

Amendment No. 660

Senate Amendment to Assembly Bill No. 54 First Reprint (BDR 20-473)

Proposed by: Senate Committee on Government Affairs

Amends: Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: No

| 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.

HAC/EGO



Date: 5/17/2009

A.B. No. 54—Authorizes certain counties to establish programs to provide financial assistance to certain persons. (BDR 20-473)



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 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 a board of county commissioners in certain counties to establish programs to provide financial assistance to 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:

1 This bill authorizes the board of county commissioners of a county whose population is
2 100,000 or more but less than 400,000 (currently Washoe County) to establish: (1) a program
3 to provide financial assistance to persons to connect to a public water or sewer system under
4 certain circumstances; and (2) a program to provide financial assistance to owners of public or
5 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:

1 **Section 1.** Chapter 244 of NRS is hereby amended by adding thereto the
2 provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1.** *Except as otherwise provided in this section, if a board of*
4 *county commissioners of a county whose population is 100,000 or more but less*
5 *than 400,000 operates a public water or sewer system, the board may:*

6 *(a) Establish by ordinance a program to provide financial assistance to*
7 *persons ~~within a particular water basin~~ to connect to the public water or sewer*
8 *system.*

9 *(b) Accept gifts, grants and other sources of money to pay the costs*
10 *~~associated with a program established pursuant to paragraph (a).~~ to assist*
11 *persons to connect to the public water or sewer system.*

12 **2.** *An ordinance adopted by a board of county commissioners pursuant to*
13 *paragraph (a) of subsection 1 must include, without limitation, a finding of the*

1 board that the creation of a program to provide financial assistance to persons to
2 connect to a public water or sewer system furthers a legitimate public purpose.

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

5 (a) Must establish a plan for the management and protection of the
6 groundwater in the water basin to which the program to provide financial
7 assistance applies. Such a plan must include, without limitation, provisions for
8 the sustainable management of ~~the use of the groundwater~~ municipal wells that
9 are owned by the county in the water basin. ~~by residents of the county and other~~
10 ~~users of water in the county.~~

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

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

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

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

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

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

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

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

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

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

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

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

30 8. As used in this section ~~the~~:

31 (a) “Private water or sewer system” means an on-site:

32 (1) Domestic well, and any facility or facilities related thereto, that
33 provides potable water; or

34 (2) Sewage or septic system, and any facility or facilities related thereto,
35 that serves a residential dwelling unit for the disposal, collection, storage or
36 treatment of sewage.

37 (b) “Public water or sewer system” means a facility or facilities for the
38 collection, pumping, treatment, storage or conveyance of potable water or sewage
39 and includes, without limitation, mains, conduits, aqueducts, pipes, pipelines,
40 diches, canals, pumping stations, and all appurtenances, equipment and
41 machinery necessary or useful and convenient for obtaining, storing,
42 transporting or transferring water or sewage.

43 Sec. 3. 1. Except as otherwise provided in this section, a board of county
44 commissioners of a county whose population is 100,000 or more but less than
45 400,000 may:

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

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

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

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

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

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

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

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

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

15 3. Financial assistance provided pursuant to a program established
16 pursuant to subsection 1:

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

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

23 (c) May not be awarded:

24 (1) To protect any building, structure or improvement unless the
25 building, structure or improvement exists or construction has begun on the
26 building, structure or improvement on or before July 1, 2009.

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

29 (3) Unless the property owner:

30 (I) Submits an application for financial assistance on or before June
31 30, 2019.

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

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

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

45 5. The board of county commissioners or, if the board has delegated its
46 authority to administer a program of financial assistance pursuant to subsection
47 4, a flood management authority may bring an action against the property owner
48 for the collection of any delinquent payments, charges, fees, interest or penalties
49 related to any loan provided pursuant to a program established pursuant to this
50 section.

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

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

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

3 ***7. As used in this section:***

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

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

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

16 ***(1) A drainage and flood control project;***

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

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

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

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

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

26 ***(7) Any landscaping or similar amenity that is constructed:***

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

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

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

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

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

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

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

46 ***244.36605 1. In a county whose population is 100,000 or more but less***
47 ***than 400,000, if the county provides financial assistance through a program***
48 ***established pursuant to section 2 or 3 of this act, the board of county***
49 ***commissioners may elect by ordinance to have delinquent repayments of loans,***
50 ***including, without limitation, charges, fees, interest and penalties, collected on***
51 ***the tax roll, or collected with the property taxes due on mobile or manufactured***
52 ***homes that do not meet the requirements of NRS 361.244, in the same manner,***
53 ***by the same persons, and at the same time as, together with and not separately***

1 *from, the county's general taxes. If the board makes such an election, the board*
 2 *shall cause:*

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

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

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

10 ~~1-1~~ (a) The board of county commissioners of a county which provides
 11 sewerage, storm drainage or water service, or any combination of those services,
 12 may elect by ordinance to have delinquent charges for any or all of those services
 13 collected on the tax roll, or collected with the property taxes due on mobile or
 14 manufactured homes that do not meet the requirements of NRS 361.244, in the
 15 same manner, by the same persons, and at the same time as, together with and not
 16 separately from, the county's general taxes. If the board makes such an election, the
 17 board shall cause:

18 ~~1-1~~ (1) A description of each lot or parcel of real property or each mobile or
 19 manufactured home with respect to which the charges are delinquent on May 1; and

20 ~~1-1~~ (2) The amount of the delinquent charges,
 21 ↳ to be prepared and submitted to the tax receiver of the county, in a form
 22 approved by the tax receiver, no later than June 1.

23 ~~2-1~~ (b) The powers authorized by this section are alternative to all other
 24 powers of the county for the collection of such delinquent charges ~~↳~~
 25 ~~3-1~~ *or repayments.*

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

28 ~~4-1~~ (d) The amount of any such delinquent charge *or repayment* constitutes a
 29 lien against the lot or parcel of land or mobile or manufactured home against which
 30 the charge has been imposed as of the time when the lien of taxes on the roll or on
 31 mobile or manufactured homes attach.

32 ~~5-1~~ (e) Except as otherwise provided in ~~subsection 7-1~~ *paragraph (g)*, the tax
 33 receiver of the county shall include the amount of the delinquent charges *or*
 34 *repayments* on bills for taxes levied against the respective lots and parcels of land
 35 or mobile or manufactured homes, as applicable. Thereafter the amount of the
 36 delinquent charges *or repayments* must be collected at the same time and in the
 37 same manner and by the same persons as, together with and not separately from, the
 38 general taxes for the county.

39 ~~6-1~~ (f) All laws applicable to the levy, collection and enforcement of general
 40 taxes of the county, including, but not limited to, those pertaining to the matters of
 41 delinquency, correction, cancellation, refund, redemption and sale, are applicable to
 42 delinquent charges ~~for services~~ *or repayments* that are collected in the manner
 43 authorized by this section.

44 ~~7-1~~ (g) The tax receiver of the county may issue separate bills for delinquent
 45 charges *or repayments* that are collected in the manner authorized by this section
 46 and separate receipts for collection on account of those charges.

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

48 377B.160 The money in the infrastructure fund, including interest and any
 49 other income from the fund:

50 1. In a county whose population is 400,000 or more, must only be expended
 51 by the water authority, distributed by the water authority to its members, distributed
 52 by the water authority pursuant to NRS 377B.170 to a city or town located in the
 53 county whose territory is not within the boundaries of the area served by the water

1 authority or to a public entity in the county which provides water or wastewater
2 services and which is not a member of the water authority or, if no water authority
3 exists in the county, expended by the board of county commissioners for:

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

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

8 (c) Any combination of those purposes.

9 **↳** The board of county commissioners may only expend money from the
10 infrastructure fund pursuant to this subsection in the manner set forth in the plan
11 adopted pursuant to subsection 6 of NRS 377B.100.

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

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

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

17 or

18 (2) Facilities relating to public safety;

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

21 (c) The ongoing expenses of operation and maintenance of projects described
22 in subparagraph (1) of paragraph (a), if such projects were included in a plan
23 adopted by the board of county commissioners pursuant to subsection 6 of NRS
24 377B.100 before January 1, 2003; ~~for~~

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

28 (e) Any combination of those purposes.

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

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

33 (1) Water facilities; or

34 (2) Wastewater facilities;

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

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

38 or

39 (2) Facilities for the disposal of solid waste;

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

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

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

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

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

50 (h) Any combination of those purposes.

51 **Sec. 6.** This act becomes effective upon passage and approval.