

ASSEMBLY BILL NO. 233—ASSEMBLYMEN
KRAMER, HARDY; AND HAFEN

MARCH 1, 2019

JOINT SPONSORS: SENATORS GOICOECHEA,
PARKS; AND SETTELMAYER

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions related to water. (BDR 48-45)

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

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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; revising provisions governing certain assessments on water users; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Under current law, a county is required to levy a special assessment annually,
2 or at such time as needed, upon all taxable property situated within the confines of
3 a particular water basin designated by the State Engineer to pay certain salaries and
4 expenses of well supervisors, assistants and the Well Drillers’ Advisory Board if
5 certain license fees are not sufficient. (NRS 534.040) This bill authorizes a county
6 to instead pay those salaries and expenses by appropriating money from the general
7 fund of the county if the amount of the special assessment combined with all other
8 taxes and assessments levied upon a property owner is less than the cost of
9 collecting the special assessment.

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

1 **Section 1.** NRS 534.035 is hereby amended to read as follows:
2 534.035 1. In each area designated as a groundwater basin by
3 the State Engineer pursuant to the provisions of NRS 534.030, the
4 board of county commissioners may recommend to the State
5 Engineer that the State Engineer establish a groundwater board. The



1 State Engineer shall determine whether or not a groundwater board
2 is to be established and may direct its establishment by order.

3 2. If a groundwater board is established, the governing bodies
4 of all the cities and towns within the designated area, the board of
5 county commissioners of each county in which the area is located,
6 and the governing body of any water district in which the area is
7 included, or partly included, shall each submit a list of names of
8 residents of the area to the Governor, who shall appoint seven
9 members of the board. At least one member must be appointed from
10 each list.

11 3. After the initial terms, the term of office of each member of
12 the board is 4 years. The board shall elect one member as chair and
13 one member as secretary to serve as such at the pleasure of the
14 board.

15 4. The board shall maintain its headquarters at the county seat
16 of the county in which the designated area is located, or if the area
17 lies in more than one county, in the county seat of one of the
18 counties in which the area is located. The board shall hold meetings
19 at such times and places as it may determine. Special meetings may
20 be called at any time by the secretary at the request of any four
21 members, or by the chair, upon notice specifying the matters to be
22 acted upon at the meeting. No matters other than those specified in
23 the notice may be acted upon at that meeting unless all members are
24 present and consent thereto.

25 5. A majority of the board constitutes a quorum, and the board
26 shall act only by a majority of those present.

27 6. For each day's attendance at each meeting of the
28 groundwater board, or for each day when services are actually
29 performed for the groundwater board, the members are entitled to
30 receive per diem and travel allowances provided by law. Claims for
31 those expenses must be paid as provided in subsection ~~6~~ 7 of
32 NRS 534.040.

33 7. The State Engineer shall not approve any application or
34 issue any permit to drill a well, appropriate groundwater, change the
35 place or manner of use or the point of diversion of water within the
36 designated area, adopt any related regulations or enter any related
37 orders until the State Engineer has conferred with the board and
38 obtained its written advice and recommendations.

39 8. It is the intention of the Legislature that the State Engineer
40 and the board be in agreement whenever possible, but, for the
41 purpose of fixing responsibility to the Governor, if there is any
42 disagreement between the State Engineer and the board, the views
43 of the State Engineer prevail. A written report of any such
44 disagreement must be made immediately to the Governor by the
45 State Engineer and the board.



1 9. Any groundwater board may request from the State Engineer
2 or any other state, county, city or district agency such technical
3 information, data and advice as it may require to perform its
4 functions, and the State Engineer and such other agencies shall,
5 within the resources available to them, furnish such assistance as
6 may be requested.

7 10. The Governor may dissolve the groundwater board by
8 order if the Governor determines that the future activities of the
9 board are likely to be insubstantial.

10 **Sec. 2.** NRS 534.040 is hereby amended to read as follows:

11 534.040 1. Upon the initiation of the administration of this
12 chapter in any particular basin, and where the investigations of the
13 State Engineer have shown the necessity for the supervision over the
14 waters of that basin, the State Engineer may employ a well
15 supervisor and other necessary assistants, who shall execute the
16 duties as provided in this chapter under the direction of the State
17 Engineer. The salaries of the well supervisor and the assistants of
18 the well supervisor must be fixed by the State Engineer. The well
19 supervisor and assistants are exempt from the provisions of chapter
20 284 of NRS.

21 2. ~~[The]~~ *If the money available from the license fees provided*
22 *for in NRS 534.140 is not sufficient to pay those salaries, together*
23 *with necessary expenses, including the compensation and other*
24 *expenses of the Well Drillers' Advisory Board, the board of county*
25 *commissioners shall , except as otherwise provided in this*
26 *subsection, levy a special assessment annually, or at such time as*
27 *the assessment is needed, upon all taxable property situated within*
28 *the confines of the area designated by the State Engineer to come*
29 *under the provisions of this chapter in an amount as is necessary to*
30 *pay ~~[those salaries, together with necessary expenses, including the~~*
31 *~~compensation and other expenses of the Well Drillers' Advisory~~*
32 *~~Board if the money available from the license fees provided for in~~*
33 *~~NRS 534.140 is not sufficient to pay those costs. In]~~ *such salaries*
34 *and expenses. If the board of county commissioners determines*
35 *that the amount of a special assessment levied upon a property*
36 *owner pursuant to this section when combined with the amount of*
37 *all other taxes and assessments levied upon the property owner is*
38 *less than the cost of collecting the special assessment levied*
39 *pursuant to this subsection, the board of county commissioners*
40 *may exempt the property owner from the assessment and*
41 *appropriate money from the general fund of the county to pay the*
42 *cost of the assessment.**

43 3. *Except as otherwise provided in subsection 2, in designated*
44 *areas within which the use of groundwater is predominantly for*
45 *agricultural purposes ~~[the levy]~~ , any special assessment levied*



1 *pursuant to this section* must be charged against each water user
2 who has a permit to appropriate water or a perfected water right, and
3 the charge against each water user must be based upon the
4 proportion which his or her water right bears to the aggregate water
5 rights in the designated area. The minimum charge is \$1.

6 ~~{3.}~~ 4. The salaries and expenses may be paid by the State
7 Engineer from the Water Distribution Revolving Account pending
8 the levy and collection of ~~{the}~~ *an* assessment ~~{as provided in}~~ *levied*
9 *pursuant to* this section.

10 ~~{4.—The}~~

11 5. *Except as otherwise provided in subsection 2, if a special*
12 *assessment is levied pursuant to this section, the* proper officers of
13 the county shall levy and collect the special assessment as other
14 special assessments are levied and collected, and the assessment is a
15 lien upon the property.

16 ~~{5.—The assessment provided for, when collected,}~~

17 6. *Any special assessment collected pursuant to this section*
18 must be deposited with the State Treasurer for credit to the Water
19 District Account to be accounted for in basin well accounts.

20 ~~{6.}~~ 7. Upon determination and certification by the State
21 Engineer of the amount to be budgeted for the current or ensuing
22 fiscal year for the purpose of paying the per diem and travel
23 allowances of the groundwater board and employing consultants or
24 other help needed to fulfill its responsibilities, the State Controller
25 shall transfer that amount to a separate operating account for that
26 fiscal year for the groundwater basin. Claims against the account
27 must be approved by the groundwater board and paid as other
28 claims against the State are paid. The State Engineer may use
29 money in a particular basin well account to support an activity
30 outside the basin in which the money is collected if the activity
31 bears a direct relationship to the responsibilities or activities of the
32 State Engineer regarding the particular groundwater basin.

33 **Sec. 3.** This act becomes effective on July 1, 2019.

