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SUGGESTED LANGUAGE TO AMEND AB 213

Section 1. Section 5 of chapter 636, Statutes of Nevada 1999, at page 3545, is hereby amended to read as follows:

Sec. 5. 1. This section and sections 2 and 4 of this act become effective on July 1, 1999.

2. Sections 1 and 3 of this act become effective on October 1, 1999.

~~{3. Section 2 of this act expires by limitation on July 1, 2005.}~~

Sec. 2. Section 6 of chapter 85, Statutes of Nevada 2001, at page 556, is hereby amended to read as follows:

Sec. 6. 1. This act becomes effective on July 1, 2001.

~~{2. Section 5 of this act expires by limitation on July 1, 2005.}~~

~~Sec. 3. This act becomes effective upon passage and approval.}~~

Sec. 3. NRS 534.120 is hereby amended to read as follows:

1. Within an area that has been designated by the state engineer, as provided for in this chapter, where, in his judgment, the ground water basin is being depleted, the state engineer in his administrative capacity is herewith empowered to make such rules, regulations and orders as are deemed essential for the welfare of the area involved, *including the issuance of fines.*

2. In the interest of public welfare, the state engineer is authorized and directed to designate preferred uses of water within the respective areas so designated by him and from which the ground water is being depleted, and in acting on applications to appropriate ground water, he may designate such preferred uses in different categories with respect to the particular areas involved within the following limits:

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

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

3. Except as otherwise provided in subsection 5, the state engineer may:

(a) Issue temporary permits to appropriate ground water which can be limited as to time and which may, except as limited by subsection 4, be revoked if and when water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

(b) Deny applications to appropriate ground water for any use in areas served by such an entity.

(c) Limit the depth of domestic wells.

(d) Prohibit the drilling of wells for domestic use, as defined in NRS 534.013 and 534.0175, in areas where water can be furnished by an entity such as a water district or a municipality presently engaged in furnishing water to the inhabitants thereof.

(e) *Require a person to whom ground water was appropriated pursuant to a permit to pay a fine for water used in excess of the designated appropriation.*

4. The state engineer may revoke a temporary permit issued pursuant to subsection 3 for residential use, and require a person to whom ground water was appropriated pursuant to the permit to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

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

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

~~—(c) The holder of the permit will be offered financial assistance to pay at least 50 percent but not more than 85 percent, as determined by the entity providing the financial assistance, of the cost of the local and regional connection fees and capital improvements necessary for making the connection to the proposed source of water.~~

~~In a basin that has a water authority that has a ground water management program, the state engineer shall not revoke the temporary permit unless the water authority abandons and plugs the well and pays the costs related thereto. If there is not a water authority in the basin that has a ground water management program, the person shall abandon and plug his well in accordance with the rules of the state engineer.}~~

5. The state engineer may, in an area in which he has issued temporary permits pursuant to subsection 3, limit the depth of a domestic well pursuant to paragraph (c) of subsection 3 or prohibit repairs from being made to a well, and may require the person proposing to deepen or repair the well to obtain water from an entity such as a water district or a municipality engaged in furnishing water to the inhabitants of the designated area, only if:

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

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

~~—(c) The person proposing to deepen or repair the well will be offered financial assistance to pay at least 50 percent but not more than 85 percent, as determined by the entity providing the financial assistance, of the cost of the local and regional connection fees and capital improvements necessary for making the connection to the proposed source of water.~~

~~In a basin that has a water authority that has a ground water management program, the state engineer shall not prohibit the deepening or repair of a well unless the water authority abandons and plugs the well and pays the costs related thereto. If there is not a water authority in the basin that has a ground water management program, the person shall abandon and plug his well in accordance with the rules of the state engineer.}~~

6. *If, as authorized in subsection 3, a person to whom ground water was appropriated pursuant to a permit is assessed a fine by the state engineer for water used in excess of the designated appropriation, the state engineer shall have the authority to place a lien in the amount of the fine upon any real property:*

(a) Owned by the person; and

(b) Served ground water pursuant to the permit;

until the fine is paid.

7. *In a basin that has a water authority that has a ground water management program, any fines collected pursuant to subsections 3 and 6 shall be remitted to the water authority as created by state law and used to support the activities of the ground water management program.*

{6} 8. For good and sufficient reasons, the state engineer may exempt the provisions of this section with respect to public housing authorities.

9. *Nothing in this chapter shall limit the ability of the state engineer to revoke a temporary permit issued pursuant to this section, if a parcel or parcels to which the permit is assigned is presently obtaining water from an entity such as a water district or a municipality engaged in furnishing water.*

Sec. 4. Chapter 533 of NRS is hereby amended by adding thereto a new section to read as follows:

1. *If the state engineer chooses to issue fines pursuant to section 3 of this act, the state engineer shall:*

(a) *Notify interested parties in the development of any rules pertaining to the issuance of fines and the process for collecting fines; and*

(b) *Notify well users about rules pertaining to fines, for water used in excess of the designated appropriation and the process for collecting fines.*

Sec. 5. Section 14 of Chapter 572, Statutes of Nevada 1997, as amended by Chapter 468, Statutes of Nevada 1999, at page 2388, is hereby amended to read as follows:

Sec. 14. Money collected pursuant to section 13 of this act must be used to:

1. Develop and distribute information promoting education and the conservation of ground water in the basin.
2. Perform such comprehensive inventories of wells of all types located within the basin as may be needed. Such inventories must be done in conjunction with the State Engineer.
3. Prepare, for use by the advisory committee, such cost-benefit analyses relating to the recharge and recovery or underground storage and recovery of water in the basin as may be needed.
4. Develop recommendations for additional activities for the management of the basin and the protection of the aquifer in which the basin is located, and to conduct such activities if the activities have been approved by the board of directors.
5. Develop and implement a program to provide financial assistance *to pay at least 50 percent but not more than 85 percent, as determined by the entity providing the financial assistance, of the cost of the local and regional connection fees and capital improvements necessary for making the connection to the proposed source of water* to owners of real property served by:
 - (a) Domestic wells; or
 - (b) Wells that are operated pursuant to temporary permits, in existence before October 1, 1999, who are required by the state engineer to connect the real property to a public water system.
6. Perform such other duties as are necessary for the Southern Nevada Water Authority and the advisory committee to carry out the provisions of this act.

Sec. 6. 1. *The amendatory provisions of sections 3 and 5 of this act become effective July 1, 2005, if the state engineer has complied with the provisions of section 4 of this act.*

2. Section 4 becomes effective upon passage and approval, and expires, without limitation, on June 30, 2005.