

Amendment No. 373

Assembly Amendment to Assembly Bill No. 18	(BDR 21-433)
Proposed by: Assembly Committee on Government Affairs	
Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.



ASSEMBLY BILL NO. 18—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA LEAGUE OF
CITIES AND MUNICIPALITIES)

PREFILED NOVEMBER 15, 2018

Referred to Committee on Government Affairs

SUMMARY—Authorizes ~~certain local governments~~ **incorporated cities** to install and maintain ramps on certain public easements and rights-of-way. (BDR 21-433)

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 local governments; authorizing incorporated cities ~~, unincorporated towns and general improvement districts~~ to install and maintain ramps that meet certain federal requirements; authorizing such ramps to be placed on certain public easements and rights-of-way; **requiring an incorporated city that annexes territory to provide certain notice relating to the annexation to certain public utilities and rural electric cooperatives**; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

Existing law provides the governing bodies of incorporated cities ~~, unincorporated towns and general improvement districts~~ with certain express powers. (Chapter 268 ~~, 269 and 318~~ of NRS) ~~[Sections 1-4]~~ **Section 1.1** of this bill ~~[authorize]~~ **authorizes the governing body of an incorporated ~~[cities, unincorporated towns and general improvement districts]~~ city** to provide for the construction, installation and maintenance of ramps **and any appurtenances necessary thereto** that comply with the Americans with Disabilities Act of 1990. (42 U.S.C. §§ 12101 et seq.) ~~[Sections 1-3 of this bill authorize those entities]~~ **Section 1.1 authorizes the governing body** to locate such ramps within any public easement or right-of-way if the public easement or right-of-way is within a reasonable proximity of any public highway and the ramp may be located safely within the public easement or right-of-way without damaging **or forcing the relocation of** the facilities of other persons who are authorized to place their facilities within the public easement or right-of-way.

Existing law sets forth procedures by which an incorporated city located in a county whose population is 700,000 or more (currently Clark County) is authorized to annex territory. (NRS 268.570-268.608) Existing law sets forth similar procedures for an incorporated city located in a county whose population is less than 700,000 (currently all counties other than Clark County). (NRS 268.610-268.670) Sections 1.2 and 1.4 of this bill require any incorporated city that annexes territory to, within 10 days after the adoption of the ordinance approving the annexation, send a copy of such ordinance and

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certain information about the annexed territory to each public utility or rural electric cooperative operating within the jurisdiction of the city. Sections 1.5-1.8 of this bill make conforming changes.

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

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Section 1. Chapter 268 of NRS is hereby amended by adding thereto ~~the new section to read as follows:~~ the provisions set forth as sections 1.1, 1.2 and 1.4 of this act.

Sec. 1.1. 1. The governing body of an incorporated city may provide for the construction, installation and maintenance of ramps and any appurtenances necessary thereto that comply with all applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.

2. The governing body of an incorporated city, or any person who is authorized by the governing body of an incorporated city to provide for the construction, installation and maintenance of ramps and any appurtenances necessary thereto that comply with all applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., may locate such ramps and appurtenances within any public easement or right-of-way, including, without limitation, a public easement or right-of-way dedicated or restricted for use by any utility, if:

(a) The public easement or right-of-way is adjacent or appurtenant to or within a reasonable proximity of any public highway; and

(b) The ramps and appurtenances may be located safely within the public easement or right-of-way without damaging or forcing the relocation of the facilities of other persons, including, without limitation, public utilities, who are authorized to place their facilities within the public easement or right-of-way.

3. As used in this section ~~is~~ "public":

(a) "Public easement or right-of-way" means any public easement or right-of-way that has been granted, dedicated or restricted solely for a public purpose, including, without limitation, for use by a public utility or for public access.

(b) "Public highway" has the meaning ascribed to it in NRS 277A.110.

Sec. 1.2. 1. Whenever an incorporated city annexes territory in accordance with the provisions of this section and NRS 268.570 to 268.608, inclusive, the city clerk of the annexing city shall, not less than 10 working days after the adoption of the ordinance approving the annexation, send by certified mail to each public utility and rural electric cooperative operating within the jurisdiction of the incorporated city:

(a) A notice containing the address and legal description of all property in the territory to be annexed;

(b) An accurate map or plat of the territory to be annexed; and

(c) A copy of the ordinance approving the annexation.

2. As used in this section, "public utility" has the meaning ascribed to it in NRS 704.020.

Sec. 1.4. 1. Whenever a city annexes territory in accordance with the provisions of this section and NRS 268.610 to 268.670, inclusive, the city clerk of the annexing city shall, not less than 10 working days after the adoption of the ordinance approving the annexation, send by certified mail to each public utility and rural electric cooperative operating within the jurisdiction of the city:

1 (a) A notice containing the address and legal description of all property in
 2 the territory to be annexed;

3 (b) An accurate map or plat of the territory to be annexed; and

4 (c) A copy of the ordinance approving the annexation.

5 2. As used in this section, "public utility" has the meaning ascribed to it in
 6 NRS 704.020.

7 Sec. 1.5. NRS 268.570 is hereby amended to read as follows:

8 268.570 The provisions of NRS 268.570 to 268.608, inclusive, and section
 9 1.2 of this act apply only to cities located in a county whose population is 700,000
 10 or more.

11 Sec. 1.6. NRS 268.574 is hereby amended to read as follows:

12 268.574 As used in NRS 268.570 to 268.608, inclusive ~~§~~, and section 1.2 of
 13 this act:

14 1. "Contiguous" means either abutting directly on the boundary of the
 15 annexing municipality or separated from the boundary thereof by a street, alley,
 16 public right-of-way, creek, river or the right-of-way of a railroad or other public
 17 service corporation, or by lands owned by the annexing municipality, by some other
 18 political subdivision of the State or by the State of Nevada.

19 2. "Lot or parcel" means any tract of land of sufficient size to constitute a
 20 legal building lot as determined by the zoning ordinance of the county in which the
 21 territory proposed to be annexed is situated. If such county has not enacted a zoning
 22 ordinance, the question of what constitutes a building lot shall be determined by
 23 reference to the zoning ordinance of the annexing municipality.

24 3. "Majority of the property owners" in a territory means the record owners of
 25 real property:

26 (a) Whose combined value is greater than 50 percent of the total value of real
 27 property in the territory, as determined by assessment for taxation; and

28 (b) Whose combined area is greater than 50 percent of the total area of the
 29 territory, excluding lands held by public bodies.

30 4. A lot or parcel of land is "used for residential purposes" if it is 5 acres or
 31 less in area and contains a habitable dwelling unit of a permanent nature.

32 Sec. 1.7. NRS 268.610 is hereby amended to read as follows:

33 268.610 1. The provisions of NRS 268.610 to 268.670, inclusive, and
 34 section 1.4 of this act apply only to cities located in a county whose population is
 35 less than 700,000.

36 2. The provisions of NRS 268.610 to 268.670, inclusive, and section 1.4 of
 37 this act, except NRS 268.663, do not apply to any city specified in subsection 1
 38 whose charter provides specifically for the creation of an annexation commission to
 39 serve the city.

40 Sec. 1.8. NRS 268.612 is hereby amended to read as follows:

41 268.612 As used in NRS 268.610 to 268.670, inclusive, and section 1.4 of
 42 this act, the words and terms defined in NRS 268.614 to 268.624, inclusive, unless
 43 the context otherwise requires, have the meanings ascribed to them in those
 44 sections.

45 ~~Sec. 2. [Chapter 269 of NRS is hereby amended by adding thereto a new~~
 46 ~~section to read as follows:~~

47 ~~—1. The town board or board of county commissioners in any unincorporated~~
 48 ~~town may provide for the construction, installation and maintenance of ramps~~
 49 ~~that comply with all applicable requirements of the Americans with Disabilities~~
 50 ~~Act of 1990, 42 U.S.C. §§ 12101 et seq.~~

51 ~~—2. The town board or board of county commissioners, or any person who is~~
 52 ~~authorized by the town board or board of county commissioners to provide for the~~
 53 ~~construction, installation and maintenance of ramps that comply with all~~

~~applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., may locate such ramps within any public easement or right-of-way, including, without limitation, a public easement or right-of-way dedicated or restricted for use by any utility, if:~~

~~— (a) The public easement or right-of-way is adjacent or appurtenant to or within a reasonable proximity of any public highway; and~~

~~— (b) The ramps may be located safely within the public easement or right-of-way without damaging the facilities of other persons who are authorized to place their facilities within the public easement or right-of-way.~~

~~3. As used in this section, “public highway” has the meaning ascribed to it in NRS 277A.110.] (Deleted by amendment.)~~

~~Sec. 3. [Chapter 318 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~— 1. In the case of a district created wholly or in part for furnishing ramps, the board shall have the power to construct, install and maintain ramps that comply with all applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq.~~

~~— 2. The board, or any person who is authorized by the board to construct, install and maintain ramps that comply with all applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12101 et seq., may locate such ramps within any public easement or right-of-way, including, without limitation, a public easement or right-of-way dedicated or restricted for use by any utility, if:~~

~~— (a) The public easement or right-of-way is adjacent or appurtenant to or within a reasonable proximity of any public highway; and~~

~~— (b) The ramps may be located safely within the public easement or right-of-way without damaging the facilities within the public easement or right-of-way.~~

~~3. As used in this section, “public highway” has the meaning ascribed to it in NRS 277A.110.] (Deleted by amendment.)~~

~~Sec. 4. [NRS 318.116 is hereby amended to read as follows:~~

~~— 318.116 Any one, all or any combination of the following basic powers may be granted to a district in proceedings for its organization, or its reorganization pursuant to NRS 318.077 and all provisions in this chapter supplemental thereto, or as may be otherwise provided by statute:~~

~~— 1. Furnishing electric light and power, as provided in NRS 318.117;~~

~~— 2. Extermination and abatement of mosquitoes, flies, other insects, rats, and liver fluke or Fasciola hepatica, as provided in NRS 318.118;~~

~~— 3. Furnishing facilities or services for public cemeteries, as provided in NRS 318.119;~~

~~— 4. Furnishing facilities for swimming pools, as provided in NRS 318.1191;~~

~~— 5. Furnishing facilities for television, as provided in NRS 318.1192;~~

~~— 6. Furnishing facilities for FM radio, as provided in NRS 318.1187;~~

~~— 7. Furnishing streets and alleys, as provided in NRS 318.120;~~

~~— 8. Furnishing curbs, gutters and sidewalks, as provided in NRS 318.125;~~

~~— 9. Furnishing sidewalks, as provided in NRS 318.130;~~

~~— 10. Furnishing ramps, as provided in section 3 of this act;~~

~~— 11. Furnishing facilities for storm drainage or flood control, as provided in NRS 318.135;~~

~~— [11.] 12. Furnishing sanitary facilities for sewerage, as provided in NRS 318.140;~~

~~— [12.] 13. Furnishing facilities for lighting streets, as provided in NRS 318.141;~~

1 ~~== [13.] 14. Furnishing facilities for the collection and disposal of garbage and~~
2 ~~refuse, as provided in NRS 318.142;~~

3 ~~== [14.] 15. Furnishing recreational facilities, as provided in NRS 318.143;~~

4 ~~== [15.] 16. Furnishing facilities for water, as provided in NRS 318.144;~~

5 ~~== [16.] 17. Furnishing fencing, as provided in NRS 318.1195;~~

6 ~~== [17.] 18. Furnishing facilities for protection from fire, as provided in NRS~~
7 ~~318.1181;~~

8 ~~== [18.] 19. Furnishing energy for space heating, as provided in NRS 318.1175;~~

9 ~~== [19.] 20. Furnishing emergency medical services, as provided in NRS~~
10 ~~318.1185;~~

11 ~~== [20.] 21. Control of noxious weeds, as provided in chapter 555 of NRS; and~~

12 ~~== [21.] 22. Establishing, controlling, managing and operating an area or zone~~
13 ~~for the preservation of one or more species or subspecies of wildlife that has been~~
14 ~~declared endangered or threatened pursuant to the federal Endangered Species Act~~
15 ~~of 1973, 16 U.S.C. §§ 1531 et seq., as provided in NRS 318.1177.] (Deleted by~~
16 ~~amendment.)~~

17 **Sec. 5.** This act becomes effective upon passage and approval.