

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.

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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 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 the five members of the Board be selected
9 as follows: (1) two members who must reside in and be elected by a plurality of the
10 qualified electors of the geographical area of the District located south of the Virgin
11 River; and (2) three members who must reside in and be elected by a plurality of
12 the qualified electors of the geographical area of the District located north of the
13 Virgin River. **Section 1** also provides that, after the initial terms, all five members
14 of the Board serve 4-year terms. **Section 3** of this bill: (1) provides that the term of
15 each existing member of the Board expires on December 31, 2014; and (2) requires
16 that those members elected to the Board at the 2014 general election select by lot



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17 three members of the Board to serve for an initial term of 4 years and two members
18 of the Board to serve for an initial term of 2 years.

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~~
6 ~~of this act, the~~ *The* governing Board of the District consists
7 of five 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 of whom]~~

18 *(a) Two members who* must reside in *and be elected by a*
19 *plurality of the qualified electors of* the geographical area of
20 the District located south of the Virgin River.

21 *(b) Three members who must reside in and be elected by*
22 *a plurality of the qualified electors of the geographical area*
23 *of the District located north of the Virgin River.*

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



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

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

7 ~~—(a) Reside in the District for at least 6 months before his~~
8 ~~or her appointment or the election at which the member is~~
9 ~~elected;~~

10 ~~—(b) Be a qualified elector of the District;~~

11 ~~—(c) If the member is elected to office, be elected by a~~
12 ~~plurality of the qualified electors of the District; and~~

13 ~~—(d) Take office upon qualification therefor as provided in~~
14 ~~subsection 3, or on the first Monday in January next~~
15 ~~following the member's election or appointment, whichever~~
16 ~~is later, and leave office upon the first Monday in January~~
17 ~~next following the election or appointment of the member's~~
18 ~~successor in office.~~

19 ~~—2. If the Board establishes various election areas within~~
20 ~~the District, each} **Each** member {who is elected to} **of** the~~
21 ~~Board must:~~

22 (a) Reside in the **geographical area represented, or if the**
23 **Board has established various election areas, the** election
24 area represented, for at least 6 months before the election at
25 which the member is elected;

26 (b) Be a qualified elector of the **geographical area**
27 **represented or the** election area represented; **and**

28 (c) ~~Be elected by a plurality of the qualified electors of~~
29 ~~the election area represented; and~~

30 ~~—(d)} Take office {in the manner prescribed in paragraph~~
31 ~~(d) of subsection 1.~~

32 ~~—3-} upon qualification therefor as provided in subsection~~
33 ~~2, or on the first Monday in January next following the~~
34 ~~member's election, whichever is later, and leave office upon~~
35 ~~the first Monday in January next following the election of~~
36 ~~the member's successor in office.~~

37 **2.** Before taking office, each member of the Board must
38 qualify by filing with the Clerk of Clark County:

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

41 (b) A corporate surety bond, at the expense of the District,
42 in an amount determined by the Clerk, but no greater than
43 \$10,000, which bond must guarantee the faithful performance
44 of the duties of the member.



1 ~~[4.]~~ 3. A vacancy in the office of a member ~~[who is~~
2 ~~elected to]~~ of the Board must be filled by appointment of the
3 remaining members of the Board. The person so appointed
4 must be a resident and elector of the ~~[District.]~~ *geographical*
5 *area represented*, or if the Board has established various
6 election areas, the election area represented, and, before
7 taking office, qualify in the manner prescribed in subsection
8 ~~[3.]~~ 2. The person shall serve the remainder of the term of the
9 member whose absence required his or her appointment. If
10 the Board fails, neglects or refuses to fill a vacancy within 30
11 days after a vacancy occurs, the Board of County
12 Commissioners of Clark County shall fill the vacancy.

13 ~~[5. A vacancy in the office of a member who is~~
14 ~~appointed to the Board must be filled by appointment of the~~
15 ~~governing body who made the previous appointment. The~~
16 ~~person so appointed must be a resident and elector of the~~
17 ~~District and, before taking office, qualify in the manner~~
18 ~~prescribed in subsection 3. The person shall serve the~~
19 ~~remainder of the term of the member whose absence required~~
20 ~~his or her appointment.]~~

21 **Sec. 2.5.** Section 8 of the Virgin Valley Water District Act,
22 being chapter 100, Statutes of Nevada 1993, as amended by chapter
23 485, Statutes of Nevada 2011, at page 3076, is hereby amended to
24 read as follows:

25 Sec. 8. 1. Unless otherwise required for purposes of
26 an election to incur an indebtedness, the Registrar of Voters
27 of Clark County shall conduct, supervise and, by ordinance,
28 regulate all district elections in accordance, as nearly as
29 practicable, with the general election laws of this state,
30 including, but not limited to, laws relating to the time of
31 opening and closing of polls, the manner of conducting the
32 election, the canvassing, announcement and certification of
33 results and the preparation and disposition of ballots.

34 2. Each candidate for election to the Board must file a
35 declaration of candidacy with the Registrar of Voters not
36 earlier than the first Monday in March of the year in which
37 the election is to be held and not later than 5 p.m. on the
38 second Friday after the first Monday in March. Timely filing
39 of such declaration is a prerequisite to election.

40 3. If the Board establishes various election areas within
41 the District and there are two or more seats upon the Board to
42 be filled at the same election, each of which represents the
43 same election area, the two candidates therefor receiving the
44 highest number of votes, respectively, are elected.



1 4. If a member of the Board is unopposed in seeking
2 reelection, the Board may declare that member elected
3 without a formal election, but that member may not
4 participate in the declaration.

5 5. If no person files candidacy for election to a particular
6 seat upon the Board, the seat must be filled in the manner
7 provided in subsection ~~4~~ 3 of section 7 of this act for filling
8 a vacancy.

9 **Sec. 3.** 1. Notwithstanding the provisions of the Virgin
10 Valley Water District Act, the term of each member of the Board of
11 the Virgin Valley Water District expires on December 31, 2014.

12 2. As soon as practicable after all the members of the Board of
13 the Virgin Valley Water District are elected and qualified pursuant
14 to section 5 of the Virgin Valley Water District Act, as amended by
15 section 1 of this act, the members of the Board shall, by lot, select:

16 (a) Three members of the Board to serve for terms of 4 years,
17 including:

18 (1) Two members who reside in and are elected by a plurality
19 of the qualified electors of the geographical area of the District
20 located north of the Virgin River; and

21 (2) One member who resides in and is elected by a plurality
22 of the qualified electors of the geographical area of the District
23 located south of the Virgin River; and

24 (b) Two members of the Board to serve for terms of 2 years,
25 including:

26 (1) One member who resides in and is elected by a plurality
27 of the qualified electors of the geographical area of the District
28 located north of the Virgin River; and

29 (2) One member who resides in and is elected by a plurality
30 of the qualified electors of the geographical area of the District
31 located south of the Virgin River.

32 **Sec. 4.** This act becomes effective on January 1, 2014, for the
33 purpose of filing a declaration of candidacy to serve as a member of
34 the Board of the Virgin Valley Water District and on January 1,
35 2015, for all other purposes.



