

(Reprinted with amendments adopted on April 19, 2021)

FIRST REPRINT

A.B. 356

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:

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



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14 categories of water users. **Section 39** further authorizes the Board of Directors to
15 approve an extension or waiver from: (1) the prohibition on the use of waters from
16 the Colorado River to irrigate nonfunctional turf; and (2) the provisions of the plan
17 developed by the Board of Directors for the removal of nonfunctional turf.

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

20 **Sections 37 and 38** of this bill define certain terms for the purposes of **sections**
21 **36-41** of this bill.

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



1 **Sec. 30.** (Deleted by amendment.)

2 **Sec. 31.** (Deleted by amendment.)

3 **Sec. 32.** (Deleted by amendment.)

4 **Sec. 33.** (Deleted by amendment.)

5 **Sec. 34.** (Deleted by amendment.)

6 **Sec. 35.** (Deleted by amendment.)

7 **Sec. 36.** As used in sections 36 to 41, inclusive, of this act,
8 unless the context otherwise requires, the words and terms defined
9 in sections 37 and 38 of this act have the meanings ascribed in those
10 sections.

11 **Sec. 37.** “Board of Directors” means the Board of Directors of
12 the Southern Nevada Water Authority.

13 **Sec. 38.** “Southern Nevada Water Authority” means the
14 political subdivision of the State of Nevada created on July 25,
15 1991, by a cooperative agreement entered into on that date pursuant
16 to the provisions of NRS 277.080 to 277.180, inclusive.

17 **Sec. 39.** 1. Except as otherwise provided in this section, on
18 and after January 1, 2027, the waters of the Colorado River
19 distributed by the Southern Nevada Water Authority may not be
20 used to irrigate nonfunctional turf on any property that is not zoned
21 exclusively for a single-family residence.

22 2. The Board of Directors shall:

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

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

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

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

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

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

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

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

43 (a) Complying with any requirement adopted by the governing
44 body of a county or city pursuant to chapter 278 of NRS to maintain



1 open space or drought tolerant landscaping on any property that is
2 not zoned exclusively for a single family residence; or

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

6 **Sec. 40.** 1. The Nonfunctional Turf Removal Advisory
7 Committee is hereby created. The Advisory Committee consists of
8 the following seven voting members appointed by the Board of
9 Directors:

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

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

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

17 (d) One member who represents a common-interest community
18 with existing nonfunctional turf at the time the member is
19 appointed;

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

22 (f) One member who represents an environmental organization;
23 and

24 (g) One member who represents a local government with
25 existing nonfunctional turf at the time the member is appointed.

26 2. Members of the Advisory Committee serve without
27 compensation.

28 **Sec. 41.** The Nonfunctional Turf Removal Advisory
29 Committee:

30 1. Shall discuss issues related to the use and removal of
31 nonfunctional turf by each water use sector, including, without
32 limitation, issues relating to the plan developed pursuant to section
33 39 of this act to identify and remove nonfunctional turf; and

34 2. May provide written recommendations to the Board of
35 Directors regarding the plan developed pursuant to section 39 of this
36 act, including, without limitation, any recommendations for waivers
37 or exemptions to the provisions of section 39 of this act. Any
38 recommendation made by the Advisory Committee must be
39 approved by a majority vote of all of the voting members of the
40 Advisory Committee. Any dissenting opinion of a member of the
41 Advisory Committee to a recommendation must be fully
42 documented and included with the recommendation to the Board of
43 Directors.

44 **Sec. 42.** 1. The Legislative Committee on Public Lands shall
45 conduct a study during the 2021-2022 interim concerning water



1 conservation in this State. The study must include, without
2 limitation, an examination of:

- 3 (a) The management of water resources in this State; and
- 4 (b) Programs and policies to promote water conservation in this
5 State that also protect and support existing water rights.

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

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

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

- 14 (a) Upon passage and approval for the purpose of adopting any
15 regulations and performing any other preparatory administrative
16 tasks that are necessary to carry out the provisions of this act; and
- 17 (b) On July 1, 2021, for all other purposes.

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

- 19 (a) Upon passage and approval; and
- 20 (b) Expire by limitation on December 31, 2026.

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

