

DISCLAIMER

Electronic versions of the exhibits in these minutes may not be complete.

This information is supplied as an informational service only and should not be relied upon as an official record.

Original exhibits are on file at the Legislative Counsel Bureau Research Library in Carson City.

Contact the Library at (775) 684-6827 or library@lcb.state.nv.us.



WORK SESSION

Assembly Committee on Government Affairs

PREPARED BY
RESEARCH DIVISION
LEGISLATIVE COUNSEL BUREAU
Nonpartisan Staff of the Nevada State Legislature

ASSEMBLY BILL 499

Authorizes governing body of local government to create maintenance districts to pay cost of maintaining and improving local improvement projects and other undertakings. (BDR 21-274)

Sponsored by: Assembly Committee on Government Affairs
On Behalf of Clark County
Date Heard: April 8, 2003

Assembly Bill 499 authorizes the governing body of local government to create maintenance districts to pay the cost of maintaining and improving local improvement projects and other undertakings.

Amendments: Clark County proposed some clean-up amendments.

A mock-up of the amended pages of the bill is attached.

Opposition: None

Fiscal Impact: Local Government: No
State Government: No

4/10/2003

ASSEMBLY GOVERNMENT AFFAIRS
DATE: 4/10/03 ROOM: 3143 EXHIBIT H, 1 of 4
SUBMITTED BY: Susan Scholley

MOCK-UP

PROPOSED AMENDMENT TO
ASSEMBLY BILL NO. 499

PREPARED FOR ASSEMBLY GOVERNMENT AFFAIRS

APRIL 9, 2003

PREPARED BY THE RESEARCH DIVISION

NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE OFFICIAL AMENDMENT MAY DIFFER.

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) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) green bold dashed underlining is deleted language in the original bill that is proposed to be retained in this amendment.

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

- 1 **Section 1.** Chapter 271 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 and 3 of this act.
3 **Sec. 2.** "*Maintenance district*" means a district created pursuant to
4 section 3 of this act.
5 **Sec. 3.** 1. *A governing body may, by ordinance, establish a district*
6 *to pay the cost of maintaining and improving a project, regardless of*
7 *whether the project was originally acquired or constructed with proceeds*
8 *from assessments. Insofar as practicable, such a maintenance district*
9 *must be created in the manner specified in NRS 271.275 or 271.710. The*
10 *district shall remain in existence until the governing body enacts an*
11 *ordinance dissolving the district.*
12 2. *After the governing body establishes a maintenance district as*
13 *described in subsection 1, the governing body may levy periodic*
14 *assessments during the life of the district to pay the costs of maintaining*
15 *and improving the project. In order to levy any periodic assessments, the*
16 *governing body shall prepare or cause to be prepared:*

PROPOSED AMENDMENT TO AB499

H. 2 of 4

1 (a) An estimate of the costs expected to be incurred to maintain and
2 improve the project during a period during which the assessments will be
3 payable; and

4 (b) A proposed assessment roll in the form required by NRS
5 271.360(1)(b) levying assessments which do not exceed the estimated
6 costs against the benefited property.

7 ~~(a) A schedule of assessments that sets forth a period, not to exceed 3~~
8 ~~years, over which assessments will be levied to maintain and improve the~~
9 ~~project;~~

10 ~~(b) An estimate of the costs expected to be incurred to maintain and~~
11 ~~improve the project during the period set forth in the schedule of~~
12 ~~assessments; and~~

13 ~~(c) A proposed assessment roll assessing an amount not greater than~~
14 ~~the estimated cost against the benefited~~
15 ~~property.~~

16 The basis for the computation of the assessments must be the frontage or
17 another uniform and quantifiable basis.

18 3. The governing body shall hold a public hearing upon the
19 schedule of assessments, estimate of costs and proposed assessment roll.
20 Notice of the hearing must be given, and the hearing conducted, in the
21 manner described in NRS 271.380 and 271.385. The proposed
22 assessments may not exceed the estimated maximum benefits as provided
23 in NRS 271.300(2) ~~amount stated in the proposed assessment roll unless~~
24 ~~a new hearing is held after notice is mailed and published in the manner~~
25 ~~provided in NRS 271.305, 271.306 and 271.310.~~

26 4. After the public hearing, the governing body shall, by resolution
27 or ordinance, confirm the assessments, as specified in the proposed
28 assessment roll or as modified, and levy the assessment as provided in
29 NRS 271.390.

30 5. The assessments must be due over a period that:

31 (a) Begins on the effective date of the resolution or ordinance
32 confirming the assessments; and

33 (b) Ends on a day which is not more than 3 years after the effective
34 date of the ordinance levying the assessments ~~the last day of the period~~
35 ~~set forth in the schedule of assessments.~~

36 6. The assessments may be made payable at one time or in monthly
37 or quarterly installments over the period described in subsection 5.

38 7. Interest may not be charged on an assessment or installment paid
39 when due.

40 8. Except as otherwise provided in this section, an assessment
41 imposed pursuant to this section must be levied, collected and enforced at
42 the same time, in the same manner, by the same officers and with the
43 same interest and penalties as other special assessments levied pursuant
44 to this chapter. The proceeds of an assessment imposed pursuant to this
45 section must be placed in a separate fund of the municipality and

1 expended only for the maintenance and improvement of the project for
2 which the assessment was imposed.

3 9. As used in this section, "project" includes:

4 (a) A project, as that term is defined in NRS 271.175; and

5 (b) Any other public undertaking for which a governing body desires
6 to create a maintenance district to pay the costs of maintenance and
7 improvement.

8 **Sec. 4.** NRS 271.030 is hereby amended to read as follows:

9 271.030 As used in this chapter, unless the context otherwise
10 requires, the words and terms defined in NRS 271.035 to 271.250,
11 inclusive, and section 2 of this act have the meanings ascribed to them in
12 those sections.

13 **Sec. 5.** NRS 271.175 is hereby amended to read as follows:

14 271.175 [~~"Project"~~] Except as otherwise provided in subsection 9 of
15 section 3 of this act, "project" means any structure, facility, undertaking
16 or system which a municipality is herein authorized to acquire, improve,
17 equip, maintain or operate. A project may consist of all kinds of personal
18 and real property.

19 **Sec. 6.** NRS 271.265 is hereby amended to read as follows:

20 271.265 1. The governing body of a county, city or town, upon
21 behalf of the municipality and in its name, without any election, may from
22 time to time acquire, improve, equip, operate and maintain, within or
23 without the municipality, or both within and without the municipality:

24 (a) A commercial area vitalization project;

25 (b) A curb and gutter project;

26 (c) A drainage project;

27 (d) An off-street parking project;

28 (e) An overpass project;

29 (f) A park project;

30 (g) A sanitary sewer project;

31 (h) A security wall;

32 (i) A sidewalk project;

33 (j) A storm sewer project;

34 (k) A street project;

35 (l) A street beautification project;

36 (m) A transportation project;

37 (n) An underpass project;

38 (o) A water project; and

39 (p) Any combination of such projects.

40 2. In addition to the power specified in subsection 1, the governing
41 body of a city having a commission form of government as defined in NRS
42 267.010, upon behalf of the municipality and in its name, without any
43 election, may from time to time acquire, improve, equip, operate and
44 maintain, within or without the municipality, or both within and without
45 the municipality: