

Amendment No. 591

Senate Amendment to Assembly Bill No. 356 First Reprint	(BDR S-1090)
Proposed by: Senate Committee on Natural Resources	
Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.



ASSEMBLY BILL NO. 356—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE OFFICE OF FINANCE
IN THE OFFICE OF THE GOVERNOR)

MARCH 22, 2021

Referred to Committee on Natural Resources

SUMMARY—Makes various changes relating to the conservation of water.
(BDR S-1090)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to water; prohibiting, with certain exceptions, the use of water from the Colorado River to irrigate nonfunctional turf on certain property; requiring the Board of Directors of the Southern Nevada Water Authority to develop a plan for the removal of nonfunctional turf on certain property; creating and setting forth the duties of the Nonfunctional Turf Removal Advisory Committee; requiring the Legislative Committee on Public Lands to conduct a study concerning water conservation; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law authorizes public agencies to enter into cooperative agreements to perform any governmental service, activity or undertaking which the public agency is authorized to perform under law and, pursuant to which, the Southern Nevada Water Authority was created. (NRS 277.080-277.180) **Section 39** of this bill prohibits, with certain exceptions, the waters of the Colorado River that are distributed by the Southern Nevada Water Authority or one of the member agencies of the Southern Nevada Water Authority from being used to irrigate nonfunctional turf on any property that is not zoned exclusively for a single-family residence on and after January 1, 2027. **Section 39** also requires the Board of Directors of the Southern Nevada Water Authority to: (1) define nonfunctional and functional turf for the purposes of this prohibition; and (2) develop a plan to identify and facilitate the removal of nonfunctional turf within the service area of the Southern Nevada Water Authority on property that is not zoned exclusively for a single-family residence before December 31, 2026, in phases based on the categories of water users. **Section 39** further authorizes the Board of Directors to approve an extension or waiver from: (1) the prohibition on the use of waters from the Colorado River to irrigate nonfunctional turf; and (2) the provisions of the plan developed by the Board of Directors for the removal of nonfunctional turf.

Section 40 of this bill creates the Nonfunctional Turf Removal Advisory Committee. **Section 41** of this bill sets forth the duties of the Advisory Committee.

Sections 37 and 38 of this bill define certain terms for the purposes of **sections 36-41** of this bill.

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21 Under existing law, the Legislative Committee on Public Lands is authorized to review
22 and comment on laws, regulations and policies relating to the use, allocation and management
23 of water in this State. (NRS 218E.525) **Section 42** of this bill requires the Legislative
24 Committee on Public Lands to conduct a study concerning water conservation and to submit a
25 report of its findings and any recommendations for legislation to the 82nd Session of the
26 Nevada Legislature.

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

1 **Section 1.** (Deleted by amendment.)
2 **Sec. 2.** (Deleted by amendment.)
3 **Sec. 3.** (Deleted by amendment.)
4 **Sec. 4.** (Deleted by amendment.)
5 **Sec. 5.** (Deleted by amendment.)
6 **Sec. 6.** (Deleted by amendment.)
7 **Sec. 7.** (Deleted by amendment.)
8 **Sec. 8.** (Deleted by amendment.)
9 **Sec. 9.** (Deleted by amendment.)
10 **Sec. 10.** (Deleted by amendment.)
11 **Sec. 11.** (Deleted by amendment.)
12 **Sec. 12.** (Deleted by amendment.)
13 **Sec. 13.** (Deleted by amendment.)
14 **Sec. 14.** (Deleted by amendment.)
15 **Sec. 15.** (Deleted by amendment.)
16 **Sec. 16.** (Deleted by amendment.)
17 **Sec. 17.** (Deleted by amendment.)
18 **Sec. 18.** (Deleted by amendment.)
19 **Sec. 19.** (Deleted by amendment.)
20 **Sec. 20.** (Deleted by amendment.)
21 **Sec. 21.** (Deleted by amendment.)
22 **Sec. 22.** (Deleted by amendment.)
23 **Sec. 23.** (Deleted by amendment.)
24 **Sec. 24.** (Deleted by amendment.)
25 **Sec. 25.** (Deleted by amendment.)
26 **Sec. 26.** (Deleted by amendment.)
27 **Sec. 27.** (Deleted by amendment.)
28 **Sec. 28.** (Deleted by amendment.)
29 **Sec. 29.** (Deleted by amendment.)
30 **Sec. 30.** (Deleted by amendment.)
31 **Sec. 31.** (Deleted by amendment.)
32 **Sec. 32.** (Deleted by amendment.)
33 **Sec. 33.** (Deleted by amendment.)
34 **Sec. 34.** (Deleted by amendment.)
35 **Sec. 35.** (Deleted by amendment.)
36 **Sec. 36.** As used in sections 36 to 41, inclusive, of this act, unless the context
37 otherwise requires, the words and terms defined in sections 37 and 38 of this act
38 have the meanings ascribed in those sections.
39 **Sec. 37.** "Board of Directors" means the Board of Directors of the Southern
40 Nevada Water Authority.
41 **Sec. 38.** "Southern Nevada Water Authority" means the political subdivision
42 of the State of Nevada created on July 25, 1991, by a cooperative agreement

1 entered into on that date pursuant to the provisions of NRS 277.080 to 277.180,
2 inclusive.

3 **Sec. 39.** 1. Except as otherwise provided in this section, on and after
4 January 1, 2027, the waters of the Colorado River distributed by the Southern
5 Nevada Water Authority or one of the member agencies of the Southern Nevada
6 Water Authority may not be used to irrigate nonfunctional turf on any property
7 that is not zoned exclusively for a single-family residence.

8 2. The Board of Directors shall:

9 (a) Define “functional turf” and “nonfunctional turf” for the purposes of
10 subsection 1 and promulgate the definitions in the service rules of the member
11 agencies of the Southern Nevada Water Authority; and

12 (b) Develop a plan to identify and facilitate the removal of existing
13 nonfunctional turf within the service area of the Southern Nevada Water Authority
14 on property that is not zoned exclusively for a single-family residence. The plan
15 must, without limitation:

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

18 (2) Establish deadlines within the service area of the Southern Nevada
19 Water Authority for existing customers to remove nonfunctional turf on property
20 that is not zoned exclusively for a single-family residence before December 31,
21 2026.

22 3. The Board of Directors may approve an extension or a waiver from:

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

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

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

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

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

33 **Sec. 40.** 1. The Nonfunctional Turf Removal Advisory Committee is
34 hereby created. The Advisory Committee consists of the following ~~seven~~ nine
35 voting members appointed by the Board of Directors:

36 (a) One member who represents an office park with existing nonfunctional turf
37 at the time the member is appointed;

38 (b) One member who represents an organization representing businesses;

39 (c) One member who represents an industrial or commercial business with
40 existing nonfunctional turf at the time the member is appointed;

41 (d) ~~One member~~ Two members who ~~represents~~ represent a common-
42 interest community with existing nonfunctional turf at the time the member is
43 appointed;

44 (e) One member who represents multi-family housing with existing
45 nonfunctional turf at the time the member is appointed;

46 (f) One member who represents an environmental organization; ~~and~~

47 (g) One member who represents a local government with existing
48 nonfunctional turf at the time the member is appointed. ~~;~~ and

49 (h) One member who represents a golf course with existing nonfunctional
50 turf at the time the member is appointed.

51 2. Members of the Advisory Committee serve without compensation.

52 **Sec. 41.** The Nonfunctional Turf Removal Advisory Committee:

1 1. Shall discuss issues related to the use and removal of nonfunctional turf by
2 each water use sector, including, without limitation, issues relating to the plan
3 developed pursuant to section 39 of this act to identify and remove nonfunctional
4 turf; and

5 2. May provide written recommendations to the Board of Directors regarding
6 the plan developed pursuant to section 39 of this act, including, without limitation,
7 any recommendations for waivers or exemptions to the provisions of section 39 of
8 this act. Any recommendation made by the Advisory Committee must be approved
9 by a majority vote of all of the voting members of the Advisory Committee. Any
10 dissenting opinion of a member of the Advisory Committee to a recommendation
11 must be fully documented and included with the recommendation to the Board of
12 Directors.

13 **Sec. 42.** 1. The Legislative Committee on Public Lands shall conduct a
14 study during the 2021-2022 interim concerning water conservation in this State.
15 The study must include, without limitation, an examination of:

16 (a) The management of water resources in this State; and

17 (b) Programs and policies to promote water conservation in this State that also
18 protect and support existing water rights.

19 2. In addition to any report required by NRS 218E.525, the Committee shall,
20 on or before February 1, 2023, submit a report of its findings and any
21 recommendations for legislation to the Director of the Legislative Counsel Bureau
22 for transmittal to the 82nd Session of the Nevada Legislature.

23 **Sec. 43.** 1. This section and sections 36 to 39, inclusive, of this act become
24 effective upon passage and approval.

25 2. Sections 1 to 35, inclusive, of this act become effective:

26 (a) Upon passage and approval for the purpose of adopting any regulations and
27 performing any other preparatory administrative tasks that are necessary to carry
28 out the provisions of this act; and

29 (b) On July 1, 2021, for all other purposes.

30 3. Sections 40 and 41 of this act become effective:

31 (a) Upon passage and approval; and

32 (b) Expire by limitation on December 31, 2026.

33 4. Section 42 of this act becomes effective on July 1, 2021.