

**MINUTES OF THE  
SENATE COMMITTEE ON NATURAL RESOURCES**

**Eighty-second Session  
May 16, 2023**

The Senate Committee on Natural Resources was called to order by Chair Julie Pazina at 3:33 p.m. on Tuesday, May 16, 2023, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Julie Pazina, Chair  
Senator Melanie Scheible, Vice Chair  
Senator Edgar Flores  
Senator Pete Goicoechea  
Senator Ira Hansen

**GUEST LEGISLATORS PRESENT:**

Senator Rochelle Nguyen, Senatorial District No. 3  
Assemblywoman Melissa Hardy, Assembly District No. 22  
Assemblyman Howard Watts, Assembly District No. 15

**STAFF MEMBERS PRESENT:**

Alysa Keller, Policy Analyst  
Erin Sturdivant, Counsel  
Donna Crawford Kennedy, Committee Secretary

**OTHERS PRESENT:**

Adam Sullivan, P.E., State Engineer, Division of Water Resources, State  
Department of Conservation and Natural Resources  
Kyle Roerink, Great Basin Water Network  
Patrick Donnelly, Center for Biological Diversity  
Steve Walker, Eureka County  
Cadence Matijevich, Washoe County

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Shyanne Schull, Director, Washoe County Animal Services  
Rebecca Goff, Nevada State Director, The Humane Society of the United States  
Bob Rilling-Smith, American Kennel Club  
John Piro, Clark County Public Defender's Office  
Colby Pellegrino, Deputy General Manager, Resources, Southern Nevada Water Authority  
Andy Belanger, Director, Public Services, Southern Nevada Water Authority  
Danny Thompson, International Union of Operating Engineers Local 12  
Jaina Moan, The Nature Conservancy  
Nicole Rourke, City of Henderson  
Sam Anastassatos, Environmental Defense Action Fund  
Kandice Townsend, City of North Las Vegas  
Amber Stidham, Las Vegas Global Economic Alliance  
Azim Jessa, Nevada Realtors  
Yvette Williams  
Peter Guzman, President/CEO, Latin Chamber of Commerce Nevada  
Tracy Puckett, Sierra Club  
Michele Tombari  
Mary Beth Sewald, President/CEO, Vegas Chamber  
Jeff Rogan, Clark County  
Christi Cabrera-Georgeson, Nevada Conservation League  
Joshua Hicks, Southern Nevada Home Builders Association  
Zach Bucher, City of Las Vegas  
Mary Pierczynski, State of Nevada Association of Providers  
Laura McSwain, McNeil Estates Neighborhood Association  
Alicia Sanchez-Revzin  
Christian Salmon  
Edward Hagen  
Alida Benson, Nevada Republican Party  
Cyrus Hojjaty  
Joseph Demonte  
Joseph Gomez  
Mike O'Rourke  
Tera Anderson  
Summer Golia  
Bradley Mayer, Southern Nevada Health District  
Rick Perdomo, Deputy Administrator, Division of Environmental Protection,  
State Department of Conservation and Natural Resources

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Brigitte Solvie  
Diane Henry

CHAIR PAZINA:

We are going to be hearing three bills starting with Assembly Bill (A.B.) 34.

**ASSEMBLY BILL 34 (1st Reprint)**: Revises provisions relating to water. (BDR 48-235)

ADAM SULLIVAN, P.E. (State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources):

Assembly Bill 34 addresses two distinct issues. The first is challenges the Division has with newspaper publications and certain notices. The second is the requirement that water rights maps be submitted on specific materials.

Under statute, the Division of Water Resources (DWR) is required to publish certain notices in a newspaper of general circulation for a set interval and duration. Newspapers are then required to submit proof of publication within 30 days after the last date of publication. Once that proof is received by the Division, we can proceed with the administrative process. With increased frequency, some newspapers neither publish exactly what is required nor provide proof of publication in a timely manner, impeding the Division's ability to move forward with its administrative process and impacting the public who are waiting for the Division to act. Additionally, the law requires certain maps submitted to the State Engineer to be on specific materials. Mylar maps are required to support claimants invested water rights, and tracing linen is used to support proof of beneficial use. This does not reflect current practices or the objectives of DWR to modernize the Division's document management to improve efficiencies. Assembly Bill 34, in its first reprint, did not fully alleviate issues the Division faces regarding publication of notices. We are proposing a conceptual amendment ([Exhibit C](#)) that substantially pares down the bill. It addresses concerns raised regarding any potential reduction in public noticing but still advances some of the overall objective to add efficiencies and continue effective public noticing.

The conceptual amendment removes sections 1, 2, 5 and 8 of the bill. These are all sections of statute where various notices must be published in the newspaper, but the State Engineer is not required to receive proof of publication, so there are no changes to those sections of law.

In effect, this only leaves section 6, which pertains to publication of applications to appropriate water. We deal with that section daily. The amendment states that the notices, which currently need to be published every week for four consecutive weeks, will no longer be required to be consecutive. It also adds the requirement that the Division post application notices on its website.

Section 4 makes clarifying changes regarding mailings to potential claimants of stream adjudications.

Section 9 remains the same, as it is a conforming change regarding posting notice of applications on the Division's website.

Sections 3, 10, and 11 remove mylar and tracing linen requirements and are unchanged.

The conceptual amendment essentially requires newspapers to publish a notice of application for four weeks, which is the current practice, but it does not need to be in consecutive weeks. Upon receipt of that proof of publication, the Division can proceed with its process. Currently, if they are not publishing in consecutive weeks, we have to resubmit for another four consecutive weeks. While this change does not entirely eliminate the issues we are experiencing with newspapers, it will help reduce some of the time delays so the Division may better serve the public. The bill also supports the direction of the Division to post applications conspicuously on its website, which is the primary way most people view and keep track of applications being processed.

CHAIR PAZINA:

I have looked at your website and it can be a little hard to find things. I recommend the DWR post those notices in the most conspicuous place possible to ease any confusion in locating the information. We will open testimony in support of A.B. 34.

KYLE ROERINK (Great Basin Water Network):

We support A.B. 34 as amended. The DWR has addressed the concerns we had about due process. It has been a good collaborative experience to work with the Division.

PATRICK DONNELLY (Center for Biological Diversity):

We are in support of the conceptual amendment for this bill. We had concerns when this bill was heard in the Assembly, but those concerns have largely been addressed.

CHAIR PAZINA:

Having no one to testify in opposition to A.B. 34, we will hear testimony in neutral.

STEVE WALKER (Eureka County):

We opposed this bill when it was first presented; however, working with the State Engineer and other stakeholders on the amendment moved us to neutral.

CHAIR PAZINA:

We will close the testimony on A.B. 34 and open the hearing on A.B. 86.

**ASSEMBLY BILL 86 (1st Reprint)**: Revises provisions relating to animal welfare.  
(BDR 50-203)

ASSEMBLYWOMAN MELISSA HARDY (Assembly District No. 22):

I am here today to present A.B. 86, which revises provisions relating to animal welfare. I have with me Cadence Matijevich from Washoe County. She will help me go over some of the work we have been doing on this bill.

As a Legislator and animal lover, I am passionate about finding ways to ensure that animals are safe and protected and to strengthen our animal cruelty laws. Animals cannot advocate for themselves or protect themselves when they are harmed—it is up to us to be their voice. We have a moral imperative as Legislators that when we see our animal cruelty laws can be strengthened, we take the opportunity to do so, and that is exactly what my bill seeks to do. Ms. Matijevich will go through Proposed Amendment 3648 ([Exhibit D](#)).

CADENCE MATIJEVICH (Washoe County):

We worked with Assemblywoman Hardy on some amendments that I will talk specifically about as we go through Proposed Amendment 3648.

Section 1 expands applicability of the provisions of *Nevada Revised Statutes* (NRS) 574.100 to include an animal kept for working purposes and a domesticated animal not owned by any person. Section 1 expands the definition

of animal abandonment and establishes such action as a crime regardless of whether the animal is injured, infirm or healthy.

Section 1.5 repeals language pertaining to abandonment of disabled animals in NRS 574.110 and replaces the repealed provisions with the new language in NRS 574.100. The Proposed Amendment 3648 on page 3, beginning at line 13, seeks to further clarify the definition of abandonment to specify that a person who delivers an animal to a representative of an animal rescue organization or animal shelter is not considered to have abandoned the animal. This clarification is necessary so someone who simply drops off an animal or animals at the doorstep of a rescue organization or an animal shelter without facilitating the safe delivery of that animal to another person to record the new animal would be considered to have abandoned the animal. Unfortunately, we do have this happen, and those animals are unsafe during the time they are left unattended at the doorstep or tied up to a pole outside. We want to make it clear that they must physically deliver the animal to a person.

The bill includes specific criteria for charging animal cruelty as a criminal act. Circumstances commonly seen by animal services agencies not included within statute are: failure to provide necessary veterinary care to a sick or injured animal, and failure to provide proper ventilation for animals kept in an enclosed space including sheds, barns and garages. I want to clarify that does not mean an outdoor enclosure like a fenced open air enclosure. We are talking about confined enclosures. Also included are certain grooming standards to prevent animal suffering. The bill clarifies that collars, harnesses and other devices must be properly fitted. The bill establishes that a dog left unattended outdoors for more than 14 hours in a 24-hour period without immediate access to the indoors must be provided with: adequate shelter, an area that allows the dog to avoid standing in water and exposure to excessive animal waste, shade from direct sunlight and potable water.

Dogs exempt from section 1, subsections 2 and 3 are listed in subsection 4, paragraph (h) as those actively engaged in or training for: police, military, patrol or detection work; search and rescue; herding, livestock guarding or otherwise working; a role as a guide dog, hearing dog or service dog; or trials, sporting or other lawful competitions or competitive functions.

And finally, language in subsection 5 beginning at line 7 would exempt indigent persons from being subject to subsection 1, paragraphs (e) and (f) of the bill, the requirements for veterinary care and grooming.

ASSEMBLYWOMAN HARDY:

When the bill was heard in the Assembly, there were questions regarding persons that are unhoused or those without the means to provide care and how the bill would affect them. We have had some concerns brought forward about exemptions being too broad and possibly putting the animal control officers in a position where they go out, see something egregious and may not take action because of those exemptions.

SENATOR GOICOECHEA:

Because of my rural background, I am concerned about domesticated animals, whether owned by a person or not. That gets pretty broad; we are not talking about just dogs and cats. The domesticated animals we are talking about are horses, goats, you name it. The bill mentions people not adequately caring for those animals. I am concerned about that. Animal control officers are going to have a lot of work if they start looking at every cow or horse in this State.

MS. MATIJEVICH:

That piece talks about unjustifiably injuring, mutilating or killing a domestic animal not owned by any person. And you are right, that would include horses and goats or other animals. We have seen instances of domestic animals that are strays.

I need to read the bill again to see whether all the provisions apply to a domesticated animal. I do not know that all domesticated animals were the intent. If we need to clarify that, I think we can.

SENATOR GOICOECHEA:

I appreciate that because when we come to the definition of minimum care and depriving an animal or causing an animal to be deprived, if you look at the whole gamut of domesticated animals, the animal control officers might think a horse should have another ten pounds of hay. If hay is \$400 a ton, the owner says no, I think ten pounds is enough, there could be a problem.

SHYANNE SCHULL (Director, Washoe County Animal Services):

As NRS is currently enforced, it does pertain to domestic animals such as goats and horses and livestock, and our officers do enforce the cruelty section we are talking about today.

SENATOR GOICOECHEA:

Then it is up to the officer at that point to determine what is inhumane. I assume a penalty is associated with this. I can see where it could get problematic. Companion animals are one thing, but when we get into the broad base of domesticated animals, it gets complicated with a lot of work for your people. They may think the animal is being neglected; yet, maybe the person who owns that animal thinks the care is appropriate. It becomes speculative. I assume you issue a ticket and you go to court. Do not get me wrong, there are people out there who need to be subject to this law.

Ms. SCHULL:

Typically, when we get calls for cruelty or neglect, it is for animals that are underweight or have overgrown hooves. The neglect issues are obvious. The officers will respond and generally contact the owner to determine what is being done to take care of the animals. We generally start with warnings. If it is not particularly egregious, we work to remedy the situation with the animal owners.

SENATOR GOICOECHEA:

As I look at the bill, I see some potential gray areas. Under this bill, if you have not sheared a sheep for three years and he has 40 pounds of wool, he is doing fine. But under this bill, it is a citable offense.

Ms. MATIJEVICH:

We are talking about stray animals that do not belong to a person. This is when another person who likely does not have any connection to that animal is torturing or injuring, maiming, mutilating or killing the animal. There are concerns with how the existing statute is written. If a stray animal is being abused by someone who does not own it, animal control officers may not be able to take action. That is what we are attempting to correct. Certainly, if the animal is owned by someone who is not providing for it, the example of a sheep you gave is a good one, but a bit different than what we want with the language about not owned by a person. I certainly do not want to speak for Assemblywoman Hardy, but we are open to cleaning up the language to address your concerns and to tailor the language more narrowly.



SENATOR GOICOECHEA:

As long as we have that on the record. Again, you are talking about a domestic animal not owned by anyone.

SENATOR SCHEIBLE:

I am looking at the language you discussed in section 1, subsection 5 for other possible ways to get at that issue. I completely agree that we should not be criminalizing poverty. There is absolutely a difference between not taking your animal to the vet because you cannot and not taking your animal to the vet because you will not. I have a few suggestions for the record.

In section 1, subsection 5, paragraphs (e) and (f) you could add a term like “knowingly” or “willfully” to deprive an infirmed or injured animal of necessary veterinary care. Willfully is previously defined in statute and in caselaw and is used in the criminal context in *State v. Second Judicial District Court*, 136 Nev. 191 (2020). You could look at that case for what willful has been defined as in the past.

In section 1, subsection 5, you could create a rebuttable presumption that somebody who is indigent is not in violation of paragraphs (e) and (f). It shifts burden; whether the person would be arrested first and then charged or an officer would have to overcome the presumption before making a charge. It adds another safeguard. Or you could do it in reverse, given a rebuttable presumption that somebody has intentionally deprived an animal of care, give the indigent individual an affirmative defense to that. It would not be my preferred solution because then you are talking about bringing people into court and putting the burden on them to prove they are indigent and cannot afford veterinary care. However, it is still better than leaving the statute open. You could provide an affirmative defense that if charged with subsections (e) and (f), you can show that you did not have the financial means and that you would have taken care of your animal if you could have.

It might ameliorate some concerns if you found somewhere in statute to provide notice to people of some places where they can receive low-cost veterinary care. That way, we share the burden of ensuring that animals belonging to people who are unhoused or indigent are cared for. That is a little bit more nebulous, but you know your communities best. Maybe, when indigent persons get public assistance, you can include a card that informs them about free spay and neuter clinics in the community. Putting both things in statute—that you

must take your animal to the vet if you can, and we can provide you with information about how to do it—provides a more reasonable way to hold people accountable if they do not take their animals to the vet, especially when they have been informed of how and where to do so.

ASSEMBLYWOMAN HARDY:

Senator Scheible, I appreciate that. That is exactly what we have been talking about and something we could add.

SENATOR HANSEN:

Assembly Bill 86 is designed for people who are middle- and upper-class in income and can deal with animals, veterinary care and grooming. The particular interest to me was the adequate shelter part, which includes a sturdy structure that is waterproof, ventilated, constructed of sound and substantial material, provides a solid surface, resting platform, pad and things like that. As a plumber, I have seen lots of dogs. I have spent time in poor people's houses, and I have seen dog houses made from plywood in the backyard in less than desirable conditions. But I do not think those people should be criminalized because they do not have the finances to do what this bill requires.

Many people can afford to build fancy dog houses, take their animals to the vet when they are sick, and get them groomed, but a huge section of our population cannot. That was the concern that Senator Scheible was addressing.

I do not know if this bill is focusing on the wrong people. The people who can already afford to do all these things will do them, and the people who cannot are going to be the ones who get penalized. They are the ones most vulnerable to this. I was intrigued by the fact that in the Assembly, the public defenders of all people came in opposition to the bill. The other problem I have with the concept is: if they are poor, they should not be held accountable. If our concern in the bill is to prevent animal cruelty, if it is cruel for a wealthier person to do it, it cannot be right for a poor person to do it. There is a moral dilemma here to me.

And a last thought: the feral cat issue is quite interesting in this. My office is right along the Truckee River, and we have had a huge problem with people dumping cats there. The cats eliminate all the native wildlife—quail, birds, cottontail rabbits are gone. Since you deal with that, are you the agency that collects those animals? Somebody did a complete removal along the river

one time. If I go down there and see animals that need to be put down, if I kill a feral cat, will I be a criminal?

Ms. SCHULL:

If you are referencing Washoe County, the Nevada Humane Society has a partnership with Washoe County to sponsor a trap, neuter and release program, and they are responsible for managing those populations within Washoe County. Nuisance complaints get forwarded to the Nevada Humane Society primarily. If unresolvable, they come to Animal Services, and we do what we can to mitigate those issues. But feral cats are considered undomesticated. They are not tame animals; they are wild cats. You cannot keep them on a property, nor would you want to bring them into your home; they are allowed to be free-roaming. If they are spayed and neutered, they are considered part of a colony. It is not legal to trap, euthanize or shoot and dispose of a cat just because it is a nuisance to someone. I hope that answers the question. It depends on the county and the city jurisdictions. But in Washoe County, we do have a feral cat ordinance.

SENATOR HANSEN:

It concerns me that those animals are displacing native populations of wildlife. You said we cannot do anything about it, short of spaying and neutering, hoping they do not reproduce. The bigger question is the moral dilemma. I do not understand why poor people can cause animal suffering because they are poor, but wealthier people could be held accountable under this bill.

Ms. MATIJEVICH:

I agree with you. When the original bill language was brought forward, we heard concerns from stakeholders and committee members on the Assembly side. In the spirit of compromise, we tried to arrive at language that would prohibit people from being charged with a crime simply due to lack of financial resources. In our unhoused population, animal companionship is often critical to well-being and quality of life. We struggled with it and came to this language based on feedback in the last couple of days. We need to keep working on it with some great suggestions by your fellow Senator.

Your statement that the bill is intended for middle and upper class is not the case. Much of the bill applies to any person irrespective of financial means. It is specifically the pieces around veterinary care and grooming because those are generally things that require financial resources. The point about there being

resources available also varies county by county. In Washoe County, we do have those resources and we try to make people aware of them. That would likely mitigate the number of circumstances. I have confidence that our animal services officers would make people aware of services, but there is no harm in putting a requirement for that in statute to help address the issues.

SENATOR HANSEN:

I have a last thought on the homeless population along the Truckee River. I am familiar with that area as well as with those folks who consistently have animals roaming. It is a problem. People have stopped using the bike trails in some areas because they are literally having people chase them, not to mention the fecal matter and other things. But they are some of the worst abusers of this law; their animals threaten other people, yet they would not be held responsible under this law. You could not take the dogs away from them, if I am reading this correctly, because they are considered indigent or too poor in this new law. How do you deal with that situation?

MS. MATIJEVICH:

I do not think the bill does that. The exemption is narrowly tailored to statute requirements regarding veterinary care and grooming. Ordinances and statutes that pertain to animals at large and a requirement to pick up animal waste are not impacted. This language does not exempt anyone from those requirements. Where we do observe and witness those, our animal services officers and law enforcement officers could continue to take action as they see fit. This bill does not change that at all.

SENATOR HANSEN:

We can carry that discussion offline because some cases are not being enforced in areas of Washoe County.

CHAIR PAZINA:

I would remind you as well that this bill was narrowly tailored. The provisions in section 1, subsection 1, paragraph (f) do not apply to an indigent person.

SENATOR SCHEIBLE:

I want to follow up because I do share my colleague's concerns about treating people differently based on their financial means. This case has a good public policy reason for exempting indigent people from certain requirements. As a public policy matter, if we take the stance that anybody who fails to provide

veterinary care to an animal causes suffering of animals, we do not accomplish that goal. What is the benefit of taking an animal away from the unhoused person that animal knows, trusts and loves? Then what? Do you take them to a local shelter where they will similarly struggle? I do not want to say struggle to receive care, but then the State is on the hook for providing that care. And can the State afford it? Sometimes, we are talking about basic veterinarian care; sometimes, we are talking about extremely expensive surgery. And we are talking about a lot of animals that just get euthanized if they are taken to a shelter. I do see the public policy purpose aimed at preventing the suffering of animals where it can be prevented; where it cannot, we take that situation into account.

ASSEMBLYWOMAN HARDY:

Senator Scheible, you hit the nail on the head of what we are trying to accomplish in this bill. We need to take a good look at when it is egregious, and balance that with not taking away somebody's pal. We have tried to walk that line. I appreciate the suggestions as to how we get there.

CHAIR PAZINA:

We are limiting our comments to two minutes per person in support, opposition and neutral today because we do want to hear from everyone. We will open testimony in support of A.B. 86.

REBECCA GOFF (Nevada State Director, The Humane Society of the United States):

We support the original intent of this bill to define adequate shelter and abandonment.

We have spoken to the sponsor. While we support the idea of adding grooming and veterinary care clauses into statute, we do feel that there needs to be some work on the exemptions. We are happy to hear some of the suggestions Senator Scheible brought forward and are confident we can come to an agreement to move forward to protect pets and people in this State. We understand the delicacy of the situation, and we want to make sure no people are inadvertently harmed in our quest to protect innocent animals. We are committed to working with the sponsor and fellow stakeholders to make sure this bill is right for pets and people here in Nevada.

BOB RILLING-SMITH (American Kennel Club):

The American Kennel Club strongly supports the humane treatment of dogs and believes no dog or animal should be kept in cruel circumstances. We agree that those convicted of animal cruelty should be held accountable as A.B. 86 ensures. While written animal cruelty laws such as A.B. 86 ensure the protection for both animals and responsible animal owners, we appreciate the thoughtfulness of the language of the bill to not specify or treat all dogs as the same or needing the same environments to be healthy. For example, a chihuahua and a Siberian husky differ greatly. This bill acknowledges that by not specifying certain absolute conditions for all dogs, like specific temperatures or size and space requirements. All too often, one-size-fits-all legislative fixes to protect animals end up leaving some animals to fall through the cracks.

Assembly Bill 86 started off as a good bill and through consultation with a truly diverse group of stakeholders, including the American Kennel Club, this passed unanimously through the Assembly and should serve as a model to be adopted by other jurisdictions across the Country. The American Kennel Club eagerly looks forward to passage of A.B. 86. We have submitted a letter ([Exhibit E](#)), respectfully requesting your support.

CHAIR PAZINA:

We will close support testimony for A.B. 86 and open testimony in opposition.

JOHN PIRO (Clark County Public Defender's Office):

I am testifying on behalf of the Washoe County Public Defender's Office also. It is difficult to craft policy that both helps the animals you are trying to help but does not harm the humans who are their companions. We are still working on that, the veterinary care and the grooming. We want to avoid giving anybody license to not take care of the pets, Senator Hansen, but make sure that if you are poor and you still love your animal, your pet will not be taken away. We are going to work on striking that balance.

CHAIR PAZINA:

We will hear closing comments.

ASSEMBLYWOMAN HARDY:

I appreciate all the suggestions brought forward. I look forward to working on this. We want to get it to a place that is supportive so we can protect our pets

and allow those owners to keep their precious companions and little members of their family.

CHAIR PAZINA:

We will close the hearing on A.B. 86 and open the hearing on A.B. 220.

**ASSEMBLY BILL 220 (1st Reprint)**: Revises provisions relating to water conservation. (BDR 40-337)

ASSEMBLYMAN HOWARD WATTS (Assembly District No. 15):

I am joined by Andy Belanger and Colby Pellegrino who are with the Southern Nevada Water Authority (SNWA). Senator Rochelle Nguyen will also join us to discuss an amendment to this bill.

I am going to speak at a high level about the goals and reasoning behind this bill and I will cover the key points that it seeks to address. I will then turn it over to the SNWA people to speak more to the specifics of the measure.

During the Interim, I chaired the Joint Interim Standing Committee on Natural Resources. We had many conversations about water, including a full day meeting in Boulder City where water conservation was a primary focus. One of the Committee recommendations was to address water conservation specifically in southern Nevada.

Most people are aware of the water issues we have seen with Lake Mead and the Colorado River being shared by seven different states. While we have had a great winter and there is a lot to be happy about in terms of Lake levels rising for once instead of dropping continuously, we still face some significant issues.

You heard a resolution about the importance of collective action to help preserve the Colorado River. Overall, we have seen the average flow of the Colorado River decline. We have also seen a structural deficit in terms of usage among the states along the River, exceeding even the long-term historical average flows. That leaves Nevada with the smallest share of Colorado River water of any state. But since that makes up 90 percent of the water supply for the southern Nevada community, it puts us in a tricky position.

After exploring other options to bring in water, our community has dedicated itself to sustainable water use for the foreseeable future. Our existing local

water resources are primarily Colorado River water and a bit of Las Vegas Valley area groundwater. To be effective, we have to lead in conservation—lead not just in the State but across the region. It is critical we do that. As federal shortages that have already been declared reduce the amount of water we draw out of the Colorado River, we must be able to continue to sustain our communities. We also need to address some of those bigger, broader issues we are facing. We need to lead; we need to show other urban areas across the arid West what can be done. We need to lead by example and put forward a commitment from the urban municipal use sector to encourage all other sectors to conserve water. To do the same with less water is ultimately the solution that will allow our communities to sustain themselves moving forward.

During the last Legislative Session, we passed landmark legislation calling for the removal of nonfunctional grass turf in southern Nevada over the next several years. That will reduce water consumption in the Las Vegas Valley. Due to its proximity to Lake Mead, the more we can reduce water consumption and increase water recycling within the system, the more we can help sustain our resources. In addition to that, actions have been taken at the local level related to pool size and golf courses; all are aimed at reducing our consumptive water use. Assembly Bill 220 seeks to build on that.

One of the key provisions relates to septic systems. I am sure many of you have heard about this issue and the robust discussions on it. An amendment proposes to make additional changes to the bill as it stands in its first reprint. Ultimately, the issue is that in our community, septic systems water filters down into our aquifer system. That water at the top of the aquifer and much of the Valley water is not drinking water quality. We have seen an increase in nitrates and other contaminants in that groundwater. It is not just due to septic systems; it is due to runoff from irrigation and other things, but it is impairing water quality at the top of the aquifer and potentially has a negative impact.

The other issue is for residences or properties with municipal water service that are not on a well but on a septic system. We now have an imbalanced system where we are pulling the majority of water from the Colorado River, but that water is not being returned to the River in the way it would with another property connected to a wastewater system.

The goal is to help support residents in southern Nevada on septic systems and connected to the drinking water system to get connected to the wastewater



system. We want to close that loop and support recycling our water resources to extend them even further.

Others will speak to the amendment, which helps address many of the concerns related to participation and cost of the program.

Another major issue is the use of grass and turf. This bill tunes up some of the legislation passed last Session related to nonfunctional turf. The bill goes further to promote the most water-efficient turf where it exists in larger patches by working with facilities that have substantial turf to increase irrigation efficiency. We have some standards to ensure our irrigation systems are the most water-efficient possible.

Some portions in the bill relate to acting in an emergency. This is something nobody should take lightly. Over the last few years, we have seen how quickly the situation on the River can deteriorate. The states and federal government have been struggling to keep up. It only takes a few bad back-to-back years to put us in a precarious position. While certain things can be done at the local level, the last thing we want to see is a situation where our water service becomes unreliable, and we cannot be sure whether water will come out of the tap when somebody turns it on. We are now working on conservation measures in turf, pools, golf courses and other large users of water to ease the water problems, particularly for a small subset of users in the community who use substantially more water than the average amount. We are using a framework we have in Nevada for domestic wells to protect them in times of a shortage in water resources. If we face that situation, where our water supply is in question, we would be able to ask people to pull back on their usage so everybody can meet their critical needs.

Those are key things this bill seeks to do. We are doubling down on actions taken both at the State and local level, positioning Nevada as a leader across the region and Colorado River Basin. This helps to address not only challenges down the road in meeting our own supply needs but greater challenges that we have to balance our water supply and demand.

COLBY PELLEGRINO (Deputy General Manager, Resources, Southern Nevada Water Authority):

This bill allows us to start funding voluntary septic system conversions. More importantly, it helps prohibit new septic systems from being placed. We have

always taken this approach with conservation, making new development smart first and then figuring out a way to address existing development. This bill does exactly that related to septic systems. We have a large list of septic system owners who want to convert. This is helping those that want to convert by offering financial assistance. As Assemblyman Watts mentioned, this enhances our conservation measures and helps reduce demand even further.

Some of these measures also seek to address the development of water systems served by Colorado River that are located outside our urban base. We are looking for ways to protect health and human safety. When we talk about the need to reduce water use to half an acre-foot, this is about protecting our supply during an emergency. Those are the type of conditions not addressed in policy today. It gives us the tools to address the unknown and uncertain conditions that may exist in the future due to climate change and changing flows on the Colorado River.

Last year, we used 224,000 acre-feet of our 300,000 acre-foot allocation. With a maximum reduction in current policy, that would take us to 270,000 acre-feet with a significant buffer between our use and policy. What the federal government put forward in its Draft Supplemental Environmental Impact Statement would reduce Nevada's water use to nearly half of its allocation, requiring us to cut significantly into existing uses. While we do not agree with the Impact Statement, that is a completely different topic than what we are here for today.

We need tools should we ever find ourselves in that sort of emergency management situation. This is not about taking customers and permanently holding them to that volume of water. It is having a tool to use in an emergency that we could turn off and on. The top 20 percent of our water users in the single-family sector use over 35 percent of our water for that sector, with the average home using less than 100,000 gallons of water a year. Over 50 percent of our population gets by with less than half of what we are proposing on a day-to-day basis. This is an emergency management tool should we face unknown circumstances in the future.

Reducing water demands is essential for southern Nevada. We spent a lot of time, energy and resources continuing to stretch our allocation of the River. We serve seven out of ten Nevadans with less than 1.8 percent of the allocated water on the Colorado River. We do not know what the future holds on the

River, but it is going to be drier and hotter. Everyone needs to use less water and that requires us to have more flexibility so we can respond in real time to the challenges we face.

ANDY BELANGER (Director, Public Services, Southern Nevada Water Authority):  
Section 1 will be replaced in its entirety with Senator Nguyen's amendment; I will get to that as we get to the amendments.

Section 3 through section 4, subsection 5 clarify the obligations of a local governing body when a private water system defaults. We want to make sure water rate payers are not on the hook for the continued operations and maintenance of a private water system far away from the system that might have a default. We have worked with the Division of Environmental Protection to make sure we have that language correct.

Sections 6, 20, 22 and 24 require the use of WaterSense landscape irrigation fixtures for new developments.

The bill makes various changes to water law.

Sections 7 and 10 provide greater clarity on what "reasonably available" means by replacing the term with the distance requirement.

Sections 12 through 19 and section 21 make changes to the tentative and final mapping requirements in Clark County to ensure that the supplier of water confirms adequate water resources for new development.

Section 23 specifies that if the State Engineer makes that requirement in section 27, those properties with wells would be eligible for the State's Capital Improvement Grant Program that provides financial assistance. We are not stranding those people without a funding source to connect them.

In section 24.5, the Division exempts the emergency use of water to extinguish fires from NRS 533.

Section 26 gives the State Engineer greater flexibility in dealing with temporary permits in the Las Vegas Basin, while retaining existing protections to domestic well owners. Nothing in this bill changes the State Engineer's limitations on

revoking domestic wells in the Las Vegas Basin—namely that the well must fail and the property must be within 180 feet.

Section 27 replaced an archaic provision that prohibits the plugging of wells and connecting it if the cost is over \$200 with a distance requirement of 1,250 feet of a municipal water system.

Section 27.5 requires the Colorado River Commission to sign off on changes to Colorado River entitlement holders. These changes ensure Nevada's Colorado River allocation is protected.

Section 29 does several things related to water conservation. This provision authorizes the Water Authority Board to limit single-family residential water use to half an acre-foot during a federally declared shortage. It does not require the Water Authority Board, which is comprised of local elected officials, to limit residential water use to half an acre-foot. As Assemblyman Watts mentioned, it gives the Board one more tool to make sure all residents have access to water if conditions on the Colorado River worsen, and it treats residential water customers the same way the State treats domestic well owners under curtailment. Like homeowners you might hear from today, domestic well owners also have large lots with mature trees and livestock. Even still, the State limits them to half an acre-foot during curtailment.

It is time to treat urban water customers the same way we treat rural well users. Our drier future requires all water users to use significantly less water. Sadly, we have heard from some people who have argued they must be allowed to use more water simply because they have a larger lot, their situation is unique and they should be treated differently during a water crisis.

We may hear from some of those people today. I hope we do not because the scenario in which we would need to employ such a limitation would be when our allocation to the Colorado River is significantly impaired either by a worsening drought or federal action. In that circumstance, I cannot imagine people would argue that their landscaping matters more than their neighbors.

You might also hear about the excessive use charge the Water District imposed in January to encourage greater water conservation among the top 10 percent of our water customers. I want to make it clear: A.B. 220 does not address that excessive use charge. I want to make the Committee aware that the excessive

use charge is working. As designed, it was projected to affect the top 10 percent of our water customers; in practice, it is only affecting the top 6 percent of customers. If you hear concerns about that charge today, you can be assured you are hearing from among our largest residential water users. Nearly half of them have changed their behavior so that charge does not hit them, and we encourage remaining customers affected by the charge to follow the watering schedule, reduce outdoor watering and consider how much grass they still need.

We understand that change is difficult. The situation on the Colorado River is moving quickly and has required us to act quickly to address it. We are making hard decisions to make sure there is water in our community now and into the future. Of course, if the Water Authority Board chooses to impose a limitation, it would require significant public outreach. We have a history of conducting public policy outreach over the 32 years that the Water Authority has existed.

Section 29, in addition to the half acre-foot limitation, also prohibits the installation of new grass served by the Colorado River, except in parks, schools and cemeteries. It requires the use of warm season turf and functional turf areas and establishes a water efficiency monitoring program.

Section 30 establishes a water efficiency monitoring system for parcels of nonsingle-family residential properties that have more than 20,000 square feet of turf.

Section 31 makes minor changes to A.B. No. 356 from the 81st Session to better match legislative intent and clarify that any property or parcel that is not used exclusively as a single-family residence is required to remove nonfunctional turf.

Sections 32 and 33 authorize the Las Vegas Valley Groundwater Management Program to establish a voluntary septic system conversion program for well owners.

Section 34 authorizes the Water Authority Board to adopt a resolution allowing the general manager to limit water use during emergencies but requires that any such restrictions be ratified by the Board within 15 calendar days.

CHAIR PAZINA:

If you would walk through your amendment first, then we will have Senator Nguyen come up and walk through hers.

MR. BELANGER:

The Southern Nevada Water Authority amendment ([Exhibit F](#)) places the existing definition of “local governing body” from NRS 445A in the statute to clarify applications in section 2.5. That is the piece regarding the private water system default.

Section 4.5 proposes to clarify that if a surplus of assessments and sureties is collected to operate and maintain a private water system, the assessments and sureties are refunded to the persons who paid them.

Section 8 is being deleted. I would note that section had existing statutory language regarding liens and criminal penalties. By removing that section, the bill no longer addresses those items. As Senator Nguyen talks through her amendment turning this into a voluntary program, the program no longer has the statutory mandates in section 8.

Section 34 clarifies that the bill is not intended to restrict water use by the U.S. Department of Defense.

SENATOR ROCHELLE NGUYEN (Senatorial District No. 3):

I have heard from many of my constituents about concerns with [A.B. 220](#), specifically the septic system provisions in section 1. Continued water conservation is critical for our community. I have tried to balance the needs of greater water conservation with protections for existing homeowners.

I live in an older neighborhood with larger lots and mature trees and plants, so I understand. Many of us want to engage in conservation efforts; a lot of times those are financially unattainable. My family and many other people in Senate District 3 and around the State have those same concerns. They want to convert to sewer from their septic systems, but it is not possible.

I worked closely with Assemblywomen Tracy Brown-May and Sabra Newby, as well as Assemblyman Watts, to protect constituents with a municipal water connection and a septic tank. Working with the SNWA, as well as the bill sponsors and committees, we had the goal of a septic systems provision to

stretch SNWA's limited water supply by recapturing and recycling all Colorado River water. While I appreciate the intent of the bill, I also want to give people an option to convert before we consider more drastic steps. Many of us have seen the pictures of a ring around Lake Mead and have serious concerns about water and what our future looks like in Nevada. I am sure many residents want to save the Colorado River water supply and will connect their properties to sewer, but they should make that choice on their own.

The amendment ([Exhibit G](#)) deletes section 1 of the first reprint, including all State-imposed mandates and deadlines for septic system conversions. The previous version of the bill that came out of the Assembly had mandates and deadlines for septic system conversions.

The new section 1 creates a voluntary financial assistance program, which will pay 100 percent of the costs for a septic system conversion regardless of the property owner's income. I appreciate the voluntary nature of this because a lot of people want to make this conversion before they are forced to do so. This will allow them to do that if funds are available. Federal, county and Statewide initiatives are available to fund this project.

Section 1 also allows the health district to create a voluntary fee to help fund septic system conversion. The fee is capped at the annual sewer rate of the Clark County Water Reclamation District, approximately \$250. Septic system owners who do not want financial assistance do not have to pay the fee.

People ask me if this work is going to tear up neighborhood streets or yards, and if so, who is going to pay for that? I have been assured that the financial assistance program includes repairs and any damage done not only to community streets but also to people's yards and lawns.

Not all septic systems and septic tanks are governed by SNWA but are instead owned by the public health districts. The bill requires the Southern Nevada Health District to report the number of voluntary conversions to the Legislature. The amendment deletes sections 9 and 11 of the bill to make conforming changes to section 1.

I had concerns about section 29 of this bill. There are a lot of unknowns. There was an open process to discuss some of the rate increases, and this is not what the bill does. Many people did not know about those procedures and that the

Board is made up of elected officials throughout Clark County and southern Nevada. Once elected, they are part of the SNWA Board and would make those decisions.

I talked to numerous groups of homeowners, as well as people who have extended families. My own family is an extended family that includes my husband, my two children, my father, my father-in-law and me; we probably use a disproportionate amount of water as opposed to our neighbor who lives by himself. We are worried about providing water for public safety, drinking water, flushing toilets, taking showers and doing essential things. We want to ensure the public is aware of waivers available for group homes with the need for more indoor water and medical purposes. When creating the waiver, the SNWA Board is clear that the legislative intent considers group homes and larger family homes, as well as the science from our environmental and engineering community about what is needed to protect the overall community from damages other than water.

ASSEMBLYMAN WATTS:

You have heard what the bill is seeking to do, why it is important. We need to be bold and a bit aggressive in taking some of these measures in southern Nevada. While we have had a little bit of a reprieve, we have challenges ahead and need to be ready to face what comes.

We have heard concerns from community members and adjusted the bill to ensure some of the potential worst-case scenarios are avoided. I have heard concerns about everything from growth to the involvement of sectors other than residential. I want to point everyone to the last section of this bill which authorizes the Board to take actions to protect the core water uses of our community in emergency situations across all levels. This has often been portrayed as putting the burden on residential versus everyone else. I want to make it clear that ongoing initiatives at the State and local levels ensure that everybody is doing their part for conservation.

CHAIR PAZINA:

Answering some of these questions in advance of testimony helps. Thank you, Assemblyman Watts and Senator Nguyen for working so hard to produce this amendment; it is much appreciated. I know I have already gotten a lot of feedback by email thanking us for the hard work that went into that.



If someone did not take advantage of this voluntary program being paid at 100 percent, is there a possibility this could be mandated in the future for Clark County residents? Once these funds are gone, would there then be no coverage for this conversion?

ASSEMBLYMAN WATTS:

Let me give the technical, unsatisfying answer first, which is that we cannot bind the action of any future Legislature. There is no such thing as a permanent guarantee. However, this bill, with the amendment, has no provision to allow any sort of mandatory program. If we pass this measure, the only way any changes could potentially open the door to a more stringent program would have to be something approved by this Body.

MR. BELANGER:

The amendment removes all those mandates at the State level. Regulations still would govern, and the status quo applies prior to the bill introduction. There are still ways the Southern Nevada Health District may require a property to connect to the sewer, and those are specified in its regulations. What does this bill do? It removes the State mandates and returns it back to the status quo.

SENATOR HANSEN:

We discussed this at length. It is a good idea, but listening to you all stretching our resources, cutting back on sod and unnecessary grasses, metered water use, half acre-foot, no new turf, water efficiency mandatory, etc., but nobody mentions the fact that all that effort allows an unlimited number of houses to go in every direction. We have the same problem in the north. All the people are talking and at some point asking, "Why is it I must cut back and cut back and cut back, but you all let the developers just go on forever?" I want to talk to Southern Nevada Water Authority about that.

I realize I am committing heresy by daring to bring up the idea that maybe it is time we look at restricting the endless growth in the State in areas where we, frankly, do not have enough resources. Yet, we cut back and cut back. The grasses and trees will die as everybody gets down to no water, but then you see a constant number of housing tracts going up in every direction in the Valley—it is the same in the north. I live in Spanish Springs, and it has totally changed in my lifetime. How bold and aggressive do we want to be in this Legislature?

ASSEMBLYMAN WATTS:

Let me first say that if you want to jump off that political cliff, I will hold your hand. I appreciate the question. We need to have that conversation and I want to put that on the record. It is important to understand that as time goes on, as technology has improved, a lot of the newer developments reduce their water footprint and water consumption.

Is there an impact? Absolutely. Are there impacts outside of just the water consideration? Yes. And I would be glad to talk about those at length another time. Ultimately, they are now limiting the size of pools, requiring that all new developments have no turf and so on and so on to reduce water consumption and focus on the water recycling system. The SNWA can speak to that. The kind of net water used by some of those newer developments is substantially less than older residential or commercial areas. There are a lot of street fountains in Las Vegas that have gone away since I was a kid.

Much has been done to reduce consumptive water use. The number of tourists and economic activity generated and the number of jobs that support the economy are other considerations for the value of water. We have water use at other commercial facilities, but that supports the needs and activities of the residents. It is certainly a complex issue. There has already been action to push down the water use of newer developments in the community.

I wholly agree with you. We need to have a conversation about managing growth to be more sustainable given our limited resources.

SENATOR HANSEN:

We have beautiful new housing tracts going in that have no trees, no yards. We are losing quality-of-life factors there. As far as the bill itself, the septic tank conversion sounds like an exceptionally good deal. If I was a person who already had SWNA coming to my house, I would certainly be anxious to take full advantage of this opportunity in the next three years. It is a great deal, and they should do it.

A much broader concern across Nevada is, how far we can build in the desert with the kind of growth we keep seeing?

MS. PELLEGRINO:

At SNWA, we have taken on this issue by presenting the community with our water resource plan every year with a road map to continue to meet the projected population growth. That question goes to our elected Board every single year. Are you willing to do these measures for us to continue to have a sustainable water supply? If we would have stopped growth at the point that water conservation became necessary, no one would have moved to southern Nevada after 2002. Every single home or business that has come into southern Nevada since 2002 is because somebody before them has conserved. A lot of what is left in our conservation bank is from changes in behavior. It is not removing turf from single-family homes; it is not killing trees. It is the fact that your tree needs to be watered one day a week in the winter, not seven. A lot of what we still have in terms of conservation gains is stopping the water waste in the community.

CHAIR PAZINA:

Thank you so much Ms. Pellegrino for sharing that and for sharing some of the work that SNWA has done to conserve water. It is always nice to see my colleagues from both Chambers and both sides of the aisle ready to jump into a new venture together.

SENATOR GOICOECHEA:

I want to make sure I have it clear in my mind. If you are hooked up to municipal water, SNWA will come in with 100 percent conversion and hook them up to municipal water, including abandoning the septic system, correct? For the record, this is all going to be covered and voluntary, right?

MR. BELANGER:

Yes, it is still voluntary. If you are on the municipal water and a septic and choose to abandon your septic, then it covers your on-site costs, off-site costs, landscape, hardscape and any street repair needed. It would cover 100 percent of the costs, including abandoning the septic to health district standards.

SENATOR GOICOECHEA:

I did not even realize this term existed, but your bill talks about temporary domestic well permits. That is kind of a new term in the rest of the State. How many of those do you have in place in Las Vegas?

MR. BELANGER:

I used to manage that groundwater management program. Of about 5,000 or so domestic wells and roughly 1,700 total permits about half of those are temporary. Those permits were issued after March 24, 1955, and then were stopped in April 1992. They were issued for about a 40-year period. During that time, facilities were being built with the understanding that when that water became available from the Colorado River, permits would be revoked. All the municipal and industrial ones were revoked. What remains are residential temporary permits like the four and eight home cul-de-sacs on community wells subject to that new standard in section 26.

SENATOR GOICOECHEA:

You are telling me there are about 1,700 or so that would not qualify, but they can maintain their temporary permit.

MR. BELANGER:

About half of those 1,700 have temporary permits. The remainder have permanent water rights.

SENATOR GOICOECHEA:

I am still trying to wrap my arms around this. How many people are we talking about who would truly be on a domestic well in Las Vegas Valley? It is probably not a long-term solution given the drought scenario, but you have approximately 5,000 in the Valley on a septic and on their own well?

MR. BELANGER:

That is correct. According to this bill, they are not required to get off their domestic well or their septic. An earlier version of the bill changed the criteria for revocation from 180 feet and the well having to fail. That has been reinstated into the bill, so it is clear that domestic well owners are under the same rules they have been under since 1999, when that was first put in.

SENATOR SCHEIBLE:

Fun fact: we could all reduce our water consumption by at least half by going vegan.

I want to ask about section 29 and the authorizing language for SNWA or any other water authority to implement policies that restrict the use of water. I want

you to clarify for us, does the federal government declare a shortage on the Colorado River that would affect our allocation?

ASSEMBLYMAN WATTS:

Yes, that is correct. The federal government would have to declare a shortage. We are in a shortage right now. However, as Ms. Pellegrino noted, even with that shortage declared and even with additional shortages declared, based on the current guidelines, at this time we are well under the point that would impact the water supply. I want to make it extremely clear—and I will probably ask the SNWA to speak after me so it can be on the record, as well—the intent is not to do this to facilitate additional growth. We want a sustainable water supply. Clamping down on people's general residential use on an ongoing basis is not a sustainable behavior. As Ms. Pellegrino noted, a lot of additional conversations and negotiations are occurring along the Colorado River to bring it into balance. That will certainly result in deepening potential cuts to our State.

Proposals out there could lower them to the point where they would impact the amount. They would cut into the water we are using in our community today. Within the last few years, we have had to scramble as the states in the Colorado River Basin put in contingency plan after contingency plan because the previous contingency plans turned out to not be enough. They failed faster than we hoped for, planned for, expected. We had to react quickly to deal with that. If conditions degrade quickly, there are changes in the River management and, suddenly, we are looking at not having enough water to meet all the needs in the community. We need to be able to say we are making some cutbacks here. That waiver program ensures group homes will not be impacted. People have pets they need to take care of; they should not be impacted.

Frankly, if the landscaping suffers, this has happened all over the world. It happened in California a few years ago with temporary cutbacks on some of those irrigation uses to protect the drinking water, the water for health and safety.

The last thing that I would add is that section 34 of the bill also authorizes general actions to help protect the water supply during a shortage. This is not about singling out and punishing residential users. We are using a similar structure to protect domestic well users across the State if a curtailment in water usage occurs and applying that to residential. But we are not singling

them out at the expense of everyone else. If we end up in this scenario, we will ask everyone to tighten their belts to protect critical uses for our community.

With that, I turn over to SNWA if they have anything to add or to clarify, specifically, on the record.

MS. PELLEGRINO:

I will confirm the intent is an emergency management plan. If we had to reduce our use below existing usage or reduce our use in a rapid fashion, it is a temporary tool in our toolbox, not a permanent management strategy.

SENATOR SCHEIBLE:

I have a couple of follow-up questions to get on the record. As we discussed, the federal government must make its determination, which you mentioned has already happened. But then we also need to meet the threshold that we cannot stay within the water supply. It is not an automatic trigger. It is not like okay, now everybody is curtailed to half an acre-foot. This says that the SNWA can open the conversation and start the process, which I assume is an established public process, to discuss options. It might not be curtailed to half an acre-foot. It might be an acre-foot or it might be some other policy—not even a curtailment policy—but this allows them to start developing a plan through the normal public process. Am I reading that right?

ASSEMBLYMAN WATTS:

That is correct. Speaking to section 29 in the amendment, [Exhibit G](#), if the federal government declares a shortage on the Colorado River for the upcoming year, the Board of Directors of SNWA, which is made up of local elected officials in southern Nevada, would meet. After many meetings and public workshops, the Board would hold a public meeting, which would be fully noticed in compliance with Open Meeting Law, for the consideration of an action.

Section 34 states that actions would have to be ratified by the Board of Directors. There would be public meetings with the standard requirements of noticing the meeting and allowing members of the public to be heard. It would probably get quite a bit of press coverage. There is certainly transparency in terms of notice.

MR. BELANGER:

I want to note that at every public meeting, the SNWA receives an update on the status of the Colorado River. We have people who attend those meetings regularly to hear updates. These sorts of items would be discussed at multiple meetings in advance of any action. The press is always there and typically reports on what happens at that meeting.

SENATOR SCHEIBLE:

Assume the worst has happened, the federal government declared the shortage, we have determined that we cannot keep up with it, and the Water Authority has had its meetings and decided to limit water to half an acre-foot per person. There is a waiver process, which either I have applied for and been denied or I did not realize I should have applied for it. Let us say that I am a single-family household and I utilized my half an acre-foot before the time elapses. Am I going to turn on the tap one day and find no water? Or is the enforcement mechanism something else?

MS. PELLEGRINO:

The enforcement mechanism would likely be a flow-limiting device, something that still allows you to get enough water for your basic health and human safety needs. That would be the way it would likely be implemented.

A lot of these authorities already exist for our member agencies, which is important for the previous question. Sections 29 and 34 allow us to implement these things uniformly across all member agencies at once. Instead of this having to go to four or five boards to implement, it allows for cohesive policy for everyone using our Colorado River supplies in an emergency.

CHAIR PAZINA:

I have been doing a lot of reading about septic systems with this bill coming up and the legislation itself. I would imagine most septic systems are in good working order. However, failing septic systems in Clark County bring up the obvious concerns that contaminants can be leaking into the ground and getting into other water sources. Do you know how many failing septic tanks might be in Clark County or how many people that might affect?

MS. PELLEGRINO:

We do not have that information, but Southern Nevada Health District would probably know. It goes without saying that a septic system does require costly

maintenance and replacement so it does not fail. That is not well-enforced, which is why we have some of the problems we have.

CHAIR PAZINA:

We will open testimony in support of A.B. 220. I remind everyone who plans to testify that pursuant to NRS 218E.085, it is unlawful for a person to knowingly misrepresent facts when testifying before a Legislative committee. A person who knowingly does so is guilty of a misdemeanor. In addition, both the Chair and members may request any testifier to submit supporting documentation.

DANNY THOMPSON (International Union of Operating Engineers Local 12):

I do not think everyone understands a missing piece here. Lake Mead provides 90 percent of our water. We get a 300,000 acre-foot allocation; Arizona gets 2.8 million-acre feet; California gets 4.4 million-acre feet. The way we survive now is that we take that water, we treat it, and we put it back. We are the only County in the Nation that does that. Literally, all the water is returned except for water used in other places. If you are taking water out of the allocation and watering grass with it or putting it in a septic tank or some other use that does not allow us to get those return flow credits, it is a double impact. The way we survive now is by putting the water back and taking it again—it is a return-flow credit situation.

The Bureau of Reclamation is looking at a scenario: Lake Mead today is at 1,005 feet; if the Lake gets down to 950-foot elevation, Hoover Dam will no longer work. The proposal would cut our allocation in half and be draconian for us. It is critically important that we support the bill as amended to pay for 100 percent of the renovations to make that happen.

MR. ROERINK:

Great Basin Water Network supports A.B. 220. I echo what Mr. Thompson just said. After the Assembly hearing, I saw Mr. Thompson and asked his opinion on the bill. He said, if we cannot pass a sewer bill, we are in trouble. I agree with that sentiment, especially considering the crisis on the Colorado River. We must understand the symbiotic relationship between one part of the State and all other parts of the State.

It is time to be bold, as Assemblyman Watts said. It is also important to think about the future. We are talking about regulatory proposals. We have lost 20 percent of the Colorado River since year 2000 and are likely to lose



20 percent more in coming decades. That is what top scientists on the River are saying.

What are we doing to prepare? I think A.B. 220 is the ultimate way that we prepare; and we have an obligation to do so. It is also important to touch on section 14. I have seen some opposition toward that section. In NRS 278.0228, there are some answers to questions about that. Some of the opposition on that section are just red herrings.

JAINA MOAN (The Nature Conservancy):

We are testifying in support of A.B. 220. Water sustainability is crucial for nature and for people, particularly in an arid state like Nevada. The Colorado River is a critical piece of Nevada's water budget, supplying most of the water in southern Nevada. But the Colorado River is in crisis, facing an unprecedented challenge as a result of 23 years of prolonged drought and rising temperatures due to climate change. This means less water in rivers for agriculture, wildlife and people. In the face of unpredictable climate and weather, we must do more with the two things that we can control: one, water demands on the system and two, the pace of implementing solutions.

At The Nature Conservancy, we broadly support water conservation efforts that benefit nature while sustainably managing the resource. Every drop of water counts, and we appreciate that SNWA is taking proactive measures to save water where it can. Having said that, we also strongly believe that tree water conservation means keeping more water in the system. Using water savings from conservation measures such as those proposed in A.B. 220 to justify irresponsible growth like sprawl development is not conservation. As our great State grows and diversifies its economy, it is imperative that water security and equity for the Colorado River Basin as a whole underscore those decisions.

Regarding the water restrictions described in section 29, we ask that the mandatory water restrictions be done in tandem with long-term care and maintenance of the existing and planned urban tree canopy. We recommend the implementation of restrictions on single-family residences should provide tools and resources for homeowners to effectively comply with them. For example, single-family residences could have access to water audits for their priorities with technical and financial assistance for complying with restrictions. The Nature Conservancy is committed to balancing supplies and demand in the Colorado River. This bill can help do that in the system. We urge your support.

NICOLE ROURKE (City of Henderson):

The City of Henderson supports A.B. 220. Along with SNWA and our southern Nevada partners, we have been focused on water conservation for more than two decades, which has allowed us to grow while using less water.

As mentioned earlier, we have a new regional water conservation goal to achieve a reduction from our current 112 gallons per capita per day to 86, and Henderson has been actively participating in these efforts. Last year, we created our climate response initiative incorporating 14 strategies to reduce the City's consumptive water use, ranging from amplified outreach and education for the community, accelerated removal of nonfunctional turf and expanded incentive programs, increased watering compliance and new regulations.

We are specifically focused on reducing wasteful outdoor use by ensuring compliance with watering restrictions and removing nonfunctional turf. We have also increased rates for megausers to encourage them to scale back as a City. We consumptively used 1.3 billion gallons less water in 2022 than in 2021. The City Council approved an amendment last month to the Henderson Municipal Code for golf courses to align with the SNWA recommendation for reduction of golf course water budgets. We have also implemented LIDAR, short for light detection and ranging technology, and aerial imagery to help detect leaks within our system.

Water conservation efforts are more critical than ever, as you have heard, and we must continue to inform and engage our community. We are committed to the standards that will sustain our community for generations to come and recognize the changes in A.B. 220 are aligned with this goal. Therefore, the City of Henderson is here to support not only A.B. 220 but also the amendments presented today.

SAM ANASTASSATOS (Environmental Defense Action Fund):

The Environmental Defense Action Fund supports A.B. 220. We are deeply concerned with the state of the Colorado River. This river is a lifeline for the Southwest that supports 40 million people, 16 million jobs, 11 national parks, 29 tribes and 5.5 million acres of farmland. It is not news to anyone here that the Colorado River is in trouble. Assembly Bill 220 shows that Nevada is serious about dealing with the water crisis head-on, despite having the smallest allocation of any state.

If passed, this bill will be one more Nevada example that other states should follow to reduce water use and conserve more water in the River. Whether it is removing nonfunctional turf or capturing more wastewater, Nevada commands other states' attention. We also want to thank everyone who worked to amend this bill so that ordinary folks are not hit with unreasonable costs. With these amendments, A.B. 220 can help ensure a Nevada where both people and nature can thrive.

KANDICE TOWNSEND (City of North Las Vegas):  
The City of North Las Vegas supports A.B. 220.

AMBER STIDHAM (Las Vegas Global Economic Alliance):  
Danny Thompson said it best for us. Our organization's interest is in providing the infrastructure and water stability needed. Separate from this conversation, Las Vegas Global Economic Alliance is committed to working together with SNWA to evaluate how we can find best-fit partners for us and the economic development space in terms of water and consumptive water usage. We are in support of A.B. 220.

AZIM JESSA (Nevada Realtors):  
The realtors are here in support of A.B. 220. We appreciate SNWA for working with us to help homeowners switch from septic tank to sewer in a manner that allows homes on septic systems to continue to maintain value and be marketable. Without the program to cover the conversion cost, nearly 15,000 homes in southern Nevada would have lost \$100,000 or more in value overnight and potentially triggered a sudden spurt of short sales if the owners faced any sort of economic hardship soon. In addition, well-established neighborhoods would have become stigmatized. Nevada Realtors strongly urge your support of A.B. 220.

YVETTE WILLIAMS:  
I live in the Section 11 neighborhood of Las Vegas, and I am proud that Senator Nguyen represents our district. Thank you so much, Senator Nguyen for listening and hearing our concerns. Her amendment addresses many of the issues we had, particularly in making this a volunteer program and providing 100 percent funding for those who want to connect. I am not in love with my septic tank, so I am excited about connecting to the public sewer. However, I am still very concerned about the waiver process and what those waivers will be: who gets waivers and who does not. My home was built in 1978. I have

17 redwood trees on my property and we have a drip system. I got my water bill, and the excessive fees are higher than my actual water bill. My neighbors are also concerned.

I am concerned about what authority SNWA is granted in this bill related to excessive fees. Despite that, many other great things are in these amendments. Now, you will not cut off access to our septic tanks.

I have moved from strongly opposing to supporting A.B. 220 if the amendments are there.

PETER GUZMAN (President/CEO, Latin Chamber of Commerce Nevada):

I will limit my comments and stick to the business side. Assembly Bill 220 requires all members of the community, including the businesses in southern Nevada, to conserve our constrained water resources. The Las Vegas business community continues to do its part in helping conserve water. This bill addresses water use in new developments and requires large commercial users to participate in an irrigation-monitoring plan as the water levels in Lake Mead continue to decline. It is anticipated that southern Nevada will face more cuts to its Colorado River allocation, and A.B. 220 continues to keep Nevada water secure in the face of those cuts.

The continued sustainability and viability of our community relies on the ability of the SNWA to provide clean, reliable drinking water to more than 2.3 million residents and over 40 million visitors to southern Nevada. Addressing the continuing drought requires all sectors of our community, including the business sector, to participate to ensure a sustained substantial future for southern Nevada. I thank you for allowing the Latin Chamber of Commerce to testify in support of this work.

TRACY PUCKETT (Sierra Club):

On behalf of the Sierra Club, I am speaking in support of A.B. 220 and ditto to everybody who is supporting this bill with the amendments.

MR. DONNELLY:

The Center for Biological Diversity supports A.B. 220. It gives SNWA the tools it needs to effectively respond to drought and emergencies. This is essential for securing a water future for Las Vegas. The Colorado River situation is bad and

will only get worse. The SNWA needs the tools in place to manage demand in Las Vegas during emergency drought conditions; this bill does just that.

This issue has important environmental ramifications too. In SNWA's Water Resource Plan, we can see that decades into the future, and there is a need for a supply of new water. Bending down the demand curve in Las Vegas will forestall the day when SNWA needs to start searching for new supplies of water and any potential environmental concerns that may bring. This bill has important beneficial environmental considerations as well.

Regarding Senator Hansen's comments about unsustainable growth, we fully agree. If the good Senator would like to join us in our campaign to stop Congress from selling off public lands for new sprawl developments in Clark County, we welcome his participation.

MICHELE TOMBARI:

I opposed A.B. 220 at its Assembly hearing because of the septic removal mandate. Amendments here have made the bill much better. I still have a few questions left unanswered during the testimony.

I am a little confused. Is the fee paid every year, or is it a one-time fee? My second concern is that I live in a Clark County island in Las Vegas. I want to make sure if I do accept this program that my property will not be annexed into the City. When Senator Nguyen said, "if the funds are available," that scared me a little because you are doing all this work, hopefully, the funds are there. I do support A.B. 220 now.

CHAIR PAZINA:

I would encourage you to reach out to SNWA. I am sure they will be happy to answer your questions.

MARY BETH SEWALD (President/CEO, Vegas Chamber):

The Vegas Chamber supports A.B. 220 because it effectively balances conservation efforts and water resource needs in southern Nevada. This will allow for sustainable growth and economic development efforts to continue in our community. The Chamber has been a longtime proponent of conservation efforts spearheaded by the SNWA. Sound and balanced water policy is critical to all southern Nevada residents and businesses. It also is essential to

community stability and preserving the environment. This bill is necessary as we enter the twenty-third year of drought management along the Colorado River.

As you have heard today, the water bill, as amended, addresses issues related to the conversion of septic tanks by making them optional and not mandated, the adoption of water-smart standards in new construction, groundwater management, administration of wells, the irrigation of nonfunctional turf and participation in a water efficiency monitoring program. Please vote yes on A.B. 220.

JEFF ROGAN (Clark County):

I would just ditto every comment made in support of this bill. I commend Assemblyman Watts and the SNWA. They have been leaders in water conservation for over 20 years. Every time I read in national news media about the efforts the Southern Nevada Water Authority has made over that time to conserve water, I feel a bit of personal pride. I think A.B. 220 is well in line with its expertise on water conservation. I trust that is something important for water conservation in the future. I urge your support on A.B. 220.

CHRISTI CABRERA-GEORGESON (Nevada Conservation League):

We are here in strong support of A.B. 220. I will echo many of the comments that were previously made. Our water resources are precious and we should be making every effort to conserve water wherever possible. We urge the Committee's support of this bill.

JOSHUA HICKS (Southern Nevada Home Builders Association):

I represent the Southern Nevada Home Builders Association, the advocacy group for the home-building industry in southern Nevada. Somebody had to come up and make a pro-growth argument. So that is what I will do.

We support this bill and view it as part of responsible water use planning for both the present and the future. It is important to note, as was mentioned earlier, new homes are more water-efficient every year when codes are passed and technology gets better. That is what we see, and that is particularly important in southern Nevada with its water issues. The consumptive use of water is the problem. This bill is aimed at that; it is why we support it.

We try to limit the consumptive use, maximize the nonconsumptive use and recycle that water. That is what new homes do in southern Nevada. We support

this bill that limits the use of consumptive water and supports water conservation measures.

ZACH BUCHER (City of Las Vegas):

I echo the comments from my local municipalities. We are here in support of A.B. 220 and the proposed amendments presented today.

CHAIR PAZINA:

I received four letters ([Exhibit H](#)) in support of A.B. 220. Having no further testimony in support, we will open testimony in opposition of A.B. 220.

MARY PIERCZYNSKI (State of Nevada Association of Providers):

The Association is comprised of organizations licensed under the Aging and Disability Services Division. We contract with the Division to provide necessary services, such as job training and 24-hour residential care to adults with intellectual and developmental disabilities. These residential services are called supported living arrangements (SLA).

As described in NRS 435, SLAs are 100 percent funded by Medicaid. Unlike the average house, an SLA home has a much higher use of water. Many SLA homes have hygiene concerns due to incontinence. This leads to the need for frequent bathing and washing machines that often must run all day in compliance with requirements to wash individuals' clothing and bedding separately; even meals require more water.

Through an internal survey, even with little or no grass, some of these licensed homes are above the limits outlined in section 29. While we so much appreciate the understanding of the unique needs of those the SLA serves, we are reluctant to support the bill fully as there is no assurance that current or future SNWA boards will provide us a waiver. The State has no other housing for these intellectually and developmentally disabled individuals except for the SLA. In their interest, we must get these concerns on the record. We appreciate the work of Senator Nguyen, Andy Belanger and others for working with us and even citing the example of these group homes in testimony. Unfortunately, we must oppose the bill without any specifications of an exemption.

LAURA MCSWAIN (McNeil Estates Neighborhood Association):

I am here as president of the McNeil Estates Neighborhood Association. I am not saying that we are opposed to the bill entirely. It seems that a lot of good

work was done to help further the cause of conserving water, dealing with septic systems and people who would suffer financial hardship if forced to convert. However, our concerns lie primarily in section 29. The devil is in the details, and the concern is that there are no details with a sweeping plan.

We have been impacted by the excessive use charge. Shame on us I suppose for not recognizing the implications of that. We understand conservation is important, but we also must look at the bigger picture of our neighborhood, our canopy and our urban legacy canopies.

When we went to a meeting yesterday, some of our neighbors testified about our concerns about this bill. Some neighbors have had their water bills double. We can see stress in our neighborhood because of people not being able to afford the additional water fees. We are concerned about the ecological impact, not just in our neighborhood but on the Valley as a whole. Trees and greenery usher in rain and create balance that cleans the air; the benefits are immeasurable. What we got out of that meeting is that we have a ten-year water supply, so I do not understand why we would put this kind of broad language in a bill. This Board should retain the boundaries of the authority it has and not give it away. Absent specific details about the implications, I appreciate Senator Nguyen's amendment language. But the Board of Directors may establish a process to approve a waiver, absent knowing what those requirements would be, how they would apply, and what the timeframe would be. Because of the way the bill is written, it seems this should fall under the normal processes within your responsibilities to look at this in legislation. I have submitted my written testimony ([Exhibit I](#)).

CHAIR PAZINA:

Thank you so much. You have gone way beyond the two-minute limit. What you are saying is so important, we would like to have you provide it to the Committee Secretary so we can get all of this on the record for the Committee to review your comments in their entirety. You have gone about three and a half minutes and I have kept everyone else under two minutes.

ALICIA SANCHEZ-REVZIN:

I am a young mother of two young children, four and seven years old. I am also Hispanic. In our culture, it is common to have family come and live with us for two to three months during the year. That is our community. When we are hit with these additional fees and fines due to excessive use, it is difficult.



Another situation is other friends and women who are supporting multiple families in their homes. Their water bill last month was over \$600 for a single mother. The public did not get the proper notification to let us know nor did you give us time to adjust payments to remove grass and trees. We have been slapped with these fees. There is no plan in place to have a voice and stand against the situations placing an extensive hardship on us.

The money going directly into my water bill is taking away from my opportunity to spend money in the City. It also takes away from the education, not just of my children, but other children, too. I know this bill is not amended for these situations, but it needs to be brought up and readdressed.

CHRISTIAN SALMON:

I work with people in the community. We have about 18,000 homeowners affected by this bill. We appreciate the amendments put forward by Senator Nguyen and the SNWA, but some areas still need to be dealt with. If we could change water usage—we are talking about half an acre-foot—by taking into consideration lot size as well the number of people and animals, that would help. The bill language, as other people have said, is vague. We would like it to be more detailed, not delegate authority to the local government and see local oversight by property owners. If the bill sections that delegate authority with vague language are kept as is, then please create a board made up of affected property owners only who will oversee any authorized changes.

Another part of the bill gives the SNWA a monopoly regarding water usage. Currently, it must go to the State Engineer. That is more appropriate to have a balance of power. They can work together to make things work quickly. If they declare an emergency on the Colorado River in one year, then it affects the next year. They must do it by October, and then it becomes effective the next year. I do not see why we should take away the balance of power.

Normally, when a developer wants to put up a building or a developed property, there is a neighborhood meeting; none of that was done here. It just came on the scene when we had the Assembly meeting, and suddenly, we realized what was going on. People are still finding out about this bill. We have been working with Andy Belanger on some of these issues.

One last thing: I understand people with septic systems are covered, but people who have something else are covered under a different program. Somebody like

me, who has two septic tanks—say it costs \$300,000 and I have to pay 15 percent, totaling \$45,000—I will pay out of pocket.

EDWARD HAGEN:

I have learned a lot listening to testimony. But the constant theme is water users use water. And the person who spoke for The Nature Conservancy said halfway measures only get you halfway.

Testimony begged the question: is there a problem on the River, or is there a crisis? My neighbors may not like me for stating this, but there is a real crisis. The dam took 40 years to overflow, and it has taken 40 years to start to run dry. In 1100 A.D., all the Indigenous people in the Southwest left because of a drought. Lake Tahoe was at least 200 feet lower than it is now. This drought is not something that might go away, and applying Band-Aids when you have cancer is not a good policy. I believe the longest time Las Vegas can go without draconian measures can only be achieved by not putting plumbing to new buildings because water users use water; new lots use water.

ALIDA BENSON (Nevada Republican Party):

I am testifying in opposition to A.B. 220 on behalf of the Nevada Republican Party. What a deal—California uses all the water, but Nevada gets all the restrictions. Nevada leads the Country in water recycling and conservation. You would never know that by reading the bill. At its heart, A.B. 220 is an attack on private property rights that ignores the reality of water shortages from the Colorado River.

Nevada is not the problem when it comes to water; California is. At this very minute, California is bracing for record flooding from record Sierra Nevada snowpack with no plan to capture the water. California gets so much water from the Colorado River it allows the excess to become the Salton Sea, an environmental hazard responsible for widespread death of wildlife in the surrounding area.

Why are Nevadans being punished for California's mismanagement of our shared resource? The Colorado River supplies 70 percent of San Diego's water. What are their water restrictions? No watering within 48 hours of rain and not overfilling swimming pools. We are not sharing the burden equally, but Nevada seems to have more than its fair share of punishment.

We support the amendment submitted by Senator Nguyen which would improve the bill by making the State cover the switch from septic tanks. However, section 29 of A.B. 220 allows an arbitrary restriction of water to single-family residences that targets homes and mature neighborhoods. Is the government having unchecked power over life, liberty, property and water truly a good goal? The government is supposed to protect individual rights including property rights, not trying to strip them away. Nevada consumers pay for water.

Our top ten highest residential water users use more water in a month than the average household uses in a year. Perhaps, they should start by reducing their water usage. Instead, through rate increases, SNWA is targeting the middle class. The proposed changes to section 29 should be removed entirely. Southern Nevadans are aware that we live in a desert, and that is why we lead the Country in conservation. We follow our watering schedules. Most neighborhoods do all they can to combat the dreaded heat island effect we see in locales like Phoenix that have targeted trees as the victim of water restrictions. But this bill will target mature neighborhoods and fixed-income families.

CYRUS HOJJATY:

I do not support this bill. It is too restrictive. First, when it comes to water conservation, I have not heard any bills targeting casinos. Or what about those wasteful common areas basically fixed by homeowners' associations?

A lot of reports that I have seen say the Colorado River, which is the main source of water for Clark County, has been overflowing. It has been drained in parts of Mexico that receives some of the water. Why are we not encouraging California, which uses a larger share of the Colorado River water, to engage in desalination? It already has some desalination efforts. They are certainly doing a pretty good job in Israel and Saudi Arabia.

What about all the waste in California? They have been doing that for many, many years, not to mention the water being used for agriculture. What is the alternative? We already have some indoor vertical farms in Las Vegas. We need to encourage this entire region of the Country to engage in vertical farms, which will substantially reduce water consumption. There are a lot of empty pools around the area. What has been said about that? I am not talking about private pools. I am talking about pools for homeowners' associations and other

commercial facilities. I urge you all not to support A.B. 220. I will ditto the previous and future callers in opposition to this bill.

JOSEPH DEMONTE:

I thank the authors for the amendments, but the statutory guidance is still nonexistent. I would like to address the remaining issues with this bill, specifically, section 29 which gives the SNWA the ability to limit, which effectively means to cut off, the water supply to a single-family residence if that residence uses over a half acre-foot of water per year. This will affect approximately 115,000 homes, 400,000 residents and their home values. That is not a small subset as referenced by Assemblyman Watts and the Water Authority. A broad usage restriction is being created without consideration of residence size or family size. This bill still allows a single person in a 1,200-square-foot home to use as much water as a family of 7 in a 3,500-square-foot home without a defined waiver process or program.

The second issue is this bill will allow the SNWA to hold the end user to a different legal standard on water usage than the Authority is held to. The arbitrary half acre-foot water limit is based on the total flow of water piped into the residence without consideration for the same return flow credits the Authority is allowed based on its water rights contract. The Authority boasts that 99 percent of water inside of a home is returned to Lake Mead and then that is claimed by the Authority as a return flow credit and not counted against annual usage. The end user must be held to the same legal standards as the Authority before any additional restrictions can be put on the end user.

With an historic increase to the Colorado River this year, the SNWA has over 117 billion gallons of water stored in reserve and supplements its water supply from 52 local wells at a rate of millions of gallons per day. There is time to fix this bill to help save our water supply in southern Nevada. We all know that we face a crisis. The bill is poorly written. It does not provide the same legal protections to the end user as the SNWA is allowed. I hope that this bill will be paused and properly written to protect all of southern Nevada as well as our water supply. I have submitted my written testimony ([Exhibit J](#)).

JOSEPH GOMEZ:

I was vehemently opposed to this bill from the onset. However, with the amendment presented, I am moving more toward approval. On [Exhibit G](#), the amendment from Senator Nguyen, the fourth bullet says the fee must not

exceed the annual sewer rate of the largest community sewer disposal system in the Country. What is the largest, and how much is that? Secondly, what entity will run the financial assistance program?

MIKE O'ROURKE:

I do not understand why we are talking about sewers and shutting people's water off. At the same time, we are trying to reclaim water, and talking about using water, two separate items in one bill. I live on a half-acre piece of property. I got rid of my grass in the front yard 20 years ago. I have done a lot since then; I am down to 10 percent grass and I am still paying a lot for water. I like my place; I just do not appreciate the fact that one size fits everybody.

I keep trying to work it out, but I just talked to a gentleman here who said he has a half-acre property with nothing but xeriscape landscaping. He is already paying all the extras because the SNWA runs amok. I would not give the water district ultimate authority over turning our water on and off. I do not care if they are elected officials or not.

TERA ANDERSON:

I cannot imagine any reasonable person would be interested in inefficiently using any natural resource. However, to generally abdicate authority and centralize it to SNWA in one bill, that provides carte blanche subjective authority to provide waivers without qualifiable or quantifiable metrics by which those waivers would be allocated is incongruent at best. I appreciate the urgency of the issue and wanting us to address our limited natural resources. However, doing something out of urgency that is fraught with other unintended consequences is ill-advised at this point. I encourage this Body to reconsider the details of the opportunity this bill presents, both the formulaic approach of the water allocation and reasonable constraints for SNWA as the governing body for this decision. The broad generalization reasonably gives people great concern due to the tremendous ambiguity.

SUMMER GOLIA:

I ditto everything said. If well owners are required to convert in the future, is that 100 percent funded as well? The Southern Nevada Health District just approved the use of an irrigation well in Districts 10 and 11 to help water mature landscaping. They are large lot sizes, so more water should be allowed.

All the governing bodies in southern Nevada are allowed to drill and put pumping stations in that are very deep. If they are allowed to use a drill rig on their property, then homeowners should also be extended that same courtesy. What is fair for government is fair for homeowners.

CHAIR PAZINA:

I received five letters ([Exhibit K](#)) in opposition to A.B. 220. Since there is no more testimony in opposition, we will hear testimony in neutral.

BRADLEY MAYER (Southern Nevada Health District):

We want to reemphasize, for the record, that the legislative intent of A.B. 220 is to only use external funds and funds from the voluntary fee earmarked for this program as opposed to any Health District general funds or funds from other sources for the Health District.

To the gentleman in the audience who asked how much the yearly fee will be, the maximum yearly fee of the largest municipal water system in the Country is \$250. In answer to your question, Madam Chair, the Health District does not know how many septic systems are failing. When they do fail, provisions in existing regulations require conversion if they are within 400 feet of the waterline. They are not regularly inspected. We are aware of one that failed in the last couple of years.

SENATOR GOICOECHEA:

Do you really think a lot of people will participate in the \$250 voluntary fee you are going to collect?

MR. MAYER:

The fee must be set when the program is set up by the Board of Health. The bill says we cannot set a fee higher than that. I do not know what fee the Board will set up; there will be a public process for that as well.

SENATOR GOICOECHEA:

But there will be a set fee within that \$250?

MR. MAYER:

When the voluntary program is set up, there would have to be a voluntary fee with it. As external money comes into the SNWA account, that money would

build up over time. As opposed to the previous version, A.B. 220 will take longer to do septic system conversions for the 5,000 eligible homes.

RICK PERDOMO (Deputy Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources):

I appreciate the opportunity to provide neutral testimony on A.B. 220. This bill covers a lot of items, but I am here this evening to testify solely on sections 3 through 4.5 of the first reprint and sections 2.5 and 4.5 in the proposed amendments by SNWA.

While in the Assembly, and with respect to these sections, SNWA worked with the Division of Environmental Protection to develop language to better define the roles and responsibilities of a local governing body when an owner-operator of a privately owned water system defaults on his or her responsibilities. The proposed amendments provide further clarity on the definition of a local governing body and issues involving excess surety funds. The Division of Environmental Protection does not have concerns with the text of these sections in reprint 1, SNWA's written proposed amendments or the verbal amendment provided at this hearing.

MR. SULLIVAN:

I have two points regarding parts of this bill that directly intersect with the Division of Water Resources. Both were touched on by Mr. Belanger. First, I appreciate working with the SNWA to recognize the importance of this and including it in the bill.

Section 34, subsection 2.5 was not previously described in detail. This would add an exemption to the requirement to hold a water right for emergency situations, such as to extinguish fires by a fire department, volunteer fire department or a public agency. In some situations, where a small fire department holds a water right to put out fires and cannot prove beneficial use until there is an emergency fire. If such a department misses an extension of time, it loses that water right. Or if the department proves up but does not regularly use the water, then it is subject to forfeiture. The intent here is to add an exemption that would prevent these timelines from getting in the way of emergency fire suppression. It would not exempt a fire department from water requirement for other daily uses.

The second part is section 26 concerning temporary water right permits. In this case, we are specifically talking about temporary water rights that are also called "revocable." It only applies to a certain category of "temporaries" in the Las Vegas Basin. For the most part, I concur with how Mr. Belanger characterized revocable. I cannot confirm the exact number of wells asked about. I can add that the total number of water rights appropriated under revocable permits is approximately 6,600, and recent pumpage by revocable rights is about 4,500 acre-feet annually.

The other point concerns certain circumstances when we issue small amounts of water under a revocable permit. Mr. Belanger mentioned that we finished that policy in 1992. Since 1992, we have had restrictions to allow only small amounts of water issued under revocable rights.

Assembly Bill 220 gives the State Engineer the authority to revoke temporary permits when municipal water is within 1,250 feet. Our Division will not change any rules surrounding temporary permits until we are provided adequate time for public input and recommendations from affected parties. Changing the rules affects a lot of people, and we want to do what we can so people understand how that would be implemented.

The bill also requires the State Engineer to deny applications to appropriate groundwater or prohibit drilling of wells for domestic use in areas served by a public entity or where water can be furnished by a public entity. We intend to apply the 1,250-foot requirement from section 26, subsection 3, paragraph (b) as the primary factor for determining whether a public entity is presently engaged in furnishing water and whether that water can be furnished. However, there might be other factors besides that radius in determining whether water can be provided, such as the cost or the engineering feasibility. It might take some time for the Division to consider how to regulate temporary permits in the Las Vegas Basin, and we want to assure temporary permit holders that our Division will be thoughtful and deliberate in implementing section 26.

BRIGITTE SOLVIE:

I represent several property owners in the Lone Mountain-La Madre Hills area of Las Vegas as well as a property owner with a private domestic well. I was very much in opposition to this bill; after working extensively with Andy Belanger I am in neutral. I greatly appreciate the efforts, modifications and amendments by our Senators and representatives across the board to take out the mandate



and create this as a voluntary program. It better reflects the idea from three years ago as a pilot program strictly being voluntary. It allows both SNWA and the Health District to truly get the pulse of interest and the cost required to pull off this kind of conversion process for septic owners.

Regarding domestic well owners such as myself, one well, one property can still opt in if we so choose to join the conversion program; this is not solely focused on municipal water owners and septic systems. This amendment puts a cap on the bill at \$250 annually. Yet, I am hearing side rumors that it will only be about \$100 annually. I would like better clarification as to what that fee would be and not just what the outside cap would be.

Senator Hansen commented that we cannot conserve our way out of this issue; I completely and wholly agree. People from the university and different areas said as hard as we may try, we cannot fully conserve our way out of this problem. There are other dynamic issues at play.

About the waiver provided in Senator Nguyen's amendment, I would like to see language to include the waiver for horses, livestock, cattle, llamas and goats. There is nothing there for the private owner who has these animals that may be served on municipal water. Because they consume an awful lot of water, they should be allowed to seek a waiver as well from the half acre-foot should that be implemented.

DIANE HENRY:

I have submitted my written testimony ([Exhibit L](#)) in neutral.

CHAIR PAZINA:

We will have closing statements.

MR. BELANGER:

In response to a couple of the questions: Mr. Mayer gave the answer about the \$250 annual fee the Clark County Water Reclamation District could impose that would be voluntary. I wanted to make sure that was clear on the record. For the question raised about annexation, I can give both personal and historic examples. The City of Las Vegas and Clark County have reached an agreement that properties that get on sewer do not trigger annexation in the northwest. That agreement was reached in 2017 or 2019, but it addresses that question of

annexation. I live within the Clark County island, I get my sewer service from the City of Las Vegas, and we are under no threat of annexation.

MS. PELLEGRINO:

To the concern about the half acre-foot, by and large those properties use more than a half-acre-foot of water in irrigation. It is almost always turf irrigation. Turf, on average, uses 73 gallons of water per square foot. Even lush mature trees use less than 20 gallons per square foot because there is no wind or evaporative loss.

I recently helped review a two-acre horse property that has 2,000 square feet of turf. Because of our metering data, we can isolate their irrigation. This property was getting our excessive use surcharge. Their largest one was 9,000 gallons in one month under the excessive use surcharge. From their irrigation signal, we can isolate they are using over 600,000 gallons of water on their 2,000 square feet of turf. People do not realize that the time they water their turf is driving this.

The excessive use surcharge is not the half-acre-foot issue, but there are a lot of parallels. When we implemented the excessive use surcharge, 55 percent of our customers never got it a second time. That is not time to change out landscaping. That is not time to do a turf conversion. That is somebody overwatering who has fixed that.

That is what this is really targeting. We do not see group care homes and others hitting that half-acre threshold unless they have excessive landscaping use. And we also have the ability for certain types of businesses under certain conditions to have a commercial meter, not a residential meter. They would not be subject to the same limitation as a residence if it is truly a business operating in a single-family home.

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CHAIR PAZINA:

We will close the hearing on A.B. 220 and move to public comment. There being no public comment, this meeting is adjourned at 6:38 p.m.

RESPECTFULLY SUBMITTED:

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Donna Crawford Kennedy,  
Committee Secretary

APPROVED BY:

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Senator Julie Pazina, Chair

DATE: \_\_\_\_\_

<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit Letter</b>	<b>Introduced on Minute Report Page No.</b>	<b>Witness / Entity</b>	<b>Description</b>
	A	1		Agenda
	B	1		Attendance Roster
A.B. 34	C	3	Adam Sullivan / Division of Water Resources	Conceptual Amendment
A.B. 86	D	5	Assemblywoman Melissa Hardy	Proposed Amendment 3648
A.B. 86	E	14	Bob Rilling-Smith / American Kennel Club	Letter of Support
A.B. 220	F	22	Andy Belanger / Southern Nevada Water Authority	Proposed Amendment
A.B. 220	G	23	Senator Rochelle Nguyen	Proposed Amendment
A.B. 220	H	39	Senator Julie Pazina	Four Support Letters
A.B. 220	I	40	Laura McSwain / McNeil Estates Neighborhood Association	Written Testimony
A.B. 220	J	44	Joseph Demonte	Written Testimony
A.B. 220	K	46	Senator Julie Pazina	Five Opposition Letters
A.B. 220	L	49	Diane Henry	Testimony in Neutral