

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT S.B. 425

SENATE BILL NO. 425—COMMITTEE ON COMMERCE AND LABOR

MARCH 19, 2001

Referred to Committee on Commerce and Labor

SUMMARY—Makes various changes concerning certain utilities operated by certain governmental entities. (BDR 20-1243)

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; prohibiting certain governmental entities from acquiring or expanding facilities relating to the provision of certain services provided by public utilities; requiring the legislative committee to study the distribution among local governments of revenue from state and local taxes to conduct a study and report its findings to the legislature; extending the effective date for certain provisions relating to the legislative committee to study the distribution among local governments of revenue from state and local taxes; 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 244 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 5, inclusive, of this act.
3 **Sec. 2.** *On and after July 1, 2001, a board of county commissioners*
4 *shall not acquire or expand facilities for the generation, distribution or*
5 *transmission of electricity if such acquisition or expansion would result*
6 *in the county serving retail customers who are, before the acquisition or*
7 *expansion, retail customers of a public utility which provides such*
8 *service and which is subject to the provisions of chapter 704 of NRS,*
9 *unless the board of county commissioners complies with the provisions of*
10 *section 5 of this act.*
11 **Sec. 3.** *1. On and after July 1, 2001, a board of county*
12 *commissioners shall not acquire or expand facilities for the provision of*
13 *telecommunications service if such acquisition or expansion would result*
14 *in the county serving retail customers who are, before the acquisition or*
15 *expansion, retail customers of a public utility which provides such*
16 *service and which is subject to the provisions of chapter 704 of NRS,*
17 *unless the board of county commissioners complies with the provisions of*
18 *section 5 of this act.*



1 2. As used in this section "telecommunications service" has the
2 meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on
3 July 1, 2001.

4 Sec. 4. On and after July 1, 2001, a board of county commissioners
5 shall not acquire or expand facilities for the provision of community
6 antenna television service if such acquisition or expansion would result
7 in the county serving retail customers who are, before the acquisition or
8 expansion, retail customers of a public utility which provides such
9 service and which is subject to the provisions of chapter 711 of NRS,
10 unless the board of county commissioners complies with the provisions of
11 section 5 of this act.

12 Sec. 5. 1. A board of county commissioners that desires to acquire
13 or expand facilities and services pursuant to section 2, 3 or 4 of this act
14 must:

15 (a) Provide notice of the intended expansion or acquisition to any
16 political subdivision that the board determines is likely to be an affected
17 governmental entity;

18 (b) Prepares an impact statement pursuant to NRS 237.030 to
19 237.110, inclusive;

20 (c) Causes to be published a notice, displayed in the format used for
21 advertisements printed in not less than 8-point type on at least one-
22 quarter of a page of the newspaper, in a newspaper with the largest
23 general circulation in the county;

24 (d) Holds a hearing on the proposed acquisition or expansion at least
25 10 days after the date notice is published pursuant to paragraph (c); and

26 (e) Complies with paragraph (a) or (b) of subsection 2.

27 2. After complying with paragraphs (a) to (d), inclusive, of
28 subsection 1, a board of county commissioners may proceed with the
29 proposed acquisition or expansion if:

30 (a) The board of county commissioners determines that the
31 acquisition or expansion is economically feasible and does not adversely
32 impact the existing provider of the service as determined in the impact
33 statement prepared pursuant to paragraph (b) of subsection 1; or

34 (b) The board of county commissioners:

35 (1) Declares by a two-thirds majority vote of all its members at a
36 special or regular meeting of the board, that an emergency exists with
37 respect to the provision of service and that the county's plan for
38 acquisition or expansion is economically feasible; and

39 (2) For each affected governmental entity:

40 (I) Has entered into an interlocal agreement providing for
41 payments for each fiscal year to be made to the affected governmental
42 entity equal to the reduction amount applicable to that affected
43 governmental entity; or

44 (II) If the board cannot reach an agreement with an affected
45 governmental entity pursuant to sub-subparagraph (I), has approved a
46 plan to make payments to that affected governmental entity of the
47 reduction amount applicable to that governmental entity which has been
48 approved by the Nevada tax commission.

49 3. For purposes of this section:



1 (a) "Affected governmental entity" means this state or any political
2 subdivision of this state which will receive less property taxes or
3 franchise fees as a direct result of an acquisition or expansion pursuant
4 to this section.

5 (b) "Reduction amount" means the amount of property tax or
6 franchise fee the affected governmental entity would have received from
7 a public utility during a fiscal year but did not receive because the service
8 was provided by the county after an acquisition or expansion pursuant to
9 this section.

10 Sec. 6. NRS 244A.697 is hereby amended to read as follows:

11 244A.697 ~~Has~~ Except as otherwise provided in section 2 of this act,
12 in addition to any other powers, each county has the following powers:

13 1. To finance or acquire, whether by construction, purchase, gift,
14 devise, lease or sublease , or any one or more of such methods, and to
15 improve and equip one or more projects , or parts thereof, which except as
16 otherwise provided in this subsection must be located within this state, and
17 which may be located within or partially within that county. If a project is
18 for the generation and transmission of electricity and the county deems is
19 necessary:

20 (a) To connect the project with facilities located outside this state,
21 transmitting facilities necessary for that interconnection may be located
22 outside this state, but financing for those transmitting facilities must be
23 limited to the amount necessary to interconnect the project with the nearest
24 compatible transmitting facility of the participant in the project with which
25 the connection is to be made.

26 (b) To acquire or develop fuel or water or rights thereto, or to transport
27 fuel or water from outside the county or state, the necessary facilities, fuel,
28 water or rights thereto may be located wholly outside the county or outside
29 the state.

30 Any water rights for such a project to be obtained by appropriation may
31 only be appropriated within the boundaries of the county within which the
32 generating facility is located, unless the board of county commissioners of
33 another county approves the appropriation within its boundaries for that
34 purpose.

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

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

40 4. To secure payment of such bonds as provided in NRS 244A.669 to
41 244A.763, inclusive.

42 5. If a project is for the generation and transmission of electricity, to
43 own the project in its entirety or an undivided interest in the project with
44 one or more other owners, and to enter into agreements with respect to any
45 matters relating to common ownership of the project, including , without
46 limitation , matters relating to the ownership, acquisition, construction,
47 improvement, equipping, financing, operation and maintenance of the
48 project.



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

7 **Sec. 7.** Chapter 218 of NRS is hereby amended by adding thereto a
8 new section to read as follows:

9 *The committee shall:*

10 1. *Study the impact on revenue from state and local taxes received by*
11 *local governments as a result of counties, cities and general improvement*
12 *districts acquiring or expanding facilities for the generation,*
13 *transmission and distribution of electricity and for the provision of*
14 *telecommunications services or community antenna television service to*
15 *retail customers who are, before the acquisition or expansion, customers*
16 *of a public utility which provides such service and which is subject to*
17 *chapter 704 or 711 of NRS; and*

18 2. *Not later than November 1, 2002, submit a report of its findings,*
19 *including any recommended legislation, to the director of the legislative*
20 *counsel bureau for transmittal to the 72nd session of the Nevada*
21 *Legislature.*

22 **Sec. 8.** NRS 218.5388 is hereby amended to read as follows:

23 218.5388 As used in NRS 218.5388 to 218.53886, inclusive, *and*
24 *section 7 of this act*, "committee" means a legislative committee to study
25 the distribution among local governments of revenue from state and local
26 taxes.

27 **Sec. 9.** NRS 266.261 is hereby amended to read as follows:

28 266.261 1. ~~The~~ *Except as otherwise provided in sections 13, 14*
29 *and 15 of this act, the* city council, on behalf of the city and in its name,
30 without any election, may acquire, improve, equip, operate and maintain,
31 convert to or authorize:

- 32 (a) Curb and gutter projects;
- 33 (b) Drainage projects;
- 34 (c) ~~Offstreet~~ *Off-street* parking projects;
- 35 (d) Overpass projects;
- 36 (e) Park projects;
- 37 (f) Sanitary sewer projects;
- 38 (g) Sidewalk projects;
- 39 (h) Storm sewer projects;
- 40 (i) Street projects;
- 41 (j) Underpass projects;
- 42 (k) Water projects; and
- 43 (l) Underground electric and communication facilities.

44 2. The city council, on behalf of the city, for the purpose of defraying
45 all the costs of acquiring, improving or converting to any project
46 authorized by subsection 1, or any portion of the cost thereof not to be
47 defrayed with money otherwise available therefor, is vested with the
48 powers granted to municipalities by chapters 271 and 704A of NRS.



1 **Sec. 10.** NRS 266.285 is hereby amended to read as follows:
2 266.285 ~~1. The~~ *Except as otherwise provided in sections 13, 14 and 15*
3 *of this act, a* city council may:

4 1. Provide, by contract, franchise or public enterprise, for any utility to
5 be furnished to the city for the residents thereof.

6 2. Provide for the construction of any facility necessary for the
7 provision of such utility.

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

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

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

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

20 **Sec. 11.** NRS 266.290 is hereby amended to read as follows:

21 266.290 1. ~~The~~ *Except as otherwise provided in section 13, 14 and*
22 *15 of this act, the* city council may acquire or establish any public utility in
23 the manner provided in this section.

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

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

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

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

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

34 4. At the first regular meeting of the council, or any adjournment
35 thereof, after the completion of the publication, the council may proceed to
36 enact an ordinance for that purpose which must conform in all respects to
37 the terms and conditions of the previously published ordinance, unless a
38 petition is presented to it, signed by not less than 15 percent of the
39 qualified electors of the city, as shown by the last preceding registration
40 list, and representing not less than 10 percent of the taxable property of the
41 city as shown by the last preceding tax list or assessment roll, praying for
42 placement on the ballot at a special election or at the next primary or
43 general municipal election or primary or general state election of the
44 question of whether the proposed ordinance is to be passed. Thereupon, no
45 such proposed ordinance may be enacted or become effective for any
46 purpose ~~whatsoever~~ *whatever*, unless at a special election called and held
47 for the purpose or the next primary or general municipal election or
48 primary or general state election, a majority of the votes cast are for the
49 ordinance.



1 **Sec. 12.** Chapter 268 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 13 to 16, inclusive, of this act.

3 **Sec. 13.** *On and after July 1, 2001, a governing body shall not*
4 *acquire or expand facilities for the generation, distribution or*
5 *transmission of electricity if such acquisition or expansion would result*
6 *in the city serving retail customers who are, before the acquisition or*
7 *expansion, retail customers of a public utility which provides such*
8 *service and which is subject to the provisions of chapter 704 of NRS,*
9 *unless the governing body complies with the provisions of section 16 of*
10 *this act.*

11 **Sec. 14.** 1. *On and after July 1, 2001, a governing body shall not*
12 *acquire or expand facilities for the provision of telecommunications*
13 *service if such acquisition or expansion would result in the city serving*
14 *retail customers who are, before the acquisition or expansion, retail*
15 *customers of a public utility which provides such service and which is*
16 *subject to the provisions of chapter 704 of NRS, unless the governing*
17 *body complies with the provisions of section 16 of this act.*

18 2. *As used in this section “telecommunications service” has the*
19 *meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on*
20 *July 1, 2001.*

21 **Sec. 15.** *On and after July 1, 2001, a governing body shall not*
22 *acquire or expand facilities for the provision of community antenna*
23 *television service if such acquisition or expansion would result in the city*
24 *serving retail customers who are, before the acquisition or expansion,*
25 *retail customers of a public utility which provides such service and which*
26 *is subject to the provisions of chapter 711 of NRS, unless the governing*
27 *body complies with the provisions of section 16 of this act.*

28 **Sec. 16.** 1. *A governing body that desires to acquire or expand*
29 *facilities and services pursuant to section 13, 14 or 15 of this act must:*

30 (a) *Provide notice of the intended expansion or acquisition to any*
31 *political subdivision that the governing body determines is likely to be an*
32 *affected governmental entity;*

33 (b) *Prepares an impact statement pursuant to NRS 237.030 to*
34 *237.110, inclusive;*

35 (c) *Causes to be published a notice, displayed in the format used for*
36 *advertisements, printed in not less than 8-point type on at least one-*
37 *quarter of a page of the newspaper in a newspaper with the largest*
38 *general circulation in the city;*

39 (d) *Holds a hearing on the proposed acquisition or expansion at least*
40 *10 days after the date notice is published pursuant to paragraph (c); and*

41 (e) *Complies with paragraph (a) or (b) of subsection 2.*

42 2. *After complying with paragraphs (a) to (d), inclusive, of*
43 *subsection 1, a governing body may proceed with the proposed*
44 *acquisition or expansion if:*

45 (a) *The governing body determines that the acquisition or expansion*
46 *is economically feasible and does not adversely impact the existing*
47 *provider of the service as determined in the impact statement prepared*
48 *pursuant to paragraph (b) of subsection 1; or*

49 (b) *The governing body:*



1 (1) Declares by a two-thirds majority vote of all its members at a
2 special or regular meeting of the governing body, that an emergency
3 exists with respect to the provision of service and that the city's plan for
4 acquisition or expansion is economically feasible; and
5 (2) For each affected governmental entity:
6 (I) Has entered into an interlocal agreement providing for
7 payments for each fiscal year to be made to the affected governmental
8 entity equal to the reduction amount applicable to that affected political
9 governmental entity; or
10 (II) If the governing body cannot reach an agreement with an
11 affected governmental entity pursuant to sub-subparagraph (I), has
12 approved a plan to make payments to that affected governmental entity of
13 the reduction amount applicable to that governmental entity which has
14 been approved by the Nevada tax commission.
15 3. For purposes of this section:
16 (a) "Affected governmental entity" means this state or any political
17 subdivision of this state which will receive less property taxes or
18 franchise fees as a direct result of an acquisition or expansion pursuant
19 to this section.
20 (b) "Reduction amount" means the amount of property tax or
21 franchise fee the affected governmental entity would have received from
22 a public utility during a fiscal year but did not receive because the service
23 was provided by the city after an acquisition or expansion pursuant to
24 this section.
25 **Sec. 17.** NRS 268.526 is hereby amended to read as follows:
26 268.526 ~~Has~~ Except as otherwise provided in section 13 of this act, in
27 addition to any other powers which it may now have, each city shall have
28 the following powers:
29 1. To finance or acquire, whether by construction, purchase, gift,
30 devise, lease or sublease, or any one or more of such methods, and to
31 improve and equip one or more projects , or part thereof. Such projects,
32 upon completion of such acquisition, ~~shall~~ must be located within , or
33 within 10 miles of , the city.
34 2. To finance, sell, lease or otherwise dispose of any or all of its
35 projects upon such terms and conditions as the governing body considers
36 advisable.
37 3. To issue revenue bonds for the purpose of financing or defraying the
38 cost of acquiring, improving and equipping any project as set forth in NRS
39 268.556.
40 4. To secure payment of such bonds as provided in NRS 268.512 to
41 268.568, inclusive.
42 5. To take such actions as are necessary or useful in order to
43 undertake, carry out, accomplish and otherwise implement the provisions
44 of NRS 268.512 to 268.568, inclusive, including the adoption of
45 resolutions, which may be introduced and adopted at the same special or
46 regular meeting of the governing body and which ~~shall~~ become effective
47 upon adoption.



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1 **Sec. 18.** NRS 268.568 is hereby amended to read as follows:
2 268.568 1. *Except as otherwise provided in sections 13, 14 and 15*
3 *of this act*, NRS 268.512 to 268.568, inclusive, without reference to other
4 statutes of the state, constitute full authority for the exercise of powers
5 granted in those sections, including, but not limited ~~H~~ to , the authorization
6 and issuance of bonds.
7 2. No other act or law with regard to the authorization or issuance of
8 bonds that provides for an election, requires an approval, or in any way
9 impedes or restricts the carrying out of the acts authorized in NRS 268.512
10 to 268.568, inclusive, to be done, including, without limitation, the charter
11 of any city, applies to any proceedings taken or acts done pursuant to those
12 sections, except for laws to which reference is expressly made in those
13 sections.
14 3. The provisions of no other law, either general or local, except as
15 *otherwise* provided in NRS 268.512 to 268.568, inclusive, apply to the
16 doing of the things authorized in NRS 268.512 to 268.568, inclusive, to be
17 done, and no board, agency, bureau, commission or official not designated
18 in those sections has any authority or jurisdiction over the doing of any of
19 the acts authorized in those sections to be done, except as otherwise
20 provided in those sections.
21 4. No notice, consent or approval by any public body or officer thereof
22 may be required as a prerequisite to the sale or issuance of any bonds, the
23 making of any contract or lease, or the exercise of any other power under
24 NRS 268.512 to 268.568, inclusive, except as *otherwise* provided in those
25 sections.
26 5. A project is not subject to any requirements relating to public
27 buildings, structures, ground works or improvements imposed by the
28 statutes of this state or any other similar requirements which may be
29 lawfully waived by this section, and any requirement of competitive
30 bidding or other restriction imposed on the procedure for award of
31 contracts for such purpose or the lease, sale or other disposition of property
32 of the cities is not applicable to any action taken pursuant to NRS 268.512
33 to 268.568, inclusive, except that the provisions of NRS 338.010 to
34 338.090, inclusive, apply to any contract for new construction, repair or
35 reconstruction for which tentative approval for financing is granted on or
36 after January 1, 1992, by the city for work to be done in a project.
37 6. Notwithstanding the provisions of NRS 662.245 or any other
38 specific statute to the contrary, any bank or trust company located within or
39 without this state may be appointed and act as a trustee with respect to
40 bonds issued and projects financed pursuant to NRS 268.512 to 268.568,
41 inclusive, without meeting the qualifications set forth in NRS 662.245.
42 7. The powers conferred by NRS 268.512 to 268.568, inclusive, are in
43 addition and supplemental to, and not in substitution for, and the
44 limitations imposed by those sections do not affect the powers conferred
45 by , any other law.
46 8. No part of NRS 268.512 to 268.568, inclusive, repeals or affects any
47 other law or part thereof, except to the extent that those sections are
48 inconsistent with any other law, it being intended that those sections



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1 provide a separate method of accomplishing its objectives, and not an
2 exclusive one.

3 **Sec. 19.** NRS 268.730 is hereby amended to read as follows:

4 268.730 Except as otherwise provided in NRS 268.086 and 268.088,
5 *and sections 13, 14 and 15 of this act*, any governing body of a
6 municipality, upon its behalf and in its name, may at any time or from time
7 to time acquire, improve, equip, operate and maintain, within or without or
8 both within and without the municipality:

- 9 1. A building project;
- 10 2. A cemetery project;
- 11 3. A communications project;
- 12 4. A drainage project or flood control project;
- 13 5. An electric project;
- 14 6. A fire protection project;
- 15 7. An ~~offstreet~~ *off-street* parking project;
- 16 8. An overpass project;
- 17 9. A park project;
- 18 10. A recreational project;
- 19 11. A refuse project;
- 20 12. A sewerage project;
- 21 13. A sidewalk project;
- 22 14. A street project;
- 23 15. A transportation project;
- 24 16. An underpass project; and
- 25 17. A water project.

26 **Sec. 20.** NRS 271.265 is hereby amended to read as follows:

27 271.265 1. ~~He~~ *Except as otherwise provided in sections 2, 3, 4,*
28 *13, 14 and 15 of this act, the* governing body of a county, city or town,
29 upon behalf of the municipality and in its name, without any election, may
30 from time to time acquire, improve, equip, operate and maintain, within or
31 without the municipality, or both ~~it~~ within and without the municipality:

- 32 (a) A commercial area vitalization project;
- 33 (b) A curb and gutter project;
- 34 (c) A drainage project;
- 35 (d) An ~~offstreet~~ *off-street* parking project;
- 36 (e) An overpass project;
- 37 (f) A park project;
- 38 (g) A sanitary sewer project;
- 39 (h) A security wall;
- 40 (i) A sidewalk project;
- 41 (j) A storm sewer project;
- 42 (k) A street project;
- 43 (l) A street beautification project;
- 44 (m) A transportation project;
- 45 (n) An underpass project;
- 46 (o) A water project; and
- 47 (p) Any combination of such projects.

48 2. ~~It~~ *Except as otherwise provided in sections 13 and 14 of this act,*
49 *in* addition to the power specified in subsection 1, the governing body of a



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1 city having a commission form of government as defined in NRS 267.010,
2 upon behalf of the municipality and in its name, without any election, may
3 from time to time acquire, improve, equip, operate and maintain, within or
4 without the municipality, or both ~~+~~ within and without the municipality:

- 5 (a) An electrical project;
6 (b) A telephone project;
7 (c) A combination of an electrical project and a telephone project;
8 (d) A combination of an electrical project or a telephone project with
9 any of the projects, or any combination thereof, specified in subsection 1;
10 and
11 (e) A combination of an electrical project and a telephone project with
12 any of the projects, or any combination thereof, specified in subsection 1.

13 3. In addition to the power specified in subsections 1 and 2, the
14 governing body of a municipality, on behalf of the municipality and in its
15 name, without an election, may finance an underground conversion project
16 with the approval of each service provider that owns the overhead service
17 facilities to be converted.

18 **Sec. 21.** Chapter 318 of NRS is hereby amended by adding thereto the
19 provisions set forth as sections 22 to 25, inclusive, of this act.

20 **Sec. 22.** *On and after July 1, 2001, a general improvement district*
21 *shall not acquire or expand facilities for the generation, distribution or*
22 *transmission of electricity if such acquisition or expansion would result*
23 *in the district serving retail customers who are, before the acquisition or*
24 *expansion, retail customers of a public utility which provides such*
25 *service and which is subject to the provisions of chapter 704 of NRS,*
26 *unless the general improvement district complies with the provisions of*
27 *section 25 of this act.*

28 **Sec. 23.** *1. On and after July 1, 2001, a general improvement*
29 *district shall not acquire or expand facilities for the provision of*
30 *telecommunications service if such acquisition or expansion would result*
31 *in the district serving retail customers who are, before the acquisition or*
32 *expansion, retail customers of a public utility which provides such*
33 *service and which is subject to the provisions of chapter 704 of NRS,*
34 *unless the general improvement district complies with the provisions of*
35 *section 25 of this act.*

36 *2. As used in this section "telecommunications service" has the*
37 *meaning ascribed to it in 47 U.S.C. § 153(46), as that section existed on*
38 *July 1, 2001.*

39 **Sec. 24.** *On and after July 1, 2001, a general improvement district*
40 *shall not acquire or expand facilities for the provision of community*
41 *antenna television service if such acquisition or expansion would result*
42 *in the district serving retail customers who are, before the acquisition or*
43 *expansion, retail customers of a public utility which provides such*
44 *service and which is subject to the provisions of chapter 711 of NRS,*
45 *unless the general improvement district complies with the provisions of*
46 *section 25 of this act.*

47 **Sec. 25.** *1. A general improvement district that desires to acquire*
48 *or expand facilities and services pursuant to section 22, 23 or 24 of this*
49 *act must:*



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- 1 (a) Provide notice of the intended expansion or acquisition to any
2 political subdivision that the district determines is likely to be an affected
3 governmental entity;
- 4 (b) Prepares an impact statement pursuant to NRS 237.030 to
5 237.110, inclusive;
- 6 (c) Causes to be published a notice, displayed in the format used for
7 advertisements printed in not less than 8-point type on at least one-
8 quarter of a page of the newspaper, in a newspaper with the largest
9 general circulation in the district;
- 10 (d) Holds a hearing on the proposed acquisition or expansion at least
11 10 days after the date notice is published pursuant to paragraph (c); and
- 12 (e) Complies with paragraph (a) or (b) of subsection 2.
- 13 2. After complying with paragraphs (a) to (d), inclusive, of
14 subsection 1, a general improvement district may proceed with the
15 proposed acquisition or expansion if:
- 16 (a) The general improvement district determines that the acquisition
17 or expansion is economically feasible and does not adversely impact the
18 existing provider of the service as determined in the impact statement
19 prepared pursuant to paragraph (b) of subsection 1; or
- 20 (b) The general improvement district:
- 21 (1) Declares by a two-thirds majority vote of all its members at a
22 special or regular meeting of the district, that an emergency exists with
23 respect to the provision of service and that the district's plan for
24 acquisition or expansion is economically feasible; and
- 25 (2) For each affected governmental entity:
- 26 (I) Has entered into an interlocal agreement providing for
27 payments for each fiscal year to be made to the affected governmental
28 entity equal to the reduction amount applicable to that affected political
29 governmental entity; or
- 30 (II) If the district cannot reach an agreement with an affected
31 governmental entity pursuant to sub-subparagraph (I), has approved a
32 plan to make payments to that affected governmental entity of the
33 reduction amount applicable to that governmental entity which has been
34 approved by the Nevada tax commission.
- 35 3. For purposes of this section:
- 36 (a) "Affected governmental entity" means this state or any political
37 subdivision of this state which will receive less property taxes or
38 franchise fees as a direct result of an acquisition or expansion pursuant
39 to this section.
- 40 (b) "Reduction amount" means the amount of property tax or
41 franchise fee the affected governmental entity would have received from
42 a public utility during a fiscal year but did not receive because the service
43 was provided by the district after an acquisition or expansion pursuant to
44 this section.
- 45 **Sec. 26.** NRS 318.116 is hereby amended to read as follows:
- 46 318.116 ~~Any~~ Except as otherwise provided in sections 22, 23 and
47 24 of this act, any one, all or any combination of the following basic
48 powers may be granted to a district in proceedings for its organization, or



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1 its reorganization pursuant to NRS 318.077 and all provisions in this
2 chapter supplemental thereto, or as may be otherwise provided by statute:
3 1. Furnishing electric light and power, as provided in NRS 318.117;
4 2. Extermination and abatement of mosquitoes, flies, other insects,
5 rats, and liver fluke or fasciola hepatica, as provided in NRS 318.118;
6 3. Furnishing facilities or services for public cemeteries, as provided in
7 NRS 318.119;
8 4. Furnishing facilities for swimming pools, as provided in NRS
9 318.1191;
10 5. Furnishing facilities for television, as provided in NRS 318.1192;
11 6. Furnishing facilities for FM radio, as provided in NRS 318.1187;
12 7. Furnishing streets and alleys, as provided in NRS 318.120;
13 8. Furnishing ~~curb, gutter~~ *curbs, gutters* and sidewalks, as provided
14 in NRS 318.125;
15 9. Furnishing sidewalks, as provided in NRS 318.130;
16 10. Furnishing facilities for storm drainage or flood control, as
17 provided in NRS 318.135;
18 11. Furnishing sanitary facilities for sewerage, as provided in NRS
19 318.140;
20 12. Furnishing facilities for lighting streets, as provided in NRS
21 318.141;
22 13. Furnishing facilities for the collection and disposal of garbage and
23 refuse, as provided in NRS 318.142;
24 14. Furnishing recreational facilities, as provided in NRS 318.143;
25 15. Furnishing facilities for water, as provided in NRS 318.144;
26 16. Furnishing fencing, as provided in NRS 318.1195;
27 17. Furnishing facilities for protection from fire, as provided in NRS
28 318.1181;
29 18. Furnishing energy for heating, as provided in NRS 318.1175;
30 19. Furnishing emergency medical services, as provided in NRS
31 318.1185; and
32 20. Control and eradication of noxious weeds, as provided in chapter
33 555 of NRS.
34 **Sec. 27.** NRS 318.117 is hereby amended to read as follows:
35 318.117 ~~HH~~ *Except as otherwise provided in section 22 of this act, if*
36 a district is created , wholly or in part , to furnish electric light and power,
37 the board may:
38 1. Acquire, by purchase, condemnation or other legal means, all lands,
39 rights and other property necessary for the construction, use and supply,
40 operation, maintenance, repair and improvement of the works of the
41 district, including , without limitation , the plant, works, system, facilities
42 or properties, together with all parts thereof, the appurtenances thereto,
43 including contract rights, used and useful primarily for the production,
44 transmission or distribution of electric energy to or for the public for any
45 purpose, works constructed and being constructed by private owners, and
46 all other works and appurtenances, either within or without the State of
47 Nevada.
48 2. Furnish, deliver and sell to the public, and to any municipality and
49 to the state and any public institution, heat, light and power service and any



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1 other service, commodity or facility which may be produced or furnished
2 in connection therewith.

3 3. Purchase generating capacity on the terms set forth in subsection 3
4 of NRS 244A.699.

5 **Sec. 28.** NRS 318.1192 is hereby amended to read as follows:

6 318.1192 ~~Has~~ *Except as otherwise provided in section 25 of this act,*
7 the case of a district created wholly or in part for acquiring television
8 maintenance facilities, the board shall have power to:

9 1. Acquire television broadcast, transmission and relay improvements.

10 2. Levy special assessments against specially benefited real property
11 on which are located television receivers operated within the district and
12 able to receive television broadcasts supplied by the district.

13 3. Fix tolls, rates and other service or use charges for services
14 furnished by the district or facilities of the district, including without
15 limitation any one, all or any combination of the following:

16 (a) Flat rate charges;

17 (b) Charges classified by the number of receivers;

18 (c) Charges classified by the value of property served by television
19 receivers;

20 (d) Charges classified by the character of the property served by
21 television receivers;

22 (e) Minimum charges;

23 (f) Stand-by charges; or

24 (g) Other charges based on the availability of service.

25 4. The district shall not have the power in connection with the basic
26 power stated in this section to borrow money which loan is evidenced by
27 the issuance of any general obligation bonds or other general obligations of
28 the district.

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

30 318.145 ~~The~~ *Except as otherwise provided in sections 22, 23 and 24*
31 *of this act, the* board shall have the power to operate, maintain and repair
32 the improvements acquired by the district, including , without limitation ,
33 the maintenance and repair of dedicated streets and alleys and the removal
34 of snow therefrom, and all facilities of the district relating to any basic
35 power which the district is authorized to exercise, and in connection
36 therewith to exercise from time to time any one, all or any combination of
37 the incidental powers provided in this chapter and any law supplemental
38 thereto, except as may be otherwise provided in this chapter or in any such
39 supplemental law.

40 **Sec. 30.** Chapter 538 of NRS is hereby amended by adding thereto a
41 new section to read as follows:

42 *1. On and after July 1, 2001, the Colorado River Commission shall*
43 *not acquire or expand facilities for the generation, distribution or*
44 *transmission of electricity to serve persons who will be retail customers of*
45 *the Colorado River Commission for that service and who are, before the*
46 *acquisition or expansion, retail customers of a public utility subject to*
47 *chapter 704 of NRS for that service, unless the Colorado River*
48 *Commission:*



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1 (a) Holds a public hearing on the proposed acquisition or expansion
2 at least 10 days after publishing notice thereof;

3 (b) Determines that the acquisition or expansion is economically
4 feasible and is in the best interest of the residents of southern Nevada;
5 and

6 (c) For each affected governmental entity:

7 (1) Has entered into an interlocal agreement providing for
8 payments for each fiscal year to be made to the affected governmental
9 entity equal to the reduction amount applicable to that affected political
10 governmental entity; or

11 (2) If the commission cannot reach an agreement with an affected
12 governmental entity pursuant to subparagraph (1), has approved a plan
13 to make payments to that affected governmental entity of the reduction
14 amount applicable to that governmental entity which has been approved
15 by the Nevada tax commission.

16 2. This section does not provide authority for the Colorado River
17 Commission to acquire or expand facilities for the generation,
18 distribution or transmission of electricity nor does it take away any such
19 authority granted by any other law.

20 3. For purposes of this section:

21 (a) "Affected governmental entity" means this state or any political
22 subdivision of this state which will receive less property taxes or
23 franchise fees as a direct result of an acquisition or expansion pursuant
24 to this section.

25 (b) "Reduction amount" means the amount of property tax or
26 franchise fee the affected governmental entity would have received from
27 a public utility during a fiscal year but did not receive because the service
28 was provided by the district after an acquisition or expansion pursuant to
29 this section.

30 **Sec. 31.** NRS 538.161 is hereby amended to read as follows:

31 538.161 ~~The~~ Except as otherwise provided in section 30 of this act,
32 the commission shall:

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

35 2. Represent and act for the State of Nevada in the negotiation and
36 execution of contracts, leases or agreements for the use, exchange,
37 purchase or transmission of power from any source, or for the planning,
38 development or ownership of any facilities for the generation or
39 transmission of electricity for the greatest possible benefit to this state, and
40 present such contracts, leases or agreements to the governor for his
41 information. The commission may contract for the supply of electric
42 energy to any corporation or cooperative created pursuant to the laws of
43 this state that is being operated principally for service to Nevada residents
44 and may be serving incidental energy to residents of other states
45 contiguous to its service area in Nevada. If such a corporation or
46 cooperative so requests, the commission may contract to supply electric
47 energy directly for the corporation or cooperative.

48 3. Represent the State of Nevada in such interstate or other
49 conferences or conventions as may be called for the consideration of the



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1 development of reclamation and power projects connected with the
2 Colorado River, or in connection with Hoover Dam or other federally
3 operated dams.

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

7 5. Make and enter into agreements, compacts or treaties between the
8 State of Nevada and the states of Arizona, California, Colorado, New
9 Mexico, Utah, Washington, Oregon, Idaho and Wyoming, either jointly or
10 severally. Agreements, compacts or treaties which define the rights of the
11 states or of the United States in the waters of the Colorado River are not
12 binding upon the State of Nevada until ratified and approved by the
13 legislature and governor of the State of Nevada.

14 6. Represent and act for the State of Nevada in consultations with
15 other states, the United States, foreign countries and persons, and negotiate
16 and enter into agreements between the State of Nevada and those entities,
17 jointly or severally, concerning the:

18 (a) Acquisition, development, storage, transport, transfer, exchange, use
19 and treatment of water to supplement the supply of water in the Colorado
20 River which is available for use in Nevada, consistent with the provisions
21 of NRS 538.186.

22 (b) Augmentation of the waters of the Colorado River, consistent with
23 the provisions of NRS 538.186.

24 (c) Quality of the waters of the Colorado River, in cooperation with, and
25 subject to the authority of, any agency of this state which regulates
26 environmental matters.

27 (d) Operation of federal dams and other facilities on the Colorado River.

28 (e) Species associated with the Colorado River which are or may
29 become listed as endangered or threatened pursuant to federal law, in
30 cooperation with, and subject to the authority of, any agency of this state
31 which regulates environmental matters.

32 7. Within the limits of its authority, represent and act for the State of
33 Nevada as a member of any interstate or international commission or other
34 body as may be established relating to the Colorado River in transactions
35 with Arizona, California, Colorado, New Mexico, Utah, Wyoming, the
36 Federal Government or any foreign country.

37 8. Report to the governor such measures and legislative action as it
38 deems necessary to carry out the provisions of any law relating to the
39 powers and duties of the commission.

40 9. Cooperate with other states or federal agencies to establish, conduct
41 and maintain projects related to water or power.

42 **Sec. 32.** NRS 538.166 is hereby amended to read as follows:

43 538.166 1. ~~The~~ *Except as otherwise provided in section 30 of this*
44 *act, the* commission may:

45 (a) Acquire and perfect any interest in supplemental water.

46 (b) Develop, store, transport, transfer, exchange, use and treat
47 supplemental water.

48 (c) Acquire an interest in, finance, construct, reconstruct, operate,
49 maintain, repair and dispose of any facility for water or power, including,



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1 without limitation, a facility for the storage or conveyance of water and a
2 facility for the generation or transmission of electricity.

3 (d) Obtain any license, permit, grant, loan or aid from any agency of the
4 United States, the State of Nevada or any other public or private entity.

5 (e) In accordance with the provisions of the State Securities Law:

6 (1) Borrow money and otherwise become obligated in a total
7 principal amount which is approved by the legislature or the interim
8 finance committee.

9 (2) Issue:

10 (I) General obligation securities payable from taxes and
11 additionally secured with net pledged revenues;

12 (II) Securities constituting special obligations payable from net
13 pledged revenues; or

14 (III) Any combination of those securities.

15 The legislature finds and declares that the issuance of securities and other
16 incurrence of indebtedness pursuant to this subsection are for the protection
17 and preservation of the natural resources of this state and obtaining the
18 benefits thereof, and constitute an exercise of the authority conferred by the
19 second paragraph of section 3 of article 9 of the constitution of the State of
20 Nevada. The powers conferred by this subsection are in addition to and
21 supplemental to the powers conferred by any other law.

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

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

30 **Sec. 33.** NRS 538.181 is hereby amended to read as follows:

31 538.181 1. ~~The~~ *Except as otherwise provided in section 30 of this*
32 *act, the* commission shall hold and administer all rights and benefits
33 pertaining to the distribution of the power and water mentioned in NRS
34 538.041 to 538.251, inclusive, *and section 30 of this act*, for the State of
35 Nevada and, except as otherwise provided in NRS 538.186, may enter into
36 contracts relating to that power and water, including the transmission and
37 other distribution services, on such terms as the commission determines.

38 2. Every applicant, except a federal or state agency or political
39 subdivision, for power or water to be used within the State of Nevada must,
40 before the application is approved, provide an indemnifying bond by a
41 corporation qualified pursuant to the laws of this state, or other collateral,
42 approved by the state board of examiners, payable to the State of Nevada in
43 such sum and in such manner as the commission may require, conditioned
44 for the full and faithful performance of the lease, sublease, contract or other
45 agreement.

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

48 4. Except as otherwise provided in subsection 5, before any such sale
49 or lease is made, a notice of it must be advertised in two papers of general



1 circulation published in the State of Nevada at least once a week for 2
2 weeks. The commission shall require any person desiring to make
3 objection thereto to file the objection with the commission within 10 days
4 after the date of the last publication of the notice. If any objection is filed,
5 the commission shall set a time and place for a hearing of the objection not
6 more than 30 days after the date of the last publication of the notice.

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

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

12 (b) Any agreement by the commission to sell short-term or interruptible
13 power on short notice for immediate acceptance to a holder of a long-term
14 firm contract with the state for power who can take delivery of the short-
15 term or interruptible power when it is available.

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

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

26 8. Notwithstanding any provision of chapter 704 of NRS, any purchase
27 of:

28 (a) Power or water for distribution or exchange, and any subsequent
29 distribution or exchange of power or water by the commission; or

30 (b) Water for distribution or exchange, and any subsequent distribution
31 or exchange of water by any entity to which or with which the commission
32 has contracted the water,

33 is not subject to regulation by the public utilities commission of Nevada.

34 **Sec. 34.** NRS 541.140 is hereby amended to read as follows:

35 541.140 ~~The~~ *Except as otherwise provided in section 2 of this act,*
36 *the* board shall have power on behalf of the district:

37 1. To have perpetual succession.

38 2. To take by appropriation, grant, purchase, bequest, devise or lease,
39 and to hold and enjoy water, waterworks, water rights and sources of water
40 supply, and any and all real and personal property of any kind, within or
41 without the district or within or without the State of Nevada, necessary or
42 convenient to the full exercise of its powers, ~~and~~ and to sell, lease,
43 encumber, alienate or otherwise dispose of water, waterworks, water rights
44 and sources of supply of water for use within and without the district and
45 within and without the State of Nevada, ~~also~~ also, to acquire, construct,
46 operate, control and use any and all works, facilities and means necessary
47 or convenient to the exercise of its power, both within and without the
48 district ~~and~~ and within and without the State of Nevada, and to do and



1 perform any and all things necessary or convenient to the full exercise of
2 the powers herein granted.

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

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



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1 subject to the reasonable rules and regulations of the county, city or town
2 where such streets lie, concerning excavation and the refilling of
3 excavation, the re-laying of pavements and the protection of the public
4 during periods of construction , ~~it~~ but the district ~~shall not be~~ **is not**
5 required to pay any license or permit fees, or file any bonds. The district
6 may be required to pay reasonable inspection fees.

7 5. To contract with the Government of the United States or any agency
8 thereof, the State of Nevada or any of its cities, counties or other
9 governmental subdivisions, for the construction, preservation, operation
10 and maintenance of tunnels, drains, pipelines, reservoirs, ditches and
11 waterways, regulating basins, diversion canals and works, dams, power
12 plants and all necessary works incident thereto , within and without the
13 State of Nevada, and to acquire perpetual rights to the use of water and
14 electrical energy from such works ~~it~~ , **and** to sell and dispose of perpetual
15 rights to the use of water and electrical energy from such works to persons
16 and corporations, public and private , within or without the State of
17 Nevada.

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

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

33 8. To enter into contracts, employ and retain personal services and
34 employ laborers , ~~it~~ to create, establish and maintain such offices and
35 positions as ~~shall be~~ **are** necessary and convenient for the transaction of
36 the business of the district , ~~it~~ and to elect, appoint and employ such
37 officers, attorneys, agents and employees therefor as ~~shall be~~ **are** found
38 by the board to be necessary and convenient.

39 9. To adopt plans and specifications for the works for which the
40 district was organized, which plans and specifications may at any time be
41 changed or modified by the board. Such plans ~~shall~~ **must** include maps,
42 profiles, and such other data and descriptions as may be necessary to set
43 forth the location and character of the works, and a copy thereof ~~shall~~
44 **must** be kept in the office of the district and open to public inspection.

45 10. To appropriate and otherwise acquire water and water rights within
46 or without the state , ~~it~~ to develop, store and transport water , ~~it~~ to
47 subscribe for, purchase and acquire stock in canal companies, water
48 companies ~~it~~ and water users' associations , ~~it~~ to provide, sell, lease, and
49 deliver water for municipal and domestic purposes, irrigation, power,



1 milling, manufacturing, mining, metallurgical , and any and all other
2 beneficial uses, and to derive revenue and benefits therefrom , ~~to~~ to fix the
3 terms and rates therefor , ~~to~~ and to make and adopt plans for and to
4 acquire, construct, operate and maintain dams, reservoirs, ditches,
5 waterways, canals, conduits, pipelines, tunnels, power plants , and any and
6 all works, facilities, improvements and property necessary or convenient
7 therefor, and in the doing of all such things , to obligate itself and execute
8 and perform such obligations according to the tenor thereof.

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

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

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

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

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

35 **Sec. 35.** NRS 541.300 is hereby amended to read as follows:

36 541.300 ~~The~~ **Except as otherwise provided in section 2 of this act,**
37 **the** board is authorized to enter into contracts for the operation and
38 maintenance of works for the generation and ~~supplying~~ **supply** of
39 electrical energy and for the disposition of power generated thereat. The
40 board may also enter into contracts for the acquisition, purchase, sale or
41 other disposition of electrical energy.

42 **Sec. 36.** NRS 710.010 is hereby amended to read as follows:

43 710.010 1. ~~The~~ **Except as otherwise provided in section 3 of this**
44 **act, the** board of county commissioners of any county is authorized, upon
45 there being filed with it a petition signed by two-thirds of the taxpayers of
46 the county requesting the board so to do, to purchase or construct a
47 telephone line or lines within the limits of the county, if in the judgment of
48 the board it would be to the interest of the county to do so, and to pay for
49 the same out of the county general fund.



1 2. The title to any telephone line or lines constructed or acquired by or
2 under the authority of any board of county commissioners as provided in
3 subsection 1 shall be vested in the county and under its control and
4 management.

5 3. Any telephone system which is under the control and management
6 of a county, notwithstanding the method used in acquiring the system, may
7 include within its charges for service to each user an amount sufficient to
8 provide a reasonable reserve to be used for the purpose of expansion of the
9 telephone facility.

10 **Sec. 37.** NRS 710.145 is hereby amended to read as follows:

11 710.145 1. ~~Notwithstanding the provisions of any other statute,~~
12 *Except as otherwise provided in section 3 of this act,* a telephone system
13 which is under the control and management of a county may extend its
14 operation across county boundaries if:

15 (a) The proposed operations are not within the scope of activities
16 regulated pursuant to chapter 704 of NRS;

17 (b) The public utilities commission of Nevada has, pursuant to
18 subsection 3 of NRS 704.040, determined that the extended services are
19 competitive or discretionary and that regulation thereof is unnecessary; or

20 (c) The public utilities commission of Nevada has, in an action
21 commenced under NRS 704.330 and after 20 days' notice to all telephone
22 utilities providing service in the county into which the operation is to be
23 extended, determined that no other telephone service can reasonably serve
24 the area into which the extension is to be made and approves the extension
25 of the system. No such extension may be permitted for a distance of more
26 than 10 miles.

27 2. Except as otherwise provided in subsection 1, nothing in this section
28 vests jurisdiction over a county telephone system in the public utilities
29 commission of Nevada.

30 **Sec. 38.** NRS 710.160 is hereby amended to read as follows:

31 710.160 ~~Upon~~ *Except as otherwise provided in section 2 of this act,*
32 there being filed with a board of county commissioners of any county a
33 petition signed by at least two-thirds of the taxpayers of such county
34 requesting and petitioning the board so to do, the board of county
35 commissioners, in the name of the county, is authorized to purchase,
36 acquire or construct electrical power plants and power lines within the
37 limits of the county and thereafter operate, maintain and extend the same as
38 a public utility.

39 **Sec. 39.** NRS 710.170 is hereby amended to read as follows:

40 710.170 ~~The~~ *Except as otherwise provided in section 2 of this act,*
41 *the* board of county commissioners shall have authority:

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

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

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



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

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

5 6. To employ such proper and efficient help and labor as shall be
6 needed.

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

10 **Sec. 40.** NRS 710.200 is hereby amended to read as follows:

11 710.200 Subject to the provisions of *section 2 of this act and* NRS
12 710.160 to 710.280, inclusive, the board of county commissioners, for the
13 purchase, construction, other acquisition, extension, betterment, alteration,
14 reconstruction or other major improvement, or any combination thereof, of
15 an electrical system, including without limitation the purchase,
16 construction, condemnation and other acquisition of plants, stations, other
17 buildings, structures, equipment, furnishings, transmission and distribution
18 lines, other facilities, lands in fee simple, easements, rights of way, other
19 interests in land, other real and personal property and appurtenances, may,
20 at any time or from time to time, in the name and on the behalf of the
21 county, issue:

22 1. General obligation bonds, payable from taxes;

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

26 3. Revenue bonds constituting special obligations and payable from
27 such net revenues.

28 **Sec. 41.** Section 135 of the charter of Boulder City is hereby amended
29 to read as follows:

30 Section 135. Establishment of municipally owned and operated
31 utilities. ~~The~~ *Except as otherwise provided in sections 13, 14 and*
32 *15 of this act, the* city shall have power to own and operate any public
33 utility, to construct and install all facilities that are reasonably needed,
34 and to lease or purchase any existing utility properties used and useful
35 in public service. The city may also furnish service in adjacent and
36 near-by communities which may be conveniently and economically
37 served by the municipally owned and operated utility, subject to: (a)
38 Agreements with such communities; (b) provisions of state law; (c)
39 provisions of the Boulder City Act of 1958. The council may provide
40 by ordinance for the establishment of such utility, but an ordinance
41 providing for a newly owned and operated utility shall be enacted
42 only after such hearings and procedure as required herein for the
43 granting of a franchise, and shall also be submitted to and approved at
44 a popular referendum; provided, however, that an ordinance providing
45 for any extension, enlargement, or improvement of an existing utility
46 may be enacted as a matter of general municipal administration. The
47 city shall have the power to execute long-term contracts for the
48 purpose of augmenting the services of existing municipally owned
49 utilities. Such contracts shall be passed only in the form of ordinances



1 and may exceed in length the terms of office of the members of the
2 council. (1959 Charter)

3 **Sec. 42.** Section 2.270 of the charter of the City of Caliente, being
4 chapter 31, Statutes of Nevada 1971, at page 63, is hereby amended to read
5 as follows:

6 Sec. 2.270 Powers of city council: Provision of utilities. ~~The~~
7 *Except as otherwise provided in sections 13, 14 and 15 of this act,*
8 *the* city council may:

9 1. Provide, by contract, franchise of public enterprise, for any
10 utility to be furnished to the city for the residents thereof.

11 2. Provide for the construction of any facility necessary for the
12 provision of such utilities.

13 3. Fix the rate to be paid for any utility provided by public
14 enterprise. Any charges due for services, facilities or commodities
15 furnished by any utility owned by the city is a lien upon the property
16 to which the service is rendered and shall be perfected by filing with
17 the county recorder of Lincoln County a statement by the city clerk of
18 the amount due and unpaid and describing the property subject to the
19 lien. Each such lien shall:

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

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

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

26 **Sec. 43.** Section 6.010 of the charter of the City of Caliente, being
27 chapter 31, Statutes of Nevada 1971, as last amended by chapter 361,
28 Statutes of Nevada 1983, at page 872, is hereby amended to read as
29 follows:

30 Sec. 6.010 Local improvement law.

31 ~~The~~ *Except as otherwise provided in sections 13, 14 and 15 of*
32 *this act, the* city council, on behalf of the city and in its name, without
33 any election, may from time to time acquire, improve, equip, operate
34 and maintain, convert to or authorize:

35 1. Curb and gutter projects;

36 2. Drainage projects;

37 3. ~~Offstreet~~ *Off-street* parking projects;

38 4. Overpass projects;

39 5. Park projects;

40 6. Sanitary sewer projects;

41 7. Security walls;

42 8. Sidewalk projects;

43 9. Storm sewer projects;

44 10. Street projects;

45 11. Underground electric and communication facilities;

46 12. Underpass projects; and

47 13. Water projects.



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1 **Sec. 44.** Section 7.020 of the charter of the City of Caliente, being
2 chapter 31, Statutes of Nevada 1971, at page 69, is hereby amended to read
3 as follows:

4 Sec. 7.020 Acquisition, operation of municipal utilities.

5 ~~[The]~~ *Except as otherwise provided in sections 13, 14 and 15 of*
6 *this act, the* city may, in the manner and for the purposes provided in
7 this charter and Nevada Revised Statutes as they apply to cities, grant
8 franchises and acquire in any manner any public utility, and hold,
9 manage and operate it, either alone or jointly, with any level of
10 government or instrumentality or subdivision thereof.

11 **Sec. 45.** Section 7.030 of the charter of the City of Caliente, being
12 chapter 31, Statutes of Nevada 1971, at page 69, is hereby amended to read
13 as follows:

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

16 1. ~~[The]~~ *Except as otherwise provided in section 13 of this act,*
17 *the* city council may issue bonds to obtain revenue for acquiring or
18 constructing systems, plants, works, instrumentalities and properties
19 needed in connection with:

20 (a) The obtaining of a water supply.

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

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

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

28 **Sec. 46.** Section 2.300 of the charter of the City of Carlin, being
29 chapter 344, Statutes of Nevada 1971, at page 611, is hereby amended to
30 read as follows:

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

32 ~~[The]~~ *Except as otherwise provided in sections 13, 14 and 15 of this*
33 *act, the* board of councilmen may:

34 1. Provide, by contract, franchise or public enterprise, for any
35 utility to be furnished to the city for the residents thereof.

36 2. Provide for the construction of any facility necessary for the
37 provision of such utilities.

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

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

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



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

3 **Sec. 47.** Section 6.010 of the charter of the City of Carlin, being
4 chapter 344, Statutes of Nevada 1971, as last amended by chapter 361,
5 Statutes of Nevada 1983, at page 872, is hereby amended to read as
6 follows:

7 Sec. 6.010 Local improvement law.

8 ~~[The]~~ *Except as otherwise provided in sections 13, 14 and 15 of*
9 *this act, the* board of councilmen, on behalf of the city and in its
10 name, without any election, may from time to time acquire, improve,
11 equip, operate and maintain, convert to or authorize:

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

26 **Sec. 48.** Section 7.020 of the charter of the City of Carlin, being
27 chapter 344, Statutes of Nevada 1971, as amended by chapter 25, Statutes
28 of Nevada 1977, at page 54, is hereby amended to read as follows:

29 Sec. 7.020 Acquisition, operation, sale or lease of municipal
30 utilities.

31 ~~[The]~~ *Except as otherwise provided in sections 13, 14 and 15 of*
32 *this act, the* city may, in the manner and for the purposes provided in
33 this charter and Nevada Revised Statutes as they apply to special
34 charter cities, grant franchises and acquire in any manner any public
35 utility, and hold, manage and operate it, either alone or jointly, with
36 any level of government or instrumentality or subdivision thereof.

37 **Sec. 49.** Section 2.270 of the charter of Carson City, being chapter
38 213, Statutes of Nevada 1969, as last amended by chapter 565, Statutes of
39 Nevada 1997, at page 2750, is hereby amended to read as follows:

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

41 1. Except as otherwise provided in subsection 2 , ~~[and]~~ section
42 2.272 ~~[H]~~ *and section 13 of this act*, the board may:

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

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

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



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

2. The board:

(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 clerk and made available for public inspection during the business hours of the office of the clerk.

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

5. 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. 50. 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 2 of section 2.270 , ~~and~~ section 2.272 ~~and~~ *section 13 of this act*, the board may acquire, improve, equip, operate and maintain, convert to or authorize:

1. Curb and gutter projects;
2. Drainage projects;
3. ~~Off-street~~ *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. 51. 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 2 of



1 section 2.270 , ~~and~~ section 2.272 ~~+~~ *and section 13 of this act,*
2 Carson City may, in the manner and for the purposes provided in this
3 charter and Nevada Revised Statutes as they apply to cities and
4 counties, grant franchises and acquire in any manner any public
5 utility, airport, municipal hall, cemetery, fire station or other public
6 building, park, recreation center and necessary equipment for
7 municipal departments (such acquisitions hereafter sometimes
8 referred to in this article as "facilities" or "projects"), and hold,
9 manage and operate them either alone or jointly with any level of
10 government or instrumentality or subdivision thereof.

11 **Sec. 52.** Section 2.330 of the charter of the City of Elko, being chapter
12 276, Statutes of Nevada 1971, at page 484, is hereby amended to read as
13 follows:

14 Sec. 2.330 Powers of board of supervisors: Provision of utilities.
15 ~~The~~ *Except as otherwise provided in sections 13, 14 and 15 of this*
16 *act, the* board of supervisors may:

17 1. Provide, by contract, franchise or public enterprise, for any
18 utility to be furnished to the city for the residents thereof.

19 2. Provide for the construction of any facility necessary for the
20 provision of such utilities.

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

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

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

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

34 **Sec. 53.** Section 6.010 of the charter of the City of Elko, being chapter
35 276, Statutes of Nevada 1971, as last amended by chapter 361, Statutes of
36 Nevada 1983, at page 873, is hereby amended to read as follows:

37 Sec. 6.010 Local improvement law. ~~The~~ *Except as otherwise*
38 *provided in sections 13, 14 and 15 of this act, the* board of
39 supervisors, on behalf of the city and in its name, without any
40 election, may from time to time acquire, improve, equip, operate and
41 maintain, convert to or authorize:

- 42 1. Curb and gutter projects;
- 43 2. Drainage projects;
- 44 3. ~~Off-street~~ *Off-street* parking projects;
- 45 4. Overpass projects;
- 46 5. Park projects;
- 47 6. Sanitary sewer projects;
- 48 7. Security walls;
- 49 8. Sidewalk projects;



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- 1 9. Storm sewer projects;
- 2 10. Street projects;
- 3 11. Underground electric and communication facilities;
- 4 12. Underpass projects; and
- 5 13. Water projects.

6 **Sec. 54.** Section 7.010 of the charter of the City of Elko, being chapter
7 276, Statutes of Nevada 1971, at page 490, is hereby amended to read as
8 follows:

9 Sec. 7.010 Acquisition, operation of municipal utilities. ~~The~~
10 *Except as otherwise provided in sections 13, 14 and 15 of this act,*
11 *the* city may, in the manner and for the purposes provided in this
12 charter and Nevada Revised Statutes as they apply to cities, grant
13 franchises and acquire in any manner any public utility, and hold,
14 manage and operate it, either alone or jointly, with any level of
15 government or instrumentality or subdivision thereof.

16 **Sec. 55.** Section 2.280 of the charter of the City of Gabbs, being
17 chapter 265, Statutes of Nevada 1971, at page 393, is hereby amended to
18 read as follows:

19 Sec. 2.280 Powers of board of councilmen: Provision of utilities.
20 ~~The~~ *Except as otherwise provided in sections 13, 14 and 15 of this*
21 *act, the* board of councilmen may:

- 22 1. Provide, by contract, franchise or public enterprise, for any
23 utility to be furnished to the city for the residents thereof.
- 24 2. Provide for the construction of any facility necessary for the
25 provision of such utilities.

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

- 33 (a) Be coequal with the latest lien thereon to secure the payment of
34 general taxes.
- 35 (b) Not be subject to extinguishment by the sale of any property on
36 account of the nonpayment of general taxes.
- 37 (c) Be prior and superior to all liens, claims, encumbrances and
38 titles other than the liens of assessments and general taxes.

39 **Sec. 56.** Section 6.010 of the charter of the City of Gabbs, being
40 chapter 265, Statutes of Nevada 1971, as last amended by chapter 361,
41 Statutes of Nevada 1983, at page 873, is hereby amended to read as
42 follows:

43 Sec. 6.010 Local improvement law. ~~The~~ *Except as otherwise*
44 *provided in sections 13, 14 and 15 of this act, the* board of
45 councilmen, on behalf of the city, and in its name, without any
46 election, may from time to time acquire, improve, equip, operate and
47 maintain, convert to or authorize:

- 48 1. Curb and gutter projects;



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- 1 2. Drainage projects;
- 2 3. ~~Offstreet~~ *Off-street* parking projects;
- 3 4. Overpass projects;
- 4 5. Park projects;
- 5 6. Sanitary sewer projects;
- 6 7. Security walls;
- 7 8. Sidewalk projects;
- 8 9. Storm sewer projects;
- 9 10. Street projects;
- 10 11. Underground electric and communication facilities;
- 11 12. Underpass projects; and
- 12 13. Water projects.
- 13 **Sec. 57.** Section 7.020 of the charter of the City of Gabbs, being
- 14 chapter 265, Statutes of Nevada 1971, at page 399, is hereby amended to
- 15 read as follows:
- 16 Sec. 7.020 Acquisition, operation of municipal utilities. ~~The~~
- 17 *Except as otherwise provided in sections 13, 14 and 15 of this act,*
- 18 the city may, in the manner and for the purposes provided in this
- 19 charter and Nevada Revised Statutes as they apply to cities, grant
- 20 franchises and acquire in any manner any public utility, and hold,
- 21 manage and operate it, either alone or jointly, with any level of
- 22 government or instrumentality or subdivision thereof.
- 23 **Sec. 58.** Section 2.280 of the charter of the City of Henderson, being
- 24 chapter 266, Statutes of Nevada 1971, as amended by chapter 565, Statutes
- 25 of Nevada 1997, at page 2752, is hereby amended to read as follows:
- 26 Sec. 2.280 Powers of city council: Provision of utilities.
- 27 1. Except as otherwise provided in subsection 2 , ~~and~~ section
- 28 2.285 ~~H~~ *and section 13 of this act*, the city council may:
- 29 (a) Provide, by contract, franchise or public enterprise, for any
- 30 utility to be furnished to the city for the residents thereof.
- 31 (b) Provide for the construction of any facility necessary for the
- 32 provision of such utilities.
- 33 (c) Fix the rate to be paid for any utility provided by public
- 34 enterprise. Any charges due for services, facilities or commodities
- 35 furnished by any utility owned by the city is a lien upon the property
- 36 to which the service is rendered and must be perfected by filing with
- 37 the county recorder of Clark County a statement by the city clerk of
- 38 the amount due and unpaid and describing the property subject to the
- 39 lien. Each such lien must:
- 40 (1) Be coequal with the latest lien thereon to secure the payment
- 41 of general taxes.
- 42 (2) Not be subject to extinguishment by the sale of any property
- 43 on account of the nonpayment of general taxes.
- 44 (3) Be prior and superior to all liens, claims, encumbrances and
- 45 titles other than the liens of assessments and general taxes.
- 46 2. The city council:
- 47 (a) Shall not sell telecommunications service to the general public.



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(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. 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. 59. Section 6.010 of the charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as last amended by chapter 565, Statutes of Nevada 1997, at page 2753, is hereby amended to read as follows:

Sec. 6.010 Local improvement law. Except as otherwise provided in subsection 2 of section 2.280, ~~and~~ 2.285 ~~+~~ and section 13 of this act, 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. ~~Off-street~~ 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. Telephone projects;
12. Transportation projects;
13. Underground and aboveground electric and communication facilities;
14. Underpass projects;
15. Water projects;
16. Upon petition by a person or business authorized to provide the service, such other utility projects as are deemed necessary by the council; and
17. Any combination thereof.



1 **Sec. 60.** Section 7.020 of the charter of the City of Henderson, being
2 chapter 266, Statutes of Nevada 1971, as amended by chapter 565, Statutes
3 of Nevada 1997, at page 2754, is hereby amended to read as follows:

4 Sec. 7.020 Acquisition, operation of municipal utilities. Except
5 as otherwise provided in subsection 2 of section 2.280, ~~and~~ section
6 2.285 ~~and~~ *and section 13 of this act*, the city may, in the manner and
7 for the purposes provided in this charter and Nevada Revised Statutes
8 as they apply to cities, grant franchises and acquire in any manner any
9 public utility, and hold, manage and operate it either alone or jointly,
10 with any level of government or instrumentality or subdivision
11 thereof.

12 **Sec. 61.** Section 2.300 of the charter of the City of Las Vegas, being
13 chapter 517, Statutes of Nevada 1983, as amended by chapter 565, Statutes
14 of Nevada 1997, at page 2755, is hereby amended to read as follows:

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

16 1. Except as otherwise provided in subsection 2, ~~and~~ section
17 2.315 ~~and~~ *and section 13 of this act*, the city council may:

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

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

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

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

35 (2) No change may be made in any of those schedules except
36 upon 30 days' notice to the inhabitants of the city and the holding of a
37 public hearing with respect to the proposed change. Notice of the
38 proposed change must be given by at least two publications during the
39 30-day period before the hearing.

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

43 (4) Every utility which is owned or operated by the city shall
44 furnish reasonably adequate service and facilities, and the charges
45 which are made for any service which is or will be rendered, or for
46 any service which is connected with or incidental to any service which
47 is or will be rendered, by the city must be just and reasonable.

48 (d) Any rate, fee, toll or charge, including any fee for connection
49 which is due for services, facilities or commodities which are



furnished by the city or by any utility which is owned or operated by the city pursuant to this section is a lien upon the property to which the service is rendered. The lien:

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

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

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

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

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

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. 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. 62. Section 2.310 of the charter of the City of Las Vegas, being chapter 517, Statutes of Nevada 1983, as last amended by chapter 565, Statutes of Nevada 1997, at page 2756, is hereby amended to read as follows:

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

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



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

3 (a) The public utility which is proposed to be acquired or
4 established.

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

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

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

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

18 4. At the first regular meeting of the city council, or any
19 adjournment of that meeting, after the completion of the publication,
20 the city council may, without an election, enact an ordinance for that
21 purpose, which must conform in all respects to the terms and
22 conditions of the resolution, unless, within 30 days after the final
23 publication of the resolution, a petition is filed with the city clerk
24 which has been signed by a number of registered voters of the city
25 which is not less than 15 percent of the registered voters of the city, as
26 shown by the last preceding registration list, who own not less than 10
27 percent in assessed value of the taxable property within the city, as
28 shown by the last preceding tax list or assessment roll, and which
29 prays for the submission of the question of the enactment of the
30 proposed ordinance at a special election or the next primary or general
31 municipal election or primary or general state election. Upon the
32 filing of that petition, the proposed ordinance may not be enacted or
33 be effective for any purpose unless, at a special election or primary or
34 general municipal election or primary or general state election, a
35 majority of the votes which are cast in that election are cast in favor of
36 the enactment of the ordinance.

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

48 6. If the proposed ordinance is adopted, without an election or as
49 a result of an election, the city council may issue bonds to obtain



1 revenue for acquiring or constructing systems, plants, works,
2 instrumentalities and properties which are needed in connection with
3 that public utility.

4 **Sec. 63.** Section 6.010 of the charter of the City of Las Vegas, being
5 chapter 517, Statutes of Nevada 1983, as amended by chapter 565, Statutes
6 of Nevada 1997, at page 2757, is hereby amended to read as follows:

7 Sec. 6.010 Local improvement law. Except as otherwise
8 provided in subsection 2 of section 2.300 , ~~and~~ section 2.315 ~~and~~ *and*
9 *section 13 of this act*, the city council, on behalf of the city and in its
10 name, without any election, may from time to time acquire, improve,
11 equip, operate and maintain, convert to or authorize, in addition to the
12 projects authorized by chapter 271 of NRS:

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

16 **Sec. 64.** Section 2.280 of the charter of the City of North Las Vegas,
17 being chapter 573, Statues of Nevada 1971, as last amended by chapter
18 636, Statutes of Nevada 1999, at page 3543, is hereby amended to read as
19 follows:

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

21 1. Except as otherwise provided in subsection 3 , ~~and~~ section
22 2.285 ~~and~~ *and section 13 of this act*, the city council may:

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

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

28 (c) Prescribe, revise and collect rates, fees, tolls and charges for the
29 services, facilities or commodities furnished by any municipally
30 operated or municipally owned utility or undertaking.
31 Notwithstanding any provision of this charter to the contrary or in
32 conflict herewith, no rates, fees, tolls or charges for the services,
33 facilities or commodities furnished by any municipally operated or
34 municipally owned utility or undertaking may be prescribed, revised,
35 amended or altered, increased or decreased, without this procedure
36 first being followed:

37 (1) There must be filed with the city clerk schedules of rates,
38 fees, tolls or charges which must be open to public inspection,
39 showing all rates, fees, tolls or charges which the city has established
40 and which are in force at the time for any service performed or
41 product furnished in connection therewith by any utility controlled
42 and operated by the city.

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



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

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

8 (d) Provide, by ordinance, for an additional charge to each business
9 customer and for each housing unit within the city to which water is
10 provided by a utility of up to 25 cents per month. If such a charge is
11 provided for, the city council shall, by ordinance, provide for the
12 expenditure of that money for any purpose relating to the
13 beautification of the city.

14 2. Any charges due for services, facilities or commodities
15 furnished by the city or by any utility operated by the city pursuant to
16 this section is a lien upon the property to which the service is rendered
17 and must be perfected by filing with the county recorder of Clark
18 County of a statement by the city clerk stating the amount due and
19 unpaid and describing the property subject to the lien. Each such lien
20 must:

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

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

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

27 3. The city council:

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

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

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

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

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

40 5. Notwithstanding the provisions of paragraph (a) of subsection
41 3, an airport may sell telecommunications service to the general
42 public.

43 6. As used in this section:

44 (a) "Housing unit" means a:

45 (1) Single-family dwelling;

46 (2) Townhouse, condominium or cooperative apartment;

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

48 (4) Mobile home.



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

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

Sec. 65. Section 6.010 of the charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as last amended by chapter 565, Statutes of Nevada 1997, at page 2760, is hereby amended to read as follows:

Sec. 6.010 Local improvement law. Except as otherwise provided in subsection 3 of section 2.280 , ~~and~~ section 2.285 ~~and~~ *section 13 of this act*, 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. Library, park or recreation 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. 66. Section 7.020 of the charter of the City of North Las Vegas, being chapter 573, Statutes of Nevada 1971, as amended by chapter 565, Statutes of Nevada 1997, at page 2760, is hereby amended to read as follows:

Sec. 7.020 Acquisition, operation of municipal utilities. Except as otherwise provided in subsection 3 of section 2.280 , ~~and~~ section 2.285 ~~and~~ *section 13 of this act*, 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. 67. Section 2.140 of the charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 327, Statutes of Nevada 1999, at page 1367, is hereby amended to read as follows:

Sec. 2.140 General powers of city council.

1. Except as otherwise provided in subsection 2 , ~~and~~ section 2.150 ~~and~~ *section 13 of this act*, the city council may:

(a) Acquire, control, improve and dispose of any real or personal property for the use of the city, its residents and visitors.

(b) Regulate and impose a license tax for revenue upon all businesses, trades and professions.



1 (c) Provide or grant franchises for public transportation and
2 utilities.

3 (d) Appropriate money for advertising and publicity and for the
4 support of a municipal band.

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

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

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

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

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

23 2. The city council:

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

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

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

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

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

36 4. Notwithstanding the provisions of paragraph (a) of subsection
37 2, an airport may sell telecommunications service to the general
38 public.

39 5. As used in this section:

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

42 (b) "Telecommunications service" has the meaning ascribed to it in
43 47 U.S.C. § 153(46), as that section existed on July 16, 1997.

44 **Sec. 68.** Section 6.010 of the charter of the City of Reno, being
45 chapter 662, Statutes of Nevada 1971, as last amended by chapter 565,
46 Statutes of Nevada 1997, at page 2762, is hereby amended to read as
47 follows:

48 Sec. 6.010 Local improvement law. Except as otherwise
49 provided in subsection 2 of section 2.140 , ~~and~~ section 2.150 ~~it~~ **and**



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section 13 of this act, 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. ~~Off-street~~ *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. 69. Section 7.020 of the charter of the City of Reno, being chapter 662, Statutes of Nevada 1971, as last amended by chapter 565, Statutes of Nevada 1997, at page 2763, is hereby amended to read as follows:

Sec. 7.020 Acquisition, operation of municipal utilities. Except as otherwise provided in subsection 2 of section 2.140, ~~and~~ 2.150 ~~and~~ *section 13 of this act*, 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. 70. Section 2.110 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 2763, is hereby amended to read as follows:

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

1. Except as otherwise provided in subsection 2, ~~and~~ section 2.115 ~~and~~ *section 13 of this act*, 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 provisions of such utility.

(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 performed by filing with the county recorder 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.



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(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. 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. 71. 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 2 of section 2.110, ~~and~~ section 2.115 ~~and~~ *section 13 of this act*, 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. 72. 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 2 of section 2.110, ~~and~~ section 2.115 ~~and~~ *section 13 of this act*, 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. 73. 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~~ *Except as otherwise provided in sections 13, 14 and 15 of this act, the* board of councilmen may:



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

2. Provide for the construction of any facility necessary for the provision of such utilities.

3. 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:

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

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

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

Sec. 74. 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 sections 13, 14 and 15 of this act, 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; and
13. Water projects.

Sec. 75. 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 sections 13, 14 and 15 of this act, 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.



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1 **Sec. 76.** Section 2.280 of the charter of the City of Yerington, being
2 chapter 465, Statutes of Nevada 1971, as amended by chapter 56, Statutes
3 of Nevada 1973, at page 77, is hereby amended to read as follows:

4 Sec. 2.280 Powers of city council: Provision of utilities. ~~The~~
5 *Except as otherwise provided in sections 13, 14 and 15 of this act,*
6 *the* city council may:

7 1. Provide, by contract, franchise or public enterprise, for any
8 utility to be furnished to the city for the residents thereof.

9 2. Provide for the construction of any facility necessary for the
10 provision of such utilities.

11 3. Fix the rate to be paid for any utility provided by public
12 enterprise. Any charges due for services, facilities or commodities
13 furnished by any utility owned by the city is a lien upon the property
14 to which the service is rendered and shall be perfected by filing with
15 the county recorder of Lyon County a statement by the city clerk of
16 the amount due and unpaid and describing the property subject to the
17 lien. Each such lien shall:

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

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

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

24 4. Pursue any other legal remedy for collection of charges for
25 utility services, facilities or commodities.

26 **Sec. 77.** Section 6.010 of the charter of the City of Yerington, being
27 chapter 465, Statutes of Nevada 1971, as last amended by chapter 361,
28 Statutes of Nevada 1983, at page 877, is hereby amended to read as
29 follows:

30 Sec. 6.010 Local improvement law. ~~The~~ *Except as otherwise*
31 *provided in sections 13, 14 and 15 of this act, the* city council, on
32 behalf of the city and in its name, without any election, may from time
33 to time acquire, improve, equip, operate and maintain, convert to or
34 authorize:

35 1. Curb and gutter projects;

36 2. Drainage projects;

37 3. ~~Offstreet~~ *Off-street* parking projects;

38 4. Overpass projects;

39 5. Park projects;

40 6. Sanitary sewer projects;

41 7. Security walls;

42 8. Sidewalk projects;

43 9. Storm sewer projects;

44 10. Street projects;

45 11. Underground electric and communication facilities;

46 12. Underpass projects; and

47 13. Water projects.



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1 **Sec. 78.** Section 7.020 of the charter of the City of Yerington, being
2 chapter 465, Statutes of Nevada 1971, at page 914, is hereby amended to
3 read as follows:

4 Sec. 7.020 Acquisition, operation of municipal utilities. ~~The~~
5 *Except as otherwise provided in sections 13, 14 and 15 of this act,*
6 the city may, in the manner and for the purposes provided in this
7 charter and Nevada Revised Statutes as they apply to cities, grant
8 franchises and acquire in any manner any public utility, and hold,
9 manage and operate it, either alone or jointly, with any level of
10 government or instrumentality or subdivision thereof.

11 **Sec. 79.** Section 1 of chapter 45, Statutes of Nevada 1921, as amended
12 by chapter 205, Statutes of Nevada 1923, at page 366, is hereby amended
13 to read as follows:

14 Section 1. ~~The~~ *Except as otherwise provided in sections 2 and*
15 *3 of this act, the* county of Mineral, State of Nevada, acting by and
16 through its board of county commissioners, is hereby authorized and
17 empowered to purchase the electrical power and telephone lines now
18 extending from the Lundy generating plant of the Nevada-California
19 power company, situated near Lundy, in the county of Mono, State of
20 California, to the town of Hawthorne, in the county of Mineral, State
21 of Nevada, and known as the "Pacific Division" of the Nevada-
22 California power company's system of light and power lines within
23 the State of Nevada, and thereafter to maintain and operate the same
24 as a public utility for the transmission, sale and distribution of
25 electrical energy to consumers, and to construct, operate and maintain
26 an extension of said line from the town of Hawthorne, via Luning and
27 Mina, to the town of Simon in said Mineral County, with branch from
28 Mina to Candelaria, and the same shall be known as the "Mineral
29 County Power System."

30 **Sec. 80.** 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 sections 2 and 3*
34 *of this act, the* board of county commissioners, hereinafter referred to
35 as the "Board of Managers," or the "board," shall have authority to
36 enter into any and all necessary contracts with any person, firm or
37 corporation, either within or without the State of Nevada, for the
38 purchase of electric energy and current; or to purchase any existing
39 light and power line or integral part thereof; or to purchase or
40 construct any necessary telephone lines for use in connection with the
41 Mineral County power system; fix rates or tolls thereon; make any
42 and all rules and regulations necessary and proper for the
43 management, operation and control thereof, and may construct and
44 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



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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. 81.** 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 sections 2 and 3 of this*
31 *act:*

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



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



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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. 82.** 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 sections 2 and 3*
33 *of this act, the* maintenance and operation of said Mineral County
34 power system shall be under the control, supervision and authority of
35 the board of managers, and rates charged to consumers for sale and
36 distribution of electrical energy and current, and the tolls for
37 telephone service, with the terms and conditions thereof, shall be
38 fixed by said board, subject to the supervision of the public utilities
39 commission of Nevada, who may revise, raise or lower the same.
40 Unpaid charges of said power system for service or materials and
41 supplies rendered or furnished a consumer shall constitute a lien
42 against the property of such consumer, and shall have precedence over
43 all other claims and demands save and except taxes; provided, that
44 upon receiving a certificate from the general manager of such system
45 giving the names of delinquent consumers or ratepayers and the
46 amounts due from each for unpaid service or material or supply bills,
47 prior to the making up of the annual assessment rolls, the county
48 assessor shall place upon said rolls after or opposite the name of such
49 delinquent, the amount so certified to be due, which sum shall be



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1 added by the county auditor to the amounts levied as taxes, and the
2 same shall be collected and paid at the same time and in the same
3 manner as taxes, and all the provisions of law applicable to the
4 collection and payment of taxes (either real or personal) and to
5 delinquencies shall apply to the payment of such charges; provided
6 further, that all sums so collected and due to the Mineral County
7 power system shall be credited by the county treasurer to said system,
8 but all sums collected as penalties, interest or costs shall be paid to the
9 county general fund; and provided further, that in the event of
10 payment being made of such delinquent account, with penalties and
11 interest, at any time prior to the final date set for the collection and
12 payment of taxes, credit therefor shall be entered upon such tax-roll
13 by the county treasurer. Such accounts shall be deemed delinquent
14 forty (40) days immediately following the month in which such
15 service was rendered or material furnished, and the penalty for
16 nonpayment shall be fifteen per cent (15%) additional, with three per
17 cent (3%) per month interest thereafter on said total amount until paid,
18 and such penalty and interest shall be added to the amount originally
19 found to be due, when collection is made by the county treasurer;
20 provided, that un-collectable accounts may be ordered stricken from
21 such rolls by the county board of equalization.

22 **Sec. 83.** Section 9 of chapter 661, Statutes of Nevada 1997, at page
23 3309, is hereby amended to read as follows:

24 Sec. 9. *1.* This act becomes effective on July 1, 1997 ~~and~~
25 ~~expires~~

26 *2. Sections 5 and 5.5 of this act expire* by limitation on July 1,
27 2001.

28 *3. This section, sections 1 to 4, inclusive and 6 to 8, inclusive, of*
29 *this act expire by limitation on July 1, 2003.*

30 **Sec. 84.** 1. The amendatory provisions of this act that restrict the
31 power of a local government or the Colorado River Commission to expand
32 facilities of or change the services provided by a public utility which
33 provides electric power and which is operated by the local government, do
34 not restrict the ability of a local government or the Colorado River
35 Commission to complete construction on a project for expansion of such
36 facilities or services which is initiated before July 1, 2001.

37 2. This act does not apply to any expansion or acquisition of facilities
38 for the generation, distribution or transmission of electricity, facilities for
39 the provision of telecommunications service or facilities for the provision
40 of community antenna service pursuant to a written contract executed on or
41 before April 1, 2001.

42 **Sec. 85.** This act becomes effective on July 1, 2001, and expires by
43 limitation on July 1, 2003.

