

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

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SENATE BILL NO. 425—COMMITTEE ON COMMERCE AND LABOR

MARCH 19, 2001

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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.

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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 in certain circumstances; providing an exception; 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.** *Except as otherwise provided in section 4.5 of this act, on*  
4     *and after July 1, 2001, a board of county commissioners shall not*  
5     *acquire or expand facilities for the generation, distribution or*  
6     *transmission of electricity 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 704 of NRS,*  
10    *unless:*  
11    1. *The public utility willingly agrees to the acquisition or expansion;*  
12    *and*  
13    2. *The board of county commissioners complies with the provisions*  
14    *of section 5 of this act.*  
15    **Sec. 3.** 1. *Except as otherwise provided in section 4.5 of this act, on*  
16    *and after July 1, 2001, a board of county commissioners shall not*  
17    *acquire or expand facilities for the provision of telecommunications*



1 *service if such acquisition or expansion would result in the county*  
2 *serving retail customers who are, before the acquisition or expansion,*  
3 *retail customers of a public utility which provides such service and which*  
4 *is subject to the provisions of chapter 704 of NRS, unless:*

5 *(a) The public utility willingly agrees to the acquisition or expansion;*  
6 *and*

7 *(b) The board of county commissioners complies with the provisions*  
8 *of section 5 of this act.*

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

12 **Sec. 4.** *Except as otherwise provided in section 4.5 of this act, on*  
13 *and after July 1, 2001, a board of county commissioners shall not*  
14 *acquire or expand facilities for the provision of community antenna*  
15 *television service if such acquisition or expansion would result in the*  
16 *county serving retail customers who are, before the acquisition or*  
17 *expansion, retail customers of a public utility which provides such*  
18 *service and which is subject to the provisions of chapter 711 of NRS,*  
19 *unless:*

20 *1. The public utility willingly agrees to the acquisition or expansion;*  
21 *and*

22 *2. The board of county commissioners complies with the provisions*  
23 *of section 5 of this act.*

24 **Sec. 4.5.** *Sections 2, 3 and 4 of this act do not apply to:*

25 *1. Services provided by the county to another department, division or*  
26 *agency of the county or to another governmental entity if the governing*  
27 *body of that governmental entity is the board of county commissioners;*  
28 *or*

29 *2. Expansion of services provided by the county to an area which is*  
30 *contiguous to an area of existing development where the county already*  
31 *provides services.*

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

35 *(a) Provide notice of the intended expansion or acquisition to any*  
36 *political subdivision that the board determines is likely to be an affected*  
37 *governmental entity;*

38 *(b) Prepare an impact statement pursuant to NRS 237.030 to 237.110,*  
39 *inclusive;*

40 *(c) Cause to be published a notice, displayed in the format used for*  
41 *advertisements printed in not less than 8-point type on at least one-*  
42 *quarter of a page of the newspaper, in a newspaper with the largest*  
43 *general circulation in the county;*

44 *(d) Hold a hearing on the proposed acquisition or expansion at least*  
45 *10 days after the date notice is published pursuant to paragraph (c); and*

46 *(e) Comply with paragraph (a) or (b) of subsection 2.*

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



1     (a) The board of county commissioners determines that the  
2     acquisition or expansion is economically feasible and does not adversely  
3     impact the existing provider of the service as determined in the impact  
4     statement prepared pursuant to paragraph (b) of subsection 1; or  
5     (b) The board of county commissioners:  
6         (1) Declares by a two-thirds majority vote of all its members at a  
7         special or regular meeting of the board, that an emergency exists with  
8         respect to the provision of service and that the county's plan for  
9         acquisition or expansion is economically feasible; and  
10        (2) For each affected governmental entity:  
11            (I) Has entered into an interlocal agreement providing for  
12            payments for each fiscal year to be made to the affected governmental  
13            entity equal to the reduction amount applicable to that affected  
14            governmental entity; or  
15            (II) If the board cannot reach an agreement with an affected  
16            governmental entity pursuant to sub-subparagraph (I), has approved a  
17            plan to make payments to that affected governmental entity of the  
18            reduction amount applicable to that governmental entity which has been  
19            approved by the Nevada tax commission.  
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 county after an acquisition or expansion pursuant to  
29         this section.  
30     **Sec. 6.** NRS 244A.697 is hereby amended to read as follows:  
31     244A.697 ~~HHH~~ *Except as otherwise provided in section 2 of this act,*  
32     *in* addition to any other powers, each county has the following powers:  
33     1. To finance or acquire, whether by construction, purchase, gift,  
34     devise, lease or sublease , or any one or more of such methods, and to  
35     improve and equip one or more projects , or parts thereof, which except as  
36     otherwise provided in this subsection must be located within this state, and  
37     which may be located within or partially within that county. If a project is  
38     for the generation and transmission of electricity and the county deems is  
39     necessary:  
40         (a) To connect the project with facilities located outside this state,  
41         transmitting facilities necessary for that interconnection may be located  
42         outside this state, but financing for those transmitting facilities must be  
43         limited to the amount necessary to interconnect the project with the nearest  
44         compatible transmitting facility of the participant in the project with which  
45         the connection is to be made.  
46         (b) To acquire or develop fuel or water or rights thereto, or to transport  
47         fuel or water from outside the county or state, the necessary facilities, fuel,  
48         water or rights thereto may be located wholly outside the county or outside  
49         the state.



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1 Any water rights for such a project to be obtained by appropriation may  
2 only be appropriated within the boundaries of the county within which the  
3 generating facility is located, unless the board of county commissioners of  
4 another county approves the appropriation within its boundaries for that  
5 purpose.

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

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

11 4. To secure payment of such bonds as provided in NRS 244A.669 to  
12 244A.763, inclusive.

13 5. If a project is for the generation and transmission of electricity, to  
14 own the project in its entirety or an undivided interest in the project with  
15 one or more other owners, and to enter into agreements with respect to any  
16 matters relating to common ownership of the project, including , without  
17 limitation , matters relating to the ownership, acquisition, construction,  
18 improvement, equipping, financing, operation and maintenance of the  
19 project.

20 6. To take such actions as are necessary or useful ~~{in order}~~ to  
21 undertake, ~~carry out,~~ accomplish and otherwise carry out the provisions  
22 of NRS 244A.669 to 244A.763, inclusive, including the adoption of  
23 resolutions, which may be introduced and adopted at the same special or  
24 regular meeting of the board and which become effective upon adoption  
25 unless otherwise specified in the resolution.

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

28 *The committee shall:*

29 *1. Study the impact on revenue from state and local taxes received by*  
30 *local governments as a result of counties, cities and general improvement*  
31 *districts acquiring or expanding facilities for the generation,*  
32 *transmission and distribution of electricity and for the provision of*  
33 *telecommunications services or community antenna television service to*  
34 *retail customers who are, before the acquisition or expansion, customers*  
35 *of a public utility which provides such service and which is subject to*  
36 *chapter 704 or 711 of NRS; and*

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

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

42 218.5388 As used in NRS 218.5388 to 218.53886, inclusive, *and*  
43 *section 7 of this act*, "committee" means a legislative committee to study  
44 the distribution among local governments of revenue from state and local  
45 taxes.

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

47 266.261 1. ~~{The}~~ *Except as otherwise provided in sections 13, 14*  
48 *and 15 of this act, the* city council, on behalf of the city and in its name,



- 1 without any election, may acquire, improve, equip, operate and maintain,  
2 convert to or authorize:
- 3 (a) Curb and gutter projects;
  - 4 (b) Drainage projects;
  - 5 (c) ~~(Offstreet)~~ *Off-street* parking projects;
  - 6 (d) Overpass projects;
  - 7 (e) Park projects;
  - 8 (f) Sanitary sewer projects;
  - 9 (g) Sidewalk projects;
  - 10 (h) Storm sewer projects;
  - 11 (i) Street projects;
  - 12 (j) Underpass projects;
  - 13 (k) Water projects; and
  - 14 (l) Underground electric and communication facilities.
- 15 2. The city council, on behalf of the city, for the purpose of defraying  
16 all the costs of acquiring, improving or converting to any project  
17 authorized by subsection 1, or any portion of the cost thereof not to be  
18 defrayed with money otherwise available therefor, is vested with the  
19 powers granted to municipalities by chapters 271 and 704A of NRS.
- 20 **Sec. 10.** NRS 266.285 is hereby amended to read as follows:  
21 266.285 ~~The~~ *Except as otherwise provided in sections 13, 14 and 15*  
22 *of this act, a* city council may:
- 23 1. Provide, by contract, franchise or public enterprise, for any utility to  
24 be furnished to the city for the residents thereof.
  - 25 2. Provide for the construction of any facility necessary for the  
26 provision of such utility.
  - 27 3. Fix the rate to be paid for any utility provided by public enterprise.  
28 Any charges due for services, facilities or commodities furnished by any  
29 utility owned by the city is a lien upon the property to which the service is  
30 rendered and ~~shall~~ *must* be perfected by filing with the county recorder a  
31 statement by the city clerk of the amount due and unpaid and describing  
32 the property subject to the lien. Each such lien ~~shall~~ *must*:
- 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 titles  
38 other than the liens of assessments and general taxes.
- 39 **Sec. 11.** NRS 266.290 is hereby amended to read as follows:  
40 266.290 1. ~~The~~ *Except as otherwise provided in section 13, 14 and*  
41 *15 of this act, the* city council may acquire or establish any public utility in  
42 the manner provided in this section.
- 43 2. The council shall enact an ordinance which must set forth fully and  
44 in detail:
    - 45 (a) The public utility proposed to be acquired or established.
    - 46 (b) The estimated cost thereof, as shown by the report approved by the  
47 council and mayor, of an engineer or body theretofore appointed by the  
48 council for that purpose.
    - 49 (c) The proposed manner and terms of payment.



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

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

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

22 **Sec. 13.** *Except as otherwise provided in section 15.5 of this act, on*  
23 *and after July 1, 2001, a governing body shall not acquire or expand*  
24 *facilities for the generation, distribution or transmission of electricity if*  
25 *such acquisition or expansion would result in the city serving retail*  
26 *customers who are, before the acquisition or expansion, retail customers*  
27 *of a public utility which provides such service and which is subject to the*  
28 *provisions of chapter 704 of NRS, unless:*

29 1. *The public utility willingly agrees to the acquisition or expansion;*  
30 *and*

31 2. *The governing body complies with the provisions of section 16 of*  
32 *this act.*

33 **Sec. 14.** 1. *Except as otherwise provided in section 15.5 of this act,*  
34 *on and after July 1, 2001, a governing body shall not acquire or expand*  
35 *facilities for the provision of telecommunications service if such*  
36 *acquisition or expansion would result in the city serving retail customers*  
37 *who are, before the acquisition or expansion, retail customers of a public*  
38 *utility which provides such service and which is subject to the provisions*  
39 *of chapter 704 of NRS, unless:*

40 (a) *The public utility willingly agrees to the acquisition or expansion;*  
41 *and*

42 (b) *The governing body complies with the provisions of section 16 of*  
43 *this act.*

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

47 **Sec. 15.** *Except as otherwise provided in section 15.5 of this act, on*  
48 *and after July 1, 2001, a governing body shall not acquire or expand*  
49 *facilities for the provision of community antenna television service if*



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1 such acquisition or expansion would result in the city serving retail  
2 customers who are, before the acquisition or expansion, retail customers  
3 of a public utility which provides such service and which is subject to the  
4 provisions of chapter 711 of NRS, unless:

5 1. The public utility willingly agrees to the acquisition or expansion;  
6 and

7 2. The governing body complies with the provisions of section 16 of  
8 this act.

9 **Sec. 15.5.** Sections 13, 14 and 15 of this act do not apply to:

10 1. Services provided by the city to another department, division or  
11 agency of the city or to another governmental entity if the governing  
12 body of that governmental entity is the governing body of the city; or

13 2. Expansion of services provided by the city to an area which is  
14 contiguous to an area of existing development where the city already  
15 provides services.

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

18 (a) Provide notice of the intended expansion or acquisition to any  
19 political subdivision that the governing body determines is likely to be an  
20 affected governmental entity;

21 (b) Prepare an impact statement pursuant to NRS 237.030 to 237.110,  
22 inclusive;

23 (c) Cause to be published a notice, displayed in the format used for  
24 advertisements, printed in not less than 8-point type on at least one-  
25 quarter of a page of the newspaper in a newspaper with the largest  
26 general circulation in the city;

27 (d) Hold a hearing on the proposed acquisition or expansion at least  
28 10 days after the date notice is published pursuant to paragraph (c); and

29 (e) Comply with paragraph (a) or (b) of subsection 2.

30 2. After complying with paragraphs (a) to (d), inclusive, of  
31 subsection 1, a governing body may proceed with the proposed  
32 acquisition or expansion if:

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

37 (b) The governing body:

38 (1) Declares by a two-thirds majority vote of all its members at a  
39 special or regular meeting of the governing body, that an emergency  
40 exists with respect to the provision of service and that the city's plan for  
41 acquisition or expansion is economically feasible; and

42 (2) For each affected governmental entity:

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

47 (II) If the governing body cannot reach an agreement with an  
48 affected governmental entity pursuant to sub-subparagraph (I), has  
49 approved a plan to make payments to that affected governmental entity of





1 *the reduction amount applicable to that governmental entity which has*  
2 *been approved by the Nevada tax commission.*

3 3. *For purposes of this section:*

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

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

13 **Sec. 17.** NRS 268.526 is hereby amended to read as follows:

14 268.526 ~~It~~ *Except as otherwise provided in section 13 of this act, in*  
15 *addition to any other powers which it may now have, each city shall have*  
16 *the following powers:*

17 1. *To finance or acquire, whether by construction, purchase, gift,*  
18 *devise, lease or sublease, or any one or more of such methods, and to*  
19 *improve and equip one or more projects , or part thereof. Such projects,*  
20 *upon completion of such acquisition, ~~shall~~ must be located within , or*  
21 *within 10 miles of , the city.*

22 2. *To finance, sell, lease or otherwise dispose of any or all of its*  
23 *projects upon such terms and conditions as the governing body considers*  
24 *advisable.*

25 3. *To issue revenue bonds for the purpose of financing or defraying the*  
26 *cost of acquiring, improving and equipping any project as set forth in NRS*  
27 *268.556.*

28 4. *To secure payment of such bonds as provided in NRS 268.512 to*  
29 *268.568, inclusive.*

30 5. *To take such actions as are necessary or useful in order to*  
31 *undertake, carry out, accomplish and otherwise implement the provisions*  
32 *of NRS 268.512 to 268.568, inclusive, including the adoption of*  
33 *resolutions, which may be introduced and adopted at the same special or*  
34 *regular meeting of the governing body and which ~~shall~~ become effective*  
35 *upon adoption.*

36 **Sec. 18.** NRS 268.568 is hereby amended to read as follows:

37 268.568 1. *Except as otherwise provided in sections 13, 14 and 15*  
38 *of this act, NRS 268.512 to 268.568, inclusive, without reference to other*  
39 *statutes of the state, constitute full authority for the exercise of powers*  
40 *granted in those sections, including, but not limited ~~to~~ to , the authorization*  
41 *and issuance of bonds.*

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



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1 3. The provisions of no other law, either general or local, except as  
2 *otherwise* provided in NRS 268.512 to 268.568, inclusive, apply to the  
3 doing of the things authorized in NRS 268.512 to 268.568, inclusive, to be  
4 done, and no board, agency, bureau, commission or official not designated  
5 in those sections has any authority or jurisdiction over the doing of any of  
6 the acts authorized in those sections to be done, except as otherwise  
7 provided in those sections.

8 4. No notice, consent or approval by any public body or officer thereof  
9 may be required as a prerequisite to the sale or issuance of any bonds, the  
10 making of any contract or lease, or the exercise of any other power under  
11 NRS 268.512 to 268.568, inclusive, except as *otherwise* provided in those  
12 sections.

13 5. A project is not subject to any requirements relating to public  
14 buildings, structures, ground works or improvements imposed by the  
15 statutes of this state or any other similar requirements which may be  
16 lawfully waived by this section, and any requirement of competitive  
17 bidding or other restriction imposed on the procedure for award of  
18 contracts for such purpose or the lease, sale or other disposition of property  
19 of the cities is not applicable to any action taken pursuant to NRS 268.512  
20 to 268.568, inclusive, except that the provisions of NRS 338.010 to  
21 338.090, inclusive, apply to any contract for new construction, repair or  
22 reconstruction for which tentative approval for financing is granted on or  
23 after January 1, 1992, by the city for work to be done in a project.

24 6. Notwithstanding the provisions of NRS 662.245 or any other  
25 specific statute to the contrary, any bank or trust company located within or  
26 without this state may be appointed and act as a trustee with respect to  
27 bonds issued and projects financed pursuant to NRS 268.512 to 268.568,  
28 inclusive, without meeting the qualifications set forth in NRS 662.245.

29 7. The powers conferred by NRS 268.512 to 268.568, inclusive, are in  
30 addition and supplemental to, and not in substitution for, and the  
31 limitations imposed by those sections do not affect the powers conferred  
32 by any other law.

33 8. No part of NRS 268.512 to 268.568, inclusive, repeals or affects any  
34 other law or part thereof, except to the extent that those sections are  
35 inconsistent with any other law, it being intended that those sections  
36 provide a separate method of accomplishing its objectives, and not an  
37 exclusive one.

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

39 268.730 Except as otherwise provided in NRS 268.086 and 268.088,  
40 *and sections 13, 14 and 15 of this act*, any governing body of a  
41 municipality, upon its behalf and in its name, may at any time or from time  
42 to time acquire, improve, equip, operate and maintain, within or without or  
43 both within and without the municipality:

- 44 1. A building project;
- 45 2. A cemetery project;
- 46 3. A communications project;
- 47 4. A drainage project or flood control project;
- 48 5. An electric project;
- 49 6. A fire protection project;



- 1 7. An ~~offstreet~~ *off-street* parking project;
- 2 8. An overpass project;
- 3 9. A park project;
- 4 10. A recreational project;
- 5 11. A refuse project;
- 6 12. A sewerage project;
- 7 13. A sidewalk project;
- 8 14. A street project;
- 9 15. A transportation project;
- 10 16. An underpass project; and
- 11 17. A water project.

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

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

- 18 (a) A commercial area vitalization project;
- 19 (b) A curb and gutter project;
- 20 (c) A drainage project;
- 21 (d) An ~~offstreet~~ *off-street* parking project;
- 22 (e) An overpass project;
- 23 (f) A park project;
- 24 (g) A sanitary sewer project;
- 25 (h) A security wall;
- 26 (i) A sidewalk project;
- 27 (j) A storm sewer project;
- 28 (k) A street project;
- 29 (l) A street beautification project;
- 30 (m) A transportation project;
- 31 (n) An underpass project;
- 32 (o) A water project; and
- 33 (p) Any combination of such projects.

34 2. ~~It~~ *Except as otherwise provided in sections 13 and 14 of this act,*  
35 *in* addition to the power specified in subsection 1, the governing body of a  
36 city having a commission form of government as defined in NRS 267.010,  
37 upon behalf of the municipality and in its name, without any election, may  
38 from time to time acquire, improve, equip, operate and maintain, within or  
39 without the municipality, or both ~~it~~ within and without the municipality:

- 40 (a) An electrical project;
- 41 (b) A telephone project;
- 42 (c) A combination of an electrical project and a telephone project;
- 43 (d) A combination of an electrical project or a telephone project with  
44 any of the projects, or any combination thereof, specified in subsection 1;  
45 and
- 46 (e) A combination of an electrical project and a telephone project with  
47 any of the projects, or any combination thereof, specified in subsection 1.

48 3. In addition to the power specified in subsections 1 and 2, the  
49 governing body of a municipality, on behalf of the municipality and in its



1 name, without an election, may finance an underground conversion project  
2 with the approval of each service provider that owns the overhead service  
3 facilities to be converted.

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

6 **Sec. 22.** *Except as otherwise provided in section 24.5 of this act, on  
7 and after July 1, 2001, a general improvement district shall not acquire  
8 or expand facilities for the generation, distribution or transmission of  
9 electricity if such acquisition or expansion would result in the district  
10 serving retail customers who are, before the acquisition or expansion,  
11 retail customers of a public utility which provides such service and which  
12 is subject to the provisions of chapter 704 of NRS, unless:*

13 *1. The public utility willingly agrees to the acquisition or expansion;  
14 and*

15 *2. The general improvement district complies with the provisions of  
16 section 25 of this act.*

17 **Sec. 23.** *1. Except as otherwise provided in section 24.5 of this act,  
18 on and after July 1, 2001, a general improvement district shall not  
19 acquire or expand facilities for the provision of telecommunications  
20 service if such acquisition or expansion would result in the district  
21 serving retail customers who are, before the acquisition or expansion,  
22 retail customers of a public utility which provides such service and which  
23 is subject to the provisions of chapter 704 of NRS, unless:*

24 *(a) The public utility willingly agrees to the acquisition or expansion;  
25 and*

26 *(b) The general improvement district complies with the provisions of  
27 section 25 of this act.*

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

31 **Sec. 24.** *Except as otherwise provided in section 24.5 of this act, on  
32 and after July 1, 2001, a general improvement district shall not acquire  
33 or expand facilities for the provision of community antenna television  
34 service if such acquisition or expansion would result in the district  
35 serving retail customers who are, before the acquisition or expansion,  
36 retail customers of a public utility which provides such service and which  
37 is subject to the provisions of chapter 711 of NRS, unless:*

38 *1. The public utility willingly agrees to the acquisition or expansion;  
39 and*

40 *2. The general improvement district complies with the provisions of  
41 section 25 of this act.*

42 **Sec. 24.5.** *Sections 22, 23 and 24 of this act do not apply to:*

43 *1. Services provided by the general improvement district to another  
44 department, division or agency of the general improvement district or to  
45 another governmental entity if the governing body of that governmental  
46 entity is the board of trustees of the general improvement district; or*

47 *2. Expansion of services provided by the general improvement  
48 district to an area which is contiguous to an area of existing development  
49 where the general improvement district already provides services.*



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

4     *(a) Provide notice of the intended expansion or acquisition to any*  
5 *political subdivision that the district determines is likely to be an affected*  
6 *governmental entity;*

7     *(b) Prepare an impact statement pursuant to NRS 237.030 to 237.110,*  
8 *inclusive;*

9     *(c) Cause to be published a notice, displayed in the format used for*  
10 *advertisements printed in not less than 8-point type on at least one-*  
11 *quarter of a page of the newspaper, in a newspaper with the largest*  
12 *general circulation in the district;*

13     *(d) Hold a hearing on the proposed acquisition or expansion at least*  
14 *10 days after the date notice is published pursuant to paragraph (c); and*

15     *(e) Comply with paragraph (a) or (b) of subsection 2.*

16     **2.** *After complying with paragraphs (a) to (d), inclusive, of*  
17 *subsection 1, a general improvement district may proceed with the*  
18 *proposed acquisition or expansion if:*

19     *(a) The general improvement district determines that the acquisition*  
20 *or expansion is economically feasible and does not adversely impact the*  
21 *existing provider of the service as determined in the impact statement*  
22 *prepared pursuant to paragraph (b) of subsection 1; or*

23     *(b) The general improvement district:*

24         *(1) Declares by a two-thirds majority vote of all its members at a*  
25 *special or regular meeting of the district, that an emergency exists with*  
26 *respect to the provision of service and that the district's plan for*  
27 *acquisition or expansion is economically feasible; and*

28         *(2) For each affected governmental entity:*

29             *(I) Has entered into an interlocal agreement providing for*  
30 *payments for each fiscal year to be made to the affected governmental*  
31 *entity equal to the reduction amount applicable to that affected political*  
32 *governmental entity; or*

33             *(II) If the district cannot reach an agreement with an affected*  
34 *governmental entity pursuant to sub-subparagraph (I), has approved a*  
35 *plan to make payments to that affected governmental entity of the*  
36 *reduction amount applicable to that governmental entity which has been*  
37 *approved by the Nevada tax commission.*

38     **3.** *For purposes of this section:*

39         *(a) "Affected governmental entity" means this state or any political*  
40 *subdivision of this state which will receive less property taxes or*  
41 *franchise fees as a direct result of an acquisition or expansion pursuant*  
42 *to this section.*

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



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1     **Sec. 26.** NRS 318.116 is hereby amended to read as follows:  
2     318.116 ~~Any~~ *Except as otherwise provided in sections 22, 23 and*  
3 *24 of this act, any* one, all or any combination of the following basic  
4 powers may be granted to a district in proceedings for its organization, or  
5 its reorganization pursuant to NRS 318.077 and all provisions in this  
6 chapter supplemental thereto, or as may be otherwise provided by statute:  
7     1. Furnishing electric light and power, as provided in NRS 318.117;  
8     2. Extermination and abatement of mosquitoes, flies, other insects,  
9 rats, and liver fluke or fasciola hepatica, as provided in NRS 318.118;  
10    3. Furnishing facilities or services for public cemeteries, as provided in  
11 NRS 318.119;  
12    4. Furnishing facilities for swimming pools, as provided in NRS  
13 318.1191;  
14    5. Furnishing facilities for television, as provided in NRS 318.1192;  
15    6. Furnishing facilities for FM radio, as provided in NRS 318.1187;  
16    7. Furnishing streets and alleys, as provided in NRS 318.120;  
17    8. Furnishing ~~curb, gutter~~ *curbs, gutters* and sidewalks, as provided  
18 in NRS 318.125;  
19    9. Furnishing sidewalks, as provided in NRS 318.130;  
20    10. Furnishing facilities for storm drainage or flood control, as  
21 provided in NRS 318.135;  
22    11. Furnishing sanitary facilities for sewerage, as provided in NRS  
23 318.140;  
24    12. Furnishing facilities for lighting streets, as provided in NRS  
25 318.141;  
26    13. Furnishing facilities for the collection and disposal of garbage and  
27 refuse, as provided in NRS 318.142;  
28    14. Furnishing recreational facilities, as provided in NRS 318.143;  
29    15. Furnishing facilities for water, as provided in NRS 318.144;  
30    16. Furnishing fencing, as provided in NRS 318.1195;  
31    17. Furnishing facilities for protection from fire, as provided in NRS  
32 318.1181;  
33    18. Furnishing energy for heating, as provided in NRS 318.1175;  
34    19. Furnishing emergency medical services, as provided in NRS  
35 318.1185; and  
36    20. Control and eradication of noxious weeds, as provided in chapter  
37 555 of NRS.  
38     **Sec. 27.** NRS 318.117 is hereby amended to read as follows:  
39     318.117 ~~Any~~ *Except as otherwise provided in section 22 of this act, if*  
40 a district is created , wholly or in part , to furnish electric light and power,  
41 the board may:  
42     1. Acquire, by purchase, condemnation or other legal means, all lands,  
43 rights and other property necessary for the construction, use and supply,  
44 operation, maintenance, repair and improvement of the works of the  
45 district, including , without limitation , the plant, works, system, facilities  
46 or properties, together with all parts thereof, the appurtenances thereto,  
47 including contract rights, used and useful primarily for the production,  
48 transmission or distribution of electric energy to or for the public for any  
49 purpose, works constructed and being constructed by private owners, and



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1 all other works and appurtenances, either within or without the State of  
2 Nevada.

3 2. Furnish, deliver and sell to the public, and to any municipality and  
4 to the state and any public institution, heat, light and power service and any  
5 other service, commodity or facility which may be produced or furnished  
6 in connection therewith.

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

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

10 318.1192 ~~Has~~ *Except as otherwise provided in section 25 of this act,*  
11 the case of a district created wholly or in part for acquiring television  
12 maintenance facilities, the board shall have power to:

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

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

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

20 (a) Flat rate charges;

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

22 (c) Charges classified by the value of property served by television  
23 receivers;

24 (d) Charges classified by the character of the property served by  
25 television receivers;

26 (e) Minimum charges;

27 (f) Stand-by charges; or

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

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

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

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

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

46 *1. On and after July 1, 2001, the Colorado River Commission shall*  
47 *not acquire or expand facilities for the generation, distribution or*  
48 *transmission of electricity to serve persons who will be retail customers of*  
49 *the Colorado River Commission for that service and who are, before the*



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1 acquisition or expansion, retail customers of a public utility subject to  
2 chapter 704 of NRS for that service, unless the Colorado River  
3 Commission:

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

6 (b) Determines that the acquisition or expansion is economically  
7 feasible and is in the best interest of the residents of southern Nevada;  
8 and

9 (c) For each affected governmental entity:

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

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

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

23 3. For purposes of this section:

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

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

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

34 538.161 ~~The~~ Except as otherwise provided in section 30 of this act,  
35 the commission shall:

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

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



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1 cooperative so requests, the commission may contract to supply electric  
2 energy directly for the corporation or cooperative.

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

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

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

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

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

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

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

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

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

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

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

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

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

47 538.166 1. ~~The~~ *Except as otherwise provided in section 30 of this*  
48 *act, the* commission may:

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



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1 (b) Develop, store, transport, transfer, exchange, use and treat  
2 supplemental water.

3 (c) Acquire an interest in, finance, construct, reconstruct, operate,  
4 maintain, repair and dispose of any facility for water or power, including,  
5 without limitation, a facility for the storage or conveyance of water and a  
6 facility for the generation or transmission of electricity.

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

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

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

13 (2) Issue:

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

16 (II) Securities constituting special obligations payable from net  
17 pledged revenues; or

18 (III) Any combination of those securities.

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

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

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

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

35 538.181 1. ~~The~~ *Except as otherwise provided in section 30 of this*  
36 *act, the* commission shall hold and administer all rights and benefits  
37 pertaining to the distribution of the power and water mentioned in NRS  
38 538.041 to 538.251, inclusive, *and section 30 of this act*, for the State of  
39 Nevada and, except as otherwise provided in NRS 538.186, may enter into  
40 contracts relating to that power and water, including the transmission and  
41 other distribution services, on such terms as the commission determines.

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



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

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

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

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

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

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

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

30     8. Except as otherwise provided in section 1 of *Senate Bill No. 211 of*  
31 *this ~~act~~ session*, notwithstanding any provision of chapter 704 of NRS,  
32 any purchase of:

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

35     (b) Water for distribution or exchange, and any subsequent distribution  
36 or exchange of water by any entity to which or with which the commission  
37 has contracted the water,  
38 is not subject to regulation by the public utilities commission of Nevada.

39     **Sec. 34.** NRS 541.140 is hereby amended to read as follows:  
40     541.140 ~~The~~ *Except as otherwise provided in section 2 of this act,*  
41 *the* board shall have power on behalf of the district:

42     1. To have perpetual succession.

43     2. To take by appropriation, grant, purchase, bequest, devise or lease,  
44 and to hold and enjoy water, waterworks, water rights and sources of water  
45 supply, and any and all real and personal property of any kind, within or  
46 without the district or within or without the State of Nevada, necessary or  
47 convenient to the full exercise of its powers, ~~it~~ and to sell, lease,  
48 encumber, alienate or otherwise dispose of water, waterworks, water rights  
49 and sources of supply of water for use within and without the district and



1 within and without the State of Nevada , ~~it~~ also, to acquire, construct,  
2 operate, control and use any and all works, facilities and means necessary  
3 or convenient to the exercise of its power, both within and without the  
4 district ~~it~~ and within and without the State of Nevada, and to do and  
5 perform any and all things necessary or convenient to the full exercise of  
6 the powers herein granted.

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

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



1 such patent, grant or permit ~~shall be~~ **is** executed, any compensation due to  
2 the state under the provisions hereof must be paid. No fee ~~shall~~ **may** be  
3 exacted from the district for any patent, permit or grant so issued or for any  
4 service rendered hereunder. In the use of streets , the district ~~shall be~~ **is**  
5 subject to the reasonable rules and regulations of the county, city or town  
6 where such streets lie, concerning excavation and the refilling of  
7 excavation, the re-laying of pavements and the protection of the public  
8 during periods of construction , ~~it~~ but the district ~~shall not be~~ **is not**  
9 required to pay any license or permit fees, or file any bonds. The district  
10 may be required to pay reasonable inspection fees.

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

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

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

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

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



1 10. To appropriate and otherwise acquire water and water rights within  
2 or without the state , ~~it~~ to develop, store and transport water , ~~it~~ to  
3 subscribe for, purchase and acquire stock in canal companies, water  
4 companies ~~it~~ and water users' associations , ~~it~~ to provide, sell, lease, and  
5 deliver water for municipal and domestic purposes, irrigation, power,  
6 milling, manufacturing, mining, metallurgical , and any and all other  
7 beneficial uses, and to derive revenue and benefits therefrom , ~~it~~ to fix the  
8 terms and rates therefor , ~~it~~ and to make and adopt plans for and to  
9 acquire, construct, operate and maintain dams, reservoirs, ditches,  
10 waterways, canals, conduits, pipelines, tunnels, power plants , and any and  
11 all works, facilities, improvements and property necessary or convenient  
12 therefor, and in the doing of all such things , to obligate itself and execute  
13 and perform such obligations according to the tenor thereof.

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

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

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

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

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

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

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

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

48 710.010 1. ~~it~~ *Except as otherwise provided in section 3 of this*  
49 *act, the* board of county commissioners of any county is authorized, upon



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1 there being filed with it a petition signed by two-thirds of the taxpayers of  
2 the county requesting the board so to do, to purchase or construct a  
3 telephone line or lines within the limits of the county, if in the judgment of  
4 the board it would be to the interest of the county to do so, and to pay for  
5 the same out of the county general fund.

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

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

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

16 710.145 1. ~~Notwithstanding the provisions of any other statute,~~  
17 *Except as otherwise provided in section 3 of this act,* a telephone system  
18 which is under the control and management of a county may extend its  
19 operation across county boundaries if:

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

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

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

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

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

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

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

45 710.170 ~~The~~ *Except as otherwise provided in section 2 of this act,*  
46 *the* board of county commissioners shall have authority:

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



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- 1     2. To purchase any existing light line and power line or integral part
- 2     thereof, upon the most advantageous price and terms to the county.
- 3     3. To purchase all proper and necessary equipment, appliances and
- 4     materials needed for the plant and lines.
- 5     4. To enter into contracts with consumers for the sale, distribution and
- 6     delivery of electrical energy, power and current along its power lines.
- 7     5. To make any and all rules and regulations necessary and proper for
- 8     the management, operation, control and extension thereof.
- 9     6. To employ such proper and efficient help and labor as shall be
- 10    needed.
- 11    7. To construct and operate branches or distributing lines, substations
- 12    and transformers and other electrical appliances as conditions may warrant
- 13    and require.

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

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

- 26    1. General obligation bonds, payable from taxes;
- 27    2. General obligation bonds, payable from taxes, which payment is
- 28    additionally secured by a pledge of the net revenues derived from the
- 29    operation of the system; and
- 30    3. Revenue bonds constituting special obligations and payable from
- 31    such net revenues.

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

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



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1 may be enacted as a matter of general municipal administration. The  
2 city shall have the power to execute long-term contracts for the  
3 purpose of augmenting the services of existing municipally owned  
4 utilities. Such contracts shall be passed only in the form of ordinances  
5 and may exceed in length the terms of office of the members of the  
6 council. (1959 Charter)

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

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

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

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

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

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

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

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

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

34 Sec. 6.010 Local improvement law.

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

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



11. Underground electric and communication facilities;
12. Underpass projects; and
13. Water projects.

**Sec. 44.** Section 7.020 of the charter of the City of Caliente, being chapter 31, Statutes of Nevada 1971, at page 69, 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.

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

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

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

- (a) The obtaining of a water supply.
- (b) The conservation, treatment and disposal of sewage waste and storm water.
- (c) The generation and transmittal of electricity for light and power for public and private uses.

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

**Sec. 46.** Section 2.300 of the charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, at page 611, 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. 47.** Section 6.010 of the charter of the City of Carlin, being chapter 344, Statutes of Nevada 1971, as last amended by chapter 361, Statutes of Nevada 1983, at page 872, is hereby amended to read as follows:

Sec. 6.010 Local improvement law.

~~The~~ *Except as otherwise provided in 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. ~~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;
13. Water projects; and
14. Any combination of such projects.

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

Sec. 7.020 Acquisition, operation, sale or lease 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 special charter 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. 49.** Section 2.270 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 2750, is hereby amended to read as follows:

Sec. 2.270 Power of board: Provision of utilities.

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

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



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

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

(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. ~~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.



1     **Sec. 51.** Section 7.020 of the charter of Carson City, being chapter  
2     213, Statutes of Nevada 1969, as last amended by chapter 565, Statutes of  
3     Nevada 1997, at page 2751, is hereby amended to read as follows:

4         Sec. 7.020 Acquisition, operation of municipal utilities, facilities  
5         and franchises. Except as otherwise provided in subsection 2 of  
6         section 2.270 , ~~and~~ section 2.272 ~~+~~ *and section 13 of this act*,  
7         Carson City may, in the manner and for the purposes provided in this  
8         charter and Nevada Revised Statutes as they apply to cities and  
9         counties, grant franchises and acquire in any manner any public  
10        utility, airport, municipal hall, cemetery, fire station or other public  
11        building, park, recreation center and necessary equipment for  
12        municipal departments (such acquisitions hereafter sometimes  
13        referred to in this article as “facilities” or “projects”), and hold,  
14        manage and operate them either alone or jointly with any level of  
15        government or instrumentality or subdivision thereof.

16     **Sec. 52.** Section 2.330 of the charter of the City of Elko, being chapter  
17     276, Statutes of Nevada 1971, at page 484, is hereby amended to read as  
18     follows:

19         Sec. 2.330 Powers of board of supervisors: Provision of utilities.  
20         ~~The~~ *Except as otherwise provided in sections 13, 14 and 15 of this*  
21         *act, the* board of supervisors 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 Elko 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. 53.** Section 6.010 of the charter of the City of Elko, being chapter  
40     276, Statutes of Nevada 1971, as last amended by chapter 361, Statutes of  
41     Nevada 1983, at page 873, is hereby amended to read as follows:

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

47             1. Curb and gutter projects;

48             2. Drainage projects;



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

Sec. 7.010 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.

**Secs. 55-57.** (Deleted by amendment.)

**Sec. 58.** Section 2.280 of the charter of the City of Henderson, being chapter 266, Statutes of Nevada 1971, as amended by chapter 565, Statutes of Nevada 1997, at page 2752, is hereby amended to read as follows:

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

1. Except as otherwise provided in subsection 2, ~~and~~ *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 provision of such utilities.

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

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

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

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

2. The city council:



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- 1 (a) Shall not sell telecommunications service to the general public.
- 2 (b) May purchase or construct facilities for providing
- 3 telecommunications that intersect with public rights of way if the
- 4 governing body:
- 5 (1) Conducts a study to evaluate the costs and benefits
- 6 associated with purchasing or constructing the facilities; and
- 7 (2) Determines from the results of the study that the purchase or
- 8 construction is in the interest of the general public.
- 9 3. Any information relating to the study conducted pursuant to
- 10 subsection 2 must be maintained by the city clerk and made available
- 11 for public inspection during the business hours of the office of the city
- 12 clerk.
- 13 4. Notwithstanding the provisions of paragraph (a) of subsection
- 14 2, an airport may sell telecommunications service to the general
- 15 public.
- 16 5. As used in this section:
- 17 (a) "Telecommunications" has the meaning ascribed to it in 47
- 18 U.S.C. § 153(43), as that section existed on July 16, 1997.
- 19 (b) "Telecommunications service" has the meaning ascribed to it in
- 20 47 U.S.C. § 153(46), as that section existed on July 16, 1997.
- 21 **Sec. 59.** Section 6.010 of the charter of the City of Henderson, being
- 22 chapter 266, Statutes of Nevada 1971, as last amended by chapter 565,
- 23 Statutes of Nevada 1997, at page 2753, is hereby amended to read as
- 24 follows:
- 25 Sec. 6.010 Local improvement law. Except as otherwise
- 26 provided in subsection 2 of section 2.280 , ~~and~~ 2.285 ~~and~~ *and section*
- 27 *13 of this act*, the city council, on behalf of the city and in its name,
- 28 without any election, may from time to time acquire, improve, equip,
- 29 operate and maintain, convert to or authorize:
- 30 1. Curb and gutter projects;
- 31 2. Drainage projects;
- 32 3. ~~Offstreet~~ *Off-street* parking projects;
- 33 4. Overpass projects;
- 34 5. Park projects;
- 35 6. Sanitary sewer projects;
- 36 7. Security walls;
- 37 8. Sidewalk projects;
- 38 9. Storm sewer projects;
- 39 10. Street projects;
- 40 11. Telephone projects;
- 41 12. Transportation projects;
- 42 13. Underground and aboveground electric and communication
- 43 facilities;
- 44 14. Underpass projects;
- 45 15. Water projects;
- 46 16. Upon petition by a person or business authorized to provide
- 47 the service, such other utility projects as are deemed necessary by the
- 48 council; and
- 49 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.



(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 ~~+~~ **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. 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:



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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.



\* S B 4 2 5 R 2 \*

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.



\* S B 4 2 5 R 2 \*

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    Section 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



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. 83.5.** Sections 40 and 59 of Assembly Bill No. 11 of this session  
31 are hereby amended to read as follows:

32 Sec. 40. Section 2.330 of the charter of the City of Elko, being  
33 chapter 276, Statutes of Nevada 1971, at page 484, is hereby amended  
34 to read as follows:

35 Sec. 2.330 Powers of ~~board of supervisors;~~ **city council:**  
36 Provision of utilities. Except as otherwise provided in sections 13,  
37 14 and 15 of **Senate Bill No. 425 of this** ~~act, the board of~~  
38 ~~supervisors~~ **session, the city council** may:

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

41 2. Provide for the construction of any facility necessary for the  
42 provision of ~~such~~ **the** utilities.

43 3. Fix the rate to be paid for any utility provided by public  
44 enterprise. Any charges due for services, facilities or commodities  
45 furnished by any utility owned by the city is a lien upon the  
46 property to which the service is rendered and ~~shall~~ **may** be  
47 perfected by filing with the county recorder of Elko County a  
48 statement by the city clerk of the amount due and unpaid and



describing the property subject to the lien. Each such lien ~~shall~~  
**must:**

(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. 59. Section 6.010 of the charter of the City of Elko, being chapter 276, Statutes of Nevada 1971, as last amended by chapter 361, Statutes of Nevada 1983, at page 873, is hereby amended to read as follows:

Sec. 6.010 Local improvement law. Except as otherwise provided in sections 13, 14 and 15 of *Senate Bill No. 425 of this* ~~act, the board of supervisors,~~ *session, 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 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. 84.** 1. The amendatory provisions of this act that restrict the power of a local government or the Colorado River Commission to expand facilities of or change the services provided by a public utility which provides electric power and which is operated by the local government, do not restrict the ability of a local government or the Colorado River Commission to complete construction on a project for expansion of such facilities or services which is initiated before July 1, 2001.

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

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

