

SENATE BILL NO. 425—COMMITTEE ON COMMERCE AND LABOR

MARCH 19, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes concerning regulation of certain public utilities operated by certain governmental entities. (BDR 58-1243)

FISCAL NOTE: Effect on Local Government: Yes.
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 public utilities; changing the definition of “public utility” to specify that certain utilities operated by certain governmental entities are subject to regulation by the public utilities commission of Nevada; prohibiting certain governmental entities that operate public utilities which provide electricity from expanding certain facilities or changing certain services without the approval of the committee on local government finance; prohibiting the committee on local government finance from approving such expansions or changes unless it makes certain findings; and providing other matters properly relating thereto.

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

1 **Section 1.** Chapter 704 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2.** *On and after July 1, 2001, the Colorado River commission*
4 *shall not expand facilities for the generation and transmission of*
5 *electricity or change the service it provides pursuant to such facilities,*
6 *unless it receives the approval of the committee on local government*
7 *finance for the expansion of facilities or change in service. The*
8 *committee on local government finance shall not approve a proposed*
9 *expansion or change unless it determines that the proposed expansion or*
10 *change is the only economically feasible method for providing service in*
11 *the area to be served and that the Colorado River Commission’s plan for*
12 *the expansion or change is economically feasible.*

13 **Sec. 3.** *The public utilities commission of Nevada shall not take*
14 *action concerning a public utility operated by the Colorado River*
15 *commission in such a manner that would impair adversely any bonds,*
16 *notes, or other indebtedness issued before July 1, 2001.*



1 **Sec. 4.** NRS 704.020 is hereby amended to read as follows:
2 704.020 1. "Public utility" or "utility" includes:
3 (a) Any person who owns, operates, manages or controls any railroad or
4 part of a railroad as a common carrier in this state, or cars or other
5 equipment used thereon, or bridges, terminals ~~H~~ or sidetracks, or any
6 docks or wharves or storage elevators used in connection therewith,
7 whether or not they are owned by the railroad.
8 (b) Telephone companies and other companies which provide
9 telecommunication or a related service to the public.
10 (c) Radio or broadcasting instrumentalities providing common or
11 contract service.
12 (d) All companies which own cars of any kind or character, used and
13 operated as a part of railroad trains, in or through this state. All duties
14 required of and penalties imposed upon any railroad or any officer or agent
15 thereof are, insofar as applicable, required of and imposed upon the owner
16 or operator of any telephone, radio and broadcasting companies, companies
17 providing telecommunication or related services to the public , and
18 companies which own cars of any kind or character, used and operated as a
19 part of railroad trains in or through this state, and their officers and agents,
20 and the commission may supervise and control all such companies and
21 persons to the same extent as railroads.
22 2. "Public utility" or "utility" also includes:
23 (a) Any person who owns, operates or controls any ditch, flume, tunnel ,
24 or tunnel and drainage system, charging rates, fares or tolls, directly or
25 indirectly.
26 (b) Any plant or equipment, or any part of a plant or equipment, within
27 this state for the production, delivery or furnishing for or to other persons,
28 including private or municipal corporations, heat, gas, coal slurry, light,
29 power in any form or by any agency, water for business, manufacturing,
30 agricultural or household use, or sewerage service, whether or not within
31 the limits of municipalities ~~H~~ , *including, without limitation, any such*
32 *plant or equipment, or part of any such plant or equipment, operated by a*
33 *local government.*
34 (c) Any system for the distribution of liquefied petroleum gas to 10 or
35 more users.
36 The commission may supervise, regulate and control all such utilities,
37 subject to the provisions of this chapter and to the exclusion of the
38 jurisdiction, regulation and control of such utilities by any municipality,
39 town or village, unless otherwise provided by law.
40 3. The provisions of this chapter and the term "public utility" apply to
41 all railroads, express companies , car companies and all associations of
42 persons, whether or not incorporated, that do any business as a common
43 carrier upon or over any line of railroad within this state.
44 **Sec. 5.** NRS 704.662 is hereby amended to read as follows:
45 704.662 1. Except as otherwise provided in subsection 5, each public
46 utility *which is not operated by a local government and* which furnishes,
47 for compensation, any water for municipal, industrial or domestic purposes
48 shall adopt a plan of water conservation based on the climate and the living
49 conditions in its service area in accordance with the provisions of NRS



1 704.6622. The provisions of the plan must only apply to the public utility's
2 property and its customers.

3 2. As part of the procedure of adopting a plan, the public utility shall
4 provide an opportunity for any interested party, including, but not limited to,
5 to, any private or public entity that supplies water for municipal, industrial
6 or domestic purposes, to submit written views and recommendations on the
7 plan.

8 3. Except as otherwise provided in subsection 6, the plan:

9 (a) Must be available for inspection by members of the public during
10 office hours at the office of the public utility; and

11 (b) May be revised from time to time to reflect the changing needs and
12 conditions of the service area. Each such revision must be filed with the
13 commission and made available for inspection by members of the public
14 within 30 days after its adoption.

15 4. The plan must be submitted to the commission on or before July 1,
16 1992. The commission shall review the plan for compliance with this
17 section within 30 days after its submission. The plan must be approved by
18 the commission before it is put into effect.

19 5. In lieu of adopting a plan pursuant to subsection 1, a public utility
20 which is subject to the provisions of NRS 704.095 may elect to comply
21 with a plan of water conservation adopted by the commission for this
22 purpose.

23 6. If the public utility is required by order of the commission to file a
24 management plan for water resources, the public utility may adopt and file
25 the plan of water conservation with the commission at the same time it is
26 required to file the management plan for water resources.

27 **Sec. 6.** NRS 704.977 is hereby amended to read as follows:

28 704.977 1. It is unlawful for an alternative seller to sell any electric
29 service to a customer for consumption within this state without having first
30 obtained a license from the commission to do so.

31 2. The commission shall by regulation set forth the procedures and
32 conditions that alternative sellers must satisfy to obtain a license to sell any
33 electric services to a customer in this state, including, but not limited to,
34 procedures and conditions relating to:

35 (a) Safety and reliability of service;

36 (b) Financial and operational fitness; and

37 (c) Billing practices and customer service, including the initiation and
38 termination of service.

39 3. If, after reviewing the application of an alternative seller for a
40 license, the commission finds that the applicant is qualified to be an
41 alternative seller, the commission shall issue a license to the applicant.

42 4. The commission may deny the application of an applicant for a
43 license to operate as an alternative seller and may limit, suspend or revoke
44 a license issued to an alternative seller if the action is necessary to protect
45 the interests of the public or to enforce the provisions of NRS 704.965 to
46 704.990, inclusive, or a regulation of the commission.

47 5. In determining whether an applicant is qualified for a license,
48 whether to deny an application for a license to operate as an alternative
49 seller or whether to limit, suspend or revoke a license issued to an



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1 alternative seller, the commission may consider whether the applicant for
2 or holder of the license, or any affiliate thereof, has engaged in any
3 activities which are inconsistent with effective competition.

4 6. A city, county or other local governmental entity or a public utility,
5 or any affiliate thereof, which is authorized to provide electric service
6 within the State of Nevada and which has an annual operating revenue of
7 less than \$250,000,000, becomes subject to the provisions of NRS 704.965
8 to 704.990, inclusive, and any regulations adopted pursuant thereto, on the
9 date on which the city, county or other local governmental entity or a
10 public utility, or an affiliate thereof ~~is~~, *after receiving the approval of the*
11 *committee on local government finance pursuant to section 10 of this*
12 *act:*

13 (a) Applies to obtain a license as an alternative seller; or

14 (b) Directly or indirectly attempts to provide, or act on behalf of an
15 alternative seller in the provision of, electric service in the territory served
16 by another city, county or other local governmental entity or public utility,
17 or an affiliate thereof . ~~It, unless the city, county or other local~~
18 ~~governmental entity or public utility, or an affiliate thereof, is otherwise~~
19 ~~required or permitted by specific statute to provide such service.~~

20 7. Notwithstanding the provisions of subsection 6, a city, county or
21 other local governmental entity or a public utility, or any affiliate thereof,
22 does not become subject to the provisions of NRS 704.965 to 704.990,
23 inclusive, or any regulations adopted pursuant thereto, solely because the
24 city, county or other local governmental entity or a public utility, or any
25 affiliate thereof, provides transmission or distribution services to an
26 alternative seller pursuant to a contract, tariff or requirement of any state or
27 federal law, except that the city, county or other local governmental entity
28 or public utility, or an affiliate thereof, shall provide such transmission and
29 distribution services on an open and nondiscriminatory basis to alternative
30 sellers in accordance with such standards as the commission may establish
31 by regulation for the provision of transmission and distribution services in
32 accordance with this subsection.

33 8. Regulations adopted pursuant to subsection 2:

34 (a) Must not be unduly burdensome;

35 (b) Must not unnecessarily delay or inhibit the initiation and
36 development of competition for any service in any market; and

37 (c) May establish different requirements for licensing alternative sellers
38 of:

39 (1) Different services; or

40 (2) Similar services to different classes of customers,

41 whenever such different requirements are appropriate to carry out the
42 provisions of NRS 704.965 to 704.990, inclusive.

43 9. An alternative seller may combine two or more customers or any
44 group of customers to provide aggregation service. The commission may
45 not limit the ability of:

46 (a) An alternative seller to combine customers to provide aggregation
47 service; or

48 (b) Customers to form groups to obtain aggregation service from
49 alternative sellers.



1 **Sec. 7.** NRS 704.987 is hereby amended to read as follows:
2 704.987 1. Except as otherwise provided in this section ~~H~~ *and*
3 ~~sections 2 and 79 of this act~~, the Colorado River commission may sell
4 electricity and provide transmission service or distribution service, or both,
5 to meet the existing and future requirements of:

6 (a) Any customer that the Colorado River commission on July 16, 1997,
7 was serving or had a contract to serve; and

8 (b) The Southern Nevada Water Authority,
9 without being subject to the provisions of NRS 704.965 to 704.990,
10 inclusive. ~~1. or to the jurisdiction of the commission.~~
11 ~~2. The~~

12 2. *Except as otherwise provided in section 2 of this act, the* Colorado
13 River commission may sell electricity or provide transmission service or
14 distribution service, or both, to customers whom the Colorado River
15 commission was not serving, or with whom it did not have a contract, on
16 July 16, 1997, if the Colorado River commission:

17 (a) Obtains a license to act as an alternative seller; and

18 (b) Allows its system for transmission and distribution to be utilized by
19 other alternative sellers pursuant to such terms and conditions as may be
20 established by the commission.

21 3. As used in this section, "Southern Nevada Water Authority" has the
22 meaning ascribed to it in NRS 538.041.

23 **Sec. 8.** Chapter 710 of NRS is hereby amended by adding thereto the
24 provisions set forth as sections 9 to 12, inclusive, of this act.

25 **Sec. 9.** *The powers granted pursuant to NRS 710.160 to 710.280,*
26 *inclusive, that relate to a project described in paragraph (b) of subsection*
27 *2 of NRS 704.020 are subject to the provisions of chapter 704 of NRS*
28 *and any regulations adopted pursuant thereto.*

29 **Sec. 10.** *On and after July 1, 2001, a local government shall not*
30 *expand facilities for the generation and transmission of electricity or*
31 *change the service it provides pursuant to such facilities, unless it*
32 *receives the approval of the committee on local government finance for*
33 *the expansion of facilities or change in service. The committee on local*
34 *government finance shall not approve a proposed expansion or change*
35 *unless it determines that the proposed expansion or change is the only*
36 *economically feasible method for providing service in the area to be*
37 *served and that the local government's plan for the expansion or change*
38 *is economically feasible.*

39 **Sec. 11.** *The powers granted pursuant to NRS 710.400 to 710.590,*
40 *inclusive, are subject to the provisions of chapter 704 of NRS and any*
41 *regulations adopted pursuant thereto.*

42 **Sec. 12.** *The public utilities commission of Nevada shall not take*
43 *action concerning a public utility operated by a local government in such*
44 *a manner that would impair adversely any bonds, notes, or other*
45 *indebtedness issued before July 1, 2001.*

46 **Sec. 13.** NRS 710.160 is hereby amended to read as follows:

47 710.160 ~~{Upon there being filed}~~ *Except as otherwise provided in*
48 ~~sections 9 and 10 of this act, upon the filing~~ with a board of county
49 commissioners of any county a petition signed by at least two-thirds of the



1 taxpayers of such county requesting and petitioning the board so to do, the
2 board of county commissioners, in the name of the county, is authorized to
3 purchase, acquire or construct electrical power plants and power lines
4 within the limits of the county and thereafter operate, maintain and extend
5 the same. ~~as a public utility.~~

6 **Sec. 14.** NRS 710.170 is hereby amended to read as follows:
7 710.170 ~~The~~ *Except as otherwise provided in sections 9 and 10 of*
8 *this act, the* board of county commissioners shall have authority:

9 1. To enter into any and all necessary contracts with any person, firm,
10 company or corporation generating power for the purchase of electrical
11 energy, power and current.

12 2. To purchase any existing light line and power line, or integral part
13 thereof, upon the most advantageous price and terms to the county.

14 3. To purchase all proper and necessary equipment, appliances and
15 materials needed for the plant and lines.

16 4. To enter into contracts with consumers for the sale, distribution and
17 delivery of electrical energy, power and current along its power lines.

18 5. To make any and all rules and regulations necessary and proper for
19 the management, operation, control and extension thereof.

20 6. To employ such proper and efficient help and labor as ~~shall be~~ *are*
21 needed.

22 7. To construct and operate branches or distributing lines, substations
23 and transformers and other electrical appliances as conditions may warrant
24 and require.

25 **Sec. 15.** NRS 710.200 is hereby amended to read as follows:
26 710.200 Subject to the provisions of NRS 710.160 to 710.280,
27 inclusive, *and sections 9 and 10 of this act,* the board of county
28 commissioners, for the purchase, construction, other acquisition, extension,
29 betterment, alteration, reconstruction or other major improvement, or any
30 combination thereof, of an electrical system, including, without limitation,
31 the purchase, construction, condemnation and other acquisition of plants,
32 stations, other buildings, structures, equipment, furnishings, transmission
33 and distribution lines, other facilities, lands in fee simple, easements, rights
34 of way, other interests in land, other *real* and personal property and
35 appurtenances, may, at any time or from time to time, in the name and on
36 the behalf of the county, issue:

37 1. General obligation bonds, payable from taxes;

38 2. General obligation bonds, payable from taxes, which payment is
39 additionally secured by a pledge of the net revenues derived from the
40 operation of the system; and

41 3. Revenue bonds constituting special obligations and payable from
42 such net revenues.

43 **Sec. 16.** NRS 710.400 is hereby amended to read as follows:
44 710.400 1. The provisions of NRS 710.400 to 710.590, inclusive,
45 *and section 11 of this act* apply to any unincorporated town within this
46 state which is subject to the provisions of chapter 269 of NRS.

47 2. Wherever the convenience of the inhabitants thereof will be
48 benefited thereby, the board of county commissioners may join and



1 consolidate two or more unincorporated towns into one sewerage, light or
2 water system district.

3 **Sec. 17.** Chapter 244 of NRS is hereby amended by adding thereto a
4 new section to read as follows:

5 *As used in NRS 244.355 to 244.369, inclusive, the term "public utility"*
6 *has the meaning ascribed to it in NRS 704.020 and does not include the*
7 *persons excluded by NRS 704.030.*

8 **Sec. 18.** NRS 244.3655 is hereby amended to read as follows:

9 244.3655 1. If the state board of health determines that:

10 (a) A water system which is located in a county and was constructed on
11 or after July 1, 1991, is not satisfactorily serving the needs of its users; and

12 (b) Water provided by a public utility ~~for a municipality or other public~~
13 ~~entity~~ is reasonably available to those users,

14 the board of county commissioners of that county may require all users of
15 the system to connect into the available water system provided by a public
16 utility ~~for a municipality or other public entity,~~ and may assess each lot or
17 parcel served for its proportionate share of the costs associated with
18 connecting into that water system. If the water system is being connected
19 into a public utility, the public utilities commission of Nevada shall
20 determine the amount of the assessments for the purposes of establishing a
21 lien pursuant to NRS 445A.905.

22 2. As used in this section, "water system" has the meaning ascribed to
23 it in NRS 445A.850.

24 **Sec. 19.** NRS 244.366 is hereby amended to read as follows:

25 244.366 1. The board of county commissioners of any county whose
26 population is 400,000 or more has the power, outside of the limits of
27 incorporated cities and towns:

28 (a) To construct, acquire by gift, purchase or the exercise of eminent
29 domain, otherwise acquire, reconstruct, improve, extend, better and repair
30 water and sewer facilities, such as:

31 (1) A water system, including , but not limited to , water mains,
32 conduits, aqueducts, pipelines, ditches, canals, pumping stations, and all
33 appurtenances and machinery necessary or useful and convenient for
34 obtaining, transporting or transferring water.

35 (2) A water treatment plant, including , but not limited to , reservoirs,
36 storage facilities, and all appurtenances necessary or useful and convenient
37 thereto for the collection, storage and treatment, purification and disposal
38 of water for domestic uses and purposes.

39 (3) A storm sewer or sanitary sewage collection system, including ,
40 but not limited to , intercepting sewers, outfall sewers, force mains,
41 collecting sewers, storm sewers, combined sanitary and storm sewers,
42 pumping stations, ejector stations, and all other appurtenances necessary,
43 useful or convenient for the collection, transportation and disposal of
44 sewage.

45 (4) A sewage treatment plant, including , but not limited to ,
46 structures, buildings, machinery, equipment, connections and all
47 appurtenances necessary, useful or convenient for the treatment,
48 purification or disposal of sewage.



1 (b) To acquire, by gift, purchase or the exercise of the right of eminent
2 domain, lands or rights in land or water rights in connection therewith,
3 including , but not limited to , easements, rights of way, contract rights,
4 leases, franchises, approaches, dams and reservoirs.

5 (c) To operate and maintain those water facilities, sewer facilities,
6 lands, rights in land and water rights.

7 (d) To sell, lease, donate for public use and otherwise dispose of those
8 water facilities, sewer facilities, lands, rights in land and water rights.

9 (e) To prescribe and collect rates, fees, tolls or charges, including , but
10 not limited to , the levy or assessments of such rates, fees, tolls or charges
11 against governmental units, departments or agencies, including the State of
12 Nevada and political subdivisions thereof, for the services, facilities and
13 commodities furnished by those water facilities and sewer facilities, and to
14 provide methods of collections, and penalties, including , but not limited to
15 , denial of service, for nonpayment of the rates, fees, tolls or charges.

16 (f) To provide *that* it is unlawful for any persons, associations and
17 corporations owning, occupying or in any way controlling any building or
18 other structure, any part of which is within 400 feet of any street, alley,
19 court, passageway, other public highway, right of way, easement or other
20 alley owned or occupied by the county in which a public sewer is then in
21 existence and use, to construct, otherwise acquire, to cause or permit to be
22 constructed or otherwise acquired, or to use or continue to use any private
23 sewage disposal plant, privy vault, septic tank, cesspool or other private
24 sewage system, upon such terms and conditions as the board of county
25 commissioners may provide.

26 (g) To provide for the disconnection of plumbing facilities from any of
27 those private sewage facilities and for the discontinuance and elimination
28 of those private sewage facilities.

29 2. The powers conferred by this section are ~~that~~ :

30 (a) *Subject to the provisions of chapter 704 of NRS and any*
31 *regulations adopted pursuant thereto; and*

32 (b) *In* addition and supplemental to, and not in substitution for, and the
33 limitations imposed by this section do not affect the powers conferred by,
34 any other law.

35 No part of this section repeals or affects any other law or any part thereof,
36 it being intended that this section provide a separate method of
37 accomplishing its objectives, and not an exclusive one.

38 3. This section, being necessary to secure and preserve the public
39 health, safety and convenience and welfare, must be liberally construed to
40 effect its purpose.

41 4. Any person, association or corporation violating any of the
42 provisions of any ordinance adopted pursuant to this section is guilty of a
43 misdemeanor.

44 **Sec. 20.** NRS 244.3661 is hereby amended to read as follows:

45 244.3661 1. Except as otherwise provided in NRS 704.664, a board
46 of county commissioners may, by ordinance, impose an excise tax on the
47 use of water in an amount sufficient to ensure the payment, wholly or in
48 part, of obligations incurred by the county to acquire and construct a new
49 facility for the treatment of water for public or private use, or both. The tax



1 must be imposed on customers of suppliers of water that are capable of
2 using the water treatment services provided by the facility to be financed
3 with the proceeds of the tax.

4 2. An excise tax imposed pursuant to subsection 1 may be levied at
5 different rates for different classes of customers or to take into account
6 differences in the amount of water used or estimated to be used or the size
7 of the connection.

8 3. The ordinance imposing the tax must provide the:

- 9 (a) Rate or rates of the tax;
10 (b) Procedure for collection of the tax;
11 (c) Duration of the tax; and
12 (d) Rate of interest that will be charged on late payments.

13 4. Late payments of the tax must bear interest at a rate not exceeding 2
14 percent per month, or fraction thereof. The tax due is a perpetual lien
15 against the property served by the water on whose use the tax is imposed
16 until the tax and any interest which may accrue thereon are paid. The
17 county shall enforce the lien in the same manner as provided in NRS
18 ~~361.565~~ 361.5648 to 361.730, inclusive, for property taxes.

19 5. A county may:

20 (a) Acquire and construct a new facility for the treatment of water for
21 public or private use, or both.

22 (b) Finance the project by the issuance of general obligation bonds,
23 medium-term obligations or revenue bonds or other securities issued
24 pursuant to chapter 350 of NRS, or by installment purchase financing
25 pursuant to NRS 350.800.

26 (c) Enter into an agreement with a *person who operates a* public utility
27 which provides that:

28 (1) Water treatment services provided by the facility will be made
29 available to ~~the~~ *that* public utility; or

30 (2) The ~~public utility~~ *person* will operate and maintain the
31 facility,

32 or both. An agreement entered into pursuant to this paragraph may extend
33 beyond the terms of office of the members of the board of county
34 commissioners who voted upon it.

35 6. A county may pledge any money received from the proceeds of a
36 tax imposed pursuant to this section for the payment of general or special
37 obligations issued for a new facility for the treatment of water for public or
38 private use, or both. Any money pledged by the county pursuant to this
39 subsection may be treated as pledged revenues of the project for the
40 purposes of subsection 3 of NRS 350.020.

41 ~~7. As used in this section, "public utility" has the meaning ascribed to~~
42 ~~it in NRS 704.020 and does not include the persons excluded by NRS~~
43 ~~704.030.~~

44 **Sec. 21.** NRS 244.3663 is hereby amended to read as follows:

45 244.3663 1. If the board of county commissioners determines that:

46 (a) A package plant for sewage treatment which is located in the county
47 and is exempt from the provisions of NRS 445A.540 to 445A.560,
48 inclusive, is not satisfactorily serving the needs of its users; and



1 (b) Sewerage provided by a public utility ~~for a municipality or other~~
2 ~~public entity~~ is reasonably available to those users,
3 the board may require all users of the plant to connect into the available
4 sewers provided by a public utility , ~~for a municipality or other public~~
5 ~~entity,~~ and may assess each lot or parcel served for its proportionate share
6 of the cost of connecting into those sewers. These assessments are not
7 subject to the jurisdiction of the public utilities commission of Nevada.

8 2. If the state department of conservation and natural resources has
9 found that a package plant for sewage treatment which is exempt from the
10 provisions of NRS 445A.540 to 445A.560, inclusive, is violating any of the
11 conditions of NRS 445A.465 to 445A.515, inclusive, and has notified the
12 holder of the permit that he must bring the plant into compliance, but the
13 holder of the permit has failed to comply within a reasonable time after the
14 date of the notice, the board of county commissioners of the county in
15 which the plant is located may take the following actions independently of
16 any further action by the state department of conservation and natural
17 resources:

18 (a) Give written notice, by certified mail, to the owner of the plant and
19 the owners of the property served by the plant that if the violation is not
20 corrected within 30 days after the date of the notice, the board of county
21 commissioners will seek a court order authorizing it to assume control; and

22 (b) After the 30-day period has expired, if the plant has not been
23 brought into compliance, apply to the district court for an order authorizing
24 the board to assume control of the plant and assess the property for the
25 continued operation and maintenance of the plant as provided in
26 subsection 4.

27 3. If the board of county commissioners determines at any time that
28 immediate action is necessary to protect the public health and welfare, it
29 may assume physical control and operation of a package plant for sewage
30 treatment which is located in the county and is exempt from the provisions
31 of NRS 445A.540 to 445A.560, inclusive, without complying with any of
32 the requirements set forth in subsection 2. The board may not maintain
33 control of the plant pursuant to this subsection for a period greater than 30
34 days unless it obtains an order from the district court authorizing an
35 extension.

36 4. Each lot and parcel served by a package plant for sewage treatment
37 which is exempt from the provisions of NRS 445A.540 to 445A.560,
38 inclusive, is subject to assessment by the board of county commissioners of
39 the county in which the plant is located for its proportionate share of the
40 cost of continued operation and maintenance of the plant if there is a
41 default or the county assumes control and operation of the plant pursuant to
42 subsection 2 or 3.

43 **Sec. 22.** NRS 244.3665 is hereby amended to read as follows:

44 244.3665 The board of county commissioners may prohibit any waste
45 of water within the unincorporated areas of the county by customers of a
46 public water system. Any ordinance adopted under this section may:

47 1. Classify the conditions under which specified kinds and amounts of
48 consumption or expenditure of water are wasteful;



1 2. Provide for reasonable notice to water users in any such area
2 indicating which of such conditions, if any, exist in that area;

3 3. Allow any person, group of persons, partnership, corporation or
4 other business or governmental entity which:

5 (a) Furnishes water to persons within such areas of the county for
6 business, manufacturing, agricultural or household use; and

7 (b) Is not a public utility , ~~regulated by the public utilities commission~~
8 ~~of Nevada.~~

9 to reduce or terminate water service to any customer who wastes water,
10 according to reasonable standards adopted by the board; and

11 4. Provide other appropriate penalties for violation of the ordinance
12 which are based upon the classification adopted under subsection 1.

13 **Sec. 23.** Chapter 244A of NRS is hereby amended by adding thereto
14 the provisions set forth as sections 24 and 25 of this act.

15 **Sec. 24.** *The powers granted pursuant to NRS 244A.669 to*
16 *244A.763, inclusive, that relate to a project described in paragraph (b) of*
17 *subsection 2 of NRS 704.020 are subject to the provisions of chapter 704*
18 *of NRS and any regulations adopted pursuant thereto.*

19 **Sec. 25.** *On and after July 1, 2001, a county shall not expand a*
20 *project for the generation and transmission of electricity or change the*
21 *service it provides pursuant to such a project, unless it receives the*
22 *approval of the committee on local government finance pursuant to*
23 *section 10 of this act.*

24 **Sec. 26.** NRS 244A.057 is hereby amended to read as follows:

25 244A.057 ~~Any~~

26 1. *Except as otherwise provided in subsection 2, any* board, upon
27 behalf of the county and in its name, may acquire, improve, equip, operate
28 and maintain, within the county:

29 ~~1-1~~ (a) A building project;

30 ~~2-1~~ (b) A drainage and flood control project;

31 ~~3-1~~ (c) A lending project , if the county has adopted an ordinance
32 pursuant to subsection 3 of NRS 244A.064;

33 ~~4-1~~ ~~An offstreet~~

34 (d) *An off-street* parking project;

35 ~~5-1~~ (e) An overpass project;

36 ~~6-1~~ (f) A park project;

37 ~~7-1~~ (g) A sewerage project;

38 ~~8-1~~ (h) A street project;

39 ~~9-1~~ (i) An underpass project; and

40 ~~10-1~~ (j) A water project.

41 2. *The powers granted pursuant to this section that relate to a project*
42 *described in paragraph (b) of subsection 2 of NRS 704.020 are subject to*
43 *the provisions of chapter 704 of NRS and any regulations adopted*
44 *pursuant thereto.*

45 **Sec. 27.** NRS 244A.063 is hereby amended to read as follows:

46 244A.063 ~~In order to insure~~

47 1. *Except as otherwise provided in subsection 2, to ensure* the
48 payment, wholly or in part, of the general obligation bonds of the county ,
49 the payment of which bonds is additionally secured by a pledge of the



1 revenues derived from any such income-producing project and from any
2 such excise taxes, the board may establish and maintain, and the board may
3 from time to time revise, a schedule or schedules of fees, rates and charges
4 for services or facilities, or both services and facilities, rendered by or
5 through the project, within the corporate limits of the county, and a
6 schedule or schedules of license or other excise taxes, in an amount
7 sufficient for that purpose and also sufficient to discharge any covenant in
8 the proceedings of the board authorizing the issuance of any of such bonds,
9 including any covenant for the establishment of reasonable reserve funds.

10 *2. The powers granted pursuant to this section that relate to a project*
11 *described in paragraph (b) of subsection 2 of NRS 704.020 are subject to*
12 *the provisions of chapter 704 of NRS and any regulations adopted*
13 *pursuant thereto.*

14 **Sec. 28.** NRS 244A.507 is hereby amended to read as follows:

15 244A.507 ~~The~~ *Except as otherwise provided in subsection 7 of NRS*
16 *244A.569, the* county may also , for the purpose of acquiring facilities:

17 1. Borrow money and issue county securities evidencing any loan to or
18 amount due by the county, provide for and secure the payment of any
19 county securities and the rights of the holders thereof, and purchase, hold
20 and dispose of county securities.

21 2. Fund or refund any loan or obligation of the county and issue
22 funding or refunding securities to evidence such loan or obligation, as
23 hereinafter provided, without an election.

24 3. Levy and cause to be collected taxes on and against all taxable
25 property within the county as hereinafter provided, subject to the
26 limitations provided in the constitution and statutes of this state.

27 4. Fix, from time to time, increase or decrease, collect and cause to be
28 collected rates, fees and other service charges pertaining to the facilities of
29 the county, including , without limitation , minimum charges and charges
30 for availability of the facilities or services relating thereto , ~~it~~ pledge such
31 revenues for the payment of county securities, and enforce the collection of
32 such revenues by civil action or by any other means provided by law.

33 5. Purchase, acquire by gift or otherwise acquire properties, including ,
34 without limitation , existing sewage or waste water systems or parts thereof
35 or interests therein, of the Federal Government, the state, any public body
36 or any person as a project of the county or so acquire an interest therein.
37 The county may acquire such properties subject to any mortgage, deed of
38 trust or other lien on the acquired properties to secure the payment of any
39 obligations pertaining thereto.

40 6. Accept contributions or loans from the Federal Government for the
41 purpose of financing the planning, acquisition, improvement, equipment,
42 maintenance and operation of any enterprise in which the county is
43 authorized to engage, and enter into contracts, cooperate with and accept
44 cooperation from, the Federal Government in the planning, acquisition,
45 improvement, equipment, maintenance and operation, and in financing the
46 planning, acquisition, improvement, equipment, maintenance and operation
47 of any such enterprise, including , without limitation , costs of engineering,
48 architectural, and economic investigations and studies, surveys, designs,
49 plans, working drawings, specifications, procedures and other action



* S B 4 2 5 *

1 preliminary to the acquisition, improvement or equipment of any project,
2 and do any and all things necessary in order to avail itself of such aid,
3 assistance and cooperation.

4 **Sec. 29.** NRS 244A.509 is hereby amended to read as follows:

5 244A.509 ~~§~~ *Except as otherwise provided in subsection 7 of NRS*
6 *244A.569, the* county may, in relation to the facilities:

7 1. Hire and retain officers, agents, employees, engineers and any other
8 persons, permanent or temporary, necessary or desirable to effect the
9 purposes hereof, defray any expenses incurred thereby in connection with
10 its facilities, and acquire office space, equipment, services, supplies, fire
11 and extended coverage insurance, use and occupancy insurance,
12 workmen's compensation insurance, property damage insurance, public
13 liability insurance for the county and its officers, agents and employees,
14 and other types of insurance, as the board may determine, ~~§~~ but no
15 provision herein authorizing the acquisition of insurance shall be construed
16 as waiving any immunity of the county or any director, officer or agent
17 otherwise existing under the laws of the state.

18 2. Pay or otherwise defray the cost of any project.

19 3. Pay or otherwise defray and contract so to pay or defray, for any
20 term not exceeding 50 years, the principal of, any interest on, and any other
21 charges pertaining to any securities or other obligations, outstanding or
22 otherwise existing for a period of at least 2 years, of the Federal
23 Government, the state, any public body or any person incurred in
24 connection with any property thereof subsequently acquired therefrom by
25 the county and relating to its facilities.

26 4. Establish, operate and maintain facilities within the county across or
27 along any public street, highway, bridge, viaduct or other public right of
28 way, or in, upon, under or over any vacant public lands, which public lands
29 now are, or may become, the property of the state or a public body, without
30 first obtaining a franchise from the state or the public body having
31 jurisdiction over the same, ~~§~~ but the county shall cooperate with the state
32 and any public body having such jurisdiction, shall promptly restore any
33 such street, highway, bridge, viaduct or other public right of way to its
34 former state of usefulness as nearly as may be, and shall not use the same
35 in such manner as permanently to impair completely or unnecessarily the
36 usefulness thereof.

37 5. Adopt, amend, repeat, enforce and otherwise administer such
38 reasonable ordinances, resolutions, rules, regulations and orders as the
39 county determines necessary or convenient for the operation, maintenance,
40 management, government and use of the county's facilities and any other
41 like facilities under its control.

42 6. Adopt, amend, repeal, enforce and otherwise administer under the
43 police power within the territorial limits of the county such reasonable
44 ordinances, resolutions, rules, regulations and orders in relation to the
45 collection, disposal or treatment of sewage and waste water after a public
46 hearing thereon is held by the board, in connection with which any public
47 body in the area involved or otherwise exercising powers affecting the
48 functions and services therein of the county and persons of interest have an
49 opportunity to be heard, after mailed notice of the hearing is given by the



* S B 4 2 5 *

1 clerk to each such public body and after notice of such hearing is given by
2 publication by the clerk to persons of interest, both known and unknown.

3 7. Provide that any violation of any ordinance adopted under
4 subsections 5 and 6 ~~shall be~~ is a misdemeanor.

5 8. Sell and otherwise dispose of any by-products resulting from the
6 operation of the facilities.

7 **Sec. 30.** NRS 244A.511 is hereby amended to read as follows:

8 244A.511 ~~The~~ *Except as otherwise provided in subsection 7 of NRS*
9 *244A.569, the* county may also, in relation to the county facilities:

10 1. Enter, without any election, into joint operating or service contracts
11 and agreements, acquisition, improvement, equipment or disposal contracts
12 , or other arrangements, for any term not exceeding 50 years, with the
13 Federal Government, the state or any public body concerning the facilities,
14 and any project or property pertaining thereto, whether acquired by the
15 county, by the Federal Government, by the state or by any public body, and
16 may accept grants and contributions from the Federal Government, the
17 state, any public body or any person.

18 2. Enter into and perform, without any election, when determined by
19 the board to be in the public interest, contracts and agreements, for any
20 term not exceeding 50 years, with the Federal Government, the state, any
21 public body or any person for the provision and operation by the county of
22 any property pertaining to such facilities of the county or any project
23 relating thereto and the payment periodically thereby to the county of
24 amounts at least sufficient, if any, in the determination of the board, to
25 compensate the county for the cost of providing, operating and maintaining
26 such facilities serving the Federal Government, the state, such public body
27 or such person, or otherwise, ~~+~~ but no such service contract ~~shall~~ *may*
28 be entered into with any such party who at such time is being lawfully
29 served by another public body without the prior consent of such presently
30 serving public body.

31 3. Enter into and perform, without any election, contracts and
32 agreements with the Federal Government, the state, any public body or any
33 person for or concerning the planning, construction, lease or other
34 acquisition, improvement, equipment, operation, maintenance, disposal and
35 the financing of any property pertaining to the facilities of the county or to
36 any project of the county, including, but not ~~necessarily~~ limited to, any
37 contract agreement for any term not exceeding 50 years.

38 4. Cooperate with and act in conjunction with the Federal Government
39 or any of its engineers, officers, boards, commissions or departments, or
40 with the state or any of its engineers, officers, boards, commissions or
41 departments, or with any public body or any person in the acquisition,
42 improvement or equipment of any facilities or any project authorized for
43 the county or for any other works, acts or purposes provided for herein, and
44 adopt and carry out any definite plan, system or work for any such purpose.

45 5. Cooperate with the Federal Government, the state or any public
46 body by an agreement therewith by which the county may:

47 (a) Acquire and provide, without cost to the cooperating entity, the land,
48 easements and rights of way necessary for the acquisition, improvement or
49 equipment of any project.



1 (b) Hold and save the cooperating entity harmless from any claim for
2 damages arising from the acquisition, improvement, equipment,
3 maintenance and operation of any facilities.

4 (c) Maintain and operate any facilities in accordance with regulations
5 prescribed by the cooperating entity.

6 6. Provide, by any contract for any term not exceeding 50 years, or
7 otherwise, without an election:

8 (a) For the joint use of personnel, equipment and facilities of the county,
9 the Federal Government, the state or any public body, including , without
10 limitation , public buildings constructed by or under the supervision of the
11 board or the governing body of the other party or parties to the contract
12 concerned, upon such terms and agreements and within such areas within
13 the county as may be determined, for the promotion and protection of
14 health, comfort, safety, life, welfare and property of the inhabitants of the
15 county, the Federal Government, the state, any such public body and any
16 persons of interest.

17 (b) For the joint employment of clerks, stenographers and other
18 employees pertaining to the facilities or any project, now existing or
19 hereafter established in the county, upon such terms and conditions as may
20 be determined for the equitable apportionment of the resulting expenses.

21 **Sec. 31.** NRS 244A.521 is hereby amended to read as follows:

22 244A.521 ~~{The}~~ *Except as otherwise provided in subsection 7 of NRS*
23 *244A.569, the* county, or the state acting through the board, may also:

24 1. Enter upon any land, make surveys, borings, soundings and
25 examinations, and locate the necessary works of any project and any
26 roadways and other rights of way pertaining to any project herein
27 authorized, and acquire all property necessary or convenient for the
28 acquisition, improvement or equipment of such works, including works
29 constructed and being constructed by private owners, and all necessary
30 appurtenances.

31 2. Acquire property by agreement, condemnation by the exercise of the
32 power of eminent domain or otherwise, and in case any street, road,
33 highway, railroad, canal, ditch or other property subject or devoted to
34 public use and located within the county, whether within or without or both
35 within and without the territorial limits of any public body, becomes
36 subject to interference by reason of the construction or proposed
37 construction of any works of the county or the state, the right so to interfere
38 with such property, whether it be publicly or privately owned; except:

39 (a) If such right is acquired by condemnation proceedings and if the
40 court finds that public necessity or convenience so require, the judgment
41 may direct the county or the state, as the case may be, to relocate such
42 street, road, highway, railroad, canal, ditch or other property in accordance
43 with the plans prescribed by the court.

44 (b) If, by such judgment or agreement, the county or the state is
45 required to relocate any such street, road, highway, railroad, canal, ditch or
46 other property subject or devoted to public use, the board may acquire in
47 the name of the county or the state, by agreement or condemnation, all
48 rights of way and other property necessary or proper for compliance with
49 the agreement or judgment of condemnation, and thereafter make such



* S B 4 2 5 *

1 conveyance of such relocated street, road, highway, railroad, canal, ditch or
2 other property as may be proper to comply with the agreement or
3 judgment.

4 (c) No property, except for easements and rights of way, may be
5 acquired by condemnation if at the time of the proposed exercise of such
6 power such property is utilized by a public body for the collection, disposal
7 or treatment of sewage or waste water.

8 3. Carry on technical and other investigations of all kinds, make
9 measurement, collect data, and make analyses, studies and inspections
10 pertaining to the facilities and any project.

11 4. Make and keep records in connection with the facilities and any
12 project or otherwise concerning the county or the state.

13 5. Arbitrate any differences arising in connection with the facilities
14 and any project or otherwise concerning the county or the state.

15 6. Have the management, control and supervision of all business and
16 affairs pertaining to the facilities and any project herein authorized, or
17 otherwise concerning the county or the state, and of the acquisition,
18 improvement, equipment, operation, maintenance and disposal of any
19 property pertaining to the facilities or any such project.

20 7. Enter into contracts of indemnity and guaranty relating to or
21 connected with the performance of any contract or agreement which the
22 county or the state, as the case may be, is empowered to enter into.

23 8. Obtain financial statements, appraisals, economic feasibility reports
24 and valuations of any type pertaining to the facilities or any project or any
25 property relating thereto.

26 9. Adopt any ordinance or resolution authorizing a project or the
27 issuance of county securities or state securities, or any combination thereof.

28 10. Make and execute an indenture or other trust instrument pertaining
29 to any county securities or state securities herein authorized, except as
30 otherwise provided in NRS 244A.455 to 244A.573, inclusive.

31 11. Make all contracts, execute all instruments and do all things
32 necessary or convenient in the exercise of the powers granted herein, or in
33 the performance of the county's or the state's covenants or duties, or in
34 order to secure the payment of county or state securities.

35 12. Have and exercise all rights and powers necessary or incidental to
36 or implied from the specific powers granted herein, which specific powers
37 shall not be considered as a limitation upon any power necessary or
38 appropriate to carry out the purposes and intent hereof.

39 13. Exercise all or any part or any combination of the powers herein
40 granted.

41 **Sec. 32.** NRS 244A.533 is hereby amended to read as follows:

42 244A.533 1. ~~The~~ *Except as otherwise provided in subsection 7 of*
43 *NRS 244A.569, the* county, or the state acting through the board, may fix,
44 modify and collect or cause to be collected service charges for direct or
45 indirect connection with, or the use or services of, the facilities of the
46 county or the state, respectively. These fees may include minimum
47 charges, charges for the availability of facilities or services, and charges for
48 future capital improvements, whether the facilities are in operation or being
49 acquired.



* S B 4 2 5 *

1 2. Such service charges may be charged to and collected in advance or
2 otherwise by the county or the state at any time or from time to time from
3 the Federal Government, the state, the county, any public body or any
4 person owning or occupying real property within the county which ,
5 directly or indirectly , is or has been or will be connected with the facilities
6 of the county or the state from which property originates, has originated or
7 may originate rainwater, sewage, liquid wastes, solid wastes, night soil or
8 industrial wastes, which have entered or may enter such facilities, or to
9 which is made available untreated water, potable water or water in any
10 other state, as the case may be, and such owner or occupant of any such
11 real property shall be liable for and shall pay such service charges to the
12 county or the state at the time ~~{when}~~ and place ~~{where}~~ such service
13 charges are due and payable.

14 3. Such service charges of the county or the state may accrue from any
15 date which the board provides in any ordinance authorizing or other
16 instrument pertaining to the issuance of any securities or in any contract
17 with the Federal Government, the state, the county, any public body or any
18 person.

19 4. For the purpose of charging to and collecting service charges from
20 persons owning or occupying real property which is connected to the
21 facilities of any public body in the county, the county, or the state acting
22 through the board, may bring an action in any court of competent
23 jurisdiction to compel the public body to disclose the names and addresses
24 of all such persons.

25 **Sec. 33.** NRS 244A.557 is hereby amended to read as follows:
26 244A.557 ~~{Although}~~ *Except as otherwise provided in subsection 7 of*
27 *NRS 244A.569, although* the board is empowered on behalf of the state to
28 issue general obligation securities, the board shall assess the costs of the
29 project against the users thereof through sewer service charges collected by
30 or on behalf of the board at such times and in such amounts as will enable
31 the state to pay in timely manner all operation and maintenance expenses
32 and all principal of and interest on any state securities issued, sold and
33 delivered to pay for all or any portion of the project, to accumulate and
34 maintain any reserve and replacement accounts pertaining to the facilities
35 and such securities provided in the ordinance or other proceedings relating
36 thereto, and to make such payments, if any, as it is required to make to the
37 Federal Government or any agency thereof, pursuant to any contract by
38 which the Federal Government made a loan to the state for payment of any
39 of the costs of the project. ~~{This}~~ *Except as otherwise provided by*
40 *subsection 7 of NRS 244A.569, this* section constitutes full and complete
41 authority for the board to levy, collect and enforce such sewer service
42 charges in such manner and in such amounts as the board determines
43 appropriate from time to time.

44 **Sec. 34.** NRS 244A.569 is hereby amended to read as follows:
45 244A.569 1. NRS 244A.455 to 244A.573, inclusive, without
46 reference to other statutes of the state, except as herein otherwise expressly
47 provided, constitute full authority for the exercise of powers herein
48 granted, including , without limitation , the granting of contractual powers
49 to the state, the county and the other public bodies and the financing of any



1 project herein authorized , wholly or in part , and the issuance of county or
2 state securities to evidence such loans.

3 2. No other act or law with regard to the making of contracts, the
4 authorization or issuance of securities, other than the provisions of NRS
5 350.001 to 350.006, inclusive, which apply only to the issuance of county
6 securities, or the exercise of any other power herein granted that provides
7 for an election, requires an approval, or in any way impedes or restricts the
8 carrying out of the acts herein authorized to be done applies to any
9 proceedings taken hereunder or acts done pursuant hereto, except as herein
10 otherwise provided.

11 3. The provisions of no other law, either general, special or local,
12 except as provided herein, apply to the doing of the things herein
13 authorized to be done , ~~and~~ and the state, the county and any public body
14 may not perform any of the acts herein authorized to be done, except as
15 herein provided.

16 4. No notice, consent or approval by the state or any public body or
17 officer thereof is required as a prerequisite to the sale or issuance of any
18 county securities or the making of any contract or the exercise of any other
19 power hereunder , except as herein provided.

20 5. The powers conferred by NRS 244A.455 to 244A.573, inclusive,
21 are in addition to and supplemental to, and the limitations imposed by such
22 sections do not affect the powers conferred by any other law, general or
23 special , ~~and~~ and securities may be issued under those sections without
24 regard to the procedure required by any other such law , except as
25 otherwise provided in those sections or in the State Securities Law. Insofar
26 as the provisions of such sections are inconsistent with the provisions of
27 any other law, general or special, the provision of those sections are
28 controlling.

29 6. No provision contained in NRS 244A.455 to 244A.573, inclusive,
30 repeals or affects any other law or part thereof, it being intended that NRS
31 244A.455 to 244A.573, inclusive, provide a separate method of
32 accomplishing their objectives and not an exclusive one.

33 *7. The powers granted pursuant to NRS 244A.455 to 244A.573,*
34 *inclusive, are subject to the provisions of chapter 704 of NRS and any*
35 *regulations adopted pursuant thereto.*

36 **Sec. 35.** NRS 244A.669 is hereby amended to read as follows:
37 244A.669 NRS 244A.669 to 244A.763, inclusive, *and sections 24 and*
38 *25 of this act* may be cited as the County Economic Development Revenue
39 Bond Law.

40 **Sec. 36.** NRS 244A.697 is hereby amended to read as follows:
41 244A.697 ~~and~~ *Except as otherwise provided in sections 24 and 25 of*
42 *this act, in* addition to any other powers, each county has the following
43 powers:

44 1. To finance or acquire, whether by construction, purchase, gift,
45 devise, lease or sublease , or any one or more of such methods, and to
46 improve and equip one or more projects , or parts thereof, which except as
47 otherwise provided in this subsection must be located within this state, and
48 which may be located within or partially within that county. If a project is



* S B 4 2 5 *

1 for the generation and transmission of electricity and the county deems is
2 necessary:

3 (a) To connect the project with facilities located outside this state,
4 transmitting facilities necessary for that interconnection may be located
5 outside this state, but financing for those transmitting facilities must be
6 limited to the amount necessary to interconnect the project with the nearest
7 compatible transmitting facility of the participant in the project with which
8 the connection is to be made.

9 (b) To acquire or develop fuel or water or rights thereto, or to transport
10 fuel or water from outside the county or state, the necessary facilities, fuel,
11 water or rights thereto may be located wholly outside the county or outside
12 the state.

13 Any water rights for such a project to be obtained by appropriation may
14 only be appropriated within the boundaries of the county within which the
15 generating facility is located, unless the board of county commissioners of
16 another county approves the appropriation within its boundaries for that
17 purpose.

18 2. To finance, sell, lease or otherwise dispose of any or all its projects
19 upon such terms and conditions as the board considers advisable.

20 3. To issue revenue bonds for the purpose of financing or defraying all
21 or any portion of the cost of acquiring, improving and equipping any
22 project as set forth in NRS 244A.737.

23 4. To secure payment of such bonds as provided in NRS 244A.669 to
24 244A.763, inclusive.

25 5. If a project is for the generation and transmission of electricity, to
26 own the project in its entirety or an undivided interest in the project with
27 one or more other owners, and to enter into agreements with respect to any
28 matters relating to common ownership of the project, including , without
29 limitation , matters relating to the ownership, acquisition, construction,
30 improvement, equipping, financing, operation and maintenance of the
31 project.

32 6. To take such actions as are necessary or useful ~~in order~~ to
33 undertake, ~~carry out,~~ accomplish and otherwise carry out the provisions
34 of NRS 244A.669 to 244A.763, inclusive, including the adoption of
35 resolutions, which may be introduced and adopted at the same special or
36 regular meeting of the board and which become effective upon adoption
37 unless otherwise specified in the resolution.

38 **Sec. 37.** Chapter 266 of NRS is hereby amended by adding thereto a
39 new section to read as follows:

40 *On and after July 1, 2001, a city council shall not expand a project for*
41 *the generation and transmission of electricity or change the services it*
42 *provides pursuant to such a project unless it receives the approval of the*
43 *committee on local government finance pursuant to section 10 of this act.*

44 **Sec. 38.** NRS 266.261 is hereby amended to read as follows:

45 266.261 1. ~~The~~ *Except as otherwise provided in subsection 3 and*
46 *section 37 of this act, the* city council, on behalf of the city and in its
47 name, without any election, may acquire, improve, equip, operate and
48 maintain, convert to or authorize:

49 (a) Curb and gutter projects;



- 1 (b) Drainage projects;
2 (c) ~~{Offstreet}~~ *Off-street* parking projects;
3 (d) Overpass projects;
4 (e) Park projects;
5 (f) Sanitary sewer projects;
6 (g) Sidewalk projects;
7 (h) Storm sewer projects;
8 (i) Street projects;
9 (j) Underpass projects;
10 (k) Water projects; and
11 (l) Underground electric and communication facilities.
- 12 2. The city council, on behalf of the city, for the purpose of defraying
13 all the costs of acquiring, improving or converting to any project
14 authorized by subsection 1, or any portion of the cost thereof not to be
15 defrayed with money otherwise available therefor, is vested with the
16 powers granted to municipalities by chapters 271 and 704A of NRS.
- 17 *3. The powers granted pursuant to this section that relate to public*
18 *utilities described in paragraph (b) of subsection 2 of NRS 704.020 are*
19 *subject to the provisions of chapter 704 of NRS and any regulations*
20 *adopted pursuant thereto.*
- 21 **Sec. 39.** NRS 266.285 is hereby amended to read as follows:
22 266.285 ~~{The}~~
- 23 *1. Except as otherwise provided in subsection 2 and section 37 of this*
24 *act, a city council may:*
- 25 ~~{1-1}~~ (a) Provide, by contract, franchise or public enterprise, for any
26 utility to be furnished to the city for the residents thereof.
- 27 ~~{2-1}~~ (b) Provide for the construction of any facility necessary for the
28 provision of such utility.
- 29 ~~{3-1}~~ (c) Fix the rate to be paid for any utility provided by public
30 enterprise. Any charges due for services, facilities or commodities
31 furnished by any utility owned by the city is a lien upon the property to
32 which the service is rendered and ~~{shall}~~ *must* be perfected by filing with
33 the county recorder a statement by the city clerk of the amount due and
34 unpaid and describing the property subject to the lien. Each such lien
35 ~~{shall}~~
36 ~~—(a)—~~ *must:*
- 37 (1) Be coequal with the latest lien thereon to secure the payment of
38 general taxes.
- 39 ~~{(b)}~~ (2) Not be subject to extinguishment by the sale of any property on
40 account of the nonpayment of general taxes.
- 41 ~~{(c)}~~ (3) Be prior and superior to all liens, claims, encumbrances and
42 titles other than the liens of assessments and general taxes.
- 43 *2. The powers granted pursuant to this section that relate to public*
44 *utilities described in paragraph (b) of subsection 2 of NRS 704.020 are*
45 *subject to the provisions of chapter 704 of NRS and any regulations*
46 *adopted pursuant thereto.*



* S B 4 2 5 *

1 **Sec. 40.** NRS 266.290 is hereby amended to read as follows:
2 266.290 1. ~~The~~ *Except as otherwise provided in subsection 5 and*
3 *section 37 of this act, the* city council may acquire or establish any public
4 utility in the manner provided in this section.

5 2. The council shall enact an ordinance which must set forth fully and
6 in detail:

7 (a) The public utility proposed to be acquired or established.

8 (b) The estimated cost thereof, as shown by the report approved by the
9 council and mayor, of an engineer or body theretofore appointed by the
10 council for that purpose.

11 (c) The proposed manner and terms of payment.

12 3. The ordinance must be published in full at least once a week for 4
13 successive weeks in a newspaper of general circulation published in the
14 city.

15 4. At the first regular meeting of the council, or any adjournment
16 thereof, after the completion of the publication, the council may proceed to
17 enact an ordinance for that purpose which must conform in all respects to
18 the terms and conditions of the previously published ordinance, unless a
19 petition is presented to it, signed by not less than 15 percent of the
20 qualified electors of the city, as shown by the last preceding registration
21 list, and representing not less than 10 percent of the taxable property of the
22 city as shown by the last preceding tax list or assessment roll, praying for
23 placement on the ballot at a special election or at the next primary or
24 general municipal election or primary or general state election of the
25 question of whether the proposed ordinance is to be passed. Thereupon, no
26 such proposed ordinance may be enacted or become effective for any
27 purpose ~~whatsoever.~~ *whatever*, unless at a special election called and held
28 for the purpose or the next primary or general municipal election or
29 primary or general state election, a majority of the votes cast are for the
30 ordinance.

31 5. *The powers granted pursuant to this section that relate to public*
32 *utilities described in paragraph (b) of subsection 2 of NRS 704.020 are*
33 *subject to the provisions of chapter 704 of NRS and any regulations*
34 *adopted pursuant thereto.*

35 **Sec. 41.** Chapter 268 of NRS is hereby amended by adding thereto the
36 provisions set forth as sections 42 to 46, inclusive, of this act.

37 **Sec. 42.** *As used in this section and NRS 268.409 to 268.427,*
38 *inclusive, "public utility" has the meaning ascribed to it in NRS 704.020*
39 *and does not include the persons excluded by NRS 704.030.*

40 **Sec. 43.** *The powers granted pursuant to NRS 268.512 to 268.568,*
41 *inclusive, that relate to public utilities described in paragraph (b) of*
42 *subsection 2 of NRS 704.020 are subject to the provisions of chapter 704*
43 *of NRS and any regulations adopted pursuant thereto.*

44 **Sec. 44.** *On and after July 1, 2001, a city shall not expand facilities*
45 *that provide electricity or change the services it provides pursuant to such*
46 *facilities unless it receives the approval of the committee on local*
47 *government finance pursuant to section 10 of this act.*

48 **Sec. 45.** *The powers granted pursuant to NRS 268.672 to 268.740,*
49 *inclusive, that relate to public utilities described in paragraph (b) of*



* S B 4 2 5 *

1 *subsection 2 of NRS 704.020 are subject to the provisions of chapter 704*
2 *of NRS and any regulations adopted pursuant thereto.*

3 **Sec. 46.** *On and after July 1, 2001, the governing body of a*
4 *municipality shall not expand an electric project or change the services it*
5 *provides pursuant to such a project unless it receives the approval of the*
6 *committee on local government finance pursuant to section 10 of this act.*

7 **Sec. 47.** NRS 268.4102 is hereby amended to read as follows:

8 268.4102 1. If the state board of health determines that:

9 (a) A water system which is located within the boundaries of a city and
10 was constructed on or after July 1, 1991, is not satisfactorily serving the
11 needs of its users; and

12 (b) Water provided by a public utility ~~for a municipality or other public~~
13 ~~entity~~ is reasonably available to those users,
14 the governing body of that city may require all users of the system to
15 connect into the available water system provided by a public utility ~~for a~~
16 ~~municipality or other public entity,~~ and may assess each lot or parcel
17 served for its share of the costs associated with connecting into that water
18 system. If the water system is being connected into a public utility, the
19 public utilities commission of Nevada shall determine the amount of the
20 assessments for the purposes of establishing a lien pursuant to NRS
21 445A.900.

22 2. As used in this section, "water system" has the meaning ascribed to
23 it in NRS 445A.850.

24 **Sec. 48.** NRS 268.4105 is hereby amended to read as follows:

25 268.4105 1. If the governing body of the city determines that:

26 (a) A package plant for sewage treatment which is located within the
27 city limits and is exempt from the provisions of NRS 445A.540 to
28 445A.560, inclusive, is not satisfactorily serving the needs of its users; and

29 (b) Sewerage provided by a public utility ~~for the city or another~~
30 ~~municipality or other public entity~~ is reasonably available to those
31 users,

32 the governing body may require all users of the plant to connect into the
33 available sewers provided by a public utility ~~for the city or another~~
34 ~~municipality or other public entity,~~ and may assess each lot or parcel
35 served for its proportionate share of the cost of connecting into those
36 sewers. These assessments are not subject to the jurisdiction of the public
37 utilities commission of Nevada.

38 2. If the state department of conservation and natural resources has
39 found that a package plant for sewage treatment which is exempt from the
40 provisions of NRS 445A.540 to 445A.560, inclusive, is violating any of the
41 conditions of NRS 445A.465 to 445A.515, inclusive, and has notified the
42 holder of the permit that he must bring the plant into compliance, but the
43 holder of the permit has failed to comply within a reasonable time after the
44 date of the notice, the governing body of the city in which the plant is
45 located may take the following actions independently of any further action
46 by the state department of conservation and natural resources:

47 (a) Give written notice, by certified mail, to the owner of the plant and
48 the owners of the property served by the plant that if the violation is not



1 corrected within 30 days after the date of the notice, the governing body of
2 the city will seek a court order authorizing it to assume control; and

3 (b) After the 30-day period has expired, if the plant has not been
4 brought into compliance, apply to the district court for an order authorizing
5 the governing body to assume control of the plant and assess the property
6 for the continued operation and maintenance of the plant as provided in
7 subsection 4.

8 3. If the governing body of the city determines at any time that
9 immediate action is necessary to protect the public health and welfare, it
10 may assume physical control and operation of a package plant for sewage
11 treatment which is located within the city limits and is exempt from the
12 provisions of NRS 445A.540 to 445A.560, inclusive, without complying
13 with any of the requirements set forth in subsection 2. The governing body
14 may not maintain control of the plant pursuant to this subsection for a
15 period greater than 30 days unless it obtains an order from the district court
16 authorizing an extension.

17 4. Each lot and parcel served by a package plant for sewage treatment
18 which is exempt from the provisions of NRS 445A.540 to 445A.560,
19 inclusive, is subject to assessment by the governing body of the city in
20 which the plant is located for its proportionate share of the cost of
21 continued operation and maintenance of the plant if there is a default or the
22 city assumes control and operation of the plant pursuant to subsection
23 2 or 3.

24 **Sec. 49.** NRS 268.411 is hereby amended to read as follows:

25 268.411 The governing body of an incorporated city may prohibit by
26 ordinance any waste of water within its jurisdiction. Any ordinance
27 adopted under this section may:

28 1. Classify the conditions under which specified kinds and amounts of
29 consumption or expenditure of water are wasteful;

30 2. Provide for reasonable notice of which of such conditions, if any,
31 exist in the city;

32 3. Allow any person, group of persons, partnership, corporation or
33 other business or governmental entity which:

34 (a) Furnishes water to persons within the city for business,
35 manufacturing, agricultural or household use; and

36 (b) Is not a public utility , ~~regulated by the public utilities commission~~
37 ~~of Nevada.~~

38 to reduce or terminate water service to any customer or user who wastes
39 water, according to reasonable standards adopted by the board; and

40 4. Provide other appropriate penalties for violation of the ordinance
41 which are based upon the classification adopted under subsection 1.

42 **Sec. 50.** NRS 268.526 is hereby amended to read as follows:

43 268.526 ~~Has~~ *Except as otherwise provided in sections 43 and 44 of*
44 *this act, in* addition to any other powers which it may now have, each city
45 shall have the following powers:

46 1. To finance or acquire, whether by construction, purchase, gift,
47 devise, lease or sublease, or any one or more of such methods, and to
48 improve and equip one or more projects , or part thereof. Such projects,



1 upon completion of such acquisition, ~~shall~~ *must* be located within , or
2 within 10 miles of , the city.

3 2. To finance, sell, lease or otherwise dispose of any or all of its
4 projects upon such terms and conditions as the governing body considers
5 advisable.

6 3. To issue revenue bonds for the purpose of financing or defraying the
7 cost of acquiring, improving and equipping any project as set forth in NRS
8 268.556.

9 4. To secure payment of such bonds as provided in NRS 268.512 to
10 268.568, inclusive.

11 5. To take such actions as are necessary or useful in order to
12 undertake, carry out, accomplish and otherwise implement the provisions
13 of NRS 268.512 to 268.568, inclusive, including the adoption of
14 resolutions, which may be introduced and adopted at the same special or
15 regular meeting of the governing body and which ~~shall~~ become effective
16 upon adoption.

17 **Sec. 51.** NRS 268.568 is hereby amended to read as follows:

18 268.568 1. *Except as otherwise provided in sections 43 and 44 of*
19 *this act*, NRS 268.512 to 268.568, inclusive, without reference to other
20 statutes of the state, constitute full authority for the exercise of powers
21 granted in those sections, including, but not limited ~~to~~ to , the authorization
22 and issuance of bonds.

23 2. No other act or law with regard to the authorization or issuance of
24 bonds that provides for an election, requires an approval, or in any way
25 impedes or restricts the carrying out of the acts authorized in NRS 268.512
26 to 268.568, inclusive, *and sections 43 and 44 of this act* to be done,
27 including, without limitation, the charter of any city, applies to any
28 proceedings taken or acts done pursuant to those sections, except for laws
29 to which reference is expressly made in those sections.

30 3. The provisions of no other law, either general or local, except as
31 *otherwise* provided in NRS 268.512 to 268.568, inclusive, *and sections 43*
32 *and 44 of this act* apply to the doing of the things authorized in NRS
33 268.512 to 268.568, inclusive, *and sections 43 and 44 of this act*, to be
34 done, and no board, agency, bureau, commission or official not designated
35 in those sections has any authority or jurisdiction over the doing of any of
36 the acts authorized in those sections to be done, except as otherwise
37 provided in those sections.

38 4. No notice, consent or approval by any public body or officer thereof
39 may be required as a prerequisite to the sale or issuance of any bonds, the
40 making of any contract or lease, or the exercise of any other power under
41 NRS 268.512 to 268.568, inclusive, *and sections 43 and 44 of this act*,
42 except as *otherwise* provided in those sections.

43 5. A project is not subject to any requirements relating to public
44 buildings, structures, ground works or improvements imposed by the
45 statutes of this state or any other similar requirements which may be
46 lawfully waived by this section, and any requirement of competitive
47 bidding or other restriction imposed on the procedure for award of
48 contracts for such purpose or the lease, sale or other disposition of property
49 of the cities is not applicable to any action taken pursuant to NRS 268.512



* S B 4 2 5 *

1 to 268.568, inclusive, *and sections 43 and 44 of this act*, except that the
2 provisions of NRS 338.010 to 338.090, inclusive, apply to any contract for
3 new construction, repair or reconstruction for which tentative approval for
4 financing is granted on or after January 1, 1992, by the city for work to be
5 done in a project.

6 6. Notwithstanding the provisions of NRS 662.245 or any other
7 specific statute to the contrary, any bank or trust company located within or
8 without this state may be appointed and act as a trustee with respect to
9 bonds issued and projects financed pursuant to NRS 268.512 to 268.568,
10 inclusive, *and sections 43 and 44 of this act* without meeting the
11 qualifications set forth in NRS 662.245.

12 7. The powers conferred by NRS 268.512 to 268.568, inclusive, *and*
13 *sections 43 and 44 of this act* are in addition and supplemental to, and not
14 in substitution for, and the limitations imposed by those sections do not
15 affect the powers conferred by , any other law.

16 8. No part of NRS 268.512 to 268.568, inclusive, *and sections 43 and*
17 *44 of this act* repeals or affects any other law or part thereof, except to the
18 extent that those sections are inconsistent with any other law, it being
19 intended that those sections provide a separate method of accomplishing its
20 objectives, and not an exclusive one.

21 **Sec. 52.** NRS 268.730 is hereby amended to read as follows:

22 268.730 Except as otherwise provided in NRS 268.086 and 268.088,
23 *and sections 45 and 46 of this act*, any governing body of a municipality,
24 upon its behalf and in its name, may at any time or from time to time
25 acquire, improve, equip, operate and maintain, within or without or both
26 within and without the municipality:

- 27 1. A building project;
- 28 2. A cemetery project;
- 29 3. A communications project;
- 30 4. A drainage project or flood control project;
- 31 5. An electric project;
- 32 6. A fire protection project;
- 33 7. An ~~off-street~~ *off-street* parking project;
- 34 8. An overpass project;
- 35 9. A park project;
- 36 10. A recreational project;
- 37 11. A refuse project;
- 38 12. A sewerage project;
- 39 13. A sidewalk project;
- 40 14. A street project;
- 41 15. A transportation project;
- 42 16. An underpass project; and
- 43 17. A water project.

44 **Sec. 53.** NRS 268.738 is hereby amended to read as follows:

45 268.738 ~~In order to insure~~ *Except as otherwise provided in section*
46 *45 of this act, to ensure* the payment, wholly or in part, of the general
47 obligation securities of the municipality , the payment of which bonds is
48 additionally secured by a pledge of the revenues derived from any such
49 income-producing project and from any such excise taxes, the governing



body of the municipality may establish and maintain, and the governing body may from time to time revise, a schedule or schedules of fees, rates and charges for services or facilities, or both services and facilities, rendered by or through the project and a schedule or schedules of license or other excise taxes, in an amount sufficient for that purpose and also sufficient to discharge any covenant in the proceedings of the governing body authorizing the issuance of any of such bonds, including any covenant for the establishment of reasonable reserve funds.

Sec. 54. Chapter 269 of NRS is hereby amended by adding thereto a new section to read as follows:

The powers granted pursuant to NRS 269.400 to 269.470, inclusive, that relate to public utilities described in paragraph (b) of subsection 2 of NRS 704.020 are subject to the provisions of chapter 704 of NRS and any regulations adopted pursuant thereto.

Sec. 55. NRS 269.400 is hereby amended to read as follows:

269.400 As used in NRS ~~269.405~~ 269.400 to 269.470, inclusive, *and section 54 of this act*, "town" means an unincorporated town in the State of Nevada having a population of less than 7,500.

Sec. 56. NRS 269.405 is hereby amended to read as follows:

269.405 ~~The~~ *Except as otherwise provided in section 54 of this act, the* town board or board of county commissioners shall have the power, in addition to other powers conferred upon such boards by this chapter or otherwise:

1. To lay out, extend, change the grade, open and alter the highways, streets and alleys within the town.

2. To require and provide for the macadamizing, oiling, curbing, graveling, grading and regrading, paving, draining, cleaning and repairing, lighting, surfacing and resurfacing, and widening of any highway, street or alley, or in any way whatsoever to improve the same.

3. To provide for the purchase, construction, improvement, maintenance and preservation of town parks, swimming pools, tennis courts, public buildings, structures and facilities for recreation and entertainment purposes, and the purchase of sites for all such purposes.

4. To provide for construction, repair, maintenance and preservation of sidewalks, crossings, bridges, drains, underground irrigation pipes, water mains, curbs, gutters and storm sewers.

5. To provide for the purchase, construction, repair, maintenance and preservation of sanitary sewage facilities, sanitary sewer systems and water systems, and the purchase of sites therefor.

6. To provide for the maintenance, repair, alteration, improvement, construction and preservation of all town buildings and property not herein mentioned.

7. To make any other public improvement of any nature, including the purchase and construction of such buildings, structures, edifices and facilities as the town board may deem appropriate.

Sec. 57. NRS 269.420 is hereby amended to read as follows:

269.420 ~~In order to insure~~ *Except as otherwise provided in section 54 of this act, to ensure* the payment of the general obligation bonds of the town, the payment of which is additionally secured by a pledge of revenues



* S B 4 2 5 *

1 of such improvements, of any such other income-producing project and of
2 any such excise taxes, as provided in NRS 269.410, or other such
3 additionally secured general obligation securities of the town, the board
4 may establish and maintain, and from time to time revise, a schedule or
5 schedules of fees, rates and charges for services, facilities and commodities
6 rendered by or through such improvements and any such other income-
7 producing project and a schedule or schedules of any such excise taxes, as
8 the case may be, in an amount sufficient for that purpose and also sufficient
9 to discharge any covenant in the proceedings authorizing the issuance of
10 any of the bonds or other securities, including any covenant for the
11 establishment of reasonable reserve funds.

12 **Sec. 58.** NRS 269.575 is hereby amended to read as follows:

13 269.575 1. ~~Town~~ *Except as otherwise provided in subsection 3,*
14 *town* services, any one of which or any combination of which may be
15 supplied to the residents of a particular unincorporated town , include, but
16 need not be limited to:

- 17 (a) Cemetery;
- 18 (b) Dump stations and sites;
- 19 (c) Fire protection;
- 20 (d) Flood control and drainage;
- 21 (e) Garbage collection;
- 22 (f) Police;
- 23 (g) Parks;
- 24 (h) Recreation;
- 25 (i) Sewage collection;
- 26 (j) Streets;
- 27 (k) Street lights;
- 28 (l) Swimming pools;
- 29 (m) Television translator;
- 30 (n) Water distribution; and
- 31 (o) Acquisition, maintenance and improvement of town property.

32 2. Each unincorporated town is limited to that service or those services
33 whose supply provided the basis for the formation of the town, as adjusted
34 from time to time pursuant to NRS 269.570.

35 *3. Authority granted pursuant to this section that relates to public*
36 *utilities described in paragraph (b) of subsection 2 of NRS 704.020 is*
37 *subject to the provisions of chapter 704 of NRS and any regulations*
38 *adopted pursuant thereto.*

39 **Sec. 59.** Chapter 271 of NRS is hereby amended by adding thereto the
40 provisions set forth as sections 60 and 61 of this act.

41 **Sec. 60.** *The powers granted pursuant to this chapter that relate to a*
42 *public utility described in paragraph (b) of subsection 2 of NRS 704.020*
43 *are subject to the provisions of chapter 704 of NRS and any regulations*
44 *adopted pursuant thereto.*

45 **Sec. 61.** *On and after July 1, 2001, a city, county or town shall not*
46 *expand an electrical project or change the services it provides pursuant*
47 *to such a project, unless it receives the approval of the committee on local*
48 *government finance pursuant to section 10 of this act.*



1 **Sec. 62.** NRS 271.265 is hereby amended to read as follows:
2 271.265 1. ~~1. The~~ *Except as otherwise provided in section 60 of this*
3 *act, the* governing body of a county, city or town, upon behalf of the
4 municipality and in its name, without any election, may from time to time
5 acquire, improve, equip, operate and maintain, within or without the
6 municipality, or both ~~it~~ within and without the municipality:
7 (a) A commercial area vitalization project;
8 (b) A curb and gutter project;
9 (c) A drainage project;
10 (d) An ~~offstreet~~ *off-street* parking project;
11 (e) An overpass project;
12 (f) A park project;
13 (g) A sanitary sewer project;
14 (h) A security wall;
15 (i) A sidewalk project;
16 (j) A storm sewer project;
17 (k) A street project;
18 (l) A street beautification project;
19 (m) A transportation project;
20 (n) An underpass project;
21 (o) A water project; and
22 (p) Any combination of such projects.
23 2. ~~It is~~ *Except as otherwise provided in sections 60 and 61 of this act,*
24 *in* addition to the power specified in subsection 1, the governing body of a
25 city having a commission form of government as defined in NRS 267.010,
26 upon behalf of the municipality and in its name, without any election, may
27 from time to time acquire, improve, equip, operate and maintain, within or
28 without the municipality, or both ~~it~~ within and without the municipality:
29 (a) An electrical project;
30 (b) A telephone project;
31 (c) A combination of an electrical project and a telephone project;
32 (d) A combination of an electrical project or a telephone project with
33 any of the projects, or any combination thereof, specified in subsection 1;
34 and
35 (e) A combination of an electrical project and a telephone project with
36 any of the projects, or any combination thereof, specified in subsection 1.
37 3. In addition to the power specified in subsections 1 and 2, the
38 governing body of a municipality, on behalf of the municipality and in its
39 name, without an election, may finance an underground conversion project
40 with the approval of each service provider that owns the overhead service
41 facilities to be converted.
42 **Sec. 63.** NRS 278.026 is hereby amended to read as follows:
43 278.026 As used in NRS 278.026 to 278.029, inclusive, unless the
44 context otherwise requires:
45 1. "Affected entity" means a public utility, franchise holder, local or
46 regional agency, or any other entity having responsibility for planning or
47 providing public facilities relating to transportation, solid waste, energy
48 generation and transmission, conventions and the promotion of tourism, air
49 quality or public education. The term does not include:



1 (a) A state agency; or
2 (b) A public utility which is subject to regulation by the public utilities
3 commission of Nevada ~~H~~ *other than a public utility described in*
4 *paragraph (b) of subsection 2 of NRS 704.020 that is operated by a local*
5 *government.*

6 2. “Facilities plan” means a plan for the development of public
7 facilities which will have a regional impact or which will aid in
8 accomplishing regional goals relating to transportation, solid waste, energy
9 generation and transmission, conventions and the promotion of tourism, air
10 quality or public education. The term does not include a plan for the
11 development of a specific site or regulations adopted by an affected entity
12 to implement the comprehensive regional plan.

13 3. “Governing board” means the governing board for regional planning
14 created pursuant to NRS 278.0264.

15 4. “Joint planning area” means an area that is the subject of common
16 study and planning by the governing body of a county and one or more
17 cities.

18 5. “Project of regional significance,” with respect to a project proposed
19 by any person other than a public utility, means a project which:

20 (a) Has been identified in the guidelines of the regional planning
21 commission as a project which will result in the loss or significant
22 degradation of a designated historic, archeological, cultural or scenic
23 resource;

24 (b) Has been identified in the guidelines of the regional planning
25 commission as a project which will result in the creation of significant new
26 geothermal or mining operations;

27 (c) Has been identified in the guidelines of the regional planning
28 commission as a project which will have a significant effect on the natural
29 resources, public services, public facilities or the adopted regional form of
30 the region; or

31 (d) Will require a change in zoning, a special use permit, an amendment
32 to a master plan, a tentative map or other approval for the use of land
33 which, if approved, will have an effect on the region of increasing:

- 34 (1) Employment by not less than 938 employees;
35 (2) Housing by not less than 625 units;
36 (3) Hotel accommodations by not less than 625 rooms;
37 (4) Sewage by not less than 187,500 gallons per day;
38 (5) Water usage by not less than 625 acre feet per year; or
39 (6) Traffic by not less than an average of 6,250 trips daily.

40 The term does not include any project for which a request for an
41 amendment to a master plan, a change in zoning, a tentative map or a
42 special use permit has been approved by the local planning commission
43 before June 17, 1989.

44 6. “Project of regional significance,” with respect to a project proposed
45 by a utility, includes:

- 46 (a) An electric substation;
47 (b) A transmission line that carries 60 kilovolts or more;
48 (c) A facility that generates electricity greater than 5 megawatts;
49 (d) Natural gas storage and peak shaving facilities; and



* S B 4 2 5 *

(e) Gas regulator stations and mains that operate over 100 pounds per square inch.

7. "Sphere of influence" means an area into which a city plans to expand as designated in the comprehensive regional plan within the time designated in the comprehensive regional plan.

Sec. 64. Chapter 309 of NRS is hereby amended by adding thereto the provisions set forth as sections 65 and 66 of this act.

Sec. 65. *The powers granted pursuant to this chapter that relate to a public utility described in paragraph (b) of subsection 2 of NRS 704.020 are subject to the provisions of chapter 704 of NRS and any regulations adopted pursuant thereto.*

Sec. 66. *On and after July 1, 2001, a local improvement district that provides electric power shall not expand the facilities used to generate or provide electric power or change the services it provides pursuant to such facilities unless it receives the approval of the committee on local government finance pursuant to section 10 of this act.*

Sec. 67. NRS 309.130 is hereby amended to read as follows:

309.130 1. The board of directors may:

(a) Manage and conduct the business and affairs of the district.

(b) Make and execute all necessary contracts.

(c) Employ and appoint such agents, officers and employees, delegates to conventions ~~or~~ or other representatives in the interest of the district as may be required, and prescribe their duties and remunerations.

(d) Establish bylaws, rules and regulations for the district. The bylaws, rules and regulations must be printed in convenient form for distribution throughout the district.

2. The board and its agents and employees may enter upon any land to make surveys and may locate the necessary works on any lands which may be deemed best for such a location.

3. ~~The~~ *Except as otherwise provided in sections 65 and 66 of this act, the* board may:

(a) Acquire by purchase, condemnation or other legal means, all lands, rights and other property necessary for the construction, use and supply, operation, maintenance, repair and improvement of the works of the district, including canals and works constructed and being constructed by private owners, lands for reservoirs for the storage of water, and all other works and appurtenances, within or without the State of Nevada. In case of purchase of property, the bonds of the district hereinafter provided for may be used in payment of not less than 90 percent of their par value and accrued interest.

(b) Acquire or contract for the delivery of electric power and electric power or transmission lines, except that the board shall not acquire or contract for the construction or acquisition of electric power or transmission lines at a cost exceeding the sum of \$15,000 without first receiving the approval of the voters at a special election, district election or primary state election as provided in this chapter.

4. The board may do any lawful act necessary to be done to accomplish the things and purposes described in this section.



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1 5. The collection, storage, conveyance, distribution and use of water
2 by or through the works of improvement districts hereafter organized,
3 together with the rights of way for sewers, sites for reservoirs, electric
4 power and transmission lines, and all other works and property required to
5 carry out fully the provisions of this chapter, are hereby declared to be a
6 public use.

7 6. The board of directors may change the boundaries of one or more
8 divisions of the district to equalize more nearly the number of electors in
9 the respective divisions, whenever in the opinion of the board, it is
10 advisable to so do, except that no new lands may be included within the
11 district boundaries, and lands within the district boundaries and lands
12 within the district must not be excluded by such a change of boundaries,
13 except as otherwise provided in this chapter. The change of division
14 boundaries is effective when a certified copy of a resolution making that
15 change, attached to a copy of a map or plat of the district delineating the
16 new division boundary lines, both being certified as correct by the
17 secretary of the district, is filed in the office of the county recorder of the
18 county in which the division whose boundaries have been so changed is
19 situate.

20 7. The board may institute, maintain and defend, in the name of the
21 district, all actions and proceedings, suits at law and in equity.

22 **Sec. 68.** Chapter 318 of NRS is hereby amended by adding thereto the
23 provisions set forth as sections 69 and 70 of this act.

24 **Sec. 69.** *The powers granted pursuant to this chapter that relate to a*
25 *public utility described in paragraph (b) of subsection 2 of NRS 704.020*
26 *are subject to the provisions of chapter 704 of NRS and any regulations*
27 *adopted pursuant thereto.*

28 **Sec. 70.** *On and after July 1, 2001, a district that provides electric*
29 *light and power shall not expand the facilities for generating or*
30 *supplying the electric light and power or change the service provided*
31 *pursuant to those facilities unless it receives the approval of the*
32 *committee on local government finance pursuant to section 10 of this act.*

33 **Sec. 71.** NRS 318.116 is hereby amended to read as follows:

34 318.116 ~~Any~~ *Except as otherwise provided in sections 69 and 70 of*
35 *this act, any* one, all or any combination of the following basic powers
36 may be granted to a district in proceedings for its organization, or its
37 reorganization pursuant to NRS 318.077 and all provisions in this chapter
38 supplemental thereto, or as may be otherwise provided by statute:

- 39 1. Furnishing electric light and power, as provided in NRS 318.117;
- 40 2. Extermination and abatement of mosquitoes, flies, other insects,
41 rats, and liver fluke or fasciola hepatica, as provided in NRS 318.118;
- 42 3. Furnishing facilities or services for public cemeteries, as provided in
43 NRS 318.119;
- 44 4. Furnishing facilities for swimming pools, as provided in NRS
45 318.1191;
- 46 5. Furnishing facilities for television, as provided in NRS 318.1192;
- 47 6. Furnishing facilities for FM radio, as provided in NRS 318.1187;
- 48 7. Furnishing streets and alleys, as provided in NRS 318.120;



- 1 8. Furnishing ~~leurb, gutter~~ *curbs, gutters* and sidewalks, as provided
- 2 in NRS 318.125;
- 3 9. Furnishing sidewalks, as provided in NRS 318.130;
- 4 10. Furnishing facilities for storm drainage or flood control, as
- 5 provided in NRS 318.135;
- 6 11. Furnishing sanitary facilities for sewerage, as provided in
- 7 NRS 318.140;
- 8 12. Furnishing facilities for lighting streets, as provided in
- 9 NRS 318.141;
- 10 13. Furnishing facilities for the collection and disposal of garbage and
- 11 refuse, as provided in NRS 318.142;
- 12 14. Furnishing recreational facilities, as provided in NRS 318.143;
- 13 15. Furnishing facilities for water, as provided in NRS 318.144;
- 14 16. Furnishing fencing, as provided in NRS 318.1195;
- 15 17. Furnishing facilities for protection from fire, as provided in
- 16 NRS 318.1181;
- 17 18. Furnishing energy for heating, as provided in NRS 318.1175;
- 18 19. Furnishing emergency medical services, as provided in
- 19 NRS 318.1185; and
- 20 20. Control and eradication of noxious weeds, as provided in chapter
- 21 555 of NRS.
- 22 **Sec. 72.** NRS 318.117 is hereby amended to read as follows:
- 23 318.117 ~~HH~~ *Except as otherwise provided in sections 69 and 70 of*
- 24 *this act, if* a district is created , wholly or in part , to furnish electric light
- 25 and power, the board may:
- 26 1. Acquire, by purchase, condemnation or other legal means, all lands,
- 27 rights and other property necessary for the construction, use and supply,
- 28 operation, maintenance, repair and improvement of the works of the
- 29 district, including , without limitation , the plant, works, system, facilities
- 30 or properties, together with all parts thereof, the appurtenances thereto,
- 31 including contract rights, used and useful primarily for the production,
- 32 transmission or distribution of electric energy to or for the public for any
- 33 purpose, works constructed and being constructed by private owners, and
- 34 all other works and appurtenances, either within or without the State of
- 35 Nevada.
- 36 2. Furnish, deliver and sell to the public, and to any municipality and
- 37 to the state and any public institution, heat, light and power service and any
- 38 other service, commodity or facility which may be produced or furnished
- 39 in connection therewith.
- 40 3. Purchase generating capacity on the terms set forth in subsection 3
- 41 of NRS 244A.699.
- 42 **Sec. 73.** NRS 318.140 is hereby amended to read as follows:
- 43 318.140 ~~HH~~ *Except as otherwise provided in section 69 of this act, in*
- 44 the case of a district created , wholly or in part , for acquiring sanitary
- 45 sewer improvements:
- 46 1. The board may:
- 47 (a) Construct, reconstruct, improve or extend the sanitary sewer system
- 48 or any part thereof, including, without limitation, mains, laterals, wyes,
- 49 tees, meters and collection, treatment and disposal plants.



1 (b) Sell any product or by-product thereof and acquire the appropriate
2 outlets within or without the district and extend the sewer lines of the
3 district thereto.

4 (c) Enter into and perform, without any election, contracts or
5 agreements, for a term not to exceed 50 years, with any person or a public
6 agency, to provide the services, equipment or supplies necessary or
7 appropriate to conduct tests of the discharge of pollutants into the state's
8 water and to report the results of those tests as required by chapter 445A of
9 NRS or the regulations adopted thereunder. For the purposes of this
10 paragraph, "public agency" has the meaning ascribed to it in NRS 277.100.

11 2. The provisions of chapters 332 and 339 of NRS do not apply to a
12 contract under which a private developer extends a sewer main to his
13 development or installs any appurtenances to that extension. Except as
14 otherwise provided in this subsection, the provisions of chapter 338 of
15 NRS do not apply to such a contract. If the developer does not pay all of
16 the initial construction costs of the extension, the provisions of NRS
17 338.013 to 338.090, inclusive, apply to the contract.

18 **Sec. 74.** NRS 318.144 is hereby amended to read as follows:

19 318.144 1. ~~The~~ *Except as otherwise provided in section 69 of this*
20 *act, the* board may acquire, construct, reconstruct, improve, extend or
21 better a works, system or facilities for the supply, storage and distribution
22 of water for private and public purposes.

23 2. The provisions of chapters 332 and 339 of NRS do not apply to a
24 contract under which a private developer constructs water facilities for his
25 development. Except as otherwise provided in this subsection, the
26 provisions of chapter 338 of NRS do not apply to such a contract. If the
27 developer does not pay all of the initial construction costs of the facility,
28 the provisions of NRS 338.013 to 338.090, inclusive, apply to the contract.

29 **Sec. 75.** NRS 318.145 is hereby amended to read as follows:

30 318.145 ~~The~~ *Except as otherwise provided in sections 69 and 70 of*
31 *this act, the* board shall have the power to operate, maintain and repair the
32 improvements acquired by the district, including, without limitation, the
33 maintenance and repair of dedicated streets and alleys and the removal of
34 snow therefrom, and all facilities of the district relating to any basic power
35 which the district is authorized to exercise, and in connection therewith to
36 exercise from time to time any one, all or any combination of the incidental
37 powers provided in this chapter and any law supplemental thereto, except
38 as may be otherwise provided in this chapter or in any such supplemental
39 law.

40 **Sec. 76.** NRS 318.170 is hereby amended to read as follows:

41 318.170 1. ~~The~~ *Except as otherwise provided in section 69 of this*
42 *act, the* board may, in connection with a district with basic powers relating
43 to storm drainage facilities, sanitary sewer facilities, refuse collection and
44 disposal facilities, and water facilities, or any combination of such
45 facilities:

46 (a) Consult with the health division of the department of human
47 resources about any system or proposed system of drainage or sewage or
48 garbage and other refuse collection and disposal as to the best method of
49 disposing of the district's drainage or sewage or garbage and other refuse



1 with reference to the existing and future needs of other cities, towns,
2 districts or other persons which may be affected, and submit to the health
3 division for its advice and approval the district's proposed system of
4 drainage or sewage or garbage and other refuse disposal and collection,
5 including, without limitation, both liquid wastes and solid wastes.

6 (b) Except as limited by the provisions of paragraph (c), compel all
7 owners of inhabited property in the district to use the district's system for
8 the collection and disposal of sewage, garbage and other refuse, either as to
9 liquid wastes ~~or~~ or solid wastes, or both liquid wastes and solid wastes, by
10 connection with the district's sewer system or otherwise, except for
11 industrial property for which arrangements have been made with local
12 health authorities for the disposal of wastes.

13 (c) Cause a connection by an owner of inhabited property to such a
14 system if a service line is brought by the district to a point within 400 feet
15 of his dwelling place, and upon a failure of the owner so to connect within
16 60 days after written mailed notice by the board, cause:

17 (1) The connection to be made by a person other than an owner; and
18 (2) A lien to be filed against the property for expense incurred in
19 making the connection.

20 (d) Make and enforce all necessary regulations for the removal of
21 sewage, garbage or other refuse, and for the proper use of water within the
22 district.

23 (e) Make all other sanitary regulations not in conflict with the
24 constitution or laws of this state, and provide that any person who violates
25 these regulations or ordinances shall be punished by a fine not to exceed
26 \$100 or by imprisonment not to exceed 1 month, or by both fine and
27 imprisonment.

28 (f) Provide that any industrial user who violates a federally mandated
29 standard shall be punished by a fine not to exceed \$1,000 per day for each
30 day the violation continues.

31 2. A district shall not proceed to acquire or improve any system of
32 water supply, drainage or sewage disposal or garbage and other refuse
33 collection and disposal without first obtaining the approval of the county
34 board of health.

35 3. As used in this section:

36 (a) "Drainage" means rainfall, surface and subsoil water.

37 (b) "Sewage" means domestic and industrial filth and waste.

38 **Sec. 77.** NRS 318.197 is hereby amended to read as follows:

39 318.197 1. ~~He~~ *Except as otherwise provided in section 69 of this*
40 *act, the* board may fix, and from time to time increase or decrease, electric
41 energy, cemetery, swimming pool, other recreational facilities, television,
42 FM radio, sewer, water, storm drainage, flood control, snow removal,
43 lighting, garbage or refuse rates, tolls or charges other than special
44 assessments, including, but not limited to, service charges and standby
45 service charges, for services or facilities furnished by the district, charges
46 for the availability of service, annexation charges ~~or~~ and minimum
47 charges, and pledge the revenue for the payment of any indebtedness or
48 special obligations of the district.



1 2. Upon compliance with subsection 9 and until paid, all rates, tolls or
2 charges constitute a perpetual lien on and against the property served. A
3 perpetual lien is prior and superior to all liens, claims and titles other than
4 liens of general taxes and special assessments and is not subject to
5 extinguishment by the sale of any property on account of nonpayment of
6 any liens, claims and titles, including the liens of general taxes and special
7 assessments. A perpetual lien must be foreclosed in the same manner as
8 provided by the laws of the State of Nevada for the foreclosure of
9 mechanics' liens. Before any lien is foreclosed, the board shall hold a
10 hearing thereon, after providing notice thereof by publication and by
11 registered or certified first-class mail, postage prepaid, addressed to the last
12 known owner at his last known address according to the records of the
13 district and the real property assessment roll in the county in which the
14 property is located.

15 3. The board shall prescribe and enforce regulations for the connection
16 with and the disconnection from properties of the facilities of the district
17 and the taking of its services.

18 4. The board may provide for the collection of charges. Provisions
19 may be made for, but are not limited to:

20 (a) The granting of discounts for prompt payment of bills.

21 (b) The requiring of deposits or the prepayment of charges in an amount
22 not exceeding 1 year's charges from persons receiving service and using
23 the facilities of the enterprise or from the owners of property on which or
24 in connection with which services and facilities are to be used. In case of
25 nonpayment of all or part of a bill, the deposits or prepaid charges must be
26 applied only insofar as necessary to liquidate the cumulative amount of the
27 charges plus penalties and cost of collection.

28 (c) The requiring of a guaranty by the owner of property that the bills
29 for service to the property or the occupants thereof will be paid.

30 5. The board may provide for a basic penalty for nonpayment of the
31 charges within the time and in the manner prescribed by it. The basic
32 penalty must not be more than 10 percent of each month's charges for the
33 first month delinquent. In addition to the basic penalty, the board may
34 provide for a penalty ~~of not exceeding~~ **not to exceed** 1.5 percent per
35 month for nonpayment of the charges and basic penalty. On the first day of
36 the calendar month following the date of payment specified in the bill, the
37 charge becomes delinquent if the bill or that portion thereof which is not in
38 bona fide dispute remains unpaid. The board may provide for collection of
39 the penalties provided for in this section.

40 6. The board may provide that charges for any service must be
41 collected together with and not separately from the charges for any other
42 service rendered by it, and that all charges must be billed upon the same
43 bill and collected as one item.

44 7. The board may enter into a written contract with any person, firm or
45 public or private corporation providing for the billing and collection by the
46 person, firm or corporation of the charges for the service furnished by any
47 enterprise. If all or any part of any bill rendered by the person, firm or
48 corporation pursuant to a contract is not paid and if the person, firm or
49 corporation renders any public utility service to the person billed, the



1 person, firm or corporation may discontinue its utility service until the bill
2 is paid, and the contract between the board and the person, firm or
3 corporation may so provide.

4 8. As a remedy established for the collection of due and unpaid
5 deposits and charges and the penalties thereon, an action may be brought
6 in the name of the district in any court of competent jurisdiction against the
7 person or persons who occupied the property when the service was
8 rendered or the deposit became due or against any person guaranteeing
9 payment of bills, or against any or all such persons, for the collection of the
10 amount of the deposit or the collection of delinquent charges and all
11 penalties thereon.

12 9. A lien against the property served is not effective until a notice of
13 the lien, separately prepared for each lot affected, is:

14 (a) Mailed to the last known owner at his last known address according
15 to the records of the district and the real property assessment roll of the
16 county in which the property is located;

17 (b) Delivered by the board to the office of the county recorder of the
18 county within which the property subject to such lien is located;

19 (c) Recorded by the county recorder in a book kept by him for the
20 purpose of recording instruments encumbering land; and

21 (d) Indexed in the real estate index as deeds and other conveyances are
22 required by law to be indexed.

23 **Sec. 78.** NRS 318.199 is hereby amended to read as follows:

24 318.199 1. ~~Here~~ *Except as otherwise provided in section 69 of this*
25 *act, the* board of trustees of any district organized or reorganized under this
26 chapter and authorized to furnish sanitary sewer facilities pursuant to NRS
27 318.140 or to furnish water facilities pursuant to NRS 318.144 shall
28 establish schedules showing all rates, tolls or charges for services
29 performed or products furnished.

30 2. Whenever the board of trustees proposes to change any individual or
31 joint rate, toll, charge, service or product, or any individual or joint practice
32 which will affect any rate, toll, charge, service or product, the board of
33 trustees shall hold public hearings after 30 days' notice has been given to
34 all users of the service or product within the district.

35 3. Notice ~~shall~~ *must* be given by publication in a newspaper
36 published in the county, and if no such newspaper is published, then a
37 newspaper published in this state which has a general circulation in the
38 county. The notice ~~shall~~ *must* not be placed in that portion of the
39 newspaper where legal notices and classified advertisements appear, and
40 the type used in the headline of such notice ~~shall not be smaller than~~ *must*
41 *be at least* 18 point.

42 4. All users of the service or product shall be afforded a reasonable
43 opportunity to submit data, views or arguments orally or in writing at the
44 place, date and time specified in the notice, or at any subsequent place or
45 time to which the hearing may be adjourned.

46 5. If, after public hearing, the board of trustees determines that the
47 proposed action is required, the board shall adopt a resolution establishing
48 the new or changed rates, tolls, charges, services to be performed or
49 products to be furnished.



1 6. Within 30 days immediately following the effective date of such
2 resolution, any person who has protested it may commence an action in
3 any court of competent jurisdiction to set aside the resolution.

4 7. Within 30 days after the effective date of the resolution, the
5 secretary of the district shall file a copy of the new schedules in the office
6 of the district. The schedules ~~shall~~ **must** be made available to any user of
7 the service or product.

8 **Sec. 79.** Chapter 538 of NRS is hereby amended by adding thereto a
9 new section to read as follows:

10 *The powers granted pursuant to NRS 538.041 to 538.251, inclusive,*
11 *that relate to a project described in paragraph (b) of subsection 2 of NRS*
12 *704.020 are subject to the provisions of chapter 704 of NRS and any*
13 *regulations adopted pursuant thereto.*

14 **Sec. 80.** NRS 538.161 is hereby amended to read as follows:

15 538.161 ~~The~~ **Except as otherwise provided in sections 2 and 79 of**
16 **this act, the** commission shall:

17 1. Collect and arrange all data and information connected with the
18 Colorado River which may affect or be of interest to this state.

19 2. Represent and act for the State of Nevada in the negotiation and
20 execution of contracts, leases or agreements for the use, exchange,
21 purchase or transmission of power from any source, or for the planning,
22 development or ownership of any facilities for the generation or
23 transmission of electricity for the greatest possible benefit to this state, and
24 present such contracts, leases or agreements to the governor for his
25 information. The commission may contract for the supply of electric
26 energy to any corporation or cooperative created pursuant to the laws of
27 this state that is being operated principally for service to Nevada residents
28 and may be serving incidental energy to residents of other states
29 contiguous to its service area in Nevada. If such a corporation or
30 cooperative so requests, the commission may contract to supply electric
31 energy directly for the corporation or cooperative.

32 3. Represent the State of Nevada in such interstate or other
33 conferences or conventions as may be called for the consideration of the
34 development of reclamation and power projects connected with the
35 Colorado River, or in connection with Hoover Dam or other federally
36 operated dams.

37 4. Negotiate with the representatives of other states and the United
38 States in an endeavor to settle equitably and define the rights of the states
39 and of the United States in the waters of the Colorado River.

40 5. Make and enter into agreements, compacts or treaties between the
41 State of Nevada and the states of Arizona, California, Colorado, New
42 Mexico, Utah, Washington, Oregon, Idaho and Wyoming, either jointly or
43 severally. Agreements, compacts or treaties which define the rights of the
44 states or of the United States in the waters of the Colorado River are not
45 binding upon the State of Nevada until ratified and approved by the
46 legislature and governor of the State of Nevada.

47 6. Represent and act for the State of Nevada in consultations with
48 other states, the United States, foreign countries and persons, and negotiate



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- 1 and enter into agreements between the State of Nevada and those entities,
2 jointly or severally, concerning the:
- 3 (a) Acquisition, development, storage, transport, transfer, exchange, use
4 and treatment of water to supplement the supply of water in the Colorado
5 River which is available for use in Nevada, consistent with the provisions
6 of NRS 538.186.
- 7 (b) Augmentation of the waters of the Colorado River, consistent with
8 the provisions of NRS 538.186.
- 9 (c) Quality of the waters of the Colorado River, in cooperation with, and
10 subject to the authority of, any agency of this state which regulates
11 environmental matters.
- 12 (d) Operation of federal dams and other facilities on the Colorado River.
- 13 (e) Species associated with the Colorado River which are or may
14 become listed as endangered or threatened pursuant to federal law, in
15 cooperation with, and subject to the authority of, any agency of this state
16 which regulates environmental matters.
- 17 7. Within the limits of its authority, represent and act for the State of
18 Nevada as a member of any interstate or international commission or other
19 body as may be established relating to the Colorado River in transactions
20 with Arizona, California, Colorado, New Mexico, Utah, Wyoming, the
21 Federal Government or any foreign country.
- 22 8. Report to the governor such measures and legislative action as it
23 deems necessary to carry out the provisions of any law relating to the
24 powers and duties of the commission.
- 25 9. Cooperate with other states or federal agencies to establish, conduct
26 and maintain projects related to water or power.
- 27 **Sec. 81.** NRS 538.166 is hereby amended to read as follows:
28 538.166 1. ~~The~~ *Except as otherwise provided in sections 2 and 79*
29 *of this act, the* commission may:
- 30 (a) Acquire and perfect any interest in supplemental water.
- 31 (b) Develop, store, transport, transfer, exchange, use and treat
32 supplemental water.
- 33 (c) Acquire an interest in, finance, construct, reconstruct, operate,
34 maintain, repair and dispose of any facility for water or power, including,
35 without limitation, a facility for the storage or conveyance of water and a
36 facility for the generation or transmission of electricity.
- 37 (d) Obtain any license, permit, grant, loan or aid from any agency of the
38 United States, the State of Nevada or any other public or private entity.
- 39 (e) In accordance with the provisions of the State Securities Law:
- 40 (1) Borrow money and otherwise become obligated in a total
41 principal amount which is approved by the legislature or the interim
42 finance committee.
- 43 (2) Issue:
- 44 (I) General obligation securities payable from taxes and
45 additionally secured with net pledged revenues;
- 46 (II) Securities constituting special obligations payable from net
47 pledged revenues; or
- 48 (III) Any combination of those securities.



1 The legislature finds and declares that the issuance of securities and other
2 incurrence of indebtedness pursuant to this subsection are for the protection
3 and preservation of the natural resources of this state and obtaining the
4 benefits thereof, and constitute an exercise of the authority conferred by the
5 second paragraph of section 3 of article 9 of the constitution of the State of
6 Nevada. The powers conferred by this subsection are in addition to and
7 supplemental to the powers conferred by any other law.

8 (f) Perform all other lawful acts it considers necessary or desirable to
9 carry out the purposes and provisions of any law relating to the powers,
10 functions and duties of the commission.

11 2. The commission shall comply with the provisions of this chapter
12 and chapters 532, 533 and 534 of NRS before taking any action pursuant to
13 subsection 1 which relates in any way to supplemental water if the source
14 of the supplemental water is located within the State of Nevada and is not
15 the Colorado River.

16 **Sec. 82.** NRS 538.181 is hereby amended to read as follows:

17 538.181 1. ~~The~~ *Except as otherwise provided in sections 2 and 79*
18 *of this act, the* commission shall hold and administer all rights and benefits
19 pertaining to the distribution of the power and water mentioned in NRS
20 538.041 to 538.251, inclusive, *and section 79 of this act*, for the State of
21 Nevada, and, except as otherwise provided in NRS 538.186, may enter into
22 contracts relating to that power and water, including the transmission and
23 other distribution services, on such terms as the commission determines.

24 2. Every applicant, except a federal or state agency or political
25 subdivision, for power or water to be used within the State of Nevada must,
26 before the application is approved, provide an indemnifying bond by a
27 corporation qualified pursuant to the laws of this state, or other collateral,
28 approved by the state board of examiners, payable to the State of Nevada in
29 such sum and in such manner as the commission may require, conditioned
30 for the full and faithful performance of the lease, sublease, contract or other
31 agreement.

32 3. The power and water must not be sold for less than the actual cost to
33 the State of Nevada.

34 4. Except as otherwise provided in subsection 5, before any such sale
35 or lease is made, a notice of it must be advertised in two papers of general
36 circulation published in the State of Nevada at least once a week for 2
37 weeks. The commission shall require any person desiring to make
38 objection thereto to file the objection with the commission within 10 days
39 after the date of the last publication of the notice. If any objection is filed,
40 the commission shall set a time and place for a hearing of the objection not
41 more than 30 days after the date of the last publication of the notice.

42 5. The provisions of subsection 4 do not apply to:

43 (a) Any contract by the commission to sell supplemental power to a
44 holder of a long-term firm contract with the state for power if the
45 supplemental power is procured by the commission from a prearranged
46 source and is secured by the holder for his own use; or

47 (b) Any agreement by the commission to sell short-term or interruptible
48 power on short notice for immediate acceptance to a holder of a long-term



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1 firm contract with the state for power who can take delivery of the short-
2 term or interruptible power when it is available.

3 6. Except as otherwise provided in subsection 2 of NRS 538.251, any
4 such lease, sublease, contract or sale of the water or power is not binding
5 upon the State of Nevada until ratified and approved by the governor and,
6 where required by federal law, until approved by the United States.

7 7. The commission shall, upon the expiration of a contract for the sale
8 of power which is in effect on July 1, 1993, offer to the purchaser the right
9 to renew the contract. If the commission is unable to supply the amount of
10 power set forth in the contract because of a shortage of power available for
11 sale, it shall reduce, on a pro rata basis, the amount of power it is required
12 to sell pursuant to the renewed contract.

13 ~~18. Except as otherwise provided in NRS 704.987, notwithstanding any~~
14 ~~provision of chapter 704 of NRS, any purchase of:~~

15 ~~—(a) Power or water for distribution or exchange, and any subsequent~~
16 ~~distribution or exchange of power or water by the commission; or~~

17 ~~—(b) Water for distribution or exchange, and any subsequent distribution~~
18 ~~or exchange of water by any entity to which or with which the commission~~
19 ~~has contracted the water;~~

20 ~~is not subject to regulation by the public utilities commission of Nevada.]~~

21 **Sec. 83.** Chapter 541 of NRS is hereby amended by adding thereto a
22 new section to read as follows:

23 *The powers granted pursuant to this chapter that relate to a public*
24 *utility described in paragraph (b) of subsection 2 of NRS 704.020 are*
25 *subject to the provisions of chapter 704 of NRS and any regulations*
26 *adopted pursuant thereto.*

27 **Sec. 84.** NRS 541.140 is hereby amended to read as follows:

28 541.140 ~~The~~ *Except as otherwise provided in section 83 of this act,*
29 *the* board shall have power on behalf of the district:

30 1. To have perpetual succession.

31 2. To take by appropriation, grant, purchase, bequest, devise or lease,
32 and to hold and enjoy water, waterworks, water rights and sources of water
33 supply, and any and all real and personal property of any kind, within or
34 without the district or within or without the State of Nevada, necessary or
35 convenient to the full exercise of its powers, ~~it~~ and to sell, lease,
36 encumber, alienate or otherwise dispose of water, waterworks, water rights
37 and sources of supply of water for use within and without the district and
38 within and without the State of Nevada, ~~it~~ also, to acquire, construct,
39 operate, control and use any and all works, facilities and means necessary
40 or convenient to the exercise of its power, both within and without the
41 district ~~it~~ and within and without the State of Nevada, and to do and
42 perform any and all things necessary or convenient to the full exercise of
43 the powers herein granted.

44 3. To have and to exercise the power of eminent domain, and, in the
45 manner provided by law for the condemnation of private property for
46 public use, to take any property necessary to the exercise of the powers
47 herein granted.

48 4. To construct and maintain works and establish and maintain
49 facilities across or along any public street or highway, and in, upon ~~it~~ or



1 over any vacant public lands, which public lands are now, or may become,
2 the property of the State of Nevada, and to construct works and establish
3 and maintain facilities across any stream of water or watercourse in
4 accordance with the laws of the State of Nevada, provided that the district
5 shall promptly restore any such street or highway to its former state of
6 usefulness as nearly as may be, and shall not use the same in such manner
7 as to impair completely or unnecessarily the usefulness thereof. The grant
8 of the right to use such vacant state land ~~shall be~~ **is** effective upon the
9 filing by such district with the state land registrar of an application showing
10 the boundaries, extent and locations of the lands, rights of way or
11 easements desired for such purposes. If the lands, rights of way or
12 easements for which application ~~shall be~~ **is** made are for the construction
13 of any aqueduct, ditch, pipeline, conduit, tunnel or other works for the
14 conveyance of water, or for roads, or for poles or towers, and wires for the
15 conveyance of electrical energy or for telephonic or telegraphic
16 communication, no compensation ~~shall~~ **may** be charged the district
17 therefor, unless in the opinion of the state land registrar the construction of
18 such works will render the remainder of the legal subdivision through
19 which such works are to be constructed valueless or unsalable, in which
20 event the district shall pay for the lands to be taken and for such portion of
21 any legal subdivision which in the opinion of the board is rendered
22 valueless or unsalable, at a rate not exceeding \$2.50 per acre. If the lands
23 for which application is made are for purposes other than the construction
24 of roads or works for the conveyance of water, or electricity or telephonic
25 or telegraphic communication, such district shall pay the state for such
26 lands at a rate not exceeding \$2.50 per acre. Upon filing such application,
27 accompanied by a map or plat showing the location or proposed location of
28 such works and facilities, the fee title to so much of such state lands as
29 ~~shall be~~ **are** necessary or convenient to enable such district efficiently and
30 without interference to construct, maintain and operate its works and to
31 establish, maintain and operate its facilities ~~shall~~ **must** be conveyed to the
32 district by patent. If an easement or right of way only over such lands ~~be~~
33 **is** sought by the district, such easement or right of way ~~shall~~ **must** be
34 evidenced by a permit or grant executed by or on behalf of the state land
35 registrar. The state land registrar may reserve easements and rights of way
36 in the public across any lands in such patents, grants or permits described
37 for streets, roads and highways, established according to law. Before any
38 such patent, grant or permit ~~shall be~~ **is** executed, any compensation due to
39 the state under the provisions hereof must be paid. No fee ~~shall~~ **may** be
40 exacted from the district for any patent, permit or grant so issued or for any
41 service rendered hereunder. In the use of streets, the district ~~shall be~~ **is**
42 subject to the reasonable rules and regulations of the county, city or town
43 where such streets lie, concerning excavation and the refilling of
44 excavation, the re-laying of pavements and the protection of the public
45 during periods of construction, ~~+~~ but the district ~~shall not be~~ **is not**
46 required to pay any license or permit fees, or file any bonds. The district
47 may be required to pay reasonable inspection fees.

48 5. To contract with the Government of the United States or any agency
49 thereof, the State of Nevada or any of its cities, counties or other



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1 governmental subdivisions, for the construction, preservation, operation
2 and maintenance of tunnels, drains, pipelines, reservoirs, ditches and
3 waterways, regulating basins, diversion canals and works, dams, power
4 plants and all necessary works incident thereto , within and without the
5 State of Nevada, and to acquire perpetual rights to the use of water and
6 electrical energy from such works ~~it~~ , and to sell and dispose of perpetual
7 rights to the use of water and electrical energy from such works to persons
8 and corporations, public and private , within or without the State of
9 Nevada.

10 6. To list in separate ownership the lands within the district which are
11 susceptible of irrigation from district sources and to make an allotment of
12 water to all such lands, which allotment of water ~~it shall~~ must not exceed
13 the maximum amount of water that the board determines could be
14 beneficially used on such lands ~~it~~ , and to levy assessments, as hereinafter
15 provided, against the lands within the district to which water is allotted on
16 the basis of the value per acre-foot of water allotted to the lands within the
17 district , ~~it~~ but the board may divide the district into units and fix a
18 different value per acre-foot of water in the respective units ~~it~~ and, in such
19 case, shall assess the lands within each unit upon the same basis of value
20 per acre-foot of water allotted to lands within such unit.

21 7. To fix rates at which water not allotted to lands, as hereinbefore
22 provided, ~~it shall~~ may be sold, leased or otherwise disposed of, ~~it~~ but rates
23 ~~it shall~~ must be equitable , although not necessarily equal or uniform for
24 like classes of service throughout the district.

25 8. To enter into contracts, employ and retain personal services and
26 employ laborers , ~~it~~ to create, establish and maintain such offices and
27 positions as ~~it shall be~~ are necessary and convenient for the transaction of
28 the business of the district , ~~it~~ and to elect, appoint and employ such
29 officers, attorneys, agents and employees therefor as ~~it shall be~~ are found
30 by the board to be necessary and convenient.

31 9. To adopt plans and specifications for the works for which the
32 district was organized, which plans and specifications may at any time be
33 changed or modified by the board. Such plans ~~it shall~~ must include maps,
34 profiles, and such other data and descriptions as may be necessary to set
35 forth the location and character of the works, and a copy thereof ~~it shall~~
36 must be kept in the office of the district and open to public inspection.

37 10. To appropriate and otherwise acquire water and water rights within
38 or without the state , ~~it~~ to develop, store and transport water , ~~it~~ to
39 subscribe for, purchase and acquire stock in canal companies, water
40 companies ~~it~~ and water users' associations , ~~it~~ to provide, sell, lease, and
41 deliver water for municipal and domestic purposes, irrigation, power,
42 milling, manufacturing, mining, metallurgical , and any and all other
43 beneficial uses, and to derive revenue and benefits therefrom , ~~it~~ to fix the
44 terms and rates therefor , ~~it~~ and to make and adopt plans for and to
45 acquire, construct, operate and maintain dams, reservoirs, ditches,
46 waterways, canals, conduits, pipelines, tunnels, power plants , and any and
47 all works, facilities, improvements and property necessary or convenient
48 therefor, and in the doing of all such things , to obligate itself and execute
49 and perform such obligations according to the tenor thereof.



1 11. To generate electric energy and to contract for the generation,
2 distribution and sale of such energy.

3 12. To invest any surplus money in the district treasury, including such
4 money as may be in any sinking fund established for the purpose of
5 providing for the payment of the principal or interest of any contract, or
6 other indebtedness, or for any other purpose, not required for the
7 immediate necessities of the district, in treasury notes or bonds of the
8 United States, or of this state, or of any state, county or municipal
9 corporation. Any bonds or treasury notes thus purchased and held may,
10 from time to time, be sold and the proceeds reinvested in bonds or treasury
11 notes as above provided. Sales of any bonds or treasury notes thus
12 purchased and held ~~shall~~ **must** from time to time, be made in season so
13 that the proceeds may be applied to the purposes for which the money with
14 which the bonds or treasury notes were originally purchased was placed in
15 the treasury of the district. The functions and duties authorized by this
16 subsection ~~shall~~ **must** be performed under such rules and regulations as
17 ~~shall be~~ **are** prescribed by the board.

18 13. To borrow money from the State of Nevada or other sources and
19 incur indebtedness, and to pledge revenues of the district to secure the
20 repayment of any money so borrowed.

21 14. To adopt bylaws not in conflict with the constitution and laws of
22 the state for carrying on the business, objects and affairs of the board and
23 of the district.

24 15. To construct works for the drainage of lands within the district and
25 to levy special assessments against the lands drained by such works for the
26 repayment of the costs thereof.

27 **Sec. 85.** NRS 541.300 is hereby amended to read as follows:

28 541.300 ~~The~~

29 **1. Except as otherwise provided in subsection 2 and section 83 of this**
30 **act, the** board is authorized to enter into contracts for the operation and
31 maintenance of works for the generation and ~~supplying~~ **supply** of
32 electrical energy and for the disposition of power generated thereat. The
33 board may also enter into contracts for the acquisition, purchase, sale or
34 other disposition of electrical energy.

35 **2. On and after July 1, 2001, the board shall not expand the facilities**
36 **for generating or supplying of electrical energy or change the services**
37 **provided pursuant to those facilities unless it receives the approval of the**
38 **committee on local government finance pursuant to section 10 of this act.**

39 **Sec. 86.** Section 135 of the charter of Boulder City is hereby amended
40 to read as follows:

41 Section 135. Establishment of municipally owned and operated
42 utilities. ~~The~~

43 **1. Except as otherwise provided in subsections 2 and 3, the** city
44 shall have power to own and operate any public utility, to construct
45 and install all facilities that are reasonably needed, and to lease or
46 purchase any existing utility properties used and useful in public
47 service. The city may also furnish service in adjacent and near-by
48 communities which may be conveniently and economically served by
49 the municipally owned and operated utility, subject to: (a)



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1 Agreements with such communities; (b) provisions of state law; (c)
2 provisions of the Boulder City Act of 1958. The council may provide
3 by ordinance for the establishment of such utility, but an ordinance
4 providing for a newly owned and operated utility shall be enacted
5 only after such hearings and procedure as required herein for the
6 granting of a franchise, and shall also be submitted to and approved at
7 a popular referendum; provided, however, that an ordinance providing
8 for any extension, enlargement, or improvement of an existing utility
9 may be enacted as a matter of general municipal administration. The
10 city shall have the power to execute long-term contracts for the
11 purpose of augmenting the services of existing municipally owned
12 utilities. Such contracts shall be passed only in the form of ordinances
13 and may exceed in length the terms of office of the members of the
14 council. (1959 Charter)

15 *2. The powers granted pursuant to this charter which relate to a*
16 *public utility described in paragraph (b) of subsection 2 of NRS*
17 *704.020 are subject to the provisions of chapter 704 of NRS and any*
18 *regulations adopted pursuant thereto.*

19 *3. On and after July 1, 2001, the city shall not expand the*
20 *facilities of or change the services provided by a public utility which*
21 *furnishes electric power and which is operated by the city unless it*
22 *receives the approval of the committee on local government finance*
23 *pursuant to section 10 of this act.*

24 **Sec. 87.** Section 136 of the charter of Boulder City is hereby amended
25 to read as follows:

26 Section 136. Municipal utility organizations.

27 The council may provide for the establishment of a separate
28 department to administer the utility function, including the regulation
29 of privately owned and operated utilities and the operation of
30 municipally owned utilities. Such department shall keep separate
31 financial and accounting records for each municipally owned and
32 operated utility and prior to February 1 of each fiscal year, shall
33 prepare for the city manager in accordance with his specifications a
34 comprehensive report of each utility. The responsible departments or
35 officer shall endeavor to make each utility financially self-sustaining,
36 unless the council shall by ordinance adopt a different policy. All net
37 profits derived from municipally owned and operated utilities may be
38 expended in the discretion of the council for general municipal
39 purposes.

40 a. ~~The~~ *Except as otherwise provided in subsection 2 of section*
41 *134, the* rates for the products and services of any municipally owned
42 and operated utility shall only be established, reduced, altered or
43 increased by resolution of the City Council following a public
44 hearing.

45 **Sec. 88.** Section 2.270 of the charter of the City of Caliente, being
46 chapter 31, Statutes of Nevada 1971, at page 63, is hereby amended to read
47 as follows:

48 Sec. 2.270 Powers of city council: Provision of utilities. ~~The~~



1 *1. Except as otherwise provided in subsections 2 and 3, the* city
2 council may:

3 ~~1.1~~ (a) Provide, by contract, franchise of public enterprise, for any
4 utility to be furnished to the city for the residents thereof.

5 ~~1.2~~ (b) Provide for the construction of any facility necessary for
6 the provision of such utilities.

7 ~~1.3~~ (c) Fix the rate to be paid for any utility provided by public
8 enterprise. Any charges due for services, facilities or commodities
9 furnished by any utility owned by the city is a lien upon the property
10 to which the service is rendered and shall be perfected by filing with
11 the county recorder of Lincoln County a statement by the city clerk of
12 the amount due and unpaid and describing the property subject to the
13 lien. Each such lien shall:

14 ~~1(a)~~ (1) Be coequal with the latest lien thereon to secure the
15 payment of general taxes.

16 ~~1(b)~~ (2) Not be subject to extinguishment by the sale of any
17 property on account of the nonpayment of general taxes.

18 ~~1(c)~~ (3) Be prior and superior to all liens, claims, encumbrances
19 and titles other than the liens of assessments and general taxes.

20 *2. The powers granted pursuant to this chapter which relate to a*
21 *public utility described in paragraph (b) of subsection 2 of NRS*
22 *704.020 are subject to the provisions of chapter 704 of NRS and any*
23 *regulations adopted pursuant thereto.*

24 *3. On and after July 1, 2001, the city shall not expand the*
25 *facilities of or change the services provided by a public utility which*
26 *furnishes electric power and which is operated by the city unless it*
27 *receives the approval of the committee on local government finance*
28 *pursuant to section 10 of this act.*

29 **Sec. 89.** Section 6.010 of the charter of the City of Caliente, being
30 chapter 31, Statutes of Nevada 1971, as last amended by chapter 361,
31 Statutes of Nevada 1983, at page 872, is hereby amended to read as
32 follows:

33 Sec. 6.010 Local improvement law.

34 ~~The~~ *Except as otherwise provided in subsections 2 and 3 of*
35 *section 2.270, the* city council, on behalf of the city and in its name,
36 without any election, may from time to time acquire, improve, equip,
37 operate and maintain, convert to or authorize:

- 38 1. Curb and gutter projects;
- 39 2. Drainage projects;
- 40 3. ~~Offstreet~~ *Off-street* parking projects;
- 41 4. Overpass projects;
- 42 5. Park projects;
- 43 6. Sanitary sewer projects;
- 44 7. Security walls;
- 45 8. Sidewalk projects;
- 46 9. Storm sewer projects;
- 47 10. Street projects;
- 48 11. Underground electric and communication facilities;
- 49 12. Underpass projects; and



1 13. Water projects.

2 **Sec. 90.** Section 7.020 of the charter of the City of Caliente, being
3 chapter 31, Statutes of Nevada 1971, at page 69, is hereby amended to read
4 as follows:

5 Sec. 7.020 Acquisition, operation of municipal utilities.

6 ~~The~~ *Except as otherwise provided in subsections 2 and 3 of*
7 *section 2.270, the* city may, in the manner and for the purposes
8 provided in this charter and Nevada Revised Statutes as they apply to
9 cities, grant franchises and acquire in any manner any public utility,
10 and hold, manage and operate it, either alone or jointly, with any level
11 of government or instrumentality or subdivision thereof.

12 **Sec. 91.** Section 7.030 of the charter of the City of Caliente, being
13 chapter 31, Statutes of Nevada 1971, at page 69, is hereby amended to read
14 as follows:

15 Sec. 7.030 Water, sewer and electric light and power revenue
16 bonds.

17 1. ~~The~~ *Except as otherwise provided in subsections 2 and 3 of*
18 *section 2.270, the* city council may issue bonds to obtain revenue for
19 acquiring or constructing systems, plants, works, instrumentalities and
20 properties needed in connection with:

21 (a) The obtaining of a water supply.

22 (b) The conservation, treatment and disposal of sewage waste and
23 storm water.

24 (c) The generation and transmittal of electricity for light and power
25 for public and private uses.

26 2. In issuing bonds pursuant to subsection 1, the city council shall
27 follow procedures established in the Local Government Securities
28 Law, as amended from time to time.

29 **Sec. 92.** Section 2.290 of the charter of the City of Carlin, being
30 chapter 344, Statutes of Nevada 1971, at page 611 is hereby amended to
31 read as follows:

32 Sec. 2.290 Powers of board of councilmen: Sanitary sewer
33 facilities.

34 ~~The~~ *Except as otherwise provided in subsections 2 and 3 of*
35 *section 2.300, the* board of councilmen may:

36 1. Provide for a sanitary sewer system or any part thereof, and
37 obtain property therefor either within or without the city.

38 2. Sell any product or byproduct thereof and acquire the
39 appropriate outlets within or without the city and extend the sewer
40 lines thereto.

41 3. Establish sewer fees and provide for the enforcement and
42 collection thereof.

43 **Sec. 93.** Section 2.300 of the charter of the City of Carlin, being
44 chapter 344, Statutes of Nevada 1971, at page 611, is hereby amended to
45 read as follows:

46 Sec. 2.300 Powers of board of councilmen: Provision of utilities.

47 ~~The~~

48 1. *Except as otherwise provided in subsections 2 and 3, the*
49 board of councilmen may:



~~1.1~~ (a) Provide, by contract, franchise or public enterprise, for any utility to be furnished to the city for the residents thereof.

~~1.2~~ (b) Provide for the construction of any facility necessary for the provision of such utilities.

~~1.3~~ (c) Fix the rate to be paid for any utility provided by public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the city is a lien upon the property to which the service is rendered and shall be perfected by filing with the county recorder of Elko County a statement by the city clerk of the amount due and unpaid and describing the property subject to the lien. Each such lien shall:

~~1(a)~~ (1) Be coequal with the latest lien thereon to secure the payment of general taxes.

~~1(b)~~ (2) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

~~1(c)~~ (3) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. *The powers granted pursuant to this charter which relate to a public utility described in paragraph (b) of subsection 2 of NRS 704.020 are subject to the provisions of chapter 704 of NRS and any regulations adopted pursuant thereto.*

3. *On and after July 1, 2001, the city shall not expand the facilities of or change the services provided by a public utility which furnishes electric power and which is operated by the city unless it receives the approval of the committee on local government finance pursuant to section 10 of this act.*

Sec. 94. Section 6.010 of the charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as last amended by chapter 361, Statutes of Nevada 1983, at page 872, is hereby amended to read as follows:

Sec. 6.010 Local improvement law.

~~The~~ *Except as otherwise provided in subsections 2 and 3 of section 2.300, the* board of councilmen, on behalf of the city and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, convert to or authorize:

1. Curb and gutter projects;
2. Drainage projects;
3. ~~Offstreet~~ *Off-street* parking projects;
4. Overpass projects;
5. Park projects;
6. Sanitary sewer projects;
7. Security walls;
8. Sidewalk projects;
9. Storm sewer projects;
10. Street projects;
11. Underground electric and communication facilities;
12. Underpass projects;
13. Water projects; and
14. Any combination of such projects.



1 **Sec. 95.** Section 7.020 of the charter of the City of Carlin, being
2 chapter 344, Statutes of Nevada 1971, as amended by chapter 25, Statutes
3 of Nevada 1977, at page 54, is hereby amended to read as follows:

4 Sec. 7.020 Acquisition, operation, sale or lease of municipal
5 utilities.

6 ~~The~~ *Except as otherwise provided in subsections 2 and 3 of*
7 *section 2.300, the* city may, in the manner and for the purposes
8 provided in this charter and Nevada Revised Statutes as they apply to
9 special charter cities, grant franchises and acquire in any manner any
10 public utility, and hold, manage and operate it, either alone or jointly,
11 with any level of government or instrumentality or subdivision
12 thereof.

13 **Sec. 96.** Section 2.270 of the charter of Carson City, Being chapter
14 213, Statutes of Nevada 1969, as last amended by chapter 565, Statutes of
15 Nevada 1997, at page 2750, is hereby amended to read as follows:

16 Sec. 2.270 Power of board: Provision of utilities.

17 1. Except as otherwise provided in ~~subsection~~ *subsections 2 , 5*
18 *and 6* and section 2.272 ~~the~~ the board may:

19 (a) Provide, by contract, franchise or public enterprise, for any
20 utility to be furnished to Carson City or the residents thereof.

21 (b) Provide for the construction of any facility necessary for the
22 provision of such utilities.

23 (c) Fix the rate to be paid for any utility provided by public
24 enterprise.

25 (d) Provide that any public utility be authorized, for any purpose or
26 object whatever, to install, operate or use within the city mechanical
27 watermeters, or similar mechanical devices, to measure the quantity of
28 water delivered to water users.

29 2. The board:

30 (a) Shall not sell telecommunications service to the general public.

31 (b) May purchase or construct facilities for providing
32 telecommunications that intersect with public rights of way if the
33 governing body:

34 (1) Conducts a study to evaluate the costs and benefits
35 associated with purchasing or constructing the facilities; and

36 (2) Determines from the results of the study that the purchase or
37 construction is in the interest of the general public.

38 3. Any information relating to the study conducted pursuant to
39 subsection 2 must be maintained by the clerk and made available for
40 public inspection during the business hours of the office of the clerk.

41 4. Notwithstanding the provisions of paragraph (a) of subsection
42 2, an airport may sell telecommunications service to the general
43 public.

44 5. *The powers granted pursuant to this charter which relate to a*
45 *public utility described in paragraph (b) of subsection 2 of NRS*
46 *704.020 are subject to the provisions of chapter 704 of NRS and any*
47 *regulations adopted pursuant thereto.*

48 6. *On and after July 1, 2001, the city shall not expand the*
49 *facilities of or change the services provided by a public utility which*



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furnishes electric power and which is operated by the city unless it receives the approval of the committee on local government finance pursuant to section 10 of this act.

7. As used in this section:

(a) “Telecommunications” has the meaning ascribed to it in 47 U.S.C. § 153(43), as that section existed on July 16, 1997.

(b) “Telecommunications service” has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on July 16, 1997.

Sec. 97. Section 2.275 of the charter of Carson City, being chapter 92, Statutes of Nevada 1979, at page 147, is hereby amended to read as follows:

Sec. 2.275 Power of board: Water project.

1. ~~The~~ *Except as otherwise provided in subsection 5 of section 2.270, the* board may at any time or from time to time acquire, improve, equip, operate and maintain a water project within or without or both within and without Carson City.

2. As used in subsection 1, “water project” means facilities pertaining to a municipal water system for the collection, transportation, treatment, purification and distribution of water, including , without limitation , springs, wells, ponds, lakes, other raw water sources, basin cribs, dams, spillways, retarding basins, detention basins, reservoirs, towers, other storage facilities, pumping plants, infiltration galleries, filtration plants, purification systems, other water treatment facilities, power plants, waterwork plants, pumping stations, gauging stations, ventilating facilities, stream gauges, rain gauges, valves, stand-pipes, connections, hydrants, conduits, flumes, sluices, canals, channels, ditches, pipes, lines, laterals, service pipes, force mains, submains, syphons, other water transmission and distribution mains, engines, boilers, pumps, meters, apparatus, tools, equipment, fixtures, structures, buildings and other facilities for the acquisition, transportation, treatment, purification and distribution of untreated water or potable water for domestic, commercial and industrial use and irrigation (or any combination thereof).

Sec. 98. Section 2.290 of the charter of Carson City, Being chapter 213, Statutes of Nevada 1969, at page 300, is hereby amended to read as follows:

Sec. 2.290 Power of board: Sanitary sewer facilities. ~~The~~ *Except as otherwise provided in subsection 5 of section 2.270, the* board may:

1. Construct, reconstruct, improve, extend or better a sanitary sewer system or any part thereof.

2. Sell any product or byproduct thereof and acquire the appropriate outlets within or without Carson City and extend the sewer lines thereto.

Sec. 99. Section 6.010 of the charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 565, Statutes of Nevada 1997, at page 2751, is hereby amended to read as follows:

Sec. 6.010 Local improvement law. Except as otherwise provided in ~~subsection~~ *subsections 2 , 5 and 6* of section 2.270 and



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section 2.272, the board may acquire, improve, equip, operate and maintain, convert to or authorize:

1. Curb and gutter projects;
2. Drainage projects;
3. ~~Offstreet~~ *Off-street* parking projects;
4. Overpass projects;
5. Park projects;
6. Sanitary sewer projects;
7. Security walls;
8. Sidewalk projects;
9. Storm sewer projects;
10. Street projects;
11. Underground electric and communication facilities;
12. Underpass projects; and
13. Water projects.

Sec. 100. Section 7.020 of the charter of Carson City, being chapter 213, Statutes of Nevada 1969, as last amended by chapter 565, Statutes of Nevada 1997, at page 2751, is hereby amended to read as follows:

Sec. 7.020 Acquisition, operation of municipal utilities, facilities and franchises. Except as otherwise provided in ~~subsection~~ *subsections 2, 5 and 6* of section 2.270 and section 2.272, Carson City may, in the manner and for the purposes provided in this charter and Nevada Revised Statutes as they apply to cities and counties, grant franchises and acquire in any manner any public utility, airport, municipal hall, cemetery, fire station or other public building, park, recreation center and necessary equipment for municipal departments (such acquisitions hereafter sometimes referred to in this article as "facilities" or "projects"), and hold, manage and operate them either alone or jointly with any level of government or instrumentality or subdivision thereof.

Sec. 101. Section 2.320 of the charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, at page 484, is hereby amended to read as follows:

Sec. 2.320 Powers of board of supervisors: Sanitary sewer facilities. ~~The~~ *Except as otherwise provided in subsections 2 and 3 of section 2.330, the* board of supervisors may:

1. Provide for a sanitary sewer system or any part thereof, and obtain property therefor either within or without the city.
2. Sell any product or byproduct thereof and acquire the appropriate outlets within or without the city and extend the sewer lines thereto.
3. Establish sewer fees and provide for the enforcement and collection thereof.

Sec. 102. Section 2.330 of the charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, at page 484, is hereby amended to read as follows:

Sec. 2.330 Powers of board of supervisors: Provision of utilities. ~~The~~



1 *1. Except as otherwise provided in subsections 2 and 3, the*
2 board of supervisors may:

3 ~~1-1~~ (a) Provide, by contract, franchise or public enterprise, for any
4 utility to be furnished to the city for the residents thereof.

5 ~~1-2~~ (b) Provide for the construction of any facility necessary for
6 the provision of such utilities.

7 ~~1-3~~ (c) Fix the rate to be paid for any utility provided by public
8 enterprise. Any charges due for services, facilities or commodities
9 furnished by any utility owned by the city is a lien upon the property
10 to which the service is rendered and shall be perfected by filing with
11 the county recorder of Elko County a statement by the city clerk of the
12 amount due and unpaid and describing the property subject to the lien.
13 Each such lien shall:

14 ~~1-a~~ (1) Be coequal with the latest lien thereon to secure the
15 payment of general taxes.

16 ~~1-b~~ (2) Not be subject to extinguishment by the sale of any
17 property on account of the nonpayment of general taxes.

18 ~~1-c~~ (3) Be prior and superior to all liens, claims, encumbrances
19 and titles other than the liens of assessments and general taxes.

20 *2. The powers granted pursuant to this charter which relate to a*
21 *public utility described in paragraph (b) of subsection 2 of NRS*
22 *704.020 are subject to the provisions of chapter 704 of NRS and any*
23 *regulations adopted pursuant thereto.*

24 *3. On and after July 1, 2001, the city shall not expand the*
25 *facilities of or change the services provided by a public utility which*
26 *furnishes electric power and which is operated by the city unless it*
27 *receives the approval of the committee on local government finance*
28 *pursuant to section 10 of this act.*

29 **Sec. 103.** Section 6.010 of the charter of the City of Elko, being
30 chapter 276, Statutes of Nevada 1971, as last amended by chapter 361,
31 Statutes of Nevada 1983, at page 873, is hereby amended to read as
32 follows:

33 Sec. 6.010 Local improvement law. ~~1-1~~ *Except as otherwise*
34 *provided in subsections 2 and 3 of section 2.330, the* board of
35 supervisors, on behalf of the city and in its name, without any
36 election, may from time to time acquire, improve, equip, operate and
37 maintain, convert to or authorize:

- 38 1. Curb and gutter projects;
- 39 2. Drainage projects;
- 40 3. ~~1-Offstreet~~ *Off-street* parking projects;
- 41 4. Overpass projects;
- 42 5. Park projects;
- 43 6. Sanitary sewer projects;
- 44 7. Security walls;
- 45 8. Sidewalk projects;
- 46 9. Storm sewer projects;
- 47 10. Street projects;
- 48 11. Underground electric and communication facilities;
- 49 12. Underpass projects; and



1 13. Water projects.

2 **Sec. 104.** Section 7.010 of the charter of the City of Elko, being
3 chapter 276, Statutes of Nevada 1971, at page 490, is hereby amended to
4 read as follows:

5 Sec. 7.010 Acquisition, operation of municipal utilities. ~~The~~
6 *Except as otherwise provided in subsections 2 and 3 of section*
7 *2.330, the* city may, in the manner and for the purposes provided in
8 this charter and Nevada Revised Statutes as they apply to cities, grant
9 franchises and acquire in any manner any public utility, and hold,
10 manage and operate it, either alone or jointly, with any level of
11 government or instrumentality or subdivision thereof.

12 **Sec. 105.** Section 2.270 of the charter of the City of Gabbs, being
13 chapter 265, Statutes of Nevada 1971, at page 393, is hereby amended to
14 read as follows:

15 Sec. 2.270 Powers of board of councilmen: Sanitary sewer
16 facilities. ~~The~~ *Except as otherwise provided in subsections 2 and*
17 *3 of section 2.280, the* board of councilmen may:

18 1. Provide for a sanitary sewer system or any part thereof, and
19 obtain property therefor either within or without the city.

20 2. Sell any product or byproduct thereof and acquire the
21 appropriate outlets within or without the city and extend the sewer
22 lines thereto.

23 3. Establish sewer fees and provide for the enforcement and
24 collection thereof.

25 **Sec. 106.** Section 2.280 of the charter of the City of Gabbs, being
26 chapter 265, Statutes of Nevada 1971, at page 393, is hereby amended to
27 read as follows:

28 Sec. 2.280 Powers of board of councilmen: Provision of utilities.

29 ~~The~~
30 1. *Except as otherwise provided in subsections 2 and 3, the*
31 board of councilmen may:

32 ~~1.~~ (a) Provide, by contract, franchise or public enterprise, for any
33 utility to be furnished to the city for the residents thereof.

34 ~~2.~~ (b) Provide for the construction of any facility necessary for
35 the provision of such utilities.

36 ~~3.~~ (c) Fix the rate to be paid for any utility provided by public
37 enterprise. Any charges due for services, facilities or commodities
38 furnished by any utility owned by the city is a lien upon the property
39 to which the service is rendered and shall be perfected by filing with
40 the county recorder of Nye County a statement by the city clerk of the
41 amount due and unpaid and describing the property subject to the lien.

42 Each such lien shall:
43 ~~(a)~~ (1) Be coequal with the latest lien thereon to secure the
44 payment of general taxes.

45 ~~(b)~~ (2) Not be subject to extinguishment by the sale of any
46 property on account of the nonpayment of general taxes.

47 ~~(c)~~ (3) Be prior and superior to all liens, claims, encumbrances
48 and titles other than the liens of assessments and general taxes.



1 2. *The powers granted by this charter which relate to a public*
2 *utility described in paragraph (b) of subsection 2 of NRS 704.020*
3 *are subject to the provisions of chapter 704 of NRS and any*
4 *regulations adopted pursuant thereto.*

5 3. *On and after July 1, 2001, the city shall not expand the*
6 *facilities of or change the services provided by a public utility which*
7 *furnishes electric power and which is operated by the city unless it*
8 *receives the approval of the committee on local government finance*
9 *pursuant to section 10 of this act.*

10 **Sec. 107.** Section 6.010 of the charter of the City of Gabbs, being
11 chapter 265, Statutes of Nevada 1971, as last amended by chapter 361,
12 Statutes of Nevada 1983, at page 873, is hereby amended to read as
13 follows:

14 Sec. 6.010 Local improvement law. ~~{The}~~ *Except as otherwise*
15 *provided in subsections 2 and 3 of section 2.280, the* board of
16 councilmen, on behalf of the city, and in its name, without any
17 election, may from time to time acquire, improve, equip, operate and
18 maintain, convert to or authorize:

- 19 1. Curb and gutter projects;
- 20 2. Drainage projects;
- 21 3. ~~{Offstreet}~~ *Off-street* parking projects;
- 22 4. Overpass projects;
- 23 5. Park projects;
- 24 6. Sanitary sewer projects;
- 25 7. Security walls;
- 26 8. Sidewalk projects;
- 27 9. Storm sewer projects;
- 28 10. Street projects;
- 29 11. Underground electric and communication facilities;
- 30 12. Underpass projects; and
- 31 13. Water projects.

32 **Sec. 108.** Section 7.020 of the charter of the City of Gabbs, being
33 chapter 265, Statutes of Nevada 1971, at page 399, is hereby amended to
34 read as follows:

35 Sec. 7.020 Acquisition, operation of municipal utilities. ~~{The}~~
36 *Except as otherwise provided in subsections 2 and 3 of section*
37 *2.280, the* city may, in the manner and for the purposes provided in
38 this charter and Nevada Revised Statutes as they apply to cities, grant
39 franchises and acquire in any manner any public utility, and hold,
40 manage and operate it, either alone or jointly, with any level of
41 government or instrumentality or subdivision thereof.

42 **Sec. 109.** Section 2.270 of the charter of the City of Henderson, being
43 chapter 266, Statutes of Nevada 1971, at page 410, is hereby amended to
44 read as follows:

45 Sec. 2.270 Powers of city council: Sanitary sewer facilities.
46 ~~{The}~~ *Except as otherwise provided in subsection 5 of section 2.280,*
47 *the* city council may:

- 48 1. Provide for a sanitary sewer system or any part thereof, and
49 obtain property therefor either within or without the city.



2. Sell any product or byproduct thereof and acquire the appropriate outlets within or without the city and extend the sewer lines thereto.

3. Establish sewer fees and provide for the enforcement and collection thereof.

Sec. 110. Section 2.280 of the charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 565, Statutes of Nevada 1997, at page 2752, is hereby amended to read as follows:

Sec. 2.280 Powers of city council: Provision of utilities.

1. Except as otherwise provided in ~~subsection~~ **subsections 2 , 5 and 6** and section 2.285, the city council may:

(a) Provide, by contract, franchise or public enterprise, for any utility to be furnished to the city for the residents thereof.

(b) Provide for the construction of any facility necessary for the provision of such utilities.

(c) Fix the rate to be paid for any utility provided by public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the city is a lien upon the property to which the service is rendered and must be perfected by filing with the county recorder of Clark County a statement by the city clerk of the amount due and unpaid and describing the property subject to the lien. Each such lien must:

(1) Be coequal with the latest lien thereon to secure the payment of general taxes.

(2) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

(3) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The city council:

(a) Shall not sell telecommunications service to the general public.

(b) May purchase or construct facilities for providing telecommunications that intersect with public rights of way if the governing body:

(1) Conducts a study to evaluate the costs and benefits associated with purchasing or constructing the facilities; and

(2) Determines from the results of the study that the purchase or construction is in the interest of the general public.

3. Any information relating to the study conducted pursuant to subsection 2 must be maintained by the city clerk and made available for public inspection during the business hours of the office of the city clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell telecommunications service to the general public.

5. *The powers granted pursuant to this charter which relate to a public utility described in paragraph (b) of subsection 2 of NRS 704.020 are subject to the provisions of chapter 704 of NRS and any regulations adopted pursuant thereto.*



1 6. *On and after July 1, 2001, the city shall not expand the*
2 *facilities of or change the services provided by a public utility which*
3 *furnishes electric power and which is operated by the city unless it*
4 *receives the approval of the committee on local government finance*
5 *pursuant to section 10 of this act.*

6 7. As used in this section:

7 (a) "Telecommunications" has the meaning ascribed to it in 47
8 U.S.C. § 153(43), as that section existed on July 16, 1997.

9 (b) "Telecommunications service" has the meaning ascribed to it in
10 47 U.S.C. § 153(46), as that section existed on July 16, 1997.

11 **Sec. 111.** Section 6.010 of the charter of the City of Henderson, being
12 chapter 266, Statutes of Nevada 1971, as last amended by chapter 565,
13 Statutes of Nevada 1997, at page 2753, is hereby amended to read as
14 follows:

15 Sec. 6.010 Local improvement law. Except as otherwise
16 provided in ~~subsection~~ *subsections 2, 5 and 6* of section 2.280 and
17 *section* 2.285, the city council, on behalf of the city and in its name,
18 without any election, may from time to time acquire, improve, equip,
19 operate and maintain, convert to or authorize:

- 20 1. Curb and gutter projects;
- 21 2. Drainage projects;
- 22 3. ~~Offstreet~~ *Off-street* parking projects;
- 23 4. Overpass projects;
- 24 5. Park projects;
- 25 6. Sanitary sewer projects;
- 26 7. Security walls;
- 27 8. Sidewalk projects;
- 28 9. Storm sewer projects;
- 29 10. Street projects;
- 30 11. Telephone projects;
- 31 12. Transportation projects;
- 32 13. Underground and aboveground electric and communication
33 facilities;
- 34 14. Underpass projects;
- 35 15. Water projects;
- 36 16. Upon petition by a person or business authorized to provide
37 the service, such other utility projects as are deemed necessary by the
38 council; and
- 39 17. Any combination thereof.

40 **Sec. 112.** Section 7.020 of the charter of the City of Henderson, being
41 chapter 266, Statutes of Nevada 1971, as amended by chapter 565, Statutes
42 of Nevada 1997, at page 2754, is hereby amended to read as follows:

43 Sec. 7.020 *Acquisition, operation of municipal utilities.* Except
44 as otherwise provided in ~~subsection~~ *subsections 2, 5 and 6* of
45 section 2.280 and section 2.285, the city may, in the manner and for
46 the purposes provided in this charter and Nevada Revised Statutes as
47 they apply to cities, grant franchises and acquire in any manner any
48 public utility, and hold, manage and operate it either alone or jointly,



* S B 4 2 5 *

1 with any level of government or instrumentality or subdivision
2 thereof.

3 **Sec. 113.** Section 2.290 of the charter of the City of Las Vegas, being
4 chapter 517, Statutes of Nevada 1983, at page 1403, is hereby amended to
5 read as follows:

6 Sec. 2.290 Powers of city council: Sanitary sewer facilities.
7 ~~The~~ *Except as otherwise provided in subsection 5 of section 2.300,*
8 *the* city council may:

9 1. Provide for a sanitary sewer system, or any part of a sanitary
10 sewer system, and obtain property for that system, either within or
11 without the city.

12 2. Sell any product or byproduct of that system and acquire the
13 appropriate outlets, both within and without the city, and extend the
14 sewerlines to those outlets.

15 3. Establish sewer service fees or sewer connection fees, or both,
16 and provide for the enforcement and collection of those fees.

17 **Sec. 114.** Section 2.300 of the charter of the City of Las Vegas, being
18 chapter 517, Statutes of Nevada 1983, as amended by chapter 565, Statutes
19 of Nevada 1997, at page 2755, is hereby amended to read as follows:

20 Sec. 2.300 Powers of city council: Provision of utilities.

21 1. Except as otherwise provided in ~~subsection~~ *subsections 2 , 5*
22 *and 6* and section 2.315, the city council may:

23 (a) Provide, by contract, franchise or public ownership or
24 operation, for any utility to be furnished to the residents of the city.

25 (b) Provide for the construction and maintenance of any facility
26 which is necessary for the provision of those utilities.

27 (c) Prescribe, revise and collect rates, fees, tolls and charges,
28 including fees for connection, for the services, facilities or
29 commodities which are furnished by any municipally owned or
30 municipally operated utility or undertaking and no rate, fee, toll or
31 charge for the services, facilities or commodities which are furnished
32 by any municipally owned or municipally operated utility or
33 undertaking may be prescribed, revised, amended, altered, increased
34 or decreased without proceeding as follows:

35 (1) There must be filed with the city clerk and available for
36 public inspection schedules of all rates, fees, tolls and charges which
37 the city has established and which are in force at that time for any
38 service which is performed or product which is furnished in
39 connection with any utility which is owned or operated by the city.

40 (2) No change may be made in any of those schedules except
41 upon 30 days' notice to the inhabitants of the city and the holding of a
42 public hearing with respect to the proposed change. Notice of the
43 proposed change must be given by at least two publications during the
44 30-day period before the hearing.

45 (3) At the time which is set for the hearing on the proposed
46 change, any person may appear and be heard and offer any evidence
47 in support of or against the proposed change.

48 (4) Every utility which is owned or operated by the city shall
49 furnish reasonably adequate service and facilities, and the charges



1 which are made for any service which is or will be rendered, or for
2 any service which is connected with or incidental to any service which
3 is or will be rendered, by the city must be just and reasonable.

4 (d) Any rate, fee, toll or charge, including any fee for connection
5 which is due for services, facilities or commodities which are
6 furnished by the city or by any utility which is owned or operated by
7 the city pursuant to this section is a lien upon the property to which
8 the service is rendered. The lien:

9 (1) Must be perfected by filing with the county recorder of the
10 county a statement by the city clerk in which he states the amount
11 which is due and unpaid and describes the property which is subject to
12 the lien.

13 (2) Is coequal with the latest lien upon that property to secure
14 the payment of general taxes.

15 (3) Is not subject to extinguishment by the sale of any property
16 on account of the nonpayment of general taxes.

17 (4) Is prior and superior to all liens, claims, encumbrances and
18 titles, other than the liens of assessments and general taxes.

19 (5) May be enforced and foreclosed in such manner as may be
20 prescribed by ordinance.

21 2. The city council:

22 (a) Shall not sell telecommunications service to the general public.

23 (b) May purchase or construct facilities for providing
24 telecommunications that intersect with public rights of way if the
25 governing body:

26 (1) Conducts a study to evaluate the costs and benefits
27 associated with purchasing or constructing the facilities; and

28 (2) Determines from the results of the study that the purchase or
29 construction is in the interest of the general public.

30 3. Any information relating to the study conducted pursuant to
31 subsection 2 must be maintained by the city clerk and made available
32 for public inspection during the business hours of the office of the city
33 clerk.

34 4. Notwithstanding the provisions of paragraph (a) of subsection
35 2, an airport may sell telecommunications service to the general
36 public.

37 5. *The powers granted pursuant to this charter which relate to a*
38 *public utility described in paragraph (b) of subsection 2 of NRS*
39 *704.020 are subject to the provisions of chapter 704 of NRS and any*
40 *regulations adopted pursuant thereto.*

41 6. *On and after July 1, 2001, the city shall not expand the*
42 *facilities of or change the services provided by a public utility*
43 *operated by the city that furnishes electric power unless it receives*
44 *the approval of the committee on local government finance pursuant*
45 *to section 10 of this act.*

46 7. As used in this section:

47 (a) "Telecommunications" has the meaning ascribed to it in 47
48 U.S.C. § 153(43), as that section existed on July 16, 1997.



1 (b) "Telecommunications service" has the meaning ascribed to it in
2 47 U.S.C. § 153(46), as that section existed on July 16, 1997.

3 **Sec. 115.** Section 2.310 of the charter of the City of Las Vegas, being
4 chapter 517, Statutes of Nevada 1983, as last amended by chapter 565,
5 Statutes of Nevada 1997, at page 2756, is hereby amended to read as
6 follows:

7 Sec. 2.310 Powers of city council: Acquisition or establishment
8 of city utility.

9 1. Except as otherwise provided in ~~subsection~~ **subsections 2 , 5**
10 **and 6** of section 2.300 and section 2.315, the city council, on behalf of
11 the city and in its name, may acquire, establish, hold, manage and
12 operate, alone or with any other government or any instrumentality or
13 subdivision of any government, any public utility in the manner which
14 is provided in this section.

15 2. The city council must adopt a resolution which sets forth fully
16 and in detail:

17 (a) The public utility which is proposed to be acquired or
18 established.

19 (b) The estimated cost of that utility, as shown in a recent report,
20 which has been approved by the city council, of an engineer or
21 consulting firm which had previously been appointed by the city
22 council for that purpose.

23 (c) The proposed bonded indebtedness which must be incurred to
24 acquire or establish that utility, the terms, amount and rate of interest
25 of that indebtedness and the time within which, and the fund from
26 which, that indebtedness is redeemable.

27 (d) That a public hearing on the advisability of acquiring the public
28 utility will be held at the first regular meeting of the city council after
29 the final publication of the resolution.

30 3. The resolution must be published in full at least once a week
31 for 4 successive weeks.

32 4. At the first regular meeting of the city council, or any
33 adjournment of that meeting, after the completion of the publication,
34 the city council may, without an election, enact an ordinance for that
35 purpose, which must conform in all respects to the terms and
36 conditions of the resolution, unless, within 30 days after the final
37 publication of the resolution, a petition is filed with the city clerk
38 which has been signed by a number of registered voters of the city
39 which is not less than 15 percent of the registered voters of the city, as
40 shown by the last preceding registration list, who own not less than 10
41 percent in assessed value of the taxable property within the city, as
42 shown by the last preceding tax list or assessment roll, and which
43 prays for the submission of the question of the enactment of the
44 proposed ordinance at a special election or the next primary or general
45 municipal election or primary or general state election. Upon the
46 filing of that petition, the proposed ordinance may not be enacted or
47 be effective for any purpose unless, at a special election or primary or
48 general municipal election or primary or general state election, a



majority of the votes which are cast in that election are cast in favor of the enactment of the ordinance.

5. A special election may be held only if the city council determines, by a unanimous vote, that an emergency exists. The determination made by the city council is conclusive unless it is shown that the city council acted with fraud or a gross abuse of discretion. An action to challenge the determination made by the city council must be commenced within 15 days after the city council's determination is final. As used in this subsection, "emergency" means any unexpected occurrence or combination of occurrences which requires immediate action by the city council to prevent or mitigate a substantial financial loss to the city or to enable the city council to provide an essential service to the residents of the city.

6. If the proposed ordinance is adopted, without an election or as a result of an election, the city council may issue bonds to obtain revenue for acquiring or constructing systems, plants, works, instrumentalities and properties which are needed in connection with that public utility.

Sec. 116. Section 6.010 of the charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as amended by chapter 565, Statutes of Nevada 1997, at page 2757, is hereby amended to read as follows:

Sec. 6.010 Local improvement law. Except as otherwise provided in ~~subsection~~ *subsections 2, 5 and 6* of section 2.300 and section 2.315, the city council, on behalf of the city and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, convert to or authorize, in addition to the projects authorized by chapter 271 of NRS:

1. Street lighting projects;
2. Underground electric and communication facilities; and
3. Any combination of those projects.

Sec. 117. Section 2.270 of the charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as amended by chapter 723, Statutes of Nevada 1973, at page 1440, is hereby amended to read as follows:

Sec. 2.270 Powers of city council: Sanitation and water facilities. ~~The~~ *Except as otherwise provided in subsections 6 and 7 of section 2.280, the* city council may:

1. Provide for a sanitary sewer system or any part thereof, and obtain property therefor either within or without the city.
2. Sell any product or byproduct of such sewer system and acquire the appropriate outlets within or without the city and extend the sewer lines thereto.
3. Provide for a garbage collection system or any part thereof, and obtain property therefor either within or without the city.
4. Provide for a water distribution system or any part thereof, and obtain property therefor either within or without the city.



1 **Sec. 118.** Section 2.280 of the charter of the City of North Las Vegas,
2 being chapter 573, Statutes of Nevada 1971, as last amended by chapter
3 636, Statutes of Nevada 1999, at page 3543, is hereby amended to read as
4 follows:

5 Sec. 2.280 Powers of city council: Provision of utilities.

6 1. Except as otherwise provided in ~~subsection~~ **subsections 3 , 6**
7 **and 7** and section 2.285, the city council may:

8 (a) Provide, by contract, franchise and public enterprise, for any
9 utility to be furnished to the city for residents located within or
10 without the city.

11 (b) Provide for the construction and maintenance of any facilities
12 necessary for the provision of all such utilities.

13 (c) Prescribe, revise and collect rates, fees, tolls and charges for the
14 services, facilities or commodities furnished by any municipally
15 operated or municipally owned utility or undertaking.
16 Notwithstanding any provision of this charter to the contrary or in
17 conflict herewith, no rates, fees, tolls or charges for the services,
18 facilities or commodities furnished by any municipally operated or
19 municipally owned utility or undertaking may be prescribed, revised,
20 amended or altered, increased or decreased, without this procedure
21 first being followed:

22 (1) There must be filed with the city clerk schedules of rates,
23 fees, tolls or charges which must be open to public inspection,
24 showing all rates, fees, tolls or charges which the city has established
25 and which are in force at the time for any service performed or
26 product furnished in connection therewith by any utility controlled
27 and operated by the city.

28 (2) No changes may be made in any schedule so filed with the
29 city clerk except upon 30 days' notice to the inhabitants of the city
30 and a public hearing held thereon. Notice of the proposed change or
31 changes must be given by at least two publications in a newspaper
32 published in the city during the 30-day period before the hearing
33 thereon.

34 (3) At the time set for the hearing on the proposed change, any
35 person may appear and be heard and offer any evidence in support of
36 or against the proposed change.

37 (4) Every utility operated by the city shall furnish reasonably
38 adequate service and facilities, and the charges made for any service
39 rendered or to be rendered, or for any service in connection therewith
40 or incidental thereto, must be just and reasonable.

41 (d) Provide, by ordinance, for an additional charge to each business
42 customer and for each housing unit within the city to which water is
43 provided by a utility of up to 25 cents per month. If such a charge is
44 provided for, the city council shall, by ordinance, provide for the
45 expenditure of that money for any purpose relating to the
46 beautification of the city.

47 2. Any charges due for services, facilities or commodities
48 furnished by the city or by any utility operated by the city pursuant to
49 this section is a lien upon the property to which the service is rendered



1 and must be perfected by filing with the county recorder of Clark
2 County of a statement by the city clerk stating the amount due and
3 unpaid and describing the property subject to the lien. Each such lien
4 must:

5 (a) Be coequal with the latest lien thereon to secure the payment of
6 general taxes.

7 (b) Not be subject to extinguishment by the sale of any property on
8 account of the nonpayment of general taxes.

9 (c) Be prior and superior to all liens, claims, encumbrances and
10 titles other than the liens of assessments and general taxes.

11 3. The city council:

12 (a) Shall not sell telecommunications service to the general public.

13 (b) May purchase or construct facilities for providing
14 telecommunications that intersect with public rights of way if the
15 governing body:

16 (1) Conducts a study to evaluate the costs and benefits
17 associated with purchasing or constructing the facilities; and

18 (2) Determines from the results of the study that the purchase or
19 construction is in the interest of the general public.

20 4. Any information relating to the study conducted pursuant to
21 subsection 3 must be maintained by the city clerk and made available
22 for public inspection during the business hours of the office of the city
23 clerk.

24 5. Notwithstanding the provisions of paragraph (a) of subsection
25 3, an airport may sell telecommunications service to the general
26 public.

27 6. *The powers granted pursuant to this charter which relate to a*
28 *public utility described in paragraph (b) of subsection 2 of NRS*
29 *704.020 are subject to the provisions of chapter 704 of NRS and any*
30 *regulations adopted pursuant thereto.*

31 7. *On and after July 1, 2001, the city shall not expand the*
32 *facilities of or change the services provided by a public utility which*
33 *furnishes electric power and which is operated by the city unless it*
34 *receives the approval of the committee on local government finance*
35 *pursuant to section 10 of this act.*

36 8. As used in this section:

37 (a) "Housing unit" means a:

38 (1) Single-family dwelling;

39 (2) Townhouse, condominium or cooperative apartment;

40 (3) Unit in a multiple-family dwelling or apartment complex; or

41 (4) Mobile home.

42 (b) "Telecommunications" has the meaning ascribed to it in 47
43 U.S.C. § 153(43), as that section existed on July 16, 1997.

44 (c) "Telecommunications service" has the meaning ascribed to it in
45 47 U.S.C. § 153(46), as that section existed on July 16, 1997.



1 **Sec. 119.** Section 6.010 of the charter of the City of North Las Vegas,
2 being chapter 573, Statutes of Nevada 1971, as last amended by chapter
3 565, Statutes of Nevada 1997, at page 2760, is hereby amended to read as
4 follows:

5 Sec. 6.010 **Local improvement law.** Except as otherwise
6 provided in ~~subsection~~ **subsections 3 , 6 and 7** of section 2.280 and
7 section 2.285, the city council, on behalf of the city and in its name,
8 without any election, may from time to time acquire, improve, equip,
9 operate and maintain, convert to or authorize:

- 10 1. Curb and gutter projects;
- 11 2. Drainage projects;
- 12 3. ~~Off-street~~ **Off-street** parking projects;
- 13 4. Overpass projects;
- 14 5. Library, park or recreation projects;
- 15 6. Sanitary sewer projects;
- 16 7. Security walls;
- 17 8. Sidewalk projects;
- 18 9. Storm sewer projects;
- 19 10. Street projects;
- 20 11. Underground electric and communication facilities;
- 21 12. Underpass projects; and
- 22 13. Water projects.

23 **Sec. 120.** Section 7.020 of the charter of the City of North Las Vegas,
24 being chapter 573, Statutes of Nevada 1971, as amended by chapter 565,
25 Statutes of Nevada 1997, at page 2760, is hereby amended to read as
26 follows:

27 Sec. 7.020 Acquisition, operation of municipal utilities. Except
28 as otherwise provided in ~~subsection~~ **subsections 3 , 6 and 7** of
29 section 2.280 and section 2.285, the city may, in the manner and for
30 the purposes provided in this charter and Nevada Revised Statutes as
31 they apply to cities, grant franchises and acquire in any manner any
32 public utility, and hold, manage and operate it, either alone or jointly,
33 with any level of government or instrumentality or subdivision
34 thereof.

35 **Sec. 121.** Section 2.140 of the charter of the City of Reno, being
36 chapter 662, Statutes of Nevada 1971, as last amended by chapter 327,
37 Statutes of Nevada 1999, at page 1367, is hereby amended to read as
38 follows:

39 Sec. 2.140 General powers of city council.

- 40 1. Except as otherwise provided in ~~subsection~~ **subsections 2 , 5**
41 **and 6** and section 2.150, the city council may:
 - 42 (a) Acquire, control, improve and dispose of any real or personal
43 property for the use of the city, its residents and visitors.
 - 44 (b) Regulate and impose a license tax for revenue upon all
45 businesses, trades and professions.
 - 46 (c) Provide or grant franchises for public transportation and
47 utilities.
 - 48 (d) Appropriate money for advertising and publicity and for the
49 support of a municipal band.



1 (e) Enact and enforce any police, fire, traffic, health, sanitary or
2 other measure which does not conflict with the general laws of the
3 State of Nevada. An offense that is made a misdemeanor by the laws
4 of the State of Nevada shall also be deemed to be a misdemeanor
5 against the city whenever the offense is committed within the city.

6 (f) Fix the rate to be paid for any utility service provided by the
7 city as a public enterprise. Any charges due for services, facilities or
8 commodities furnished by any utility owned by the city is a lien upon
9 the property to which the service is rendered and is perfected by filing
10 with the county recorder a statement by the city clerk of the amount
11 due and unpaid and describing the property subject to the lien. Any
12 such lien is:

13 (1) Coequal with the latest lien upon the property to secure the
14 payment of general taxes.

15 (2) Not subject to extinguishment by the sale of any property on
16 account of the nonpayment of general taxes.

17 (3) Prior and superior to all liens, claims, encumbrances and
18 titles other than the liens of assessments and general taxes.

19 2. The city council:

20 (a) Shall not sell telecommunications service to the general public.

21 (b) May purchase or construct facilities for providing
22 telecommunications that intersect with public rights of way if the
23 governing body:

24 (1) Conducts a study to evaluate the costs and benefits
25 associated with purchasing or constructing the facilities; and

26 (2) Determines from the results of the study that the purchase or
27 construction is in the interest of the general public.

28 3. Any information relating to the study conducted pursuant to
29 subsection 2 must be maintained by the city clerk and made available
30 for public inspection during the business hours of the office of the city
31 clerk.

32 4. Notwithstanding the provisions of paragraph (a) of subsection
33 2, an airport may sell telecommunications service to the general
34 public.

35 5. *The powers granted pursuant to this charter which relate to a
36 public utility described in paragraph (b) of subsection 2 of NRS
37 704.020 are subject to the provisions of chapter 704 of NRS and any
38 regulations adopted pursuant thereto.*

39 6. *On and after July 1, 2001, the city shall not expand the
40 facilities of or change the services provided by a public utility which
41 furnishes electric power and which is operated by the city unless it
42 receives the approval of the committee on local government finance
43 pursuant to section 10 of this act.*

44 7. As used in this section:

45 (a) “Telecommunications” has the meaning ascribed to it in 47
46 U.S.C. § 153(43), as that section existed on July 16, 1997.

47 (b) “Telecommunications service” has the meaning ascribed to it in
48 47 U.S.C. § 153(46), as that section existed on July 16, 1997.



1 **Sec. 122.** Section 6.010 of the charter of the City of Reno, being
2 chapter 662, Statutes of Nevada 1971, as last amended by chapter 565,
3 Statutes of Nevada 1997, at page 2762, is hereby amended to read as
4 follows:

5 Sec. 6.010 Local improvement law. Except as otherwise
6 provided in ~~subsection~~ *subsections 2 , 5 and 6* of section 2.140 and
7 section 2.150, the city council, on behalf of the city and in its name,
8 without any election, may from time to time acquire, improve, equip,
9 operate and maintain, convert to or authorize:

- 10 1. Curb and gutter projects;
- 11 2. Drainage projects;
- 12 3. ~~Off-street~~ *Off-street* parking projects;
- 13 4. Overpass projects;
- 14 5. Park projects;
- 15 6. Sanitary sewer projects;
- 16 7. Security walls;
- 17 8. Sidewalk projects;
- 18 9. Storm sewer projects;
- 19 10. Street projects;
- 20 11. Underground electric and communication facilities;
- 21 12. Underpass projects; and
- 22 13. Water projects.

23 **Sec. 123.** Section 7.020 of the charter of the City of Reno, being
24 chapter 662, Statutes of Nevada 1971, as last amended by chapter 565,
25 Statutes of Nevada 1997, at page 2763, is hereby amended to read as
26 follows:

27 Sec. 7.020 *Acquisition, operation of municipal utilities.* Except
28 as otherwise provided in ~~subsection~~ *subsections 2 , 5 and 6* of
29 section 2.140 and *section* 2.150, the city may, in the manner and for
30 the purposes provided in this charter and Nevada Revised Statutes as
31 they apply to cities, grant franchises and acquire in any manner any
32 public utility and hold, manage and operate it, either alone or jointly,
33 with any level of government or instrumentality or subdivision
34 thereof.

35 **Sec. 124.** Section 2.090 of the charter of the City of Sparks, being
36 chapter 470, Statutes of Nevada 1975, as last amended by chapter 129,
37 Statutes of Nevada 1993, at page 230, is hereby amended to read as
38 follows:

39 Sec. 2.090 Powers of city council: General areas. The city
40 council may exercise any power specifically granted in this charter or
41 by any of the provisions of Nevada Revised Statutes not in conflict
42 with this charter, in order to:

- 43 1. License all businesses, trades and professions for purposes of
44 regulation and revenue.
- 45 2. Enact and enforce fire ordinances.
- 46 3. Regulate the construction and maintenance of any building or
47 other structure within the city.
- 48 4. Provide for safeguarding of public health in the city.



1 5. Zone and plan the city, including the regulation of subdivision
2 of land, as prescribed by chapter 278 of NRS.

3 6. Acquire, control, lease, dedicate, sell and convey rights of way,
4 parks and other real property.

5 7. Regulate vehicular traffic and parking of vehicles.

6 8. ~~Establish~~ *Except as otherwise provided in subsection 5 of*
7 *section 2.110, establish* and maintain a sanitary sewer system.

8 9. Condemn property within the territorial limits of the city, as
9 well as property outside the territorial limits of the city, in the manner
10 prescribed by chapter 37 of NRS.

11 10. Regulate, prescribe the location for, prohibit or suppress all
12 businesses selling alcoholic liquors at wholesale or retail.

13 11. Regulate, prescribe the location for, prohibit or suppress
14 gaming of all kinds.

15 **Sec. 125.** Section 2.110 of the charter of the City of Sparks, being
16 chapter 470, Statutes of Nevada 1975, as amended by chapter 565, Statutes
17 of Nevada 1997, at page 2763, is hereby amended to read as follows:

18 Sec. 2.110 Powers of ~~the~~ city council: Provisions for utilities.

19 1. Except as otherwise provided in ~~subsection~~ *subsections 2 , 5*
20 *and 6* and section 2.115, the city council may:

21 (a) Provide by contract, franchise or public enterprise, for any
22 utility to be furnished to the city for the residents thereof.

23 (b) Provide for the construction of any facility necessary for the
24 provisions of such utility.

25 (c) Fix the rate to be paid for any utility provided by public
26 enterprise. Any charges due for services, facilities or commodities
27 furnished by any utility owned by the city is a lien upon the property
28 to which the service is rendered and must be performed by filing with
29 the county recorder a statement by the city clerk of the amount due
30 and unpaid and describing the property subject to the lien. Each such
31 lien must:

32 (1) Be coequal with the latest lien thereon to secure the payment
33 of general taxes.

34 (2) Not be subject to extinguishment by the sale of any property
35 on account of the nonpayment of general taxes.

36 (3) Be prior and superior to all liens, claims, encumbrances and
37 titles other than the liens of assessments and general taxes.

38 2. The city council:

39 (a) Shall not sell telecommunications service to the general public.

40 (b) May purchase or construct facilities for providing
41 telecommunications that intersect with public rights of way if the
42 governing body:

43 (1) Conducts a study to evaluate the costs and benefits
44 associated with purchasing or constructing the facilities; and

45 (2) Determines from the results of the study that the purchase or
46 construction is in the interest of the general public.

47 3. Any information relating to the study conducted pursuant to
48 subsection 2 must be maintained by the city clerk and made available



for public inspection during the business hours of the office of the city clerk.

4. Notwithstanding the provisions of paragraph (a) of subsection 2, an airport may sell telecommunications service to the general public.

5. *The powers granted pursuant to this charter which relate to a public utility described in paragraph (b) of subsection 2 of NRS 704.020 are subject to the provisions of chapter 704 of NRS and any regulations adopted pursuant thereto.*

6. *On and after July 1, 2001, the city shall not expand the facilities of or change the services provided by a public utility which furnishes electric power and which is operated by the city unless it receives the approval of the committee on local government finance pursuant to section 10 of this act.*

7. As used in this section:

(a) "Telecommunications" has the meaning ascribed to it in 47 U.S.C. § 153(43), as that section existed on July 16, 1997.

(b) "Telecommunications service" has the meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on July 16, 1997.

Sec. 126. Section 6.010 of the charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as last amended by chapter 565, Statutes of Nevada 1997, at page 2764, is hereby amended to read as follows:

Sec. 6.010 Local improvement law. Except as otherwise provided in ~~subsection~~ *subsections 2, 5 and 6* of section 2.110 and section 2.115, the city council, on behalf of the city, without any election, may acquire, improve, equip, operate and maintain underground facilities for electricity and communication.

Sec. 127. Section 7.020 of the charter of the City of Sparks, being chapter 470, Statutes of Nevada 1975, as amended by chapter 565, Statutes of Nevada 1997, at page 2765, is hereby amended to read as follows:

Sec. 7.020 Acquisition, operation of municipal utilities. Except as otherwise provided in ~~subsection~~ *subsections 2, 5 and 6* of section 2.110 and section 2.115, the city may, in the manner and for the purposes provided in this charter and Nevada Revised Statutes as they apply to cities, grant franchises and acquire in any manner any public utility, and hold, manage and operate it, either alone or jointly, with any level of government or instrumentality or subdivision thereof.

Sec. 128. Section 2.290 of the charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 466, is hereby amended to read as follows:

Sec. 2.290 Powers of board of councilmen: Sanitary sewer facilities. ~~The~~ *Except as otherwise provided in subsections 2 and 3 of section 2.300, the* board of councilmen may:

1. Provide for a sanitary sewer system or any part thereof, and obtain property therefor either within or without the city.



2. Sell any product or byproduct thereof and acquire the appropriate outlets within or without the city and extend the sewerlines thereto.

3. Establish sewer fees and provide for the enforcement and collection thereof.

Sec. 129. Section 2.300 of the charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 466, is hereby amended to read as follows:

Sec. 2.300 Powers of board of councilmen: Provision of utilities.

~~The~~

1. Except as otherwise provided in subsections 2 and 3, the board of councilmen may:

~~(a)~~ (a) Provide, by contract, franchise or public enterprise, for any utility to be furnished to the city for the residents thereof.

~~(b)~~ (b) Provide for the construction of any facility necessary for the provision of such utilities.

~~(c)~~ (c) Fix the rate to be paid for any utility provided by public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the city is a lien upon the property to which the service is rendered and shall be perfected by filing with the county recorder of Elko County a statement by the city clerk of the amount due and unpaid and describing the property subject to the lien. Each such lien shall:

~~(1)~~ (1) Be coequal with the latest lien thereon to secure the payment of general taxes.

~~(2)~~ (2) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

~~(3)~~ (3) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

2. The powers granted pursuant to this charter which relate to a public utility described in paragraph (b) of subsection 2 of NRS 704.020 are subject to the provisions of chapter 704 of NRS and any regulations adopted pursuant thereto.

3. On and after July 1, 2001, the city shall not expand the facilities of or change the services provided by a public utility which furnishes electric power and which is operated by the city unless it receives the approval of the committee on local government finance pursuant to section 10 of this act.

Sec. 130. Section 6.010 of the charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, as last amended by chapter 361, Statutes of Nevada 1983, at page 876, is hereby amended to read as follows:

Sec. 6.010 Local improvement law. ~~The~~ *Except as otherwise provided in subsections 2 and 3 of section 2.300, the* board of councilmen on behalf of the city and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, convert to or authorize:

1. Curb and gutter projects;

2. Drainage projects;



* S B 4 2 5 *

3. ~~Offstreet~~ *Off-street* parking projects;
4. Overpass projects;
5. Park projects;
6. Sanitary sewer projects;
7. Security walls;
8. Sidewalk projects;
9. Storm sewer projects;
10. Street projects;
11. Underground electric and communication facilities;
12. Underpass projects; and
13. Water projects.

Sec. 131. Section 7.020 of the charter of the City of Wells, being chapter 275, Statutes of Nevada 1971, at page 472, is hereby amended to read as follows:

Sec. 7.020 Acquisition, operation of municipal utilities. ~~The~~ *Except as otherwise provided in subsections 2 and 3 of section 2.300, the* city may, in the manner and for the purposes provided in this charter and Nevada Revised Statutes as they apply to cities, grant franchises and acquire in any manner any public utility, and hold, manage and operate it, either alone or jointly, with any level of government or instrumentality or subdivision thereof.

Sec. 132. Section 2.270 of the charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 909, is hereby amended to read as follows:

Sec. 2.270 Powers of city council: Sanitary sewer facilities. ~~The~~ *Except as otherwise provided in subsection 2 of section 2.280, the* city council may:

1. Provide for a sanitary sewer system or any part thereof, and obtain property therefor either within or without the city.
2. Sell any product or byproduct thereof and acquire the appropriate outlets within or without the city and extend the sewer lines thereto.
3. Establish sewer fees and provide for the enforcement and collection thereof.

Sec. 133. Section 2.280 of the charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as amended by chapter 56, Statutes of Nevada 1973, at page 77, is hereby amended to read as follows:

Sec. 2.280 Powers of city council: Provision of utilities. ~~The~~ *1. Except as otherwise provided in subsections 2 and 3, the* city council may:

~~1-1~~ *(a)* Provide, by contract, franchise or public enterprise, for any utility to be furnished to the city for the residents thereof.

~~2-1~~ *(b)* Provide for the construction of any facility necessary for the provision of such utilities.

~~3-1~~ *(c)* Fix the rate to be paid for any utility provided by public enterprise. Any charges due for services, facilities or commodities furnished by any utility owned by the city is a lien upon the property to which the service is rendered and shall be perfected by filing with the county recorder of Lyon County a statement by the city clerk of



* S B 4 2 5 *

the amount due and unpaid and describing the property subject to the lien. Each such lien shall:

~~1(a)~~ (1) Be coequal with the latest lien thereon to secure the payment of general taxes.

~~1(b)~~ (2) Not be subject to extinguishment by the sale of any property on account of the nonpayment of general taxes.

~~1(c)~~ (3) Be prior and superior to all liens, claims, encumbrances and titles other than the liens of assessments and general taxes.

~~1(d)~~ (d) Pursue any other legal remedy for collection of charges for utility services, facilities or commodities.

2. *The powers granted pursuant to this charter which relate to a public utility described in paragraph (b) of subsection 2 of NRS 704.020 are subject to the provisions of chapter 704 of NRS and any regulations adopted pursuant thereto.*

3. *On and after July 1, 2001, the city shall not expand the facilities or change the services provided by a public utility which furnishes electric power and which is operated by the city unless it receives the approval of the committee on local government finance pursuant to section 10 of this act.*

Sec. 134. Section 6.010 of the charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, as last amended by chapter 361, Statutes of Nevada 1983, at page 877, is hereby amended to read as follows:

Sec. 6.010 Local improvement law. ~~The~~ *Except as otherwise provided in subsections 2 and 3 of section 2.280, the* city council, on behalf of the city and in its name, without any election, may from time to time acquire, improve, equip, operate and maintain, convert to or authorize:

1. Curb and gutter projects;
2. Drainage projects;
3. ~~Offstreet~~ *Off-street* parking projects;
4. Overpass projects;
5. Park projects;
6. Sanitary sewer projects;
7. Security walls;
8. Sidewalk projects;
9. Storm sewer projects;
10. Street projects;
11. Underground electric and communication facilities;
12. Underpass projects; and
13. Water projects.

Sec. 135. Section 7.020 of the charter of the City of Yerington, being chapter 465, Statutes of Nevada 1971, at page 914, is hereby amended to read as follows:

Sec. 7.020 Acquisition, operation of municipal utilities. ~~The~~ *Except as otherwise provided in subsections 2 and 3 of section 2.280, the* city may, in the manner and for the purposes provided in this charter and Nevada Revised Statutes as they apply to cities, grant franchises and acquire in any manner any public utility, and hold,



* S B 4 2 5 *

1 manage and operate it, either alone or jointly, with any level of
2 government or instrumentality or subdivision thereof.

3 **Sec. 136.** Chapter 45, Statutes of Nevada 1921, at page 80, is hereby
4 amended by adding a new section to be designated section 22.5,
5 immediately following section 22, to read as follows:

6 ***Sec. 22.5. On and after July 1, 2001, the county shall not***
7 ***expand the facilities of or change the services provided by a public***
8 ***utility which furnishes electric power and which is operated by the***
9 ***county unless it receives the approval of the committee on local***
10 ***government finance pursuant to section 10 of this act.***

11 **Sec. 137.** Section 1 of chapter 45, Statutes of Nevada 1921, as
12 amended by chapter 205, Statutes of Nevada 1923, at page 366, is hereby
13 amended to read as follows:

14 Section 1. ~~The~~ ***Except as otherwise provided in subsection 2 of***
15 ***section 22 and section 22.5, the*** county of Mineral, State of Nevada,
16 acting by and through its board of county commissioners, is hereby
17 authorized and empowered to purchase the electrical power and
18 telephone lines now extending from the Lundy generating plant of the
19 Nevada-California power company, situated near Lundy, in the
20 county of Mono, State of California, to the town of Hawthorne, in the
21 county of Mineral, State of Nevada, and known as the "Pacific
22 Division" of the Nevada-California power company's system of light
23 and power lines within the State of Nevada, and thereafter to maintain
24 and operate the same as a public utility for the transmission, sale and
25 distribution of electrical energy to consumers, and to construct,
26 operate and maintain an extension of said line from the town of
27 Hawthorne, via Luning and Mina, to the town of Simon in said
28 Mineral County, with branch from Mina to Candelaria, and the same
29 shall be known as the "Mineral County Power System."

30 **Sec. 138.** Section 2 of chapter 45, Statutes of Nevada 1921, as last
31 amended by chapter 12, Statutes of Nevada 1961, at page 11, is hereby
32 amended to read as follows:

33 Sec. 2. ~~The~~ ***Except as otherwise provided in subsection 2 of***
34 ***section 22 and section 22.5, the*** board of county commissioners,
35 hereinafter referred to as the "Board of Managers," or the "board,"
36 shall have authority to enter into any and all necessary contracts with
37 any person, firm or corporation, either within or without the State of
38 Nevada, for the purchase of electric energy and current; or to purchase
39 any existing light and power line or integral part thereof; or to
40 purchase or construct any necessary telephone lines for use in
41 connection with the Mineral County power system; fix rates or tolls
42 thereon; make any and all rules and regulations necessary and proper
43 for the management, operation and control thereof, and may construct
44 and operate branches or distributing lines, and operate substations,
45 transformers and other electrical appliances under the conditions
46 hereinafter provided; provided, however, that nothing herein
47 contained referring to contracts shall be construed as in any way
48 superseding or repealing the provisions of any of the statutes of this
49 state requiring an advertisement for bids for the purchase of materials



* S B 4 2 5 *

1 and supplies in excess of five hundred dollars, as now required by
2 law, or to permit the board to enter into contracts extending beyond
3 their term of office, save and except contracts for the purchase of
4 power or the sale of power; provided further, that in emergency cases
5 the board, by unanimous resolution and order to be entered upon their
6 minutes and reciting such emergency, may direct the purchase of any
7 necessary materials in excess of five hundred dollars value, required
8 for immediate repair of said system, without advertising therefor;
9 provided also, that all contracts entered into by said board of
10 managers with consumers for power service upon an industrial or
11 commercial basis shall specifically require an advance deposit to be
12 made each month of not less than seventy-five percent (75%) of the
13 estimated cost of power to be used by said consumer during the
14 ensuing month, and shall also require that such advance payment must
15 be made and paid to the county treasurer on or before the tenth day of
16 each month, or the service shall be discontinued; such estimate shall
17 be made by the board upon the recommendation of the engineer or
18 general manager of the system, and be based upon the amount of
19 installed and connected motor equipment and hours of use of said
20 consumer.

21 The board of managers may also negotiate and enter into loan
22 contracts with the Rural Electrification Administration as authorized
23 by act of the Congress of the United States for the purpose of
24 financing the construction of electrical transmission and generation
25 facilities necessary to the fulfillment of service requirements and
26 responsibilities.

27 **Sec. 139.** Section 3 of chapter 45, Statutes of Nevada 1921, as last
28 amended by chapter 36, Statutes of Nevada 1963, at page 33, is hereby
29 amended to read as follows:

30 Sec. 3. *Except as otherwise provided in subsection 2 of section*
31 *22 and section 22.5:*

32 (a) This act contemplates primarily the purchase, distribution and
33 sale of electrical energy by the Mineral County power system as a
34 public utility in the towns of Luckyboy, Hawthorne, Luning, Mina,
35 Candelaria, and Simon, over its lines, and the board of county
36 commissioners are hereby authorized and empowered to maintain and
37 operate said electric lines as a high tension electric power system, and
38 purchase all necessary materials and supplies for use thereon or in
39 connection therewith, and to operate transformers, substations and
40 distributing systems at those points, or at other points to which the
41 system lines may be hereafter extended, but nothing herein shall be
42 construed so as to require or compel said board to maintain and
43 operate said system at any of said points if, in the judgment of said
44 board, as recorded in their minutes, it shall appear that so to do would
45 be uneconomical and likely to result in an operating loss.

46 (b) Whenever in the unanimous judgment of the board of managers
47 (such opinion and the facts upon which it is based to be set forth in
48 full upon their minutes), it shall appear that an extension of the lines
49 of said system (either primary or secondary, as the same may be



* S B 4 2 5 *

1 defined by the board), would be a profitable investment for said utility
2 and promote the general welfare of the community or section
3 proposed to be served, they may authorize the same to be constructed,
4 and enter into contracts therefor, upon the express conditions that such
5 extension be built by or under the complete supervision and control of
6 such board, and that the cost of such extension and construction as
7 required shall be advanced and paid to the county by the consumer or
8 consumers whom it is proposed to serve, according to line extension
9 rules and regulations filed with and approved by the public utilities
10 commission of Nevada. All customer utility matters in relation to
11 electric service shall be subject to the standard rules and regulations of
12 the public utilities commission of Nevada. The title to all such line
13 extensions shall at all times be in, and remain with, the Mineral
14 County power system, whether the said cost shall have been fully
15 rebated or not, and such extensions shall be considered as part of the
16 Mineral County power system authorized by this act.

17 (c) The entire cost, including erection and installation of all
18 operating equipment necessary on such line extensions, including
19 transformers, substations, fixtures, lightning arresters and other
20 necessary electrical equipment, shall be borne by the consumer or
21 consumers served, and no part of such cost shall be rebated by the
22 board of managers, either directly or indirectly; provided, however,
23 that with the consent and approval of the board of managers, power
24 may be sold and consumers served from the lines of said system, in
25 cases where line extensions are built and necessary operating
26 equipment installed (all to be of the standard required and approved
27 by such board), at the expense of said consumer or consumers and
28 where the title to such extension and equipment remains in the
29 consumer or consumers, but in every such case, no part of the cost of
30 erection, installation or maintenance shall be paid or rebated, either
31 directly or indirectly, to said consumer or consumers, nor shall such
32 extension with its operating equipment be deemed or considered a
33 part of the Mineral County power system.

34 (d) The board as a condition precedent to entering into or
35 authorizing any contract providing for extensions of their primary or
36 secondary lines, shall specifically require that all electrical equipment
37 proposed to be installed by such consumer or consumers shall be of
38 the standard type and quality required and approved by the Mineral
39 County power system, and that the erection and installation thereof
40 shall be under the complete supervision and control of said board, and
41 be made in accord with their standard of practice and requirements
42 covering such installations.

43 (e) If an extension of the system lines (either primary or
44 secondary) to any particular point shall hereafter be built under the
45 foregoing conditions, and it shall subsequently appear to such board
46 that the public convenience of such community or locality would be
47 promoted and served and that it would be a profitable investment if a
48 local distributing system were to be erected and installed thereat, the
49 board of managers upon receiving and filing a petition signed by not



1 less than sixty-five percent (65%) in number of the taxpayers of said
2 community or locality proposed to be served (said percentage to be
3 ascertained by an examination of the assessment rolls for the current
4 year, and covering such community or locality) may, after causing all
5 such facts to appear affirmatively upon their minutes, order the
6 erection and installation of such local distributing system, and of all
7 necessary operating equipment, and the same shall thereafter be a part
8 of the Mineral County power system, but subject nevertheless to the
9 conditions set forth in paragraph (a) of this section as to suspension in
10 case of unprofitable operation; provided, that in the event of an
11 extension of the lines of the Mineral County power system being
12 proposed and authorized to any adjoining county within the State of
13 Nevada, no license or franchise shall be required or exacted as a
14 condition precedent by the board of county commissioners of such
15 adjoining county to the making of such extension, and the authority
16 granted by this act to the county of Mineral to operate the Mineral
17 County power system as a public utility, shall be full warrant for the
18 making of any such extension, and the same shall be exempt from
19 taxation.

20 (f) It is the express intent of this section that the board of managers
21 may consent to make and contract for line extensions of said system
22 upon the entire cost thereof as above defined, being advanced to the
23 county, and that said cost may be rebated, as hereinbefore provided,
24 but that such line extension shall not be construed to include any
25 transformer, substation or fixtures, lightning arresters or other
26 electrical equipment necessary, no part of the cost of which shall or
27 may be rebated, either directly or indirectly, to such consumer by the
28 county.

29 **Sec. 140.** Section 16 of chapter 45, Statutes of Nevada 1921, as
30 amended by chapter 48, Statutes of Nevada 1925, at page 59, is hereby
31 amended to read as follows:

32 Sec. 16. ~~The~~ *Except as otherwise provided in subsection 2 of*
33 *section 22 and section 22.5, the* maintenance and operation of said
34 Mineral County power system shall be under the control, supervision
35 and authority of the board of managers, and rates charged to
36 consumers for sale and distribution of electrical energy and current,
37 and the tolls for telephone service, with the terms and conditions
38 thereof, shall be fixed by said board, subject to the supervision of the
39 public utilities commission of Nevada, who may revise, raise or lower
40 the same. Unpaid charges of said power system for service or
41 materials and supplies rendered or furnished a consumer shall
42 constitute a lien against the property of such consumer, and shall have
43 precedence over all other claims and demands save and except taxes;
44 provided, that upon receiving a certificate from the general manager
45 of such system giving the names of delinquent consumers or
46 ratepayers and the amounts due from each for unpaid service or
47 material or supply bills, prior to the making up of the annual
48 assessment rolls, the county assessor shall place upon said rolls after
49 or opposite the name of such delinquent, the amount so certified to be



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1 due, which sum shall be added by the county auditor to the amounts
2 levied as taxes, and the same shall be collected and paid at the same
3 time and in the same manner as taxes, and all the provisions of law
4 applicable to the collection and payment of taxes (either real or
5 personal) and to delinquencies shall apply to the payment of such
6 charges; provided further, that all sums so collected and due to the
7 Mineral County power system shall be credited by the county
8 treasurer to said system, but all sums collected as penalties, interest or
9 costs shall be paid to the county general fund; and provided further,
10 that in the event of payment being made of such delinquent account,
11 with penalties and interest, at any time prior to the final date set for
12 the collection and payment of taxes, credit therefor shall be entered
13 upon such tax-roll by the county treasurer. Such accounts shall be
14 deemed delinquent forty (40) days immediately following the month
15 in which such service was rendered or material furnished, and the
16 penalty for nonpayment shall be fifteen per cent (15%) additional,
17 with three per cent (3%) per month interest thereafter on said total
18 amount until paid, and such penalty and interest shall be added to the
19 amount originally found to be due, when collection is made by the
20 county treasurer; provided, that un-collectable accounts may be
21 ordered stricken from such rolls by the county board of equalization.

22 **Sec. 141.** Section 22 of chapter 45, Statutes of Nevada 1921, at page
23 85, is hereby amended to read as follows:

24 Sec. 22. **1.** The provisions of existing laws respecting the
25 manner of acquisition of public utilities, the duties of county
26 commissioners to act upon proper applications and petitions, the
27 collection and enforcement of rates for service, and all other
28 provisions not superseded by this act shall apply to the acquisition,
29 management, financing, and control of said system.

30 **2.** *The powers granted pursuant to this act which relate to a*
31 *public utility described in paragraph (b) of subsection 2 of NRS*
32 *704.020 are subject to the provisions of chapter 704 of NRS and any*
33 *regulations adopted pursuant thereto.*

34 **Sec. 142.** Section 6 of chapter 164, Statutes of Nevada 1947, at page
35 538, is hereby amended to read as follows:

36 Sec. 6. Purposes and Powers of District.

37 **1.** The Las Vegas sewage district created and incorporated under
38 the provisions of this act shall be a body corporate and politic, and
39 shall be and exist for the purpose of furnishing said district and the
40 inhabitants thereof with an adequate system of sewers and means of
41 sewage treatment or disposal by acquiring, holding, constructing,
42 improving, maintaining and operating, owning, leasing, either in the
43 capacity of lessor or lessee, sewer systems, sewage treatment works,
44 waste mains, sewers, tunnels, drains, and every form of sewer and
45 sewage treatment or disposal facility, either within or without the
46 boundaries of the district, to be devoted wholly or partially for public
47 uses or for revenue-producing purposes. ~~Said~~

48 **2.** *The Las Vegas sewage* district is hereby granted and shall have
49 and may exercise all powers necessary and convenient for the



1 carrying out of the aforesaid purposes, including, but without limiting
2 the generality of the foregoing, the following rights and powers:

3 (a) To have existence for a term of fifty (50) years as a corporation.

4 (b) To sue and be sued, implead and be impleaded, complain and
5 defend in all courts.

6 (c) To adopt, use, and alter at will a corporate seal.

7 (d) To acquire, purchase, hold, lease as lessee, and use any
8 franchise, property, real, personal or mixed, tangible or intangible, or
9 any interest therein, within or without the boundaries of the district,
10 necessary or desirable for carrying out the purposes of the district, and
11 to sell, lease as lessor, transfer, and dispose of any property or interest
12 therein, at any time acquired by it.

13 (e) To acquire by purchase, lease, or otherwise, and to construct,
14 improve, maintain, repair, and operate projects within or without the
15 boundaries of the district.

16 (f) To make bylaws for the management and regulation of its
17 affairs.

18 (g) To appoint officers, agents, employees, and servants; to
19 prescribe their duties and to fix their compensation.

20 (h) To fix, alter, charge, and collect rates, rentals, and other
21 charges for the use of the facilities of, or for the services rendered by
22 the district or projects thereof, at reasonable rates, to be determined by
23 it, for the purpose of providing for the payment of the expenses of the
24 district, the construction, improvement, repair, maintenance, and
25 operation of its facilities and properties, the payment of the principal
26 of and interest on its obligations, and to fulfill the terms and
27 provisions of any agreements made with the purchasers or holders of
28 any such obligations, and to make such rates, rentals, and other
29 charges a lien upon the property using such facilities, and provide for
30 a method of enforcing collection of such rates, rentals, and other
31 charges.

32 (i) To borrow money, make and issue negotiable notes, bonds, and
33 other evidences of indebtedness or obligations of the district, said
34 bonds or other evidence of indebtedness to have a maturity date not
35 longer than twenty-five (25) years from the date of issue, and to
36 secure the payment of such bonds, or any part thereof, by pledge or
37 deed of trust of all or any of its revenues and receipts, and to make
38 such agreements with the purchasers or holders of such bonds or with
39 others in connection with any such bonds, whether issued or to be
40 issued, as the district shall deem advisable, and in general to provide
41 for the security for said bonds and the rights of the holders thereof.

42 (j) Without limitation of the foregoing, to borrow money and
43 accept grants from, and to enter into contracts, leases or other
44 transactions with any federal agency.

45 (k) To pledge, hypothecate, or otherwise encumber all or any of
46 the revenues or receipts of the district as security for all or any of its
47 obligations.

48 (l) To lay sewer and pipe along, under, or upon public highways,
49 roads, streets, and alleys, and to build and erect sewage treatment or



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1 disposal plants, either within or without the boundaries of such
2 district, and to compel all property owners within the area served by
3 said sewage system to connect their private drains and sewer systems
4 with such system or sewers of the district.

5 (m) To acquire by eminent domain proceedings, either the fee or
6 such right, title, interest, or easement in such lands and premises, both
7 within and without the boundaries of the district, as the district may
8 deem necessary for any of the purposes mentioned in this act. The
9 right of eminent domain shall be exercised by the district in the
10 manner provided by law for the exercise of such right by the city of
11 Las Vegas, except insofar as such law may be inconsistent with the
12 provisions of this act.

13 (n) To make contracts of every name and nature, and to execute all
14 instruments necessary or convenient for the carrying on of its
15 business.

16 (o) To accept cash gifts, and to receive by gift, devise, or
17 otherwise, such real and personal property and rights of way, either
18 within or without the limits of the district, as shall be necessary or
19 proper to carry out the provisions of this act.

20 (p) To assess, levy, and collect taxes and special assessments for
21 the purpose of providing for the payment of the expenses of the
22 district, the construction, improvement, repair, maintenance, and
23 operation of its facilities and properties, the payment of the principal
24 of and interest on its obligations, and to fulfill the terms and
25 provisions of any agreements made with the purchasers or holders of
26 any such obligations, and to make such taxes and special assessments
27 a lien upon the property using such facilities, and provide for a
28 method of enforcing collection of such taxes and special assessments.

29 (q) To make and enforce all necessary and proper regulations for
30 the removal of sewage, and to make all other sanitary regulations in
31 connection therewith not in conflict with the constitution or laws of
32 this state, or the laws of the city of Las Vegas or any other
33 incorporated city embraced within the district; any violation of any
34 such regulations is hereby designated to be a misdemeanor punishable
35 by fine or imprisonment, or both; provided, however, that no such fine
36 shall exceed the sum of one hundred dollars (\$100), and no such
37 imprisonment shall exceed thirty (30) days.

38 (r) To do any and all acts and things necessary or convenient to
39 carry out the purposes of the district and the powers granted to it by
40 this act or any other acts; provided, however, that the district shall
41 have no power at any time or in any manner to pledge the credits or
42 taxing power of the State of Nevada, any political subdivisions
43 thereof, or the city of Las Vegas, or any other incorporated city
44 embraced within the district, nor shall any of its obligations be
45 deemed to be obligations of the State of Nevada, or any of its political
46 subdivisions, or of the city of Las Vegas or any other incorporated
47 city embraced within the district, nor shall the State of Nevada, any
48 political subdivision thereof, or the city of Las Vegas, or any other



* S B 4 2 5 *

1 incorporated city embraced within the district, be liable for the
2 payment of principal of or interest on such obligations.

3 *3. The powers granted pursuant to this act which relate to a*
4 *public utility described in paragraph (b) of subsection 2 of NRS*
5 *704.020 are subject to the provisions of chapter 704 of NRS and any*
6 *regulations adopted pursuant thereto.*

7 **Sec. 143.** Section 16 of chapter 307, Statutes of Nevada 1951, as last
8 amended by chapter 628, Statutes of Nevada 1989, at page 1447, is hereby
9 amended to read as follows:

10 Sec. 16. 1. It is the intent of this act that, so far as possible, the
11 principal of and interest on any bonds issued by the district be paid
12 from revenues from the works and properties of the district. ~~The~~
13 *Except as otherwise provided in subsection 2 of section 19.1, the*
14 board shall from time to time establish reasonable rates and charges
15 for the products and services furnished by such works and properties,
16 and no board or commission other than the governing body of the
17 district has authority to fix or supervise the making of those rates and
18 charges. The rates and charges may be in such forms as, but not
19 exclusively limited to, service charges, monthly commodity charges,
20 late charges, delinquent processing charges, lump-sum installment
21 charges or connection charges. In establishing the rates, the board
22 shall consider the equitable allocation and recovery of costs of
23 providing facilities and delivery of water service, except that the rates
24 may be established in such a way as to encourage the conservation of
25 water. Service from different sources or to areas which are
26 noncontiguous to the existing service area of the district may be
27 deemed to be different classes or conditions of service for the
28 purposes of this section.

29 2. Subject to the limitation that the rates and charges be
30 reasonable, *and except as otherwise provided in subsection 2 of*
31 *section 19.1,* the board shall fix rates and charges which will produce
32 sufficient revenues to pay the operating and maintenance expenses of
33 such works and properties, the general expenses of the district, the
34 principal of and interest on all outstanding bonds of the district as the
35 same fall due and any payments required to be made into any sinking
36 fund for such bonds.

37 3. Anything to the contrary in this act notwithstanding, the district
38 may, in any contract with the United States of America, the State of
39 Nevada, or the Colorado River commission, agree to furnish water to
40 any of the foregoing, or to purchasers, lessees or others holding under
41 any of the foregoing, at such rates, charges or other consideration as
42 may be specified in the contract.

43 **Sec. 144.** Section 37 of chapter 169, Statutes of Nevada 1961, at page
44 266, is hereby amended to read as follows:

45 Sec. 37. ~~Whenever~~ *Except as otherwise provided in subsection 2*
46 *of section 40, whenever* revenue bonds are issued, the board shall
47 impose, in connection with the project for which the bonds are issued,
48 for the services rendered or facilities furnished thereby, fees fully
49 sufficient:



* S B 4 2 5 *

1. To pay the cost of operating and maintaining the project, including but not limited to betterments or replacements to keep the same in good repair and working order (which cost shall be a first lien and charge upon the revenues or income to be derived from the operation of the project or service); and

2. To pay the principal of and interest on the bonds; and

3. To carry out all commitments made in the ordinance or ordinances authorizing the bonds and other proceedings appertaining thereto.

Sec. 145. Section 40 of chapter 169, Statutes of Nevada 1961, at page 267, is hereby amended as follows:

Sec. 40. *1.* This act, without reference to other statutes of the state, except as herein otherwise specifically provided, shall constitute full authority for the exercise of powers herein granted, including but not limited to the authorization and issuance of bonds hereunder. No other act or law with regard to the authorization or issuance of bonds that provides for an election, requires an approval, or in any way impedes or restricts the carrying out of the acts herein authorized to be done, shall be construed as applying to any proceedings taken hereunder or acts done pursuant hereto. The powers conferred by this act shall be in addition and supplemental to, and not in substitution for, and the limitations imposed by this act shall not affect the powers conferred by, any other law. No part of this act shall repeal or affect any other law or part thereof, it being intended that this act shall provide a separate method of accomplishing its objectives, and not an exclusive one; and this act shall not be construed as repealing, amending or changing any such other law.

2. The powers granted pursuant to this act which relate to a public utility described in paragraph (b) of subsection 2 of NRS 704.020 are subject to the provisions of chapter 704 of NRS and any regulations adopted pursuant thereto.

Sec. 146. Section 19.1 of chapter 797, Statutes of Nevada 1973, at page 1794, is hereby amended to read as follows:

Sec. 19.1. *1.* Any powers expressly granted by this act are in addition to other powers available to the district under the general laws of this state. All provisions of Nevada Revised Statutes which apply to public districts of the state and which are not in conflict with this act may be utilized by the district in order that such district may carry out its corporate purposes in the most efficient manner.

2. The powers granted pursuant to this act which relate to a public utility described in paragraph (b) of subsection 2 of NRS 704.020 are subject to the provisions of chapter 704 of NRS and any regulations adopted pursuant thereto.

Sec. 147. Section 3 of chapter 477, Statutes of Nevada 1983, at page 1262, is hereby amended to read as follows:

Sec. 3. ~~The~~ *Except as otherwise provided in section 10, the* district has the following powers:

1. To have perpetual succession.



* S B 4 2 5 *

1 2. To sue and be sued in the name of the district in any court of
2 competent jurisdiction.

3 3. To adopt a seal and alter it at the district's pleasure.

4 4. To enter into contracts, and employ and fix the compensation
5 of staff and professional advisers.

6 5. To borrow money and incur indebtedness to the extent
7 permitted by law.

8 6. Subject to NRS 350.001 to 350.006, inclusive, to issue and
9 retire bonds, warrants, notes and other securities, as if it were a
10 municipality, in accordance with and by exercise of the powers
11 conferred by:

12 (a) NRS 350.020 to 350.070, inclusive;

13 (b) NRS 350.350 to 350.490, inclusive;

14 (c) NRS 350.500 to 350.720, inclusive; and

15 (d) Other applicable law,

16 to pay the cost, in whole or in part, of the acquisition or construction,
17 respectively, of any lands, easements, water rights, waters,
18 waterworks, conduits, pipelines, wells, reservoirs, structures,
19 machinery and other property or equipment useful or necessary to
20 store, convey, supply or otherwise deal with water to provide
21 adequate water service to the service area. For purposes of NRS
22 350.572, this act does not expressly or impliedly require an election
23 before issuance of a security or indebtedness pursuant to NRS
24 350.500 to 350.720, inclusive, if the obligation is payable solely from
25 pledged revenues, but an election must be held before incurring a
26 general obligation.

27 7. To take by grant, purchase, gift, devise or lease, and to hold,
28 use, lease or dispose of real and personal property within or without
29 the service area of the district. Such property includes but is not
30 limited to lands, easements, water rights, waters, waterworks,
31 conduits, pipelines, wells, reservoirs, structures, machinery and other
32 property useful or necessary to store, convey, supply or otherwise deal
33 with water to provide adequate water service to the service area.

34 8. To adopt ordinances, rules, regulations and bylaws necessary
35 for exercise of the powers and conduct of the affairs of the board and
36 district.

37 9. To exercise the power of eminent domain in the manner
38 prescribed by law, within or without the service area of the district, to
39 take any property including but not limited to property specified in
40 subsection 7, necessary or convenient for the exercise of the powers
41 of the district or for the provision of adequate water service to the
42 service area. No action in eminent domain may be commenced to
43 acquire property outside the service area unless the board of county
44 commissioners of the affected county consents to the action. No
45 property devoted to public use may be taken by the district unless it is
46 taken upon a finding by a court of competent jurisdiction that the
47 taking is for a more necessary public use than the use to which the
48 property is already devoted.



10. To contract or cooperate with the United States, the State of Nevada or any political subdivision thereof in order to store, conserve, supply, convey or otherwise deal with water to provide adequate water to the service area.

11. To store or conserve water in surface or underground reservoirs, within or without the district, to appropriate water and to import water from without the district, all to provide adequate water service to the service area.

12. To sell and distribute water under the control of the district, without preference, to any person, firm, corporation, association, district, agency or inhabitant, public or private, for use within the service area, to fix, establish and adjust rates, classes of rates, terms and conditions for the sale and use of such water, and to sell water for use outside the service area upon a finding by the board that there is a surplus of water above that amount required to serve consumers within the service area.

13. To construct, acquire, alter, improve, operate and maintain waterworks, conduits, pipelines, wells, reservoirs, structures, machinery and other property and equipment useful or necessary to store, convey, supply or otherwise deal with water to provide adequate water service to the service area.

14. To restrict the use of district water during any emergency caused by drought or other threatened or existing water shortage, and to prohibit the waste of district water at any time.

15. To levy and collect taxes in the manner and for the purposes prescribed in this act.

16. To do all acts and things reasonably implied from and necessary for the full exercise of all the powers of the district granted by this act.

Sec. 148. Section 10 of chapter 477, Statutes of Nevada 1983, at page 1267, is hereby amended to read as follows:

Sec. 10. *1.* The district is ~~exempt from~~ *subject to* regulation by the public utilities commission of Nevada.

2. The powers granted pursuant to this act which relate to a public utility described in paragraph (b) of subsection 2 of NRS 704.020 are subject to the provisions of chapter 704 of NRS and any regulations adopted pursuant thereto.

Sec. 149. Section 10 of chapter 621, Statutes of Nevada 1989, as last amended by chapter 189, Statutes of Nevada 1999, at page 922, is hereby amended to read as follows:

Sec. 10. *1.* The Carson Water Subconservancy District, as expanded to include the urban area of Carson City, is hereby expanded to include that portion of Churchill County within the Carson River hydrologic basin. The assets and liabilities of the existing district become the assets and liabilities of the newly formed district on July 1, 1999.

2. The Carson Water Subconservancy District shall be deemed to have been created pursuant to chapter 541 of NRS, with the same powers and duties, and subject to the same limitations as a water



conservancy district created pursuant to that chapter except that the provisions of this act supersede the provisions of chapter 541 of NRS where the provisions of that chapter conflict with the express provisions of this act.

3. The board of directors of the Carson Water Subconservancy District consists of 11 members to be appointed as follows:

(a) Two members who are residents of Carson City appointed by the board of supervisors of Carson City;

(b) Two members who are residents of Lyon County appointed by the board of county commissioners of Lyon County;

(c) Five members who are residents of Douglas County, at least two of whom must represent agricultural interests in the county, appointed by the board of county commissioners of Douglas County; and

(d) Two members who are residents of Churchill County appointed by the board of county commissioners of Churchill County.

No action may be taken by the board without the affirmative vote of at least six members.

4. The board of directors may levy a tax upon all taxable property within the Carson Water Subconservancy District at a rate of not more than 3 cents on each \$100 of assessed valuation for carrying out the activities of the district. The tax must be collected in the manner provided in chapter 541 of NRS. The limitations in chapter 354 of NRS upon revenue from taxes ad valorem do not apply to revenue received from a tax levied pursuant to this subsection.

5. The board of directors may issue general or special obligations to carry out the activities of the district, including, without limitation, the acquisition of water rights and the acquisition, construction or completion of waterworks, facilities, flood control or drainage projects or other projects in accordance with NRS 350.500 to 350.720, inclusive. Any general obligations issued pursuant to this subsection must comply with the provisions of NRS 350.020. The provisions of NRS 541.340 to 541.370, inclusive, do not apply to obligations issued pursuant to this subsection.

6. The board of directors may pledge:

(a) Any money received from the proceeds of the tax imposed pursuant to subsection 4;

(b) The gross or net revenues derived from water rights, waterworks, facilities, flood control or drainage projects or other projects; and

(c) The special assessments collected by the district for maintaining and operating waterworks, facilities, flood control or drainage projects and other projects, for the payment of general or special obligations issued pursuant to subsection 5. For the purposes of subsection 3 of NRS 350.020 and NRS 350.500 to 350.720, inclusive, money pledged by the board pursuant to this subsection shall be deemed to be pledged revenue of the project.



1 7. The Carson Water Subconservancy District shall not acquire
2 water rights, or other property for the purpose of obtaining the
3 appurtenant water rights, through the exercise of the power of eminent
4 domain.

5 8. Carson City and each county located in part or in whole within
6 the Carson Water Subconservancy District may establish a special
7 district consisting of all or any portion of the land within the
8 boundaries of the local government. The governing body of the local
9 government is ex officio the board of directors of the district. Each
10 special district may levy a tax upon all taxable property within its
11 boundaries at a rate of not more than 7 cents on each \$100 of assessed
12 valuation. The tax must be collected in the same manner as other taxes
13 ad valorem collected by the local government. The revenue from the
14 tax must be used to allow the district to plan, construct, maintain and
15 operate waterworks, facilities, flood control or drainage projects or
16 other projects, and to obtain water and water rights for the benefit of
17 the district. The limitations in chapter 354 of NRS upon revenue from
18 taxes ad valorem do not apply to revenue received from a tax levied
19 pursuant to this subsection. A district for which a tax is levied
20 pursuant to this subsection is not entitled to receive any distribution of
21 supplemental city-county relief tax. Districts established pursuant to
22 this subsection may enter into cooperative agreements pursuant to
23 chapter 277 of NRS concerning the management of the waterworks or
24 resources.

25 9. The Carson Water Subconservancy District may, for the
26 payment of general or special obligations issued pursuant to
27 subsection 5, pledge any money received from the proceeds of a tax
28 imposed by a special district established pursuant to subsection 8 if:

29 (a) The Carson Water Subconservancy District and the special
30 district established pursuant to subsection 8 have entered into a
31 cooperative agreement pursuant to chapter 277 of NRS; and

32 (b) The cooperative agreement authorizes the Carson Water
33 Subconservancy District to pledge the money received from the
34 proceeds of that tax.

35 10. *The powers granted pursuant to this act which relate to a*
36 *public utility described in paragraph (b) of subsection 2 of NRS*
37 *704.020 are subject to the provisions of chapter 704 of NRS and any*
38 *regulations adopted pursuant thereto.*

39 **Sec. 150.** Section 3 of chapter 100, Statutes of Nevada 1993, as last
40 amended by chapter 203, Statutes of Nevada 1997, at page 560, is hereby
41 amended to read as follows:

42 Sec. 3. ~~The~~ *Except as otherwise provided in section 12, the*
43 district has the following powers:

- 44 1. To have perpetual succession.
- 45 2. To sue and be sued in the name of the district in all courts or
46 tribunals of competent jurisdiction.
- 47 3. To adopt a seal and alter it at the district's pleasure.
- 48 4. To enter into contracts, and employ and fix the compensation
49 of staff and professional advisers.



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1 5. To incur indebtedness pursuant to chapter 271 of NRS, issue
2 bonds pursuant to chapter 350 of NRS and provide for medium-term
3 obligations pursuant to chapter 350 of NRS to pay, in whole or in part,
4 the costs of acquiring, constructing and operating any lands,
5 easements, water rights, water, waterworks or projects, conduits,
6 pipelines, wells, reservoirs, structures, machinery and other property
7 or equipment useful or necessary to store, convey, supply or otherwise
8 deal with water, and otherwise to carry out the powers set forth in this
9 section. For the purposes of NRS 350.572, sections 1 to 15, inclusive,
10 of this act do not expressly or impliedly require an election before the
11 issuance of a security or indebtedness pursuant to NRS 350.500 to
12 350.572, inclusive, if the obligation is payable solely from pledged
13 revenues, but an election must be held before incurring a general
14 obligation.

15 6. To acquire, by purchase, grant, gift, devise, lease, construction,
16 contract or otherwise, lands, rights of way, easements, privileges,
17 water and water rights, and property of every kind, whether real or
18 personal, to construct, maintain and operate, within or without the
19 district, any and all works and improvements necessary or proper to
20 carry out any of the objects or purposes of sections 1 to 15, inclusive,
21 of this act, and to complete, extend, add to, repair or otherwise
22 improve any works, improvements or property acquired by it as
23 authorized by sections 1 to 15, inclusive, of this act.

24 7. To sell, lease, encumber, hypothecate or otherwise dispose of
25 property, whether real or personal, including water and water rights,
26 as is necessary or convenient to the full exercise of the district's
27 powers.

28 8. To adopt ordinances, rules, regulations and bylaws necessary
29 for the exercise of the powers and conduct of the affairs of the board
30 and district.

31 9. Except as otherwise provided in this subsection, to exercise the
32 power of eminent domain in the manner prescribed by law, within or
33 without the service area of the district, to take any property, including,
34 without limitation, the property specified in subsections 6 and 15,
35 necessary or convenient for the exercise of the powers of the district
36 or for the provision of adequate water service to the service area. The
37 district shall not exercise the power of eminent domain to acquire the
38 water rights or waterworks facilities of any nonprofit purveyor
39 delivering water for domestic use whose service area is adjacent to the
40 district without first obtaining the consent of the purveyor.

41 10. To enter upon any land, to make surveys and locate any
42 necessary improvements, including, without limitation, lines for
43 channels, conduits, canals, pipelines, roadways and other rights of
44 way, to acquire property necessary or convenient for the construction,
45 use, supply, maintenance, repair and improvement of such
46 improvements, including works constructed and being constructed by
47 private owners, lands for reservoirs for the storage of necessary water,
48 and all necessary appurtenances, and, where necessary and for the
49 purposes and uses set forth in this section, to acquire and hold the



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1 stock of corporations, domestic or foreign, owning water or water
2 rights, canals, waterworks, franchises, concessions or other rights.

3 11. To enter into and do any acts necessary or proper for the
4 performance of any agreement with the United States, or any state,
5 county or district of any kind, public or private corporation,
6 association, firm or natural person, or any number of them, for the
7 joint acquisition, construction, leasing, ownership, disposition, use,
8 management, maintenance, repair or operation of any rights, works or
9 other property of a kind which may be lawfully acquired or owned by
10 the district.

11 12. To acquire the right to store water in any reservoirs, or to
12 carry water through any canal, ditch or conduit not owned or
13 controlled by the district, and to grant to any owner or lessee the right
14 to the use of any water or right to store such water in any reservoir of
15 the district, or to carry such water through any tunnel, canal, ditch or
16 conduit of the district.

17 13. To enter into and do any acts necessary or proper for the
18 performance of any agreement with any district of any kind, public or
19 private corporation, association, firm or natural person, or any number
20 of them, for the transfer or delivery to any district, corporation,
21 association, firm or natural person of any water right or water
22 pumped, stored, appropriated or otherwise acquired or secured for the
23 use of the district, or for the purpose of exchanging the water or water
24 right for any other water, water right or water supply to be delivered
25 to the district by the other party to the agreement.

26 14. To cooperate and act in conjunction with the State of Nevada
27 or any of its engineers, officers, boards, commissions, departments or
28 agencies, with the government of the United States or any of its
29 engineers, officers, boards, commissions, departments or agencies, or
30 with any public or private corporation, to construct any work for the
31 development, importation or distribution of water of the district, for
32 the protection of life or property therein, or for the conservation of its
33 water for beneficial use within the district, or to carry out any other
34 works, acts or purposes provided for in sections 1 to 15, inclusive, of
35 this act, and to adopt and carry out any definite plan or system of
36 work for any of the purposes described in sections 1 to 15, inclusive,
37 of this act.

38 15. To store water in surface or underground reservoirs within or
39 without the district for the common benefit of the district, to conserve
40 and reclaim water for present and future use within the district, to
41 appropriate and acquire water and water rights and import water into
42 the district for any useful purpose to the district, and to commence,
43 maintain, intervene in and compromise in the name of the district, or
44 otherwise, and assume the costs and expenses of any action or
45 proceeding involving or affecting:

46 (a) The ownership or use of water or water rights within or without
47 the district used or useful for any purpose of the district or of common
48 benefit to any land situated therein;

49 (b) The wasteful use of water within the district;



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1 (c) The interference with or diminution of water or water rights
2 within the district;

3 (d) The contamination or pollution of the surface or subsurface
4 water used in the district or any other act that otherwise renders such
5 water unfit for beneficial use; and

6 (e) The interference with this water that may endanger or damage
7 the residents, lands or use of water in the district.

8 16. To sell and distribute water under the control of the district,
9 without preference, to any natural person, firm, corporation,
10 association, district, agency or inhabitant, public or private, for use
11 within the service area, to fix, establish and adjust rates, classes of
12 rates, terms and conditions for the sale and use of such water, and to
13 sell water for use outside the service area upon a finding by the board
14 that there is a surplus of water above that amount required to serve
15 customers within the service area.

16 17. To cause taxes to be levied and collected for the purposes
17 prescribed in sections 1 to 15, inclusive, of this act, including the
18 payment of any obligation of the district during its organizational state
19 and thereafter, and necessary engineering costs, and to assist in the
20 operational expenses of the district, until such taxes are no longer
21 required.

22 18. To supplement the surface and ground-water resources of
23 Virgin Valley by the importation and use of water from other sources
24 for industrial, irrigation, municipal and domestic uses.

25 19. To restrict the use of district water during any emergency
26 caused by drought or other threatened or existing water shortage, and
27 to prohibit the waste of district water at any time through the adoption
28 of ordinances, rules or regulations and the imposition of fines for
29 violations of those ordinances, rules and regulations.

30 20. To annex area into the district in the manner prescribed for
31 cities in chapter 268 of NRS.

32 21. To supply water under contract or agreement, or in any other
33 manner, to the United States or any department or agency thereof, the
34 State of Nevada, Clark County, Nevada, and any city, town,
35 corporation, association, partnership or natural person situated in
36 Clark County, Nevada, and to deliver water to those users in Mohave
37 County, Arizona, who are located in the Virgin Valley in accordance
38 with the provisions of NRS 533.515 and 533.520, for an appropriate
39 charge, consideration or exchange made therefor, when such supply is
40 available or can be developed as an incident of or in connection with
41 the primary functions and operations of the district.

42 22. To create assessment districts to extend mains, improve
43 distribution systems and acquire presently operating private water
44 companies and mutual water distribution systems.

45 23. To accept from the Government of the United States or any of
46 its agencies financial assistance or participation in the form of grants-
47 in-aid or any other form in connection with any of the functions of the
48 district.



24. To assume the obligations of the Bunkerville Water User's Association, a nonprofit corporation, in providing water service to users in the district's service area.

25. To assume the obligations of the Mesquite Farmstead Water Association, a nonprofit corporation, in providing water service to users in the district's service area and in its certificated service area in Mohave County, Arizona, pursuant to the certificate of public convenience and necessity granted to the Mesquite Farmstead Water Association by the State of Arizona.

26. To conduct business in Mohave County, Arizona, upon qualifying to do so pursuant to the laws of that state.

27. To do all acts and things reasonably implied from and necessary for the full exercise of all powers of the district granted by sections 1 to 15, inclusive, of this act.

Sec. 151. Section 12 of chapter 100, Statutes of Nevada 1993, at page 167, is hereby amended to read as follows:

Sec. 12. *1.* The district is ~~exempt from~~ *subject to* regulation by the public utilities commission of Nevada.

2. The powers granted pursuant to this act which relate to a public utility described in paragraph (b) of subsection 2 of NRS 704.020 are subject to the provisions of chapter 704 of NRS and any regulations adopted pursuant thereto.

Sec. 152. Section 2 of chapter 393, Statutes of Nevada 1995, at page 963, is hereby amended to read as follows:

Sec. 2. 1. Except as otherwise provided in subsections 2 and 4, the Southern Nevada Water Authority shall hold in its own name and shall exercise in its own right all rights, interests, functions and powers, shall perform all duties and obligations and shall assume all liabilities of the State of Nevada and the Colorado River commission relating to the project and its facilities, including, without limitation:

(a) Those powers and duties of the Colorado River commission specified in chapter 268, Statutes of Nevada 1967, as amended, and chapter 482, Statutes of Nevada 1975, as amended; and

(b) All rights, powers, duties, obligations and liabilities of the State of Nevada and the commission pursuant to each of the following contracts:

(1) That certain "Amendatory, Supplementary and Restating Contract between the United States and the State of Nevada for the Delivery of Water and Repayment of Project Works," dated March 2, 1992.

(2) That certain "Amendatory, Supplementary and Restating Contract for the Delivery of Water through the Southern Nevada Water System between the State of Nevada, acting through its Colorado River Commission, and the City of Boulder City, City of Henderson, the City of North Las Vegas, and the Las Vegas Valley Water District," dated March 2, 1992.

(3) That certain "Negotiated Water Service Contract between the United States and the State of Nevada, acting through the Division



1 of Colorado River Resources, for Delivery of Water,” Contract No.
2 F26600-78-D0011, dated January 23, 1978.

3 (4) That certain “Contract for the Conveyance of Water through
4 the Southern Nevada Water System” between the Colorado River
5 commission and the Southern Nevada Water Authority, dated March
6 2, 1992.

7 (5) That certain “Water Distribution and Quality Control Service
8 Contract” between the Las Vegas Valley Water District, the State of
9 Nevada and the Colorado River commission, dated August 1, 1971.

10 (6) That certain “Second Amendatory and Supplemental
11 Contract for Sale of Electric Power and Energy for the Southern
12 Nevada Water System,” between Nevada Power Company and the
13 Colorado River commission, dated May 29, 1992.

14 (7) That certain “Temporary Construction Easement between
15 Victory Valley Land Company, L.P. and the State of Nevada, acting
16 by and through its Colorado River Commission,” dated November 15,
17 1994.

18 (8) That certain “Easement Agreement between the Steward
19 Gravel Pit Limited Partnership, Jim Rhodes and the State of Nevada,
20 acting by and through its Colorado River Commission as Grantee,”
21 dated December 23, 1994.

22 (9) That certain “Agreement for Grant of a Right of Way Permit
23 and for the Transfer of Flood Control Improvements between the City
24 of Henderson, Nevada, and the State of Nevada, acting by and
25 through its Colorado River Commission,” dated January 18, 1995.

26 (10) All permits and contracts for personal services or
27 construction relating to the project and its facilities.

28 2. The provisions of subsection 1 do not affect:

29 (a) An irrevocable pledge of the faith and credit of the State of
30 Nevada for the performance and observance of all covenants,
31 conditions, limitations, promises and undertakings made or specified
32 to be kept, observed or fulfilled on the part of this state with respect to
33 the federal facilities and the state facilities of the Southern Nevada
34 water project; or

35 (b) The authority of the Colorado River commission to receive,
36 protect and safeguard and hold in trust for the State of Nevada all
37 water and water rights, and all other rights, interests or benefits in and
38 to the waters described in NRS 538.041 to 538.251, inclusive,
39 pursuant to the provisions of those laws, and in connection with that
40 authority to exercise the rights and powers and carry out the duties set
41 forth in NRS 538.041 to 538.251, inclusive.

42 3. The Colorado River commission, the Southern Nevada Water
43 Authority and, with respect to the contract described in subparagraph
44 (2) of paragraph (b) of subsection 1, the City of Boulder City, the City
45 of Henderson, the City of North Las Vegas, and the Las Vegas Valley
46 water district shall amend the contracts described in subsection 1,
47 consistent with and to effect the provisions of this section. The
48 Colorado River commission and the Southern Nevada Water
49 Authority shall amend or terminate the contract described in



subparagraph (4) of paragraph (b) of subsection 1 consistent with the provisions of this section.

4. To the extent the transfer to the Southern Nevada Water Authority of any right, interest, function or power, or the assumption by the Southern Nevada Water Authority of any duty, obligation or liability, relating to the project or its facilities requires the consent of the United States, then until that consent has been given, the Southern Nevada Water Authority shall, as an agent of the State of Nevada, exercise those rights, functions and powers, perform those duties and obligations and assume those liabilities of the State of Nevada. To the extent the amendment or termination of any of the contracts specified in paragraph (b) of subsection 1 is dependent upon the consent of the United States to be effective or to accomplish the purposes of this section, the amendment or termination is contingent upon that consent.

5. The Colorado River commission shall transfer to the Southern Nevada Water Authority all books and records in its possession relating to the project and its facilities.

6. The state treasurer shall transfer from the Colorado River commission fund to the Southern Nevada Water Authority all assets and liabilities relating to the federal facilities and the state facilities.

7. The Colorado River commission shall execute on behalf of itself and, where necessary, on behalf of the state, all documents, including assignments, conveyances and assumptions, required to effect the transfer of rights, interests, functions, powers, duties, obligations and liabilities to the Southern Nevada Water Authority made pursuant to this section.

8. The Southern Nevada Water Authority, or any entity with which the Southern Nevada Water Authority has contracted for operation and maintenance of the project and its facilities, shall extend a written offer of employment, substantially on the same terms as the employee enjoyed before that offer of employment, to those persons employed by the Colorado River commission on December 31, 1994, respectively, in the positions of Chief Engineer, Professional Engineer who has primary responsibility for matters concerning the project and its facilities, Engineering Technician IV and one person employed in the position of Management Assistant. The offer must include a provision that:

(a) The employee may transfer without examination, interview or any other qualifying test.

(b) The employment of the employee must become effective on the date of the transfer of the project and its facilities pursuant to this section.

(c) Sets forth the period, which must be not less than 7 days, within which the employee may accept the offer in writing.

The transfer of employment must not, insofar as possible, adversely affect the rights and privileges enjoyed by or available to the employees as part of their compensation for employment while so employed by the commission. If an employee fails or refuses to accept



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1 the offer of employment made pursuant to this subsection, he may not
2 be regarded as deprived of employment with the commission and his
3 rights and privileges may not be regarded as adversely affected.

4 9. The Colorado River commission and the Southern Nevada
5 Water Authority shall cooperate fully and take all reasonable steps
6 before the date the transfer becomes effective to ensure that the
7 provisions of this section are carried out in an orderly manner.

8 *10. The powers granted pursuant to this act and pursuant to*
9 *chapter 268, Statutes of Nevada 1967, as amended, and chapter 482,*
10 *Statutes of Nevada 1975, as amended, which relate to a public utility*
11 *described in paragraph (b) of subsection 2 of NRS 704.020 are*
12 *subject to the provisions of chapter 704 of NRS and any regulations*
13 *adopted pursuant thereto.*

14 **Sec. 153.** The amendatory provisions of this act that restrict the power
15 of a local government or the Colorado River Commission to expand
16 facilities of or change the services provided by a public utility which
17 provides electric power and which is operated by the local government, do
18 not restrict the ability of a local government or the Colorado River
19 Commission to complete construction on a project for expansion of such
20 facilities or services which is initiated before July 1, 2001.

21 **Sec. 154.** This act becomes effective on July 1, 2001.

