

Senate Bill No. 267—Committee on Natural Resources

CHAPTER.....

AN ACT relating to the control of floods; authorizing the board of directors of a district for the control of floods to expend or provide money to protect public and private property from flooding; authorizing such a board to expend or provide money for the acquisition of certain local projects and improvements for the control of drainage; and providing other matters properly relating thereto.

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

Section 1. Chapter 543 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The district's chief engineer or any governmental entity may propose an amendment to the district's master plan to allow the expenditure or provision of money pursuant to subsection 6 of NRS 543.360. The proposed amendment must be submitted to the district.

2. Upon receipt of an amendment proposed pursuant to subsection 1, the board shall determine whether it:

(a) Is consistent with the general principles set forth in subsection 3 of NRS 543.590 for the master plan;

(b) Is the most cost-effective structural or regulatory means of protecting structures from flood waters of the district; and

(c) Does not adversely affect the continued implementation of the master plan.

3. If the board determines that the proposed amendment meets the requirements of subsection 2, the board shall hold a public hearing to consider the adoption of the amendment. The board may adopt a proposed amendment to the district's master plan with the approval of two-thirds of the members voting on the proposed amendment.

4. The board shall file a copy of any amendment adopted by it with the governing body of each local government whose jurisdiction includes a hydrographic area affected by the adopted amendment.

5. Except as otherwise provided in subsection 6, upon receipt of an amendment, the governing body of each local government affected shall hold a public hearing to consider the adoption of the proposed amendment as a component of its comprehensive master plan pursuant to chapter 278 of NRS. If the governing bodies of each local government whose jurisdiction includes a hydrographic area affected by the amendment to the district's master plan approve the proposed amendment, it becomes effective.

6. If a proposed amendment to the master plan is adopted unanimously by the board, and by the governing body of the local government in whose jurisdiction the project will be located, after a public hearing by each, the amendment becomes effective and no other hearing or approval is required by any other board or commission, including those responsible for decisions relating to planning or zoning.

Sec. 2. NRS 543.180 is hereby amended to read as follows:

543.180 As used in NRS 543.170 to 543.830, inclusive, *and section 1 of this act*, unless the context otherwise requires, the words and terms defined in NRS 543.181 to 543.188, inclusive, have the meanings ascribed to them in those sections.

Sec. 3. NRS 543.360 is hereby amended to read as follows:

543.360 The board may:

1. By the affirmative vote of two-thirds of the members voting on the matter, acquire, construct, improve, extend, maintain and operate:

(a) Projects and improvements for the control of flood and storm waters of the district and the flood and storm waters of streams which have their sources outside of the district but flow into the district. ~~Such~~ *Except as otherwise provided in subsection 7, such* a project or improvement must not be acquired unless it is included in the master plan.

(b) Projects which mitigate the adverse effect of the acquired projects.

(c) Projects which are required as a result of the proposed alteration or diversion of a natural watercourse identified in the master plan for the control of drainage.

A project or improvement must not be acquired unless it is first approved by an agreement among the board, each county in whose unincorporated area any part of the project or improvement is located and each city in which any part of the project or improvement is located. The agreement must contain an estimate of the cost of the project or improvement and show its relation to the master plan.

2. Conserve such waters for beneficial and useful purposes by spreading, storing, retaining and causing them to percolate into the soil within or without the district.

3. Save and conserve in any manner all or any of such waters and protect from floods or storm waters the watercourses, watersheds, public highways, life and property in the district.

4. Prevent waste of water or diminution of the water supply in, or the exportation of water from, the district.

5. Obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use of the district.

6. Upon approval of an amendment to the district's master plan pursuant to section 1 of this act, expend or provide money:

(a) To make public property or private property, or both, impervious or resistant to damage from floods.

(b) To relocate public or private structures, or both, which are located in an area that is susceptible to flooding.

7. Expend or provide money for the acquisition of a local project or improvement for the control of drainage which is not included in the master plan if the district's chief engineer determines that:

(a) The governmental entity requesting the project or improvement has established:

(1) A procedure to allow persons within its jurisdiction to file complaints concerning the program for controlling floods within its jurisdiction;

(2) A master plan for its local drainage system which identifies the project or improvement; and

(3) Guidelines for implementing drainage projects and improvements within its jurisdiction; and

(b) The local project or improvement is a necessary appurtenance to collect and deliver flows to allow a project or improvement that is included in the district's master plan to function in the manner intended.

If the local project or improvement is one-quarter mile or more from a regional facility, the district may not contribute more than 50 percent of the cost of the project or improvement. The district may appropriate not more than 3 percent of its revenues in any fiscal year to projects approved pursuant to this subsection. Money that is provided pursuant to this subsection but not expended in a fiscal year may be expended in the following fiscal year.

Sec. 4. NRS 543.597 is hereby amended to read as follows:

543.597 1. The district's chief engineer or any governmental entity may propose to:

(a) Change the size, type or alignment of a facility on the district's master plan; or

(b) Amend the district's master plan. A proposed amendment must be submitted to the district.

2. Upon receipt of a change proposed pursuant to paragraph (a) of subsection 1, the board shall hold a public hearing to consider the adoption of the change. With the approval of two-thirds of the members voting on the proposed change, the board may adopt any proposed change which:

(a) Is consistent with the general principles set forth in subsection 3 of NRS 543.590 for the master plan;

(b) Is hydraulically similar to a proposed facility included in the master plan;

(c) Is the most cost-effective structural or regulatory means of controlling flood waters of the district; and

(d) Does not adversely affect the continued implementation of the master plan.

3. Upon receipt of an amendment proposed pursuant to paragraph (b) of subsection 1, the board shall determine whether the proposed amendment is consistent with the general principles set forth in subsection 3 of NRS 543.590 for the master plan. If the proposed amendment is determined to be generally consistent with those principles, the board shall hold a public hearing to consider the adoption of the proposed amendment. The board may adopt a proposed amendment to the district's master plan with the approval of two-thirds of the members voting on the proposed amendment.

4. The board shall file a copy of any amendment or change adopted by it with the governing body of each local government whose jurisdiction includes a hydrographic area affected by the adopted amendment or change.

5. Except as otherwise provided in subsection 6, upon receipt of an amendment, the governing body of each local government affected shall hold a public hearing to consider the adoption of the proposed amendment as a component of its comprehensive master plan pursuant to chapter 278

of NRS. If the governing bodies of each local government whose jurisdiction includes a hydrographic area affected by the amendment to the district's master plan approve the proposed amendment, it becomes effective.

6. If a proposed amendment to the master plan is adopted unanimously by the board, and by the governing body of the local government in whose jurisdiction will be located the structures necessary to carry out the purposes of the amendment, after a public hearing by each, the amendment becomes effective and no other hearing or approval is required by any other board or commission, including those responsible for decisions relating to planning or zoning.

7. The provisions of this section do not apply to an amendment of a master plan pursuant to section 1 of this act.