SUMMARY—Revises provisions relating to the Carson Water Subconservancy District. (BDR 17-14)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.

Effect on the State: No.

Effect on the State Highway Fund: No.

AN ACT relating to the Carson Water Subconservancy District; revising the name of the Carson Water Subconservancy District to the Carson Water Conservancy District; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Carson Water Subconservancy District. (Carson Water Subconservancy District Act § 10) **Section 3** of this bill revises the name of the Carson Water Subconservancy District to the Carson Water Conservancy District. **Sections 1, 2, 4 and 5** of this bill make conforming changes to reflect the name change of the district.

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

Section 1. NRS 218E.525 is hereby amended to read as follows:

218E.525 In addition to any other powers or duties, the Committee on Public Lands:

1. Shall:

(a) Actively support the efforts of state and local governments in the western states regarding public lands and state sovereignty as impaired by federal ownership of land.

(b) Advance knowledge and understanding in local, regional and national forums of Nevada's unique situation with respect to public lands.

(c) Support legislation that will enhance state and local roles in the management of public lands and will increase the disposal of public lands.

(d) Review the programs and activities of:

(1) The Colorado River Commission of Nevada;

(2) All public water authorities, districts and systems in the State of Nevada, including, without limitation, the Southern Nevada Water Authority, the Truckee Meadows Water Authority, the Virgin Valley Water District, the Carson Water ~~[Subconservancy]~~ ***Conservancy*** District, the Humboldt River Basin Water Authority and the Truckee-Carson Irrigation District; and

(3) All other public or private entities with which any county in the State has an agreement regarding the planning, development or distribution of water resources, or any combination thereof.

2. May review and comment on other issues relating to water resources in this State, including, without limitation:

(a) The laws, regulations and policies regulating the use, allocation and management of water in this State; and

(b) The status of existing information and studies relating to water use, surface water resources and groundwater resources in this State.

Sec. 2. Section 9 of the Carson Water Subconservancy District Act, being chapter 621, Statutes of Nevada 1989, at page 1408, is hereby amended to read as follows:

Sec. 9. The Legislature hereby finds and declares that:

1. Reductions in the supply of available water, fragmented responsibility for the conservation and supply of water, and certain limitations on the authority of existing water conservancy districts are threatening the health, safety and welfare of the people living in the Carson River Basin;

2. This threat can be alleviated through the inclusion of the urban portion of Carson City in the Carson Water ~~[Subconservancy]~~ ***Conservancy*** District and expanding the authority of the ~~[subconservancy]~~ ***conservancy*** district and the local governments in which it is situated;

3. The intent of the Legislature in adopting this act is that the powers conferred by this act will be exercised in a manner that will foster cooperation among the local governments participating in the Carson Water ~~[Subconservancy]~~ ***Conservancy*** District; and

4. The unique division of water and financial resources among the local governments participating in the Carson Water ~~[Subconservancy]~~ ***Conservancy*** District prevents making a general law applicable.

Sec. 3. Section 10 of the Carson Water Subconservancy District Act, being chapter 621, Statutes of Nevada 1989, as last amended by chapter 160, Statutes of Nevada 2021, at page 719, is hereby amended to read as follows:

Sec. 10. 1. The Carson Water ~~[Subconservancy]~~ ***Conservancy*** District, as expanded to include the urban area of Carson City, is hereby expanded to include those portions of Churchill County and Storey County within the Carson River hydrologic basin. The assets and liabilities of the existing district become the assets and liabilities of the newly formed district on July 1, 2021.

2. The Carson Water ~~[Subconservancy]~~ ***Conservancy*** District shall be deemed to have been created pursuant to chapter 541 of NRS, with the same powers and duties, and subject to the same limitations as a water conservancy district created pursuant to that chapter except that the provisions of this act supersede the provisions of chapter 541 of NRS where the provisions of that chapter conflict with the express provisions of this act.

3. The Board of Directors of the Carson Water ~~[Subconservancy]~~ ***Conservancy*** District consists of 13 members to be appointed as follows:

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

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

(c) Five members who are residents of Douglas County, at least two of whom must represent agricultural interests in the county, appointed by the Board of County Commissioners of Douglas County;

(d) Two members who are residents of Churchill County appointed by the Board of County Commissioners of Churchill County; and

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

➥ No action may be taken by the Board of Directors without the affirmative vote of a majority of its members.

4. The Board of Directors may levy a tax upon all taxable property within the Carson Water ~~[Subconservancy]~~ ***Conservancy*** 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]~~ ***Conservancy*** 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.

7. The Board of Directors may pledge:

(a) Any money received from the proceeds of the tax imposed pursuant to subsection 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 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.

8. The Carson Water ~~[Subconservancy]~~ ***Conservancy*** 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.

9. Carson City and each county located in part or in whole within the Carson Water ~~[Subconservancy]~~ ***Conservancy*** 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.

10. The Carson Water ~~[Subconservancy]~~ ***Conservancy*** District may, for the payment of general or special obligations issued pursuant to subsection 6, pledge any money received

from the proceeds of a tax imposed by a special district established pursuant to subsection 9 if:

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

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

Sec. 4. Section 10.5 of the Carson Water Subconservancy District Act, being chapter 319, Statutes of Nevada 1997, at page 1202, is hereby amended to read as follows:

Sec. 10.5. 1. The Board of Supervisors of Carson City and the board of county commissioners of each county located in part or in whole within the Carson Water ~~[Subconservancy]~~ ***Conservancy*** 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 for the acquisition, construction or completion of waterworks, facilities, flood control or drainage projects or other projects. The tax must be collected in the same manner as other taxes ad valorem collected by the local government. 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.

2. The Board of Supervisors of Carson City and the board of county commissioners of each county located in part or in whole within the Carson Water ~~[Subconservancy]~~ ***Conservancy*** District may issue general or special obligations to acquire, construct or

complete 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.

3. The Board of Supervisors of Carson City and the board of county commissioners of each county located in whole or in part within the Carson Water ~~[Subconservancy]~~ ***Conservancy*** District may pledge:

(a) Any money received from the proceeds of the tax imposed pursuant to subsection 1;

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

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

➥ for the payment of general or special obligations issued pursuant to subsection 2. For the purposes of subsection 3 of NRS 350.020 and NRS 350.500 to 350.720, inclusive, money pledged by the governing body of a local government pursuant to this subsection shall be deemed to be pledged revenue of the project.

Sec. 5. Section 11 of the Carson Water Subconservancy District Act, being chapter 621, Statutes of Nevada 1989, as amended by chapter 160, Statutes of Nevada 2021, at page 721, 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]~~ ***Conservancy*** 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]~~ ***Conservancy*** 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]~~ ***Conservancy*** 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. 6. The Legislative Counsel shall, in preparing supplements to the Nevada Administrative Code, appropriately change any references to an officer, agency or other entity whose name is changed or whose responsibilities are transferred pursuant to the provisions of this act to refer to the appropriate officer, agency or other entity.

Sec. 7. 1. Any administrative regulations adopted by an officer or an agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remain in force until amended by the officer or agency to which the responsibility for the adoption of the regulations has been transferred.

2. Any contracts or other agreements entered into by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency are binding upon the officer or agency to which the responsibility for the administration of the provisions of the contract or other agreement has been transferred. Such contracts and other agreements may be enforced by the officer or agency to which the responsibility for the enforcement of the provisions of the contract or other agreement has been transferred.

3. Any action taken by an officer or agency whose name has been changed or whose responsibilities have been transferred pursuant to the provisions of this act to another officer or agency remains in effect as if taken by the officer or agency to which the responsibility for the enforcement of such actions has been transferred.