each public building, other than a prison or jail, on which construction begins on or after March 1, 1993, and before January 1, 2020, and each existing public building which is expanded or renovated on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) A urinal which uses water must not be installed unless its consumption of water does not exceed 1 gallon of water per flush.

(d) A toilet or urinal which employs a timing device or other mechanism to flush periodically, irrespective of demand, must not be installed.

(e) A urinal which continually flows or flushes water must not be installed.

(f) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

(g) Each faucet installed in a public restroom must contain a mechanism which closes the faucet automatically after a predetermined amount of water has flowed through the faucet. Multiple faucets that are activated from a single point must not be installed.

4. Except as otherwise provided in subsection 8, each public building, other than a prison or jail, on which construction begins on or after January 1, 2020, and each existing public building which is expanded or renovated on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

5. For the purposes of subsection 4, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 4 of NRS 278.582.



6. *Each public building, other than a prison or jail, on which construction begins on or after January 1, 2024, and each existing public building which is expanded or renovated on or after January 1, 2024:*

(a) *If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.*

(b) *If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable requirements of federal law and the building code of the county or city.*

7. *For the purposes of subsection 6, a landscape fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.*

8. The requirements of this section for the installation of certain plumbing fixtures do not apply to any portion of:

(a) An existing public building which is not being expanded or renovated; or

(b) A public building if the public building was constructed 50 years or more before the current year, regardless of whether that public building has been expanded or renovated since its original construction.

Sec. 23. 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 **plugging and abandoning a well and** connecting ~~to~~ **the property formerly served by the** well to a municipal water system, **if the State Engineer requires the plugging of the well pursuant to subsection 3 of NRS 534.180 or** 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.

(3) The cost of plugging and abandoning a well and connecting the property formerly served by the well to a municipal water system.



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(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:

(a) "Eligible recipient" means:

(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.

(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 NRS 278.0228.

Sec. 24. NRS 489.706 is hereby amended to read as follows:

489.706 1. Each manufactured home or mobile home on which construction begins on or after March 1, 1992, and before March 1, 1993, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 3.5 gallons of water per flush.

(b) A shower apparatus which uses more than 3 gallons of water per minute must not be installed unless it is equipped with a device



to reduce water consumption to 3 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 3 gallons per minute.

2. Each manufactured home or mobile home on which construction begins on or after March 1, 1993, and before January 1, 2020, must incorporate the following minimal standards for plumbing fixtures:

(a) A toilet which uses water must not be installed unless its consumption of water does not exceed 1.6 gallons of water per flush.

(b) A shower apparatus which uses more than 2.5 gallons of water per minute must not be installed unless it is equipped with a device to reduce water consumption to 2.5 gallons of water or less per minute.

(c) Each faucet installed in a lavatory or kitchen must not allow water to flow at a rate greater than 2.5 gallons per minute.

3. Each manufactured home or mobile home on which construction begins on or after January 1, 2020:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of toilet, shower apparatus, urinal or faucet, must not install any toilet, shower apparatus, urinal or faucet that does not comply with any applicable requirements of federal law and the building code of the county or city.

4. For the purposes of subsection 3, a plumbing fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection ~~5~~ 6 of NRS 278.582.

5. Each manufactured home or mobile home on which construction begins on or after January 1, 2024:

(a) If the WaterSense program established by the United States Environmental Protection Agency has developed a final product specification for an irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that has not been certified under the WaterSense program.

(b) If the WaterSense program has not developed a final product specification for a type of irrigation controller or spray sprinkler body, must not install any irrigation controller or spray sprinkler body that does not comply with any applicable



requirements of federal law and the building code of the county or city.

6. For the purposes of subsection 5, a landscape fixture is considered certified under the WaterSense program if the fixture meets the requirements of paragraph (a) or (b) of subsection 6 of NRS 278.582.

Sec. 24.5. NRS 533.027 is hereby amended to read as follows:

533.027 1. The provisions of this chapter do not apply to ~~the~~:

(a) The use of water in emergency situations to extinguish fires by a public agency or a volunteer fire department; or

(b) The de minimus collection of precipitation:

~~((a))~~ (1) From the rooftop of a single-family dwelling for nonpotable domestic use; or

~~((b))~~ (2) If the collection does not conflict with any existing water rights as determined by the State Engineer, in a guzzler to provide water for use by wildlife. The guzzler must:

~~((1))~~ (I) Have a capacity of 20,000 gallons or less;

~~((2))~~ (II) Have a capture area of 1 acre or less;

~~((3))~~ (III) Have a pipe length of 1/4 mile or less;

~~((4))~~ (IV) Be developed by a state or federal agency responsible for wildlife management or by any other person in consultation with the Department of Wildlife; and

~~((5))~~ (V) Be approved for use by the Department of Wildlife.

2. As used in this section:

(a) "Domestic use" has the meaning ascribed to it in NRS 534.013. ~~and~~

(b) "Guzzler" has the meaning ascribed to it in NRS 501.121.

(c) "Public agency" means an agency, bureau, board, commission, department or division of this State or a political subdivision of this State.

Sec. 25. (Deleted by amendment.)

Sec. 26. NRS 534.120 is hereby amended to read as follows:

534.120 1. Within an area that has been designated by the State Engineer, as provided for in this chapter, where, in the judgment of the State Engineer, the groundwater basin is being depleted, the State Engineer in his or her administrative capacity may make such rules, regulations and orders as are deemed essential for the welfare of the area involved.

2. In the interest of public welfare, the State Engineer is authorized and directed to designate preferred uses of water within the respective areas so designated by the State Engineer and from which the groundwater is being depleted, and in acting on applications to appropriate groundwater, the State Engineer may



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1 designate such preferred uses in different categories with respect to
2 the particular areas involved within the following limits:

3 (a) Domestic, municipal, quasi-municipal, industrial, irrigation,
4 mining and stock-watering uses; and

5 (b) Any uses for which a county, city, town, public water district
6 or public water company furnishes the water.

7 3. ~~{Except as otherwise provided in subsection 5, the}~~ **The**
8 State Engineer may ~~{:~~

9 ~~—(a) Issue}~~ **only issue** temporary permits to appropriate
10 groundwater ~~{which} if water cannot be furnished by a public~~
11 **entity such as a water district or municipality presently engaged in**
12 **furnishing water to the inhabitants thereof. Such temporary**
13 **permits** can be limited as to time and ~~{which}~~ may, ~~{except as~~
14 ~~limited by subsection 4,}~~ be revoked if and when ~~{water}~~ **:**

15 (a) **Water** can be furnished by ~~{an}~~ **a public** entity such as a
16 water district or a municipality presently engaged in furnishing
17 water to the inhabitants thereof ~~{;}~~ **; and**

18 (b) **The property served is within 1,250 feet of the water**
19 **furnished pursuant to paragraph (a).**

20 **↪ The holder of a temporary permit that is revoked pursuant to**
21 **this subsection must be given 730 days from the date of revocation**
22 **to connect to the public entity furnishing water.**

23 4. **In a basin designated pursuant to NRS 534.030, the State**
24 **Engineer may:**

25 (a) Deny applications to appropriate groundwater for any use in
26 areas served by ~~{such an}~~ **a public** entity ~~{:~~

27 ~~—(c)}~~ **such as a water district or a municipality presently**
28 **engaged in furnishing water to the inhabitants of the area.**

29 (b) Limit the depth of domestic wells.

30 ~~{(d)}~~ (c) Prohibit the drilling of wells for domestic use ~~{, as~~
31 ~~defined in NRS 534.013,}~~ in areas where water can be furnished by
32 ~~{an}~~ **a public** entity such as a water district or a municipality
33 presently engaged in furnishing water to the inhabitants thereof.

34 ~~{(e)}~~ (d) In connection with the approval of a parcel map in
35 which any parcel is proposed to be served by a domestic well,
36 require the dedication to a city or county or a designee of a city or
37 county, or require a relinquishment to the State Engineer, of any
38 right to appropriate water required by the State Engineer to ensure a
39 sufficient supply of water for each of those parcels, unless the
40 dedication of the right to appropriate water is required by a local
41 ordinance.

42 ~~{4. The State Engineer may revoke a temporary permit issued~~
43 ~~pursuant to subsection 3 for residential use, and require a person to~~
44 ~~whom groundwater was appropriated pursuant to the permit to~~
45 ~~obtain water from an entity such as a water district or a municipality~~



engaged in furnishing water to the inhabitants of the designated area, only if:

—(a) The distance from the property line of any parcel served by a well pursuant to a temporary permit to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and

—(b) The well providing water pursuant to the temporary permit needs to be redrilled or have repairs made which require the use of a well-drilling rig.}]

5. ~~{The State Engineer may, in}~~ **In** an area in which have been issued temporary permits pursuant to subsection 3, ~~{limit}~~ **the State Engineer:**

(a) Shall:

(1) Deny any applications to appropriate groundwater for use in areas served by a public entity such as a water district or a municipality presently engaged in furnishing water;

(2) Limit the depth of a domestic well ~~{pursuant to paragraph (c) of subsection 3 or}~~ **;** or

(3) Prohibit the drilling of wells for domestic use in areas where water can be furnished by a public entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants; and

(b) May prohibit repairs from being made to a **domestic** well, and may require the person proposing to deepen or repair the **domestic** well to obtain water from ~~{an}~~ **a public** entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

~~{(a)}~~ **(1)** The distance from the property line of any parcel served by the well to the pipes and other appurtenances of the proposed source of water to which the property will be connected is not more than 180 feet; and

~~{(b)}~~ **(2)** The deepening or repair of the well would require the use of a well-drilling rig.

6. For good and sufficient reasons, the State Engineer may exempt the provisions of this section with respect to public housing authorities.

7. The provisions of this section do not prohibit the State Engineer from revoking a temporary permit issued pursuant to this section if any parcel served by a well pursuant to the temporary permit is currently obtaining water from ~~{an}~~ **a public** entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the area.

Sec. 27. NRS 534.180 is hereby amended to read as follows:

534.180 1. Except as otherwise provided in subsection 2 and as to the furnishing of any information required by the State



Engineer, this chapter does not apply in the matter of obtaining permits for the development and use of underground water from a well for domestic purposes where the draught does not exceed 2 acre-feet per year.

2. The State Engineer may designate any groundwater basin or portion thereof as a basin in which the registration of a well is required if the well is drilled for the development and use of underground water for domestic purposes. A driller who drills such a well shall register the information required by the State Engineer within 10 days after the completion of the well. The State Engineer shall make available forms for the registration of such wells and shall maintain a register of those wells.

3. The State Engineer may require the plugging of such a well which is drilled on or after July 1, 1981, at any time not sooner than 1 year after water can be furnished to the site by:

(a) A political subdivision of this State; or

(b) A public utility whose rates and service are regulated by the Public Utilities Commission of Nevada,

↳ but only if ~~the charge for making the connection to the service is less than \$200.~~ *such a well is within 1,250 feet of a municipal water system.*

4. If the development and use of underground water from a well for an accessory dwelling unit of a single-family dwelling, as defined in an applicable local ordinance, qualifies as a domestic use or domestic purpose:

(a) The owner of the well shall:

(1) Obtain approval for that use or purpose from the local governing body or planning commission in whose jurisdiction the well is located;

(2) Install a water meter capable of measuring the total withdrawal of water from the well; and

(3) Ensure the total withdrawal of water from the well does not exceed 2 acre-feet per year;

(b) The local governing body or planning commission shall report the approval of the accessory dwelling unit on a form provided by the State Engineer;

(c) The State Engineer shall monitor the annual withdrawal of water from the well; and

(d) The date of priority for the use of the domestic well to supply water to the accessory dwelling unit is the date of approval of the accessory dwelling unit by the local governing body or planning commission.

Sec. 27.5. NRS 538.171 is hereby amended to read as follows:

538.171 1. The Commission shall receive, protect and safeguard and hold in trust for the State of Nevada all water and



1 water rights, and all other rights, interests or benefits in and to the
2 waters described in NRS 538.041 to 538.251, inclusive, and to the
3 power generated thereon, held by or which may accrue to the State
4 of Nevada under and by virtue of any Act of the Congress of the
5 United States or any agreements, compacts or treaties to which the
6 State of Nevada may become a party, or otherwise.

7 2. Except as otherwise provided in this subsection, applications
8 for the original appropriation of such waters, or to change the **holder**
9 **of the entitlement to appropriate water**, place of diversion, manner
10 of use or place of use of water covered by the original appropriation,
11 must be made to the Commission in accordance with the regulations
12 of the Commission. In considering such an application, the
13 Commission shall use the criteria set forth in ~~{subsection 3 of}~~ NRS
14 533.370. The Commission's action on the application constitutes the
15 recommendation of the State of Nevada to the United States for the
16 purposes of any federal action on the matter required by law. The
17 provisions of this subsection do not apply to supplemental water.

18 3. The Commission shall furnish to the State Engineer a copy
19 of all agreements entered into by the Commission concerning the
20 original appropriation and use of such waters. It shall also furnish to
21 the State Engineer any other information it possesses relating to the
22 use of water from the Colorado River which the State Engineer
23 deems necessary to allow the State Engineer to act on applications
24 for permits for the subsequent appropriation of these waters after
25 they fall within the State Engineer's jurisdiction.

26 4. Notwithstanding any provision of chapter 533 of NRS, any
27 original appropriation and use of the waters described in subsection
28 1 by the Commission or by any entity to whom or with whom the
29 Commission has contracted the water is not subject to regulation by
30 the State Engineer.

31 5. Any use of water from the Muddy River or the Virgin River
32 for the creation of any developed shortage supply or intentionally
33 created surplus does not require the submission of an application to
34 the State Engineer to change the place of diversion, manner of use
35 or place of use. As used in this subsection:

36 (a) "Developed shortage supply" has the meaning ascribed to it
37 in NRS 533.030.

38 (b) "Intentionally created surplus" has the meaning ascribed to it
39 in NRS 533.030.

40 **Sec. 28.** The Conservation of Colorado River Water Act,
41 being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby
42 amended by adding thereto a new section to be designated as section
43 37.5, immediately following section 37, to read as follows:

44 ***Sec. 37.5. "General Manager" means the General***
45 ***Manager of the Southern Nevada Water Authority.***



Sec. 29. The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto new sections to be designated as sections 38.2, 38.4 and 38.6, respectively, immediately following section 38, to read as follows:

Sec. 38.2. 1. *If the Federal Government declares a shortage on the Colorado River for the upcoming year, the Board of Directors may limit each single-family residence that uses the waters of the Colorado River distributed by the Southern Nevada Water Authority or a member agency of the Southern Nevada Water Authority to not more than 0.5 acre-feet of water for that upcoming year. Any limitation imposed by the Board of Directors may not go into effect before December 31 of the year before the year for which the shortage is declared.*

2. *If the Board of Directors limits water usage of single-family residences pursuant to subsection 1, the Southern Nevada Water Authority and the member agencies of the Southern Nevada Water Authority shall notify all customers of the action of the Board of Directors to limit water usage by not later than October 1 of the year before the year for which the shortage is declared.*

3. *The Board of Directors shall establish a process to approve a waiver of any limitations imposed pursuant to subsection 1 for certain properties.*

Sec. 38.4. 1. *Except as otherwise provided in this section, on and after the effective date of Assembly Bill No. 220 of the 82nd Session of the Nevada Legislature, on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority no new septic system may be installed.*

2. *The General Manager may, in his or her discretion, approve a waiver of the prohibition set forth in subsection 1.*

3. *The provisions of this section do not apply to any decreed, certificated or permitted right to appropriate water that is diverted from the Virgin River or Muddy River.*

4. *As used in this section, “septic system” means a well that is used to place sanitary waste below the surface of the ground which is typically composed of a septic tank and a subsurface fluid distribution or disposal system.*

Sec. 38.6. 1. *Except as otherwise provided in this subsection, beginning on the effective date of Assembly Bill No. 220 of the 82nd Session of the Nevada Legislature, and*



ending on December 31, 2023, new turf may not be installed on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority. The provisions of this subsection do not apply to the installation of warm-season turf in parks, schools or cemeteries.

2. Except as otherwise provided in subsection 4, on and after January 1, 2024, any new turf that is installed on a parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority must be installed in accordance with any requirements for turf adopted by the Board of Directors pursuant to subsection 3.

3. The Board of Directors shall adopt requirements for the installation of new turf on any parcel of property that uses or will use the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority.

4. The General Manager or his or her designee may approve a waiver from the prohibition set forth in subsection 2 or any turf requirements adopted by the Board of Directors pursuant to subsection 3.

Sec. 30. The Conservation of Colorado River Water Act, being chapter 364, Statutes of Nevada 2021, at page 2179, is hereby amended by adding thereto a new section to be designated as section 39.5, immediately following section 39, to read as follows:

Sec. 39.5. 1. Except as otherwise provided in this section, the Southern Nevada Water Authority shall require the owner of any parcel of property that uses the waters of the Colorado River distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority to participate in an irrigation water efficiency monitoring program established by the Southern Nevada Water Authority, if the parcel of property:

(a) Is not used exclusively as a single-family residence; and

(b) Consists of 20,000 square feet or more of turf.

2. The Board of Directors shall:

(a) Develop and establish policies and guidelines for an irrigation water efficiency monitoring program;

(b) Establish deadlines within the service area of the Southern Nevada Water Authority for any owner subject to



1 *the requirements of subsection 1 to begin participating in*
2 *the irrigation water efficiency monitoring program; and*

3 *(c) Not later than January 1, 2025, notify the owner of*
4 *any parcel of property subject to the requirements of*
5 *subsection 1 that he or she is required to participate in the*
6 *irrigation water efficiency monitoring program by the*
7 *deadline established pursuant to paragraph (b).*

8 *3. The General Manager or his or her designee may*
9 *approve an extension or waiver from:*

10 *(a) The provisions of subsection 1; or*

11 *(b) The provisions of the policies and guidelines*
12 *developed pursuant to subsection 2.*

13 **Sec. 31.** Section 39 of the Conservation of Colorado River
14 Water Act, being chapter 364, Statutes of Nevada 2021, at page
15 2180, is hereby amended to read as follows:

16 Sec. 39. 1. Except as otherwise provided in this
17 section, on and after January 1, 2027, the waters of the
18 Colorado River distributed by the Southern Nevada Water
19 Authority or one of the member agencies of the Southern
20 Nevada Water Authority may not be used to irrigate
21 nonfunctional turf on any *parcel of* property that is not
22 ~~zoned~~ *used* exclusively ~~for~~ *as* a single-family residence.

23 2. The Board of Directors shall:

24 (a) Define “functional turf” and “nonfunctional turf” for
25 the purposes of subsection 1 and promulgate the definitions in
26 the service rules , *ordinances or codes* of the member
27 agencies of the Southern Nevada Water Authority; and

28 (b) Develop a plan to identify and facilitate the removal
29 of existing nonfunctional turf within the service area of the
30 Southern Nevada Water Authority on *each parcel of* property
31 that is not ~~zoned~~ *used* exclusively ~~for~~ *as* a single-family
32 residence. The plan must, without limitation:

33 (1) Establish phases for the removal of nonfunctional
34 turf based on categories of water users; and

35 (2) Establish deadlines within the service area of the
36 Southern Nevada Water Authority for existing customers to
37 remove nonfunctional turf on *any parcel of* property that is
38 not ~~zoned~~ *used* exclusively ~~for~~ *as* a single-family
39 residence before December 31, 2026.

40 3. The ~~Board of Directors~~ *General Manager or his or*
41 *her designee* may approve an extension or a waiver from:

42 (a) The prohibition set forth in subsection 1; and

43 (b) The provisions of the plan developed pursuant to
44 subsection 2.



4. The provisions of this section do not prohibit a person from:

(a) Complying with any requirement adopted by the governing body of a county or city pursuant to chapter 278 of NRS to maintain open space or drought tolerant landscaping on any property that is not ~~zoned~~ *used* exclusively ~~for~~ *as* a single family residence; or

(b) Using alternative sources of water to irrigate nonfunctional turf on and after January 1, 2027, on any property that is not ~~zoned~~ *used* exclusively ~~for~~ *as* a single-family residence.

Sec. 32. Section 13 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as amended by chapter 468, Statutes of Nevada 1999, at page 2387, is hereby amended to read as follows:

Sec. 13. 1. The Southern Nevada Water Authority may establish and collect each calendar year a fee to be assessed on users of groundwater in the Basin. Money raised from the fees must be used as provided in section 14 of this act.

2. Except as otherwise provided in this section:

(a) Users of groundwater, other than owners of domestic wells, may be assessed a fee each calendar year of not more than \$13 per acre-foot, or its equivalent, of groundwater in the Basin to which they have a water right in that year.

(b) Owners of domestic wells may be assessed a flat fee each calendar year of not more than \$13.

3. Except as otherwise provided in subsections 4 and 5, if the Southern Nevada Water Authority operates a project for the recharge and recovery or underground storage and recovery of water *or a program for the conversion of properties served by a septic system* pursuant to section 14.5 of this act:

(a) Users of groundwater, other than owners of domestic wells, may be assessed a fee each calendar year of not more than \$30 per acre-foot, or its equivalent, of groundwater in the Basin to which they have a water right in that year.

(b) Owners of domestic wells may be assessed a flat fee each calendar year of not more than \$30.

4. The maximum fees specified in subsections 2 and 3 may be adjusted *not more than* once each year for inflation. The maximum amount of the adjustment must be determined by multiplying the respective amounts of the fees by the percentage of inflation, if any. The Consumer Price Index published by the United States Department of Labor for July



preceding the year for which the adjustment is made must be used in determining the percentage of inflation.

5. The maximum fees may be increased by an amount that is greater than the amount of the adjustment for inflation as calculated pursuant to subsection 4 only if the increase is approved by the Legislature.

6. As used in this section, “water right” means the legal right to use water that has been appropriated pursuant to chapters 533 and 534 of NRS by means of application, permit, certificate, decree or claim of vested right.

Sec. 33. Section 14.5 of the Southern Nevada Water Authority Act, being chapter 572, Statutes of Nevada 1997, as added by section 1 of chapter 468, Statutes of Nevada 1999, at page 2387, is hereby amended to read as follows:

Sec. 14.5. **1.** The Southern Nevada Water Authority may, in consultation with the Advisory Committee, operate ~~the~~:

(a) A project for the recharge and recovery or underground storage and recovery of water pursuant to chapter 534 of NRS for the benefit of owners of wells in the Basin ~~and~~; and

(b) A program for the conversion of properties served by a septic system to a municipal sewer system.

2. As used in this section, “septic system” means a well that is used to place sanitary waste below the surface of the ground, which is typically composed of a septic tank and a subsurface fluid distribution system or disposal system.

Sec. 34. The Southern Nevada Water System Act of 1995, being chapter 393, Statutes of Nevada 1995, at page 963, is hereby amended by adding thereto a new section to be designated as section 2.5, immediately following section 2, to read as follows:

Sec. 2.5. 1. The Board of Directors of the Southern Nevada Water Authority may, by resolution, authorize the General Manager to restrict the use of water:

(a) During any period in which the Federal Government has declared a water shortage in the Colorado River;

(b) If emergency conditions exist; or

(c) If the delivery system is unable to provide adequate volumes of water.

2. Any restrictions imposed by the General Manager pursuant to subsection 1 must be ratified by the Board of Directors of the Southern Nevada Water Authority not more than 15 calendar days after the date the restrictions are imposed.



1 **3. The provisions of this section shall not be construed**
2 **to authorize the Board of Directors to restrict the use of any**
3 **water rights held by the United States Department of**
4 **Defense.**

5 **Sec. 34.5.** On or before December 31, 2024, a district board of
6 health that creates a voluntary financial assistance program pursuant
7 to section 1 of this act shall submit a report to the Director of the
8 Legislative Counsel Bureau for transmittal to the Joint Interim
9 Standing Committee on Natural Resources and the 83rd Session of
10 the Legislature which sets forth the number of property owners that
11 are participating in the voluntary financial assistance program and
12 any recommendations for legislation.

13 **Sec. 35.** (Deleted by amendment.)

14 **Sec. 36.** This act becomes effective upon passage and
15 approval.

