

Amendment No. 465

Assembly Amendment to Assembly Bill No. 54	(BDR 20-473)
Proposed by: Assembly Committee on Government Affairs	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

ASSEMBLY ACTION			Initial and Date	SENATE ACTION			Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.

ASSEMBLY BILL NO. 54—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF WASHOE COUNTY)

PREFILED DECEMBER 9, 2008

Referred to Committee on Government Affairs

SUMMARY—Authorizes certain counties to ~~require that certain owners and occupants of property connect to a public water or sewer system.~~ establish programs to provide financial assistance to certain persons. (BDR 20-473)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to counties; ~~authorizing certain counties to require that certain owners and occupants of property connect to a public water or sewer system.~~ authorizing a board of county commissioners in ~~such a county~~ certain counties to establish ~~a program~~ programs to provide financial assistance to ~~such~~ persons ~~to connect to a public water or sewer system or to make property resistant to flood damage;~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

This bill authorizes the board of county commissioners of a county whose population is 100,000 or more but less than 400,000 (currently Washoe County) to ~~require an owner or occupant of property located outside a city or town to connect to a public water or sewer system. This bill also authorizes such a board of county commissioners to~~ establish ; (1) a program to provide financial assistance to persons who are required to connect to the a public water or sewer system. ~~Existing law already allows the board of county commissioners of a county whose population is 400,000 or more (currently Clark County) to require disconnection from private sewer systems. (NRS 244.366) Existing law also already allows the board of county commissioners of any county to require certain persons to connect to an available water system if the State Environmental Commission makes certain determinations. (NRS 244.3655) Under the provisions of this bill, no determinations by the State Environmental Commission are required.~~ under certain circumstances; and (2) a program to provide financial assistance to owners of public or private property to make such property resistant to flood damage.

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

Section 1. Chapter 244 of NRS is hereby amended by adding thereto ~~the new~~
~~section to read as follows:~~ the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. ~~[The]~~ Except as otherwise provided in this section, if a board of
county commissioners of a county whose population is 100,000 or more but less
than 400,000, ~~upon such terms and conditions as the board may set forth:~~

~~(a) Has the power, outside of the limits of incorporated cities and towns:~~

~~(1) To provide that it is unlawful for any persons, associations and~~
~~corporations owning, occupying or in any way controlling any building or other~~
~~structure, any part of which is within 400 feet of any street, alley, court,~~
~~passageway, other public highway, right of way, easement or other alley owned~~
~~or occupied by the county in which a public water or sewer system is then in~~
~~existence and use, to construct, otherwise acquire, to cause or permit to be~~
~~constructed or otherwise acquired, or to use or continue to use any private water~~
~~or sewer system.~~

~~(2) To provide for the disconnection of plumbing facilities from private~~
~~water or sewer systems described in subparagraph (1) and for the discontinuance~~
~~and elimination of such private water or sewer systems.~~

~~(3) To require that a person, association or corporation described in~~
~~subparagraph (1) connect to the public water or sewer system which is then in~~
~~existence and use.~~

~~(b) May establish and operate]~~ operates a public water or sewer system, the
board may:

(a) Establish by ordinance a program to provide financial assistance to
persons [that the county requires] within a particular water basin to connect to
the public water or sewer system. ~~[pursuant to this subsection.~~

~~(c) May accept]~~

(b) Accept gifts, grants and other sources of money to pay the costs
associated with a program established pursuant to paragraph (a).

2. An ordinance adopted by a board of county commissioners pursuant to
paragraph (a) of subsection 1 must include, without limitation, a finding of the
board that the creation of a program to provide financial assistance to persons to
connect to a public water or sewer system furthers a legitimate public purpose.

3. If a board of county commissioners establishes a program to provide
financial assistance pursuant to subsection 1, the board:

(a) Must establish a plan for the management and protection of the
groundwater in the water basin to which the program to provide financial
assistance applies. Such a plan must include, without limitation, provisions for
the management of the use of the groundwater in the water basin by residents of
the county and other users of water in the county.

(b) Except as otherwise provided in subsection 4, may set forth conditions or
limitations on any financial assistance provided pursuant to the program.

4. Financial assistance provided pursuant to a program established
pursuant to subsection 1:

(a) May be in the form of grants or loans, or any combination thereof.

(b) May only be used to pay the necessary and actual expenses to:

(1) Disconnect from a private water or sewer system;

(2) Eliminate a private water or sewer system; and

(3) Connect to the public water or sewer system.

1 5. A board may not establish a program to provide financial assistance
2 pursuant to subsection 1 unless the board finds that establishing such a program
3 is necessary to provide the public with a safe and reliable water and sewer system.

4 6. The requirements of NRS 244.3655 do not apply to actions taken by a
5 board of county commissioners pursuant to this section.

6 7. Nothing in this section shall be so construed as to require:

7 (a) A board of county commissioners to provide financial assistance to any
8 property owner pursuant to this section; or

9 (b) A property owner to apply for or accept financial assistance pursuant to a
10 program of financial assistance established pursuant to this program.

11 ~~8.~~ 8. As used in this section, "water or sewer system" means a facility or
12 facilities for the collection, pumping, treatment, storage or conveyance of water
13 or sewage and includes, without limitation, mains, conduits, aqueducts, pipes,
14 pipelines, ditches, canals, pumping stations, and all appurtenances, equipment
15 and machinery necessary or useful and convenient for obtaining, storing,
16 transporting or transferring water or sewage.

17 Sec. 3. 1. Except as otherwise provided in this section, a board of county
18 commissioners of a county whose population is 100,000 or more but less than
19 400,000 may:

20 (a) Establish by ordinance a program to provide financial assistance to
21 owners of public and private property in areas that are likely to be flooded in
22 order to make such property resistant to flood damage.

23 (b) Accept gifts, grants and other sources of money to pay the costs
24 associated with a program established pursuant to paragraph (a).

25 (c) Pay costs associated with a program established pursuant to paragraph
26 (a) through the use of:

27 (1) Revenue and bond proceeds derived from a flood management project,
28 except that no bond proceeds may be used to provide any loans pursuant to the
29 program.

30 (2) Funds from the infrastructure fund of the county.

31 (3) Gifts, grants and other sources of money available to the board of
32 county commissioners.

33 2. An ordinance adopted by a board of county commissioners pursuant to
34 paragraph (a) of subsection 1:

35 (a) Must include, without limitation, a finding of the board that the creation
36 of a program to provide financial assistance to owners of public and private
37 property in areas that are likely to be flooded is necessary to promote and protect
38 the public health, safety and welfare.

39 (b) May include a provision that the award of financial assistance is subject
40 to any limitation or condition that the board determines is necessary.

41 3. Financial assistance provided pursuant to a program established
42 pursuant to subsection 1:

43 (a) May be in the form of grants or loans, or any combination thereof.

44 (b) May only be used to pay the actual and necessary costs to make private or
45 public property resistant to flood damage, including, without limitation, flood-
46 proofing the property, erecting barriers, elevating foundations of buildings,
47 structures or improvements, and relocating buildings, structures or improvements
48 to areas that are not likely to be flooded.

49 (c) May not be awarded:

50 (1) To protect any building, structure or improvement unless the
51 building, structure or improvement exists or construction has begun on the
52 building, structure or improvement on or before July 1, 2009.

(2) To relocate any building, structure or improvement to property that is also in an area likely to be flooded.

(3) Unless the property owner:

(I) Submits an application for financial assistance on or before June 30, 2019.

(II) Has not received and agrees not to apply for any further financial assistance to make his property resistant to flood damage from a tourism improvement district established pursuant to NRS 271A.070, a tax increment area created pursuant to NRS 278C.155, a redevelopment area established pursuant to NRS 279.426, a program for the rehabilitation of residential neighborhoods established pursuant to NRS 279A.030 or a program for the rehabilitation of abandoned residential properties established pursuant to NRS 279B.030.

(III) Satisfies any conditions adopted by the board of county commissioners.

4. The board of county commissioners may delegate its authority to administer a program of financial assistance established pursuant to this section to a flood management authority.

5. The board of county commissioners or, if the board has delegated its authority to administer a program of financial assistance pursuant to subsection 4, a flood management authority may bring an action against the property owner for the collection of any delinquent payments, charges, fees, interest or penalties related to any loan provided pursuant to a program established pursuant to this section.

6. Nothing in this section shall be so construed as to require:

(a) A board of county commissioners to provide financial assistance to any property owner pursuant to this section; or

(b) A property owner to apply for or accept financial assistance pursuant to a program of financial assistance established pursuant to this program.

7. As used in this section:

(a) "Drainage and flood control project" has the meaning ascribed to it in NRS 244A.027.

(b) "Flood management authority" means any entity that is created by cooperative agreement pursuant to chapter 277 of NRS, the functions of which include the acquisition, construction, improvement, operation and maintenance of a flood management project.

(c) "Flood management project," or any phrase of similar import, means a project or improvement that is located within or without a county whose population is 100,000 or more but less than 400,000 and is established for the control or management of any flood or storm waters of the county or any flood or storm waters of a stream of which the source is located outside of the county. The term includes, without limitation:

(1) A drainage and flood control project;

(2) A project to construct, repair or restore an ecosystem;

(3) A project to mitigate any adverse effect of flooding or flood management activity or improvement;

(4) A project to conserve any flood or storm waters for any beneficial and useful purpose by spreading, storing, reusing or retaining those waters or causing those waters to percolate into the ground to improve water quality;

(5) A project that alters or diverts or proposes to alter or divert a natural watercourse, including any improvement for the passage of fish;

(6) A park project that is related to a flood management project;

(7) Any landscaping or similar amenity that is constructed;

(I) To increase the usefulness of a flood management project to any community or to provide aesthetic compatibility with any surrounding community; or

(II) To mitigate any adverse effect on the environment relating to a flood management project;

(8) A project to relocate or replace a utility, transmission line, conduit, bridge or similar feature or structure that exacerbates any flooding or is located in an area that is susceptible to flooding;

(9) A project to protect and manage a floodplain;

(10) A project that is designed to improve the quality of any flood or storm waters or the operation of any flood management system, including, without limitation, any monitoring, measurement or assessment of that system; and

(11) Any real property or interest in real property that is acquired to support the carrying out of a flood management project, including, without limitation, any property that may become flooded because of any improvement for flood management, or any combination thereof and any other structure, fixture, equipment or property required for a flood management project.

Sec. 4. NRS 244.36605 is hereby amended to read as follows:

244.36605 1. In a county whose population is 100,000 or more but less than 400,000, if the county provides financial assistance through a program established pursuant to section 2 or 3 of this act, the board of county commissioners may elect by ordinance to have delinquent repayments of loans, including, without limitation, charges, fees, interest and penalties, collected on the tax roll, or collected with the property taxes due on mobile or manufactured homes that do not meet the requirements of NRS 361.244, in the same manner, by the same persons, and at the same time as, together with and not separately from, the county's general taxes. If the board makes such an election, the board shall cause:

(a) A description of each lot or parcel of real property or each mobile or manufactured home with respect to which the charges are delinquent on May 1; and

(b) The amount of the delinquent charges,
to be prepared and submitted to the tax receiver of the county, in a form approved by the tax receiver, not later than June 1.

2. In a county whose population is less than 400,000:

(a) The board of county commissioners of a county which provides sewerage, storm drainage or water service, or any combination of those services, may elect by ordinance to have delinquent charges for any or all of those services collected on the tax roll, or collected with the property taxes due on mobile or manufactured homes that do not meet the requirements of NRS 361.244, in the same manner, by the same persons, and at the same time as, together with and not separately from, the county's general taxes. If the board makes such an election, the board shall cause:

(1) A description of each lot or parcel of real property or each mobile or manufactured home with respect to which the charges are delinquent on May 1; and

(2) The amount of the delinquent charges,
to be prepared and submitted to the tax receiver of the county, in a form approved by the tax receiver, no later than June 1.

(b) The powers authorized by this section are alternative to all other powers of the county for the collection of such delinquent charges
or repayments.

1 (c) The real property may be described by reference to maps prepared by and
2 on file in the office of the county assessor or by descriptions used by him.

3 ~~[(d)]~~ (d) The amount of any such delinquent charge or repayment constitutes a
4 lien against the lot or parcel of land or mobile or manufactured home against which
5 the charge has been imposed as of the time when the lien of taxes on the roll or on
6 mobile or manufactured homes attach.

7 ~~[(e)]~~ (e) Except as otherwise provided in ~~subsection 7,~~ paragraph (g), the tax
8 receiver of the county shall include the amount of the delinquent charges or
9 repayments on bills for taxes levied against the respective lots and parcels of land
10 or mobile or manufactured homes, as applicable. Thereafter the amount of the
11 delinquent charges or repayments must be collected at the same time and in the
12 same manner and by the same persons as, together with and not separately from, the
13 general taxes for the county.

14 ~~[(f)]~~ (f) All laws applicable to the levy, collection and enforcement of general
15 taxes of the county, including, but not limited to, those pertaining to the matters of
16 delinquency, correction, cancellation, refund, redemption and sale, are applicable to
17 delinquent charges ~~for services~~ or repayments that are collected in the manner
18 authorized by this section.

19 ~~[(g)]~~ (g) The tax receiver of the county may issue separate bills for delinquent
20 charges or repayments that are collected in the manner authorized by this section
21 and separate receipts for collection on account of those charges.

22 **Sec. 5. NRS 377B.160 is hereby amended to read as follows:**

23 **377B.160** The money in the infrastructure fund, including interest and any
24 other income from the fund:

25 1. In a county whose population is 400,000 or more, must only be expended
26 by the water authority, distributed by the water authority to its members, distributed
27 by the water authority pursuant to NRS 377B.170 to a city or town located in the
28 county whose territory is not within the boundaries of the area served by the water
29 authority or to a public entity in the county which provides water or wastewater
30 services and which is not a member of the water authority or, if no water authority
31 exists in the county, expended by the board of county commissioners for:

32 (a) The acquisition, establishment, construction, improvement or equipping of
33 water and wastewater facilities;

34 (b) The payment of principal and interest on notes, bonds or other securities
35 issued to provide money for the cost of projects described in paragraph (a); or

36 (c) Any combination of those purposes.

37 ➤ The board of county commissioners may only expend money from the
38 infrastructure fund pursuant to this subsection in the manner set forth in the plan
39 adopted pursuant to subsection 6 of NRS 377B.100.

40 2. In a county whose population is 100,000 or more but less than 400,000,
41 must only be expended by the board of county commissioners in the manner set
42 forth in the plan adopted pursuant to subsection 6 of NRS 377B.100 for:

43 (a) The acquisition, establishment, construction or expansion of:

44 (1) Projects for the management of floodplains or the prevention of floods;
45 or

46 (2) Facilities relating to public safety;

47 (b) The payment of principal and interest on notes, bonds or other securities
48 issued to provide money for the cost of projects described in paragraph (a);

49 (c) The ongoing expenses of operation and maintenance of projects described
50 in subparagraph (1) of paragraph (a), if such projects were included in a plan
51 adopted by the board of county commissioners pursuant to subsection 6 of NRS
52 377B.100 before January 1, 2003; ~~for~~

(d) Any program to provide financial assistance to owners of public and private property in areas likely to be flooded in order to make such property resistant to flood damage that is established pursuant to section 3 of this act; or

(e) Any combination of those purposes.

3. In a county whose population is less than 100,000, must only be expended by the board of county commissioners in the manner set forth in the plan adopted pursuant to subsection 6 of NRS 377B.100 for:

(a) The acquisition, establishment, construction, improvement or equipping of:

(1) Water facilities; or

(2) Wastewater facilities;

(b) The acquisition, establishment, construction, operation, maintenance or expansion of:

(1) Projects for the management of floodplains or the prevention of floods;

or

(2) Facilities for the disposal of solid waste;

(c) The construction or renovation of facilities for schools;

(d) The construction or renovation of facilities having cultural or historical value;

(e) Projects described in subsection 2 of NRS 373.028;

(f) The acquisition, establishment, construction, expansion, improvement or equipping of facilities relating to public safety or to cultural and recreational or judicial functions;

(g) The payment of principal and interest on notes, bonds or other securities issued to provide money for the cost of projects, facilities and activities described in paragraphs (a) to (f), inclusive; or

(h) Any combination of those purposes.

~~[Sec. 2.]~~ **Sec. 6.** This act becomes effective upon passage and approval.