

**CARSON WATER SUBCONSERVANCY DISTRICT
LEGISLATIVE COMMITTEE**

NOTICE OF PUBLIC MEETING

DATE: January 31, 2017
TIME: 10:30 A.M.
LOCATION: Carson Water Subconservancy District
Conference Room
777 E. William St., #110
Carson City, NV 89703

AGENDA

Please Note: Reasonable efforts will be made to assist and accommodate individuals with disabilities who wish to attend the meeting. Please contact Toni Leffler at (775)887-7450 (<mailto:toni@cwsd.org>), at least a week in advance so that arrangements can be made.

1. Call to Order
2. Roll Call
3. Public Comment (Discussion Only) - Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting.
4. Approval of the Legislative Committee Minutes from February 6, 2015. (For Possible Action).
5. Discussion for possible action regarding a review of various BDRs/bills that CWSD may want to support, oppose, or monitor during the 2017 Legislation Session. (For Possible Action)
6. Public Comment (Discussion Only) - Action may not be taken on any matter brought up under public comment until scheduled on an agenda for action at a later meeting.
7. Adjournment

Supporting material for this meeting may be requested from Toni Leffler at 775-887-7450 (<mailto:toni@cwsd.org>) and is available at the CWSD offices at 777 E. William St., #110A, Carson City, NV 89701 and on the CWSD website at www.cwsd.org.

In accordance with NRS 241.020, this notice and agenda has been posted at the following locations

:

-Dayton Utilities Complex
34 Lakes Blvd
Dayton, NV

-Minden Inn Office Complex
1594 Esmeralda Avenue
Minden, NV

-Lyon County Administrative Building
27 S. Main St.
Yerington, NV

-Churchill County Administrative Complex
155 N Taylor St.
Fallon, NV

-Carson City Hall
201 N. Carson St.
Carson City, NV

-Carson Water Subconservancy District Office
777 E. William St., #110A
Carson City, NV

-Alpine County Administrative Building
99 Water St.
Markleeville, CA

AFFIDAVIT OF POSTING

The undersigned affirms that on or before 9:00 A.M. on January 25, 2017, he/she posted a copy of the Notice of Public Meeting and Agenda for the January 31, 2017, meeting of the Carson Water Subconservancy District Legislative Committee in accordance with NRS 241.020; said agenda was posted at the following location: _____.

SIGNATURE

Name: _____

Title: _____

Date & Time of Posting: _____

		2017 Legislation		Propose
BDR #	Bill #	BDR Title	Sponsor	Action
35		Makes various changes relating to collective bargaining.	Assemblyman Wheeler	
23-44		Revises provisions governing state employees.	Assemblyman Ellison	
43-89		Revises provisions governing off-highway vehicles.	Assemblywoman Titus	
101		Calls for Glen Canyon Dam to be decommissioned, drained and destroyed.	Senator Segerblom	
103		Revises provisions governing public administrators.	Assemblywoman Titus	
110		Revises provisions governing ethics in government.	Assemblywoman Dickman	
157		Makes various changes relating to certain professions.	Assemblyman Stewart	
176	AB 32	Revises provisions relating to governmental entities that apply pesticides.	State Department of Agriculture	Participate
177	SB 73	Revises provisions relating to conjunctive water management and tools for managing over-appropriated groundwater basins	Division of Water Resources of the State Department of Conservation and Natural Resources	Participate
178	SB 74	Revises provisions relating to the planning and development of water resources.	Division of Water Resources of the State Department of Conservation and Natural Resources	Participate
179	AB 34	Makes various changes relating to state lands.	Division of Water Resources of the State Department of Conservation and Natural Resources	Watch
180	SB 51	Makes various changes relating to the adjudication of vested water rights and the appropriation of water.	Division of Water Resources of the State Department of Conservation and Natural Resources	Participate
181	AB 50	Revises provisions relating to the imposition of fees, civil penalties and administrative fines by the State Environmental Commission.	Division of Water Resources of the State Department of Conservation and Natural Resources	Watch
192		Revises provisions governing certain boards and commissions.	Assemblywoman Swank	
207		Revises provisions relating to public works.	Senator Goicoechea	
211		Authorizes the creation of park, trail and open space districts.	Assemblywoman Joiner	
220	AB 29	Revises provisions governing the Commission on Off-Highway Vehicles.	Division of Water Resources of the State Department of Conservation and Natural Resources	Watch
272		Exempts certain property from taxation.	Senator Kieckhefer	
308		Revises provisions governing the forfeiture and abandonment of water rights.	Assemblyman Oscarson	
325		Revises provisions relating to taxation.	Senator Hardy	
336		Makes various changes relating to water.	Legislative Committee on Public Lands (NRS 218E.510)	
356		Revises provisions relating to grants for capital improvements to publicly owned water systems.	Legislative Commission's Subcommittee to Study Water (NRS 218E.200)	
357		Makes various changes relating to water.	Legislative Commission's Subcommittee to Study Water (NRS 218E.200)	
358		Makes various changes relating to water.	Legislative Commission's Subcommittee to Study Water (NRS 218E.200)	
359		Revises provisions relating to water.	Legislative Commission's Subcommittee to Study Water (NRS 218E.200)	
367		Makes various changes relating to water.	Legislative Commission's Subcommittee to Study Water (NRS 218E.200)	
389	AB 42	Makes various changes to the Nevada Public Records Law.	Attorney General	Watch
441	AB 43	Revises provisions governing the partial abatement of taxes levied on residential and other property.	Nevada Association of Counties	Watch
445		Authorizes de minimus rainwater collection for certain uses.	Assemblywoman Carlton	
473		Revises provisions governing financing of flood management projects.	Assemblyman Sprinkle	
492		Revises provisions relating to forestry	Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System	
493		Extends the authority to issue bonds for environmental improvement projects in the Lake Tahoe Basin.	Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System	
494		Provides authority for the issuance of general obligation bonds for the Conservation and Resource Protection Grant Program.	Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System	
495		Reorganizes provisions relating to local improvement districts.	Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System	
496		Makes various changes relating to general improvement districts.	Oversight of the Tahoe Regional Planning Agency and the Marlette Lake Water System	
499	SB 47	Makes various changes relating to the appropriation of water.	Division of Water Resources of the State Department of Conservation and Natural Resources	Participate

514		Revises provisions relating to revenue.	Senator Ratti	
518		Revises provisions relating to contractors.	Senator Settelmeyer	
521		Revises provisions governing elections	Senator Settelmeyer	
522		Makes certain changes relating to elections.	Senator Settelmeyer	
621		Revises provisions governing relations between local governments and public employees.	Assemblyman Yeager	
622		Revises provisions governing the regulation of water.	Assemblyman Ellison	
635		Revises provisions relating to taxation.	Senator Settelmeyer	
639		Revises provisions governing irrigation districts.	Assemblywoman Titus	
640		Revises provisions relating to taxation.	Senator Kieckhefer	
647		Revises provisions governing distribution of proceeds of certain taxes to local governments.	Assemblywoman Titus	
656		Encourages and acknowledges the use of public lands in Nevada including state parks.	Assemblyman Yeager	
667		Revises provisions relating to public works.		
678		Revises provisions relating to waterfront projects.	Senator Hardy	
696		Revises the boundary line between Carson City and Washoe County.	Assemblyman Kramer	
710		Revises provisions relating to taxes.	Assembly Committee on Taxation	
716		Requires the fluoridation of water provided by certain public water systems and water authorities in certain counties.	Assemblywoman Joiner	
735		Revises provisions relating to water.	Assembly Committee on Natural Resources, Agriculture, and Mining	
736		Revises provisions pertaining to basin water budget calculations.	Senate Committee on Natural Resources	
747		Revises provisions governing prevailing wage.	Assemblyman Brooks	
781		Revises provisions governing public works.	Assemblyman Daly	
782		Revises provisions relating to the investment of public money.	Assemblyman Kramer	
786		Revises provisions relating to certain local governing boards.	Senator Goicoechea	
787		Revises provisions concerning plans for monitoring, management and mitigation relating to water resources.	Senator Goicoechea	

**CARSON WATER SUBCONSERVANCY DISTRICT
LEGISLATIVE COMMITTEE
January 31, 2017**

Item # 5 - Discussion for possible action regarding a review of various BDRs/bills that CWSD may want to support, oppose, or monitor during the 2017 Legislation Session.

Attached is a list of various BDR/Bills that staff is currently monitoring, as well as the synopses of the bills. We only have titles for the BDRs. As of January 23, 2017, only 10 BDRs have become bills.

ASSEMBLY BILL NO. 29—COMMITTEE ON TRANSPORTATION

Legislative Counsel's Digest:

Existing law creates the Commission on Off-Highway Vehicles and authorizes the Commission to award grants of money from the Account for Off-Highway Vehicles to certain applicants for projects relating to off-highway vehicle use and off-highway trails and facilities. (NRS 490.067, 490.068, 490.069) **Sections 4 and 6** of this bill place the Commission within the State Department of Conservation and Natural Resources.

Section 1 of this bill creates the Off-Highway Vehicles Program in the State Department of Conservation and Natural Resources. In administering the Program, the Director of the Department, within the limits of approved funding, is required to: (1) provide certain support and assistance to the Commission on Off-Highway Vehicles; and (2) administer the Account for Off-Highway Vehicles. **Section 1** further requires the Director to include in his or her budget the money necessary, within the limits of legislative appropriations for the Account, for: (1) certain expenses of the Program and the Commission; and (2) a reserve amount.

Under existing law, each member of the Commission on Off-Highway Vehicles is entitled to receive, if money is available for that purpose, the per diem allowance and travel expenses provided for state officers and employees generally. (NRS 490.067) **Section 6** provides that, if money is available for that purpose, any member of the Commission who is not an officer or employee of the State is entitled to receive a salary of not more than \$80 per day for each day of attendance at a meeting of the Commission. **Section 6** further provides a procedure for replacing a member of the Commission who fails to attend at least three consecutive meetings.

Under existing law, the Commission on Off-Highway Vehicles is required to solicit nine nonvoting advisors to the Commission from various state and federal agencies. (NRS 490.068) **Section 7** of this bill removes that requirement, and **section 6** also: (1) revises the membership of the Commission; and (2) adds to the Commission four nonvoting, ex officio members. **Section 7** also sets forth requirements for establishing a quorum of the Commission for transacting business. Finally, **sections 1 and 7** revise provisions requiring a comprehensive report that must be submitted to the Legislature, providing that the report must be prepared by the Director of the State Department of Conservation and Natural Resources, then reviewed and approved by the Chair of the Commission before being submitted to each regular session of the Legislature.

Under existing law, fees paid for titling and registration of an off-highway vehicle are deposited into the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration. (NRS 490.084) The Department of Motor Vehicles is required to transfer, at least once each fiscal quarter, any amount in excess of \$150,000 in that Account into the Account for Off-Highway Vehicles. (NRS 490.085) The Commission on Off-Highway Vehicles is required to administer the money in the Account for Off-Highway Vehicles. (NRS 490.069)

Section 8 of this bill requires the Director of the State Department of Conservation and Natural Resources to administer the Account. **Section 8** also requires a portion of the money in the Account be used to maintain a reserve amount.

Under existing law, if the owner of an off-highway vehicle that is registered in this State fails to renew the registration before it expires, the registration may be reinstated upon payment of the annual renewal fee, a late fee of \$25 and, if applicable, the submission of proof of insurance, which is only required for certain larger all-terrain vehicles that are authorized to operate on certain county roads. (NRS 490.082, 490.0825, 490.105) **Section 9** of this bill reduces the late fee to \$10.

ASSEMBLY BILL NO. 32—COMMITTEE ON NATURAL RESOURCES, AGRICULTURE, AND MINING

Legislative Counsel’s Digest:

Existing law generally prohibits any person from using pesticides or otherwise engaging in the business of pest control without a license from the Director of the State Department of Agriculture. (NRS 555.280, 555.285) For the purposes of these provisions, “person” is defined to include a government, governmental agency and political subdivision of a government. (NRS 555.266) **Sections 9-13, 19 and 21** of this bill provide explicitly for the licensure of any governmental agency and any employee of such an agency who engages in pest control.

Existing law provides exemptions from licensing requirements for certain farmers and landscape-maintenance businesses. Currently, to be exempt, a farmer must not be regularly engaged in the business of applying pesticides or performing pest control “for hire.” (NRS 555.277) **Section 22** of this bill removes the “for hire” limitation, with the result that a farmer who is paid for his or her services is still exempt if the other statutory conditions are satisfied. **Section 22** also revises the “landscaping” exemption by making it applicable only to a “gardener” who uses certain pesticides.

Under existing law, a person may not engage “for hire” in certain pest control activities relating to termites and other wood-destroying pests or organisms without a license issued by the Director. (NRS 555.285) **Section 24** of this bill extends the licensure requirement to any person who provides or offers to provide such services without charge.

This bill otherwise provides for the licensure of businesses who engage in pest control and certain natural persons who are owners, officers, partners, members or technicians of such a business. **Section 31** of this bill provides that any application for a license submitted by a natural person

must be accompanied by a work card issued to the person by the sheriff of the county in which the person resides. If disciplinary action is initiated against a licensee who is a natural person, **section 32** of this bill generally requires the person to obtain and submit a work card within 30 days after receiving notice of disciplinary action. **Section 14** of this bill governs the issuance of the required work card.

ASSEMBLY BILL NO. 34—COMMITTEE ON NATURAL RESOURCES, AGRICULTURE, AND MINING

Legislative Counsel's Digest:

Under existing law, the Division of State Lands of the State Department of Conservation and Natural Resources must acquire and hold in the name of the State all land and interests in land owned or required by the State, with certain exceptions. (NRS 321.001) The Administrator of the Division is, ex officio, the State Land Registrar. (NRS 321.010)

Existing law requires, with certain exceptions, the State Land Registrar to obtain two independent appraisals of any state land before offering the land for sale or lease. (NRS 321.007) **Section 1** of this bill changes that requirement so the State Land Registrar must obtain just one independent appraisal before offering state land for sale or lease.

Existing law creates the Revolving Account for Land Management as a special account in the State General Fund. Money in the Account must be used to pay the expenses relating to the management of land held by the Division of State Lands, including, without limitation, expenses for appraisals and surveys, construction of fences and barriers for vehicles and the cleanup and maintenance of the land. (NRS 321.067) **Section 2** of this bill authorizes money in the Account also to be used to pay expenses relating to the acquisition of or interests in land. **Section 2** also provides that the expenses for which money in the Account may be used may include land surveys, required assessments of the land, including surveys of the biological, environmental and cultural conditions and resources of the land, and any required mitigation of the land.

Existing law authorizes the State Land Registrar to request an allocation to the Revolving Account from the Contingency Account in the State General Fund if the balance in the Revolving Account is below \$5,000. **Section 2** of this bill raises that amount to \$20,000.

Existing law provides procedural requirements for the sale or lease of state land and exempts from those requirements any lease of residential property with a term of 1 year or less. (NRS 321.335) **Section 3** of this bill removes that exemption.

Existing law requires the Administrator of the Division of State Lands to develop and make available to cities and counties certain information useful to land use planning. (NRS 321.720) **Section 4** of this bill removes the requirement that the Administrator develop and make available to cities and counties: (1) a continuously revised inventory of the land and natural resources of the State; (2) statewide data relating to population densities and trends, economic and environmental characteristics and trends, and directions and extent of urban and rural growth; (3) projections of the nature and quantity of land needed and suitable for various purposes; and (4) a continuously

revised inventory of the environmental, geological and physical conditions which influence the desirability of various uses of land.

Existing law authorizes, if certain requirements are fulfilled, the lease of state land for less than the fair market value of the land for the first year of the lease if the lessee intends to locate or expand a business in this State. (NRS 322.061) **Section 5** of this bill removes a number of the requirements that must be fulfilled, including requirements relating to the number of employees of the business, the capital investment in this State by the business, the average hourly wage paid by the business to employees in this State and the benefits provided by the business. **Section 6** of this bill repeals obsolete provisions relating to the Lincoln County Pilot Land Development and Disposal Law. (NRS 321.540-321.590)

ASSEMBLY BILL NO. 42—COMMITTEE ON GOVERNMENT AFFAIRS

Legislative Counsel’s Digest:

Under existing law, all public books and public records of a state or local governmental entity, the contents of which are not otherwise declared by law to be confidential, are required to be open at all times during office hours for inspection and copying by the public. (NRS 239.010) In addition to a balancing test in case law which is applied when existing law is silent with respect to the confidentiality of a book or record, certain public books and public records are exempt from disclosure pursuant to specific statutory provisions that prohibit the disclosure of or specifically declare those public books and public records to be confidential. (*Donrey of Nev., Inc. v. Bradshaw*, 106 Nev. 630 (1990)) These specific statutory exemptions are listed in Nevada’s public records law. (NRS 239.010) The Freedom of Information Act is a federal law which, similar to Nevada’s public records law, requires public officials to make certain information and records available to the public. The Freedom of Information Act creates categories of information and records to which the Freedom of Information Act does not apply, in addition to the federal statutes which specifically exempt certain matters from disclosure. (5 U.S.C. § 552) **Sections 2-10** of this bill reorganize the list of statutory exemptions to Nevada’s public records law into categories modeled on the categories of information and records which are exempt from disclosure under the Freedom of Information Act. **Section 12** of this bill makes a conforming change.

Unless otherwise defined in another provision in Nevada Revised Statutes, the words and terms defined in the preliminary chapter of Nevada Revised Statutes apply throughout Nevada Revised Statutes. (Preliminary chapter of NRS) In the preliminary chapter, the term “person” excludes a governmental entity. (NRS 0.039) **Section 11** of this bill includes a governmental entity within the definition of “person” for the purposes of Nevada’s public records law, thereby authorizing a governmental entity to request the inspection or copying of the public books and public records of other governmental entities. **Sections 12-19 and 21-23** of this bill make conforming changes to: (1) clarify that the term “person” refers to the requester of a public book or public record and the term “a public officer or employee” refers to an officer or employee of the governmental entity from which a book or record has been requested for inspection or copying; and (2) exclude a governmental entity from the term “person” where appropriate. **Section 15** of this bill specifies that the immunity from civil damages granted in existing law to a public officer or employee who

acts in good faith in disclosing or refusing to disclose information and to the employer of the public officer or employee includes attorney's fees.

The Committee to Approve Schedules for the Retention and Disposition of Official State Records was created under existing law to review and approve or disapprove the schedules for the retention and disposition of the official state records that agencies of the Executive Department of the State Government are required to develop and to advise the Division of State Library, Archives and Public Records of the Department of Administration regarding those schedules. (NRS 239.073-239.080) Under existing law, if a person's request for the inspection or copying of a public book or public record has been denied by a governmental entity, the person is authorized to apply to a court for an order allowing the person to inspect or copy the book or record. (NRS 239.011) In addition to the authority to request a court order, **section 14** of this bill authorizes a person whose request to inspect or copy a public book or public record of an agency of the Executive Department of the State Government has been denied to apply to the Committee to Approve Schedules for the Retention and Disposition of Official State Records for a nonbinding advisory opinion on whether the agency's basis for denying the request was sufficiently articulated. **Section 20** of this bill authorizes the Committee to issue such an opinion.

ASSEMBLY BILL NO. 43—COMMITTEE ON TAXATION

Legislative Counsel's Digest:

Existing law provides for a partial abatement of property taxes, which has the effect of establishing an annual cap on increases of property taxes. The formula for calculating the partial abatement provides that the property taxes on properties other than certain single-family residences or certain residential rental dwellings may not increase by more than a percentage that is the lesser of: (1) the average percentage of change in the assessed valuation of property in the county over the last 10 years or twice the average percentage of increase in the Consumer Price Index for the previous year, whichever is greater; or (2) eight percent. If the application of this formula results in a cap on increases of property taxes for a fiscal year that is less than 3 percent, the property taxes imposed on certain single-family residences and certain residential rental dwellings may not increase by more than the percentage cap calculated under that formula. However, if the application of the formula results in a cap on increases of property taxes for a fiscal year that is more than 3 percent, the property taxes on those single-family residences and residential rental properties may not increase by more than 3 percent. (NRS 361.4722-361.4724)

This bill revises the formula for calculating the partial abatement so that the annual cap on increases of the property taxes on certain single-family residences and residential rental property cannot be less than 3 percent. Under this bill, the annual cap on increases of property taxes on any other property cannot be less than a percentage that is the greater of: (1) the average percentage of change in the assessed valuation of property in the county over the last 10 years or twice the average percentage of increase in the Consumer Price Index for the 10 calendar years preceding the fiscal year in which the tax levy is made, whichever is greater; or (2) three percent.

**ASSEMBLY BILL NO. 50—COMMITTEE ON NATURAL RESOURCES, AGRICULTURE,
AND MINING**

Legislative Counsel’s Digest:

Under existing law, the State Environmental Commission regulates community and public water systems. (NRS 445A.800-445A.955) **Section 3** of this bill authorizes the Commission to establish fees for any services of the Commission necessary to carry out these provisions relating to community and public water systems.

Under existing law, a person who owns, controls or operates a public water system is liable for a civil penalty and may be subject to an administrative fine per day for certain violations. (NRS 445A.950) **Section 4** of this bill increases the maximum civil penalty from \$5,000 to \$25,000 for each day of the violation and increases the maximum administrative fine from \$2,500 to \$5,000 which may be imposed upon such a person by the Division of Environmental Protection of the State Department of Conservation and Natural Resources.

Existing law requires a person who proposes to subdivide land for development to submit a tentative and a final map to the Division of Environmental Protection for review concerning sewage disposal, water pollution, water quality and water supply facilities. (NRS 278.335, 278.377) **Section 5** of this bill authorizes the State Environmental Commission to adopt regulations and establish fees relating to its review of subdivisions. **Sections 6 and 7** of this bill make conforming changes. **Section 1** of this bill requires the deposit of the fees authorized in this bill in a separate account in the State General Fund.

SENATE BILL NO. 47—COMMITTEE ON NATURAL RESOURCES

Legislative Counsel’s Digest:

Existing law requires any person who wishes to appropriate public waters to apply to the State Engineer for a permit to do so. (NRS 533.325) **Section 1** of this bill revises the requirements for an application for a permit to appropriate water. **Section 2** of this bill requires the State Engineer to publish notice of an application to appropriate water in a newspaper of general circulation where the point of diversion is located.

Existing law requires the State Engineer to conduct an inventory of a basin from which water is to be exported before approving an application for an interbasin transfer of more than 250 acre-feet of groundwater if the basin has not previously been studied or inventoried. (NRS 533.364) **Section 3** of this bill requires the State Engineer to instead conduct the inventory before approving an application, or group of applications collectively applying, for an interbasin transfer of more than 25 percent of the perennial yield or 1,000 acre-feet of groundwater, whichever is less.

Upon approving an application for a permit to appropriate water, existing law authorizes the State Engineer to extend the deadline by which construction related completed or made. A single extension, other than for a municipal or quasi municipal use for a public water system, may not

exceed 1 year. (NRS 533.380) **Section 4** of this bill clarifies that the single extension may not exceed 1 year from the date for filing proofs provided in the original permit or a previous extension. **Section 4** also requires an application to extend the deadline to include evidence of good faith on the part of the applicant in pursuing the perfection of the application. **Section 5** of this bill eliminates the requirement that a certificate of appropriation set forth the post office address of each holder of the permit. **Section 6** of this bill revises provisions relating to certain fees collected by the State Engineer.

Existing law recognizes a subsisting right to water livestock which may be proved by the owner of livestock by submitting certain evidence to the State Engineer. (NRS 533.492) **Section 7** of this bill revises the scale required for a topographic map showing the location of a subsisting right to water livestock from not less than 1:100,000 to not less than 1:24,000. **Section 7** also provides that a subsisting right to water livestock is a pre-statutory vested right.

Existing law prohibits the denial of an application to change the point of diversion under an existing water right on the basis that the proposed point of diversion is situated in another state. **Section 8** of this bill adds the same restriction for applications to change the manner of use or place of use.

Existing law requires, under certain circumstances, the State Engineer to notify the owner of a water right that the owner has 1 year after the date of the notice to either: (1) use the water right beneficially and provide proof of such use to the State Engineer; or (2) apply to the State Engineer for an extension of time to work a forfeiture of the water right. If, after 1 year after the date of the notice, the owner of the water right has not taken either action, the State Engineer is required to declare the right forfeited within 30 days. (NRS 534.090) **Section 9** of this bill eliminates the 30-day period.

Existing law authorizes the State Engineer to issue temporary permits to appropriate groundwater in certain designated areas and limit the depth and prohibit reconditioning of domestic wells in such areas. (NRS 534.120) **Section 10** of this bill renames such a temporary permit as a revocable permit. **Sections 11, 14 and 15** of this bill make conforming changes.

Section 10 of this bill also expands the areas in which the State Engineer may limit the depth or prohibit the reconditioning of a domestic well. Further, **section 10** requires that a domestic well whose user is furnished water by an entity such as a water district or municipality must be plugged in accordance with any applicable regulations adopted by the State Engineer.

Existing law authorizes the State Engineer, assistants and Artesian Well Supervisor to enter the premises to investigate and carry out duties. **Section 12** of this bill revises the scope of this authority to apply only to the State Engineer, assistants and authorized agents and adds access to the place where the water is being used.

Under existing law, the State Engineer may, under certain circumstances, require the plugging of a domestic well if water can be furnished to the site by a political subdivision of the State or certain public utilities. (NRS 534.180) **Section 13** of this bill removes the requirements that, in order for the State Engineer to require the plugging of the domestic well: (1) the domestic well must have

been drilled on or after July 1, 1981; and (2) the charge for making the connection to the water service is less than \$200.

SENATE BILL NO. 51—COMMITTEE ON NATURAL RESOURCES

Legislative Counsel's Digest:

Under existing law, the State Engineer is required, under certain circumstances, to determine the relative rights of various claimants to a stream or stream system upon receiving a petition for such determination or his or her own order for such determination. (NRS 533.090) **Section 1** of this bill authorizes, rather than requires, the State Engineer to make these determinations.

Existing law provides that notice that the State Engineer will begin taking proofs of appropriation to determine the relative rights of various claimants to a stream or stream system is not required until after the State Engineer gathers certain information and has certain surveys and maps prepared. (NRS 533.110) **Section 2** of this bill requires instead that the notice of when the State Engineer will begin taking proofs of appropriation must be given as soon as practicable after the State Engineer grants the petition or makes his or her own order. **Sections 17 and 19** of this bill make conforming changes.

Sections 3 and 4 of this bill revise the requirements relating to the hydrological surveys executed and maps prepared by the State Engineer for the determination of the water rights in a stream. **Section 3** provides that the State Engineer is required to execute the surveys or prepare the maps only if necessary. **Section 4** eliminates a requirement that the costs for the surveys and maps be assessed and collected from the claimants of the water rights in proportionate shares.

Section 5 of this bill provides specifications for the information and documents which must accompany a proof of appropriation. **Section 7** of this bill provides that any proof of appropriation or accompanying map which is found to be defective must be returned to the claimant with an explanation of why the proof or map is defective. A corrected proof or map must be refiled with the State Engineer within 60 days.

Under existing law, any person who does not receive notice of the pendency of the proceedings and who has no actual knowledge may file a petition to intervene at any time prior to 6 months after the entry of the determinations of the State Engineer. (NRS 533.130) **Section 8** of this bill revises the time in which a person may intervene to any time prior to the certification of the order of determination.

Existing law requires the State Engineer, after receiving the proofs of appropriation, to prepare a preliminary order of determination regarding the rights of claimants to the water and to deliver a copy of the preliminary order to each person who has filed a proof of appropriation. (NRS 33.140) **Section 10** of this bill authorizes the State Engineer to make a copy of the preliminary order available on the Internet in lieu of sending a copy to each claimant.

Under existing law, any person claiming any interest in the water may file an objection to the preliminary order within: (1) 30 days after evidence and proofs have been open to public

inspection; or (2) such further time as may be allowed by the State Engineer for good cause shown. The State Engineer must hold a hearing on the objections. (NRS 533.145, 533.150) **Section 11** of this bill requires the objections to be filed with the State Engineer within: (1) 30 days after the date on which the preliminary order is sent, delivered or made available on the Internet website of the State Engineer; or (2) such further time as may be allowed by the State Engineer for good cause shown. **Section 13** of this bill requires all testimony taken at a hearing on objections to be transcribed by a certified court reporter and requires the original and one copy of the transcript to be filed with the State Engineer. **Section 13** also requires the claimants objecting to the preliminary order to pay the fees and expenses of the court reporter.

As soon as practicable after the hearing on objections to the preliminary order, existing law requires the State Engineer to enter an order of determination. (NRS 533.160) **Section 14** of this bill authorizes the State Engineer to make a copy of the order of determination available on the Internet in lieu of sending a copy to each claimant.

Under existing law, any party aggrieved or dissatisfied with the State Engineer's order of determination may file with the clerk of the district court a notice of exception to the order and, after a hearing on the order of determination, the district court must enter a decree affirming or modifying the order. (NRS 533.170, 533.185) **Section 16** of this bill authorizes the district court to require, under certain circumstances, that a revised map which accurately reflects the decree and conforms with the rules and regulations of the State Engineer be prepared and filed with the district court and the State Engineer.

Existing law requires the State Engineer to prepare an annual budget of the money estimated to be necessary to pay the expenses of each stream system or water district. (NRS 533.280) **Section 18** of this bill provides instead that the State Engineer prepare an annual budget of the money estimated to be necessary to pay the expenses of administering each stream system or water district. **Section 18** also eliminates a provision that limits the assessment for water distribution expenses to not more than 30 cents per acre-foot of water decreed if the stream system irrigates more than 200,000 acres of land.

SENATE BILL NO. 73—COMMITTEE ON NATURAL RESOURCES

Legislative Counsel's Digest:

Under existing law, the State Engineer has various powers and duties relating to managing the water resources of this State. (Chapters 533 and 534 of NRS) **Section 1** of this bill declares the policy of this State to manage conjunctively the appropriation, use and administration of all water in the State, regardless of the source.

Under existing law, the Legislature has declared that water supplied by a domestic well is protected from unreasonable adverse effects which are caused by municipal, quasi-municipal or industrial uses which cannot be reasonably mitigated. **Section 1** instead declares that water supplied by a domestic well is protected from adverse effects which are caused by new appropriations of water or changes to existing water rights.

Under existing law, the State Engineer is required to designate certain basins as a critical management area upon receipt of a petition signed by a majority of the holders of permits or certificates to appropriate water in the basin. (NRS 534.110) Existing law further provides that in a basin that has been designated a critical management area, a petition for the approval of a groundwater management plan may be submitted to the State Engineer. The petition must be signed by a majority of the holders of permits or certificates to appropriate water in the basin. (NRS 534.037) **Sections 2 and 3** of this bill revise the majority requirements to instead require these petitions be signed by a number of the holders of such permits or certificates and the owners of domestic wells in the basin who together hold at least two-thirds of the total amount of groundwater committed in the basin. If the petition for a groundwater management plan is approved, **section 2** provides that the plan is binding on all groundwater users in the basin. Additionally, **section 2** provides a number of management options which may be included in a groundwater management plan. Further, **section 2** authorizes any holder of a water right or owner of a domestic well in certain designated basins to submit a petition for the approval of a groundwater management plan, which, if approved, is binding on only those parties who signed the petition.

SENATE BILL NO. 74—COMMITTEE ON NATURAL RESOURCES

Legislative Counsel's Digest:

Section 1 of this bill provides that precipitation may be collected without a water right from the rooftop of a single-family residence for domestic use or in a guzzler by certain agencies to provide water to wildlife.

Existing law authorizes the State Engineer to grant an extension of time to: (1) an applicant for a water right to complete construction and put water to beneficial use. (NRS 533.380, 534.090) **Sections 2 and 3** of this bill provide that in determining whether to grant or deny such an extension, the State Engineer may consider whether the water right is located in a basin that has been officially designated as being in a drought.

Section 5 of this bill authorizes the establishment by the State Engineer of the Advisory Committee on Water Planning and Drought to advise the State Engineer on matters relating to water planning, near- and long-term drought and drought resiliency.

Sections 6 and 7 of this bill authorize the State Engineer to, after notice and the opportunity for a hearing, impose administrative fines, order the payment of certain costs for an administrative proceeding and seek injunctive relief on a person who violates the provisions of chapter 540 of NRS.

Existing law creates the Water Planning Section of the Division. (NRS 540.031) **Section 8** of this bill renames this Section as the Water Planning and Drought Resiliency Section. **Section 11** of this bill revises the duties of the Section. **Sections 9, 10 and 15** of this bill make conforming changes.

Existing law requires each supplier of water to prepare and adopt a plan of water conservation, which the Section is charged with reviewing within 30 days. (NRS 540.131, 540.141) **Section 12** of this bill revises the period from 30 days to 120 days. **Section 13** of this bill revises the provisions which must be included in a plan or a joint plan of water conservation.

Section 14 of this bill eliminates the member of the Western Regional Water Commission who is appointed by the Chief of the Water Planning Section of the Division of Water Resources of the State Department of Conservation and Natural Resources.
