
ASSEMBLY BILL NO. 604—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF ELKO COUNTY)

MARCH 17, 1999

Referred to Committee on Government Affairs

SUMMARY—Provides for creation of districts for maintenance of roads. (BDR 25-674)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: 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 roads; providing for the creation of districts for the maintenance of roads; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Title 25 of NRS is hereby amended by adding thereto a
2 new chapter to consist of the provisions set forth as sections 2 to 15,
3 inclusive, of this act.
4 **Sec. 2.** *As used in sections 2 to 15, inclusive, of this act, unless the*
5 *context otherwise requires, the words and terms defined in sections 3 to*
6 *6, inclusive, of this act have the meanings ascribed to them in those*
7 *sections.*
8 **Sec. 3.** *“Board” means the board of directors of a district.*
9 **Sec. 4.** *“District” means a district for the maintenance of roads*
10 *created by section 7 of this act.*
11 **Sec. 5.** *“Maintenance” means any activity necessary to preserve the*
12 *useful life of a road, including, without limitation, painting, repairing,*
13 *grading, oiling, patching, resurfacing, sanding, sweeping, washing and*
14 *removing ice and snow.*
15 **Sec. 6.** *“Road” means any road, highway or thoroughfare that:*
16 1. *Is used for vehicular traffic;*
17 2. *Is partially or entirely located within a district; and*

1 3. Is not maintained by a city or by a department, agency or political
2 subdivision of this state.

3 **Sec. 7. 1.** The owners of real property within an unincorporated
4 area of a county may initiate the creation of a district by filing a petition
5 signed by at least 50 percent of the owners with the board of county
6 commissioners of the county where the proposed district is located. A
7 district may not include territory located within more than one county.

8 2. A petition filed pursuant to subsection 1 must include:

9 (a) The name, address and signature of each person named in the
10 petition;

11 (b) The total acreage of the area proposed to be included within the
12 district;

13 (c) The number of owners of real property in that area; and

14 (d) A detailed map of that area.

15 3. If a petition is filed pursuant to subsection 1, the board of county
16 commissioners with whom the petition is filed shall hold a hearing to
17 consider the petition at its next regularly scheduled meeting held after the
18 date the petition is filed.

19 4. Except as otherwise provided in this subsection, if a board of
20 county commissioners decides to create a district after holding a hearing
21 pursuant to subsection 3, it shall, at its next regularly scheduled meeting
22 held after the hearing is conducted, adopt a resolution creating the
23 district. A board of county commissioners shall not adopt a resolution
24 pursuant to this subsection if, within 60 days after a hearing is held
25 pursuant to subsection 3, 10 percent or more of the owners of real
26 property within the proposed district file a petition with the board of
27 county commissioners opposing the creation of the district.

28 **Sec. 8. 1.** After adopting a resolution creating a district, the board
29 of county commissioners shall appoint five persons to serve as the initial
30 members of the board. A member of the board appointed pursuant to this
31 subsection:

32 (a) Must be a qualified elector of the district; and

33 (b) Serves in that office until his successor is elected pursuant to
34 section 9 of this act.

35 2. Each member of the board must qualify for appointment by filing
36 in the office of the county clerk where the district is located:

37 (a) A written oath of office signed by the member; and

38 (b) A bond in an amount of not more than \$10,000 as determined by
39 the board of county commissioners. The bond must be filed in a form
40 approved by the board of county commissioners and be conditioned upon
41 the satisfactory performance of the duties of the member filing the bond.
42 The board of county commissioners may, from time to time, increase or
43 decrease the amount of the bond.

1 **Sec. 9. 1.** *A biennial election for the district must be held*
2 *simultaneously with the first general election in the county held after the*
3 *district is created and simultaneously with each general election held*
4 *thereafter.*

5 2. *The office of a member of the board is a nonpartisan office. The*
6 *general election laws of this state govern the candidacy, nominations and*
7 *election of a member of the board. Except as otherwise provided in*
8 *subsection 3, the term of office of a member of the board is 4 years.*

9 3. *At the first biennial election of the district, there must be elected by*
10 *the qualified voters of the district:*

11 (a) *Two qualified electors as members of the board to serve for terms*
12 *of 2 years; and*

13 (b) *Three qualified electors as members of the board to serve for terms*
14 *of 4 years.*

15 4. *The secretary of the board shall provide notice of the election by*
16 *publication and take any other action concerning the election as the*
17 *county clerk or the registrar of voters may direct.*

18 5. *A member of the board who is elected must qualify in the same*
19 *manner as a member of the initial board pursuant to section 8 of this act.*

20 **Sec. 10. 1.** *After taking oaths and filing bonds, the members of the*
21 *board shall, by a majority vote, elect a chairman, vice chairman,*
22 *secretary and treasurer from among the members. The secretary and*
23 *treasurer may be one person. After the initial election, the chairman, vice*
24 *chairman, secretary and treasurer serve in that office for a term of 1 year*
25 *beginning on July 1 of each year. If a vacancy occurs in any of those*
26 *offices, the members of the board shall elect a member of the board to*
27 *serve in that office for the remainder of the unexpired term.*

28 2. *Three members of the board constitute a quorum, and a quorum*
29 *may exercise all the powers and duties of the board.*

30 3. *The board shall:*

31 (a) *Meet at such times and places specified by a call of the chairman*
32 *or by a majority of the members of the board; and*

33 (b) *Adopt bylaws prescribing its management and government.*

34 4. *The members of the board serve without compensation and are not*
35 *entitled to the per diem and travel expenses provided for state officers*
36 *and employees generally.*

37 5. *If a vacancy occurs in the membership of the board, the remaining*
38 *members of the board shall appoint a person to serve on the board until*
39 *his successor is elected and qualified. A person appointed to serve on the*
40 *board pursuant to this subsection must qualify in the manner provided in*
41 *section 8 of this act. If the board fails to fill a vacancy within 30 days*
42 *after the vacancy occurs, the board of county commissioners where the*

1 *district is located shall appoint a person to serve on the board in the*
2 *manner provided in this subsection.*

3 **Sec. 11. The board:**

4 **1. Shall enter into any contract it determines is necessary to maintain**
5 **any road; and**

6 **2. May take any other action it determines is necessary to carry out**
7 **the provisions of sections 2 to 15, inclusive, of this act.**

8 **Sec. 12. 1. On or before April 1 of each year, the board shall:**

9 **(a) Determine the total cost for each contract entered into pursuant to**
10 **section 11 of this act for the next ensuing fiscal year;**

11 **(b) Apportion that cost among the owners of real property by parcel**
12 **number within the district:**

13 **(1) Based upon the relative special benefit received by each parcel**
14 **of land; and**

15 **(2) Using a method of apportionment that is fair and equitable and**
16 **is approved by the board of county commissioners of the county where**
17 **the district is located; and**

18 **(c) Submit a written report to the board of county commissioners**
19 **specifying the total cost determined pursuant to paragraph (a) and the**
20 **amount apportioned for each parcel of land within the district pursuant**
21 **to paragraph (b).**

22 **2. Upon receipt of the report, the board of county commissioners**
23 **shall collect the assessments specified in the report for the next ensuing**
24 **fiscal year. The assessments must be collected at the same time and in the**
25 **same manner, and with like interest and penalties, as any taxes on real**
26 **property are collected by the county. Any such assessment, until paid, is a**
27 **lien upon the real property assessed equal in priority to a lien for general**
28 **taxes, and may be collected in the same manner.**

29 **Sec. 13. 1. Any money collected by a board of county**
30 **commissioners pursuant to section 12 of this act must be deposited in the**
31 **treasury of the county and accounted for separately in the general fund**
32 **of the county.**

33 **2. Any money in the account must be used only to carry out the**
34 **provisions of sections 2 to 15, inclusive, of this act. Any interest and**
35 **income earned on the money in the account must be credited to the**
36 **general fund of the county and must be used only to defray any costs**
37 **incurred by the county to collect the assessments pursuant to section 12**
38 **of this act.**

39 **3. The county treasurer shall pay any claim against the account that**
40 **is:**

41 **(a) Submitted by the board to pay for a contract entered into pursuant**
42 **to section 11 of this act; and**

43 **(b) Signed by the chairman and vice chairman of the board.**

1 **Sec. 14. 1.** *A district may be dissolved if 10 percent or more of the*
2 *owners of real property within the district file a petition with the board of*
3 *county commissioners requesting the dissolution of the district. If a*
4 *petition is filed pursuant to this subsection, the board of county*
5 *commissioners shall, at its next regularly scheduled meeting after the*
6 *petition is filed, adopt a resolution dissolving the district. A resolution*
7 *adopted pursuant to this subsection becomes effective after all contracts*
8 *for the maintenance of a road entered into by the board pursuant to*
9 *section 11 of this act have expired.*

10 **2.** *If a resolution is adopted by a board of county commissioners*
11 *pursuant to subsection 1, the board of county commissioners shall,*
12 *within 30 days after the date the resolution becomes effective, determine*
13 *whether:*

14 **(a)** *Any expenses of the district have not been paid; and*

15 **(b)** *The money in the account created pursuant to section 13 of this*
16 *act is sufficient to pay those expenses.*

17 **3.** *If the board of county commissioners determines pursuant to*
18 *subsection 2 that the money in the account:*

19 **(a)** *Is sufficient to pay the expenses specified in that subsection, the*
20 *board of county commissioners shall, within 10 days after making that*
21 *determination, pay those expenses from that account and, if any money*
22 *remains in the account after paying those expenses, refund that money to*
23 *the owners of real property within the district in a manner that is fair and*
24 *equitable; or*

25 **(b)** *Is insufficient to pay those expenses, the board of county*
26 *commissioners shall, within 10 days after making that determination,*
27 *assess each of those owners equally.*

28 **4.** *If the board of county commissioners assesses an owner of real*
29 *property pursuant to paragraph (b) of subsection 3, it shall, within 30*
30 *days after making the assessment, provide a written notice of the amount*
31 *of the assessment to the owner. The owner shall, within 30 days after*
32 *receiving the notice, pay to the board of county commissioners the*
33 *amount specified in the notice.*

34 **Sec. 15.** *An owner of real property that is located within a district*
35 *shall not sell that real property unless the owner provides a written notice*
36 *to the purchaser of the real property:*

37 **1.** *Stating that the real property is located within the district; and*

38 **2.** *Specifying the amount of the assessments paid for that real*
39 *property pursuant to sections 2 to 15, inclusive, of this act for:*

40 **(a)** *The immediately preceding 2 years, if the district has been in*
41 *existence for 2 years or more before the date the notice is provided to the*
42 *purchaser; or*

1 ***(b) The period since the district was created, if the district has been in***
2 ***existence for less than 2 years before the date the notice is provided to the***
3 ***purchaser.***

4 **Sec. 16.** This act becomes effective on July 1, 1999.

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