

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 ~~for 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; and*
17 2. *Is partially or entirely located within a district.*

1 **Sec. 7. 1. The owners of real property within an unincorporated**
2 **area of a county whose population is less than 100,000 may initiate the**
3 **creation of a district by filing a petition signed by at least 66 2/3 percent**
4 **of the owners with the board of county commissioners of the county**
5 **where the proposed district is located. A district may not include territory**
6 **located within more than one county.**

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

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

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

12 **(c) The number of owners of real property in that area;**

13 **(d) A detailed map of that area;**

14 **(e) A description of any proposed contract for the maintenance of**
15 **roads in the district; and**

16 **(f) The estimated annual cost to perform the proposed contracts to**
17 **maintain roads in the district.**

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

22 **4. Except as otherwise provided in this subsection, if a board of**
23 **county commissioners decides to create a district after holding a hearing**
24 **pursuant to subsection 3, it shall, at its next regularly scheduled meeting**
25 **held after the hearing is conducted, adopt a resolution creating the**
26 **district. A board of county commissioners shall not adopt a resolution**
27 **pursuant to this subsection if, within 60 days after a hearing is held**
28 **pursuant to subsection 3, 51 percent or more of the owners of real**
29 **property within the proposed district file a petition with the board of**
30 **county commissioners opposing the creation of the district.**

31 **5. A resolution adopted pursuant to subsection 4 must include a**
32 **procedure to allow a person who owns real property within the district to**
33 **apply for a hardship determination that would exempt him from paying**
34 **the fees assessed pursuant to this chapter. The procedure must include,**
35 **without limitation:**

36 **(a) A method for allowing a person who owns real property within the**
37 **district to submit to the board a written application for a hardship**
38 **determination at least 90 days before the due date of an assessment;**

39 **(b) A method for determining whether such a person qualifies for a**
40 **hardship exemption;**

41 **(c) A requirement for the periodic renewal of the hardship**
42 **determination;**

1 (d) A requirement that the board make a decision on the application
2 within 30 days after the filing of the application;

3 (e) A requirement that the board notify the board of county
4 commissioners in writing of the denial of an application and the reason
5 for denying the application; and

6 (f) A procedure for appealing the denial of an application by the
7 board to the board of county commissioners.

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

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

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

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

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

18 (b) A bond in an amount of not more than \$10,000 as determined by
19 the board of county commissioners. The bond must be filed in a form
20 approved by the board of county commissioners and be conditioned upon
21 the satisfactory performance of the duties of the member filing the bond.
22 The board of county commissioners may, from time to time, increase or
23 decrease the amount of the bond.

24 **Sec. 9. 1.** A biennial election for the district must be held
25 simultaneously with the first general election in the county held after the
26 district is created and simultaneously with each general election held
27 thereafter.

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

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

34 (a) Two qualified electors as members of the board to serve for terms
35 of 2 years; and

36 (b) Three qualified electors as members of the board to serve for terms
37 of 4 years.

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

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

1 **Sec. 10. 1.** *After taking oaths and filing bonds, the members of the*
2 *board shall, by a majority vote, elect a chairman, vice chairman,*
3 *secretary and treasurer from among the members. The secretary and*
4 *treasurer may be one person. After the initial election, the chairman, vice*
5 *chairman, secretary and treasurer serve in that office for a term of 1 year*
6 *beginning on July 1 of each year. If a vacancy occurs in any of those*
7 *offices, the members of the board shall elect a member of the board to*
8 *serve in that office for the remainder of the unexpired term.*

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

11 3. *The board shall:*

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

14 (b) *Adopt bylaws prescribing its management and government; and*

15 (c) *Comply with the provisions of chapter 241 of NRS.*

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

19 5. *If a vacancy occurs in the membership of the board, the*
20 *remaining members of the board shall appoint a person to serve on the*
21 *board until his successor is elected and qualified. A person appointed to*
22 *serve on the board pursuant to this subsection must qualify in the*
23 *manner provided in section 8 of this act. If the board fails to fill a*
24 *vacancy within 30 days after the vacancy occurs, the board of county*
25 *commissioners where the district is located shall appoint a person to*
26 *serve on the board in the manner provided in this subsection.*

27 **Sec. 11. The board:**

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

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

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

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

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

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

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

42 (c) *Submit a written report to the board of county commissioners*
43 *specifying the total cost determined pursuant to paragraph (a) and the*

1 amount apportioned for each parcel of land within the district pursuant
2 to paragraph (b); and

3 (d) Submit a written report to the board of county commissioners:

4 (1) Specifying the total cost for performing contracts for the
5 maintenance of roads in the district for the preceding year; and

6 (2) Addressing whether the goals and objectives of the district
7 relating to the maintenance of such roads have been accomplished.

8 2. Upon receipt of the report, the board of county commissioners
9 shall collect the assessments specified in the report for the next ensuing
10 fiscal year. The assessments must be collected at the same time and in the
11 same manner, and with like interest and penalties, as any taxes on real
12 property are collected by the county. Any such assessment, until paid, is a
13 lien upon the real property assessed equal in priority to a lien for general
14 taxes, and may be collected in the same manner.

15 **Sec. 13. 1.** The board of county commissioners shall establish,
16 with the county treasurer, a special account in the general fund of the
17 county for money collected pursuant to section 12 of this act. The
18 account is a separate and continuing account and no money in the
19 account reverts to the general fund of the county at any time. Any money
20 collected by the board of county commissioners pursuant to section 12 of
21 this act must be deposited in the account. The interest and income earned
22 on the money in the account, after deducting any applicable charges,
23 must be credited to the account.

24 2. Any money in the account must be used only to carry out the
25 provisions of sections 2 to 15, inclusive, of this act.

26 3. The county treasurer shall pay any claim against the account that
27 is:

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

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

31 **Sec. 14. 1.** A district may be dissolved:

32 (a) If 51 percent or more of the owners of real property within the
33 district file a petition with the board of county commissioners requesting
34 the dissolution of the district; or

35 (b) If the board of county commissioners adopts a resolution on its
36 own motion dissolving the district.

37 If a petition is filed pursuant to this subsection, the board of county
38 commissioners shall, at its next regularly scheduled meeting after the
39 petition is filed, adopt a resolution dissolving the district. A resolution
40 adopted pursuant to this subsection becomes effective after all contracts
41 for the maintenance of a road entered into by the board pursuant to
42 section 11 of this act have expired.

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

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

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

8 3. If the board of county commissioners determines pursuant to
9 subsection 2 that the money in the account:

10 (a) Is sufficient to pay the expenses specified in that subsection, the
11 board of county commissioners shall, within 10 days after making that
12 determination, pay those expenses from that account and, if any money
13 remains in the account after paying those expenses, refund that money to
14 the owners of real property within the district in a manner that is fair and
15 equitable; or

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

19 4. If the board of county commissioners assesses an owner of real
20 property pursuant to paragraph (b) of subsection 3, it shall, within 30
21 days after making the assessment, provide a written notice of the amount
22 of the assessment to the owner. The owner shall, within 30 days after
23 receiving the notice, pay to the board of county commissioners the
24 amount specified in the notice.

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

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

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

31 (a) The immediately preceding 2 years, if the district has been in
32 existence for 2 years or more before the date the notice is provided to the
33 purchaser; or

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

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