

SENATE BILL NO. 98—SENATORS SETTELMAYER,
GOICOECHEA; BUCK AND KIECKHEFER

FEBRUARY 3, 2021

JOINT SPONSOR: ASSEMBLYMAN WHEELER

Referred to Committee on Natural Resources

SUMMARY—Makes various changes to provisions relating to the
Carson Water Subconservancy District.
(BDR S-579)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 water; revising the boundaries of the Carson
Water Subconservancy District and the membership of
the Board of Directors of the District; requiring, under
certain circumstances, the Board of County
Commissioners of Storey County to pay to the District a
certain amount from the County's general fund; and
providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides that the Carson Water Subconservancy District includes
the urban area of Carson City and the portions of Churchill County within the
Carson River hydrological basin. (Carson Water Subconservancy District Act § 10)
Section 1 of this bill expands the Carson Water Subconservancy District to also
include the portions of Storey County within the Carson River hydrological basin.
Section 1 also increases the membership of the Board of Directors of the Carson
Water Subconservancy District to include two members from Storey County.
Section 2 of this bill provides for the staggering of the terms of these new
members.

Existing law authorizes the Board of Directors to levy a tax on all taxable
property within the District at a rate of not more than 3 cents on each \$100 of
assessed valuation for carrying out the activities of the District. (Carson Water
Subconservancy District Act § 10) **Section 1** requires that if such a tax is levied: (1)
the tax will not be levied on the taxable property in the District that is located in
Storey County; and (2) the Board of County Commissioners of Storey County
must, instead, pay to the District from the County's general fund the equivalent



17 amount to what would have been generated if the tax had been levied on the taxable
18 property located within the District in Storey County.

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

1 **Section 1.** Section 10 of the Carson Water Subconservancy
2 District Act, being chapter 621, Statutes of Nevada 1989, as last
3 amended by chapter 189, Statutes of Nevada 1999, at page 922, is
4 hereby amended to read as follows:

5 Sec. 10. 1. The Carson Water Subconservancy
6 District, as expanded to include the urban area of Carson
7 City, is hereby expanded to include ~~{that portion}~~ *those*
8 *portions* of Churchill County *and Storey County* within the
9 Carson River hydrologic basin. The assets and liabilities of
10 the existing district become the assets and liabilities of the
11 newly formed district on July 1, ~~{1999}~~ *2021*.

12 2. The Carson Water Subconservancy District shall be
13 deemed to have been created pursuant to chapter 541 of NRS,
14 with the same powers and duties, and subject to the same
15 limitations as a water conservancy district created pursuant to
16 that chapter except that the provisions of this act supersede
17 the provisions of chapter 541 of NRS where the provisions of
18 that chapter conflict with the express provisions of this act.

19 3. The Board of Directors of the Carson Water
20 Subconservancy District consists of ~~{11}~~ *13* members to be
21 appointed as follows:

22 (a) Two members who are residents of Carson City
23 appointed by the Board of Supervisors of Carson City;

24 (b) Two members who are residents of Lyon County
25 appointed by the Board of County Commissioners of Lyon
26 County;

27 (c) Five members who are residents of Douglas County,
28 at least two of whom must represent agricultural interests in
29 the county, appointed by the Board of County Commissioners
30 of Douglas County; ~~{and}~~

31 (d) Two members who are residents of Churchill County
32 appointed by the Board of County Commissioners of
33 Churchill County ~~{;}~~ *and*

34 (e) *Two members who are residents of Storey County*
35 *appointed by the Board of County Commissioners of Storey*
36 *County.*

37 ➤ No action may be taken by the Board *of Directors* without
38 the affirmative vote of ~~{at least six}~~ *a majority of its*
39 *members.*



4. The Board of Directors may levy a tax upon all taxable property within the Carson Water Subconservancy District, *other than taxable property located in Storey County*, at a rate of not more than 3 cents on each \$100 of assessed valuation for carrying out the activities of the district. The tax must be collected in the manner provided in chapter 541 of NRS. The limitations in chapter 354 of NRS upon revenue from taxes ad valorem do not apply to revenue received from a tax levied pursuant to this subsection.

5. *If the Board of Directors levies a tax as described in subsection 4, the Board of County Commissioners of Storey County shall pay to the Carson Water Subconservancy District from the general fund of Storey County an amount that is equal to the amount that would have been generated if the Board of Directors imposed a tax pursuant to subsection 4 on the taxable property located in that portion of Storey County that is within the Carson River hydrologic basin.*

6. The Board of Directors may issue general or special obligations to carry out the activities of the district, including, without limitation, the acquisition of water rights and the acquisition, construction or completion of waterworks, facilities, flood control or drainage projects or other projects in accordance with NRS 350.500 to 350.720, inclusive. Any general obligations issued pursuant to this subsection must comply with the provisions of NRS 350.020. The provisions of NRS 541.340 to 541.370, inclusive, do not apply to obligations issued pursuant to this subsection.

~~[6.]~~ 7. The Board of Directors may pledge:

(a) Any money received from the proceeds of the tax imposed pursuant to subsection 4 ~~[4.]~~ *and from Storey County pursuant to subsection 5;*

(b) The gross or net revenues derived from water rights, waterworks, facilities, flood control or drainage projects or other projects; and

(c) The special assessments collected by the district for maintaining and operating waterworks, facilities, flood control or drainage projects and other projects,

↳ for the payment of general or special obligations issued pursuant to subsection ~~[5.]~~ 6. For the purposes of subsection 3 of NRS 350.020 and NRS 350.500 to 350.720, inclusive, money pledged by the board pursuant to this subsection shall be deemed to be pledged revenue of the project.

~~[7.]~~ 8. The Carson Water Subconservancy District shall not acquire water rights, or other property for the purpose of



obtaining the appurtenant water rights, through the exercise of the power of eminent domain.

~~[8-]~~ 9. Carson City and each county located in part or in whole within the Carson Water Subconservancy District may establish a special district consisting of all or any portion of the land within the boundaries of the local government. The governing body of the local government is ex officio the board of directors of the district. Each special district may levy a tax upon all taxable property within its boundaries at a rate of not more than 7 cents on each \$100 of assessed valuation. The tax must be collected in the same manner as other taxes ad valorem collected by the local government. The revenue from the tax must be used to allow the district to plan, construct, maintain and operate waterworks, facilities, flood control or drainage projects or other projects, and to obtain water and water rights for the benefit of the district. The limitations in chapter 354 of NRS upon revenue from taxes ad valorem do not apply to revenue received from a tax levied pursuant to this subsection. A district for which a tax is levied pursuant to this subsection is not entitled to receive any distribution of supplemental city-county relief tax. Districts established pursuant to this subsection may enter into cooperative agreements pursuant to chapter 277 of NRS concerning the management of the waterworks or resources.

~~[9-]~~ 10. The Carson Water Subconservancy District may, for the payment of general or special obligations issued pursuant to subsection ~~[5-]~~ 6, pledge any money received from the proceeds of a tax imposed by a special district established pursuant to subsection ~~[8]~~ 9 if:

(a) The Carson Water Subconservancy District and the special district established pursuant to subsection ~~[8]~~ 9 have entered into a cooperative agreement pursuant to chapter 277 of NRS; and

(b) The cooperative agreement authorizes the Carson Water Subconservancy District to pledge the money received from the proceeds of that tax.

Sec. 2. Section 11 of the Carson Water Subconservancy District Act, being chapter 621, Statutes of Nevada 1989, at page 1409, is hereby amended to read as follows:

Sec. 11. 1. The establishment of any water conservancy district or subdistrict pursuant to chapter 541 of NRS before the effective date of this act, all actions taken by such districts and subdistricts, and the appointment of director for such districts and subdistricts, are hereby ratified. All such districts and subdistricts shall amend the petitions by which



they were established within 6 months after the effective date of this act to specify the composition of their boards of directors. If a district or subdistrict includes land within more than one county, each county must have at least one representative on the board, and the representative or representatives of each county must be appointed from a list of two or more nominees submitted by the board of county commissioners of the represented county.

2. As soon as practicable after the effective date of this act, the authorities specified in subsection 3 of section 10 of this act shall appoint the initial members of the Board of Directors of the Carson Water Subconservancy District. Three of the members initially appointed by Douglas County and one of the members initially appointed by Lyon County and Carson City shall serve until the end of the second calendar year next succeeding their appointment. The remaining members of the board initially appointed shall serve until the end of the fourth calendar year next succeeding their appointment.

3. *As soon as practicable after July 1, 2021, the Board of County Commissioners of Storey County shall appoint two members of the Board of Directors of the Carson Water Subconservancy District. One of the members initially appointed by Storey County shall serve until the end of the second calendar year next succeeding the appointment. The second member of the board initially appointed by Storey County shall serve until the end of the fourth calendar year next succeeding their appointment.*

4. After the initial terms, members of the Board of Directors of the Carson Water Subconservancy District hold office for terms of 4 years or until their successors have been appointed. Any vacancy on the Board must be filled for the remainder of the unexpired term by the authority that appointed the member whose position is vacant.

Sec. 3. This act becomes effective on July 1, 2021.

