

SENATE BILL NO. 175—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE LEGISLATIVE COMMITTEE TO OVERSEE THE
WESTERN REGIONAL WATER COMMISSION)

MARCH 5, 2009

Referred to Committee on Government Affairs

SUMMARY—Enacts provisions governing flood management projects. (BDR 20-239)

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 floods; authorizing a board of county commissioners to acquire, improve, equip, operate and maintain a flood management project in certain counties; authorizing any revenues derived from such a flood management project to be pledged for the payment of certain bonds; authorizing the governing body of a municipality in certain counties to acquire, improve, equip, operate and maintain a flood management project under certain circumstances; revising provisions governing the acquisition of bonds issued by a flood management authority; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Existing law authorizes a board of county commissioners to acquire and
2 maintain within the county various projects, including building projects, drainage
3 and flood control projects, lending projects, off-street parking projects, overpass
4 projects, park projects, sewerage projects, street projects and water projects. In
5 connection with those projects, a board of county commissioners may issue general
6 obligation bonds to support and defray the cost of the project and take certain other
7 related actions concerning the project. (NRS 244A.011-244A.065) Existing law
8 confers similar authority upon the governing body of a municipality. (NRS
9 268.672-268.740) **Sections 3-15** of this bill expand the authority of a board of
10 county commissioners in a county whose population is 100,000 or more but less
11 than 400,000 (currently Washoe County) by authorizing the board to acquire and
12 maintain a flood management project in the same manner as any other project



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13 authorized under existing law. **Sections 16-22** of this bill provide similar provisions
14 for a governing body of a municipality within such a county. **Sections 24-27** of this
15 bill revise the provisions of existing law governing the making of loans and the
16 issuance of state securities by this State to assist municipalities in the construction
17 of public improvements by including within those provisions a flood management
18 authority.

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

1 **Section 1.** The Legislature hereby declares that flood
2 management projects provide a benefit to residents and owners of
3 property by:

- 4 1. Preventing the loss of life and property;
- 5 2. Preventing the disruption of essential services for the safety
6 of the public and the disruption of commerce, transportation,
7 communication and essential services which have adverse economic
8 impacts;
- 9 3. Preventing the waste of water resulting from floods;
- 10 4. Providing for the conservation, development, use and
11 disposal of water and improved quality of water;
- 12 5. Providing for ecosystem restoration and enhanced
13 recreational facilities; and
- 14 6. Providing for the safeguarding of the public health.

15 **Sec. 2.** Chapter 244A of NRS is hereby amended by adding
16 thereto the provisions set forth as sections 3 and 4 of this act.

17 **Sec. 3.** *“Flood management authority” means any entity that*
18 *is created by cooperative agreement pursuant to chapter 277 of*
19 *NRS, the functions of which include the acquisition, construction,*
20 *improvement, operation and maintenance of a flood management*
21 *project.*

22 **Sec. 4.** *“Flood management project” or any phrase of similar*
23 *import, means a project or improvement that is located within or*
24 *without a county whose population is 100,000 or more but less*
25 *than 400,000 and is established for the control or management of*
26 *any flood or storm waters of the county or any flood or storm*
27 *waters of a stream of which the source is located outside of the*
28 *county. The term includes, without limitation:*

- 29 1. A drainage and flood control project;
- 30 2. A project to construct, repair or restore an ecosystem;
- 31 3. A project to mitigate any adverse effect of flooding or flood
32 management activity or improvement;
- 33 4. A project to conserve any flood or storm waters for any
34 beneficial and useful purpose by spreading, storing, reusing or



1 *retaining those waters or causing those waters to percolate into the*
2 *ground to improve water quality;*

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

6 6. *A park project that is related to a flood management*
7 *project;*

8 7. *Any landscaping or similar amenity that is constructed:*

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

12 (b) *To mitigate any adverse effect on the environment relating*
13 *to a flood management project;*

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

17 9. *A project to protect and manage a floodplain;*

18 10. *A project that is designed to improve the quality of any*
19 *flood or storm waters or the operation of any flood management*
20 *system, including, without limitation, any monitoring,*
21 *measurement or assessment of that system; and*

22 11. *Any real property or interest in real property that is*
23 *acquired to support the carrying out of a flood management*
24 *project, including, without limitation, any property that may*
25 *become flooded because of any improvement for flood*
26 *management,*

27 *↪ or any combination thereof and any other structure, fixture,*
28 *equipment or property required for a flood management project.*

29 **Sec. 5.** NRS 244A.011 is hereby amended to read as follows:

30 244A.011 NRS 244A.011 to 244A.065, inclusive, ~~[shall]~~ *and*
31 *sections 3 and 4 of this act may* be ~~[known]~~ *cited* as the County
32 Bond Law.

33 **Sec. 6.** NRS 244A.013 is hereby amended to read as follows:

34 244A.013 Except where the context otherwise requires, the
35 definitions in NRS 244A.015 to 244A.056, inclusive, *and sections 3*
36 *and 4 of this act* govern the construction hereof.

37 **Sec. 7.** NRS 244A.025 is hereby amended to read as follows:

38 244A.025 "County" means any county in ~~[the]~~ *this* State. For
39 the purposes of NRS 244A.011 to 244A.065, inclusive, *and sections*
40 *3 and 4 of this act*, Carson City is considered as a county.

41 **Sec. 8.** NRS 244A.027 is hereby amended to read as follows:

42 244A.027 "Drainage and flood control project" means any
43 natural and artificial water facilities for the collection,
44 transportation, impoundment and disposal of rainfall, storm, flood
45 or surface drainage waters, including, without limitation, ditches,



1 lakes, reservoirs, revetments, levees, dikes, walls, embankments,
2 bridges, sewers, culverts, inlets, connections, laterals, collection
3 lines, outfalls, outfall sewers, trunk sewers, intercepting sewers,
4 transmission lines, conduits, syphons, sluices, flumes, canals,
5 ditches, natural and artificial watercourses, ponds, dams, retarding
6 basins, and other water diversion and storage facilities, pumping
7 stations, stream gauges, rain gauges, meters, flood warning service
8 and appurtenant telephone, telegraph, radio and television service,
9 engines, valves, pumps, apparatus, fixtures, structures and buildings,
10 or any combination thereof, and all appurtenances and incidentals
11 necessary, useful or desirable for any such facilities, including,
12 without limitation, all types of property therefor. *The term includes*
13 *a flood management project.*

14 **Sec. 9.** NRS 244A.034 is hereby amended to read as follows:

15 244A.034 "Infrastructure project" means:

16 1. A capital improvement for fire protection, a library, a
17 building, a park or police protection that a municipality is authorized
18 to improve, acquire or equip pursuant to a law other than the County
19 Bond Law; or

20 2. For a water authority, wastewater authority , *flood*
21 *management authority* or any municipality whose governing body
22 is composed of only the members of the board, a capital
23 improvement for ~~the~~ :

24 (a) A water system ~~the~~ ;

25 (b) A water reclamation system ;

26 (c) *A flood management project*; or

27 (d) A sanitary sewer ,

28 ➔ that the municipality is authorized to improve, acquire or equip
29 pursuant to a law other than the County Bond Law.

30 **Sec. 10.** NRS 244A.0345 is hereby amended to read as
31 follows:

32 244A.0345 "Municipal securities" means notes, warrants,
33 interim debentures, bonds and temporary bonds issued by a
34 municipality pursuant to a law other than the County Bond Law
35 which are:

36 1. General obligations payable from ad valorem taxes that are
37 approved by the voters of the municipality issued for a capital
38 improvement of a library or park;

39 2. General obligations payable from ad valorem taxes that are
40 approved by the voters of the municipality or are approved pursuant
41 to subsection 3 of NRS 350.020 issued for a capital improvement of
42 an infrastructure project other than a library or park;

43 3. Revenue obligations of a water authority that are payable
44 from revenues of:

45 (a) The water system of the water authority;



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(b) One or more of the municipalities that are members of the water authority; or

(c) Any combination of the entities described in paragraphs (a) and (b); ~~or~~

4. Revenue obligations of a wastewater authority that are payable from revenues of:

(a) The water reclamation system of the wastewater authority;

(b) One or more of the municipalities that are members of the wastewater authority; or

(c) Any combination of the entities described in paragraphs (a) and (b); ~~or~~; *or*

5. Revenue obligations of a flood management authority that are payable from the revenues of:

(a) A flood management project of the flood management authority;

(b) One or more of the municipalities that are members of the flood management authority; or

(c) Any combination of the entities described in paragraphs (a) and (b).

Sec. 11. NRS 244A.0347 is hereby amended to read as follows:

244A.0347 "Municipality" means any city, town, school district, library district, consolidated library district, fire protection district, district for a fire department, park district, general improvement district organized pursuant to chapter 318 of NRS, wastewater authority, *flood management authority*, water district organized pursuant to a special act or water authority organized as a political subdivision created by cooperative agreement.

Sec. 12. NRS 244A.057 is hereby amended to read as follows:

244A.057 Any board, upon behalf of the county and in its name, may acquire, improve, equip, operate and maintain, within the county:

1. A building project;

2. A drainage and flood control project;

3. A *flood management project*;

4. A lending project if the county has adopted an ordinance pursuant to subsection 3 of NRS 244A.064;

~~4.~~ *5.* An off-street parking project;

~~5.~~ *6.* An overpass project;

~~6.~~ *7.* A park project;

~~7.~~ *8.* A sewerage project;

~~8.~~ *9.* A street project;

~~9.~~ *10.* An underpass project; and

~~10.~~ *11.* A water project.



1 **Sec. 13.** NRS 244A.061 is hereby amended to read as follows:

2 244A.061 The payment of any bonds issued hereunder may be
3 additionally secured by a pledge of all or part of any revenues
4 derived from ~~{the}~~ :

5 1. *The* operation of any project herein authorized and from any
6 other income-producing project of the county ~~{and derived from~~
7 ~~any}~~ ;

8 2. *A flood management project; or*

9 3. *Any* license or other excise taxes levied for revenue and
10 available for such a pledge, ~~{(}~~
11 ~~or any combination thereof. {)}~~

12 **Sec. 14.** NRS 244A.063 is hereby amended to read as follows:

13 244A.063 In order to ~~{insure}~~ *acquire, improve, equip, operate*
14 *and maintain a project specified in NRS 244A.057 and to ensure*
15 the payment, wholly or in part, of the general obligation bonds or
16 revenue bonds of the county the payment of which bonds is
17 additionally secured by a pledge of the revenues derived from any
18 such income-producing project ~~{and from any such}~~ , *flood*
19 *management project or* excise taxes, *or any combination thereof,*
20 the board may establish and maintain, and the board may from time
21 to time revise, a schedule or schedules of fees, rates and charges for
22 services or facilities, or both services and facilities, rendered by or
23 through the *income-producing project or flood management*
24 project, within the corporate limits of the county, and a schedule or
25 schedules of license or other excise taxes, in an amount sufficient
26 for that purpose and also sufficient to discharge any covenant in the
27 proceedings of the board authorizing the issuance of any of such
28 bonds, including any covenant for the establishment of reasonable
29 reserve funds.

30 **Sec. 15.** NRS 244A.065 is hereby amended to read as follows:

31 244A.065 1. No other act or law with regard to the
32 authorization or issuance of bonds that requires an approval, or in
33 any way impedes or restricts the carrying out of the acts herein
34 authorized to be done, shall be construed as applying to any
35 proceedings taken hereunder or acts done pursuant hereto, except as
36 herein otherwise provided.

37 2. The powers conferred by NRS 244A.011 to 244A.065,
38 inclusive, ~~{shall be}~~ *and sections 3 and 4 of this act are* in addition
39 and supplemental to, and not in substitution for, and the limitations
40 imposed by NRS 244A.011 to 244A.065, inclusive, ~~{shall}~~ *and*
41 *sections 3 and 4 of this act do* not affect the powers conferred by,
42 any other law.

43 3. No part of NRS 244A.011 to 244A.065, inclusive, ~~{shall~~
44 ~~repeal or affect}~~ *and sections 3 and 4 of this act repeals or affects*
45 any other law or part thereof, it being intended that NRS 244A.011



to 244A.065, inclusive, ~~[shall]~~ and sections 3 and 4 of this act must provide a separate method of accomplishing its objectives, and not an exclusive one, ~~[:]~~ and NRS 244A.011 to 244A.065, inclusive, ~~[shall]~~ and sections 3 and 4 of this act must not be construed as repealing, amending or changing any such other law.

Sec. 16. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

“Flood management project” or any phrase of similar import, means a project or improvement that is located within or without a city in 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 city or any flood or storm waters of a stream of which the source is located outside of the city. The term includes, without limitation:

- 1. A drainage project or 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 recreational project that is related to a flood management project;*
- 7. Any landscaping or similar amenity that is constructed:*
 - (a) To increase the usefulness of a flood management project to any community or to provide aesthetic compatibility with any surrounding community; or*
 - (b) 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. The acquisition of any real property or interest in real property to support the carrying out of a flood management project, including, without limitation, any property that may*



1 *become flooded because of any improvement for flood*
2 *management,*

3 *↪ or any combination thereof and any other structure, fixture,*
4 *equipment or property required for a flood management project.*

5 **Sec. 17.** NRS 268.672 is hereby amended to read as follows:

6 268.672 NRS 268.672 to 268.740, inclusive, *and section 16 of*
7 *this act* may be cited as the City Bond Law.

8 **Sec. 18.** NRS 268.674 is hereby amended to read as follows:

9 268.674 Except as otherwise provided in NRS 268.672 to
10 268.740, inclusive, *and section 16 of this act, the* terms used or
11 referred to herein are as defined in the Local Government Securities
12 Law , ~~§~~ but the definitions in NRS 268.676 to 268.728, inclusive,
13 *and section 16 of this act,* except where the context otherwise
14 requires, govern the construction hereof.

15 **Sec. 19.** NRS 268.682 is hereby amended to read as follows:

16 268.682 “Drainage project” or “flood control project,” or any
17 phrase of similar import, means any natural and artificial water
18 facilities for the collection, channeling, impoundment and disposal
19 of rainfall, other surface and subsurface drainage waters, and storm
20 and floodwaters, including , without limitation ditches, ponds, dams,
21 spillways, retarding basins, detention basins, lakes, reservoirs,
22 canals, channels, levees, revetments, dikes, walls, embankments,
23 bridges, inlets, outlets, connections, laterals, other collection lines,
24 intercepting sewers, outfalls, outfall sewers, trunk sewers, force
25 mains, submains, water lines, sluices, flumes, syphons, sewer lines,
26 pipes, conduits, culverts, other transmission lines, pumping stations,
27 gauging stations, ventilating facilities, stream gauges, rain gauges,
28 engines, valves, pumps, meters, junction boxes, manholes, other
29 inlet and outlet structures, bucket machines, inlet and outlet
30 cleaners, backhoes, draglines, graders, other equipment, apparatus,
31 fixtures, structures and buildings, flood warning service and
32 appurtenant telephone, telegraph, radio and television apparatus and
33 other water diversion, drainage and flood control facilities , ~~§~~ or
34 any combination thereof . ~~§~~ *The term includes a flood*
35 *management project.*

36 **Sec. 20.** NRS 268.730 is hereby amended to read as follows:

37 268.730 Except as otherwise provided in NRS 268.086 and
38 268.088, any governing body of a municipality, upon its behalf and
39 in its name, may at any time or from time to time acquire, improve,
40 equip, operate and maintain, within or without or both within and
41 without the municipality:

- 42 1. A building project;
- 43 2. A cemetery project;
- 44 3. A communications project;
- 45 4. A drainage project or flood control project;



- 1 5. An electric project;
- 2 6. A fire protection project;
- 3 7. *A flood management project;*
- 4 8. An off-street parking project;
- 5 ~~[8.]~~ 9. An overpass project;
- 6 ~~[9.]~~ 10. A park project;
- 7 ~~[10.]~~ 11. A recreational project;
- 8 ~~[11.]~~ 12. A refuse project;
- 9 ~~[12.]~~ 13. A sewerage project;
- 10 ~~[13.]~~ 14. A sidewalk project;
- 11 ~~[14.]~~ 15. A street project;
- 12 ~~[15.]~~ 16. A transportation project;
- 13 ~~[16.]~~ 17. An underpass project; and
- 14 ~~[17.]~~ 18. A water project.

15 **Sec. 21.** NRS 268.738 is hereby amended to read as follows:
16 268.738 In order to ~~[insure]~~ *acquire, improve, equip, operate*
17 *and maintain a project specified in NRS 268.730 and to ensure* the
18 payment, wholly or in part, of the general obligation securities *or*
19 *revenue securities* of the municipality the payment of which bonds
20 is additionally secured by a pledge of the revenues derived from any
21 such income-producing project ~~{and from any such}~~ , *flood*
22 *management project or* excise taxes, *or any combination thereof,*
23 the governing body of the municipality may establish and maintain,
24 and the governing body may from time to time revise, a schedule or
25 schedules of fees, rates and charges for services or facilities, or both
26 services and facilities, rendered by or through the *income-*
27 *producing project or flood management* project and a schedule or
28 schedules of license or other excise taxes, in an amount sufficient
29 for that purpose and also sufficient to discharge any covenant in the
30 proceedings of the governing body authorizing the issuance of any
31 of such bonds, including any covenant for the establishment of
32 reasonable reserve funds.

33 **Sec. 22.** NRS 268.740 is hereby amended to read as follows:
34 268.740 1. No other act or law with regard to the
35 authorization or issuance of bonds that requires an approval, or in
36 any way impedes or restricts the carrying out of the acts herein
37 authorized to be done, shall be construed as applying to any
38 proceedings taken hereunder or acts done pursuant hereto, except as
39 herein otherwise provided.

40 2. The powers conferred by NRS 268.672 to 268.740,
41 inclusive, ~~[shall be]~~ *and section 16 of this act are* in addition and
42 supplemental to, and not in substitution for, and the limitations
43 imposed by NRS 268.672 to 268.740, inclusive, ~~[shall]~~ *and section*
44 *16 of this act do* not affect the powers conferred by, any other law.



3. No part of NRS 268.672 to 268.740, inclusive, ~~[shall repeal or affect]~~ *and section 16 of this act repeals or affects* any other law or part thereof, it being intended that NRS 268.672 to 268.740, inclusive, ~~[shall]~~ *and section 16 of this act must* provide a separate method of accomplishing its objectives, and not an exclusive one, ~~[;]~~ and NRS 268.672 to 268.740, inclusive, ~~[shall]~~ *and section 16 of this act must* not be construed as repealing, amending or changing any such other law.

Sec. 23. NRS 271A.050 is hereby amended to read as follows:
271A.050 "Project" means:

1. With respect to a county whose population is 400,000 or more:

(a) An art project, as defined in NRS 271.037;

(b) A tourism and entertainment project, as defined in NRS 271.234; or

(c) A sports stadium which can be used for the home games of a Major League Baseball or National Football League team and for other purposes, including structures, buildings and other improvements and equipment therefor, parking facilities, and all other appurtenances necessary, useful or desirable for a Major League Baseball or National Football League stadium, including, without limitation, all types of property therefor and immediately adjacent facilities for retail sales, dining and entertainment.

2. With respect to a city in a county whose population is 400,000 or more:

(a) A project described in paragraph (a), (b) or (c) of subsection 1; or

(b) A recreational project, as defined in NRS 268.710.

3. With respect to a municipality other than a municipality described in subsection 1 or 2, any project that the municipality is authorized to acquire, improve, equip, operate and maintain pursuant to subsections 1, 2, **3** and ~~[4]~~ **5** to 10, inclusive, of NRS 244A.057 or NRS 268.730 or 271.265, as applicable.

4. Any real or personal property suitable for retail, tourism or entertainment purposes.

5. Any real or personal property necessary, useful or desirable in connection with any of the projects set forth in this section.

6. Any combination of the projects set forth in this section.

Sec. 24. Chapter 350A of NRS is hereby amended by adding thereto a new section to read as follows:

"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.



1 **Sec. 25.** NRS 350A.020 is hereby amended to read as follows:
2 350A.020 As used in this chapter, unless the context otherwise
3 requires, the words and terms defined in NRS 350A.025 to
4 350A.125, inclusive, *and section 24 of this act* have the meanings
5 ascribed to them in those sections.

6 **Sec. 26.** NRS 350A.070 is hereby amended to read as follows:
7 350A.070 “Municipal securities” means notes, warrants,
8 interim debentures, bonds and temporary bonds validly issued as
9 obligations for a purpose related to natural resources which are
10 payable:

11 1. From taxes whether or not additionally secured by any
12 municipal revenues available therefor;

13 2. For bonds issued by an irrigation district, from assessments
14 against real property;

15 3. For bonds issued by a water authority organized as a
16 political subdivision created by cooperative agreement, from
17 revenues of the water system of the water authority or one or more
18 of the water purveyors who are members of the water authority or
19 any combination thereof; ~~{or}~~

20 4. For bonds issued by a wastewater authority, from revenues
21 of the water reclamation system of the wastewater authority or one
22 or more of the municipalities that are members of the wastewater
23 authority, or any combination thereof ~~{,}~~; *or*

24 5. *For bonds issued by a flood management authority, from*
25 *revenues of the flood management authority or one or more of the*
26 *municipalities that are members of the flood management*
27 *authority, or any combination thereof.*

28 **Sec. 27.** NRS 350A.080 is hereby amended to read as follows:
29 350A.080 “Municipality” means any county, city, town,
30 wastewater authority, *flood management authority*, water authority
31 organized as a political subdivision created by cooperative
32 agreement, school district, general improvement district or other
33 district, including an irrigation district.

34 **Sec. 28.** This act becomes effective upon passage and
35 approval.

