
ASSEMBLY BILL NO. 131—ASSEMBLYMEN HARDY, ELLISON; PAUL ANDERSON, FIORE, GRADY, HAMBRICK, HICKEY, KIRKPATRICK, KIRNER, LIVERMORE, OSCARSON, STEWART AND WHEELER

FEBRUARY 18, 2013

JOINT SPONSORS: SENATORS HARDY; CEGAVSKE, GOICOECHEA, HAMMOND AND SETTELMAYER

Referred to Committee on Government Affairs

SUMMARY—Revises provisions governing the Board of the Virgin Valley Water District. (BDR S-634)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the Virgin Valley Water District; requiring each member of the Board of the District to be elected; setting forth the terms of service of the members of the Board; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 Under existing law, the Board of the Virgin Valley Water District consists of
2 five members. Of the five members, one member is appointed by the Mayor of the
3 City of Mesquite, one member is appointed by the governing body of the town of
4 Bunkerville and three members are elected from the service area of the District. Of
5 the three elected members, one of the members must reside in the geographical area
6 of the District located south of the Virgin River. (Section 5 of chapter 100, Statutes
7 of Nevada 1993, p. 163, as amended by chapter 266, Statutes of Nevada 1995, p.
8 444) **Section 1** of this bill requires that all five members of the Board be elected
9 from the service area of the District. **Section 1** also requires that two of the five
10 members be elected from the geographical area of the District located south of the
11 Virgin River and that all five members of the Board serve 4-year terms.



* A B 1 3 1 R 1 *

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

1 **Section 1.** Section 5 of the Virgin Valley Water District Act,
2 being chapter 100, Statutes of Nevada 1993, as amended by chapter
3 266, Statutes of Nevada 1995, at page 444, is hereby amended to
4 read as follows:

5 Sec. 5. 1. Except as otherwise provided in section 4 of
6 this act, the governing Board of the District consists of five
7 members ~~selected as follows:~~

8 ~~—(a) One member appointed by the mayor of the City of~~
9 ~~Mesquite with the approval of the City Council of that city.~~

10 ~~—(b) One member appointed by the governing body of the~~
11 ~~town of Bunkerville, who must reside in the geographical~~
12 ~~area of the District located south of the Virgin River. If the~~
13 ~~town of Bunkerville is annexed into the City of Mesquite, this~~
14 ~~member must be appointed pursuant to paragraph (a), subject~~
15 ~~to the residency requirement set forth in this paragraph.~~

16 ~~—(c) Three members~~ elected from the service area of the
17 District, ~~one~~ **two** of whom must reside in the geographical
18 area of the District located south of the Virgin River.

19 2. Except for members of the first Board , ~~and~~
20 ~~appointed members,~~ members of the Board must be elected
21 at a general district election held in conjunction with the
22 general election of Clark County in 1994 and with subsequent
23 general elections of Clark County. ~~The elected member who~~
24 ~~is required to reside in the geographical area of the District~~
25 ~~located south of the Virgin River and one other elected~~
26 ~~member, who must be chosen by lot,~~ **The members** serve
27 terms of 4 years . ~~and the remaining elected member serves a~~
28 ~~term of 2 years. The appointed members serve terms of 2~~
29 ~~years.~~

30 **Sec. 2.** Section 7 of the Virgin Valley Water District Act,
31 being chapter 100, Statutes of Nevada 1993, at page 164, is hereby
32 amended to read as follows:

33 Sec. 7. 1. Except as otherwise provided in this section
34 and sections 4 and 5 of this act, each member of the Board
35 must:

36 (a) Reside in the District for at least 6 months before ~~this~~
37 ~~or her appointment or~~ the election at which the member is
38 elected;

39 (b) Be a qualified elector of the District;



* A B 1 3 1 R 1 *

1 (c) ~~If the member is elected to office, be~~ *Be* elected by a
2 plurality of the qualified electors of the District; and

3 (d) Take office upon qualification therefor as provided in
4 subsection 3, or on the first Monday in January next
5 following the member's election , ~~for appointment,~~
6 whichever is later, and leave office upon the first Monday in
7 January next following the election ~~for appointment~~ of the
8 member's successor in office.

9 2. If the Board establishes various election areas within
10 the District, each member ~~who is elected to~~ *of* the Board
11 must:

12 (a) Reside in the election area represented for at least 6
13 months before the election at which the member is elected;

14 (b) Be a qualified elector of the election area represented;

15 (c) Be elected by a plurality of the qualified electors of
16 the election area represented; and

17 (d) Take office in the manner prescribed in paragraph (d)
18 of subsection 1.

19 3. Before taking office, each member of the Board must
20 qualify by filing with the Clerk of Clark County:

21 (a) An oath of office taken and subscribed in the manner
22 prescribed by the Clerk; and

23 (b) A corporate surety bond, at the expense of the District,
24 in an amount determined by the Clerk, but no greater than
25 \$10,000, which bond must guarantee the faithful performance
26 of the duties of the member.

27 4. A vacancy in the office of a member ~~who is elected~~
28 ~~to~~ *of* the Board must be filled by appointment of the
29 remaining members of the Board. The person so appointed
30 must be a resident and elector of the District, or if the board
31 has established various election areas, the election area
32 represented, and, before taking office, qualify in the manner
33 prescribed in subsection 3. The person shall serve the
34 remainder of the term of the member whose absence required
35 his or her appointment. If the Board fails, neglects or refuses
36 to fill a vacancy within 30 days after a vacancy occurs, the
37 Board of County Commissioners of Clark County shall fill
38 the vacancy.

39 ~~5. A vacancy in the office of a member who is~~
40 ~~appointed to the Board must be filled by appointment of the~~
41 ~~governing body who made the previous appointment. The~~
42 ~~person so appointed must be a resident and elector of the~~
43 ~~District and, before taking office, qualify in the manner~~
44 ~~prescribed in subsection 3. The person shall serve the~~



1 ~~remainder of the term of the member whose absence required~~
2 ~~his or her appointment.]~~

3 **Sec. 3.** Notwithstanding the provisions of the Virgin Valley
4 Water District Act, the term of each member of the Board of the
5 Virgin Valley Water District expires on December 31, 2014.

6 **Sec. 4.** This act becomes effective on January 1, 2014, for the
7 purpose of filing a declaration of candidacy to serve as a member of
8 the Board of the Virgin Valley Water District and on January 1,
9 2015, for all other purposes.

⑩



* A B 1 3 1 R 1 *