

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT **A.B. 406**

ASSEMBLY BILL NO. 406—ASSEMBLYMEN CARPENTER AND MARVEL

MARCH 16, 2001

JOINT SPONSOR: SENATOR RHOADS

Referred to Committee on Government Affairs

SUMMARY—Makes various changes to provisions governing Elko Convention and Visitors Authority. (BDR S-656)

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 Elko Convention and Visitors Authority; repealing the requirement that the board of governors of the authority reimburse the county clerk of Elko County for all costs of a general authority election; redefining the boundaries of the authority; repealing the procedure for adding land to or excluding land from those boundaries; 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.** Section 4 of chapter 227, Statutes of Nevada 1975, as last
2 amended by chapter 351, Statutes of Nevada 1997, at page 1276, is hereby
3 amended to read as follows:
4 Sec. 4. The general obligation bonds authorized to be issued by
5 this act are general obligation bonds of the Authority payable from
6 general (ad valorem) property taxes to be levied by the County
7 Commissioners of Elko County, Nevada, on behalf of the Board of the
8 Authority, such taxes to be levied upon all taxable properties within
9 the boundaries of the Authority as such boundaries are hereafter
10 established and defined and from time to time redefined by reason of
11 ***the inclusion of additional lands ~~H~~ within, or the exclusion of lands***
12 ***from, the boundaries of the Authority.***



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1 **Sec. 2.** Section 8 of chapter 227, Statutes of Nevada 1975, as last
2 amended by chapter 686, Statutes of Nevada 1997, at page 3479, is hereby
3 amended to read as follows:

4 Sec. 8. 1. The Authority must be governed by a Board of
5 Governors consisting of five members appointed or elected as
6 follows:

7 (a) One member appointed by the board of supervisors of the City
8 of Elko, who must be a current member of the board of supervisors;

9 (b) One member appointed by the board of county commissioners
10 of Elko County, who must be a current member of the board of county
11 commissioners;

12 (c) Two members elected at large, who must reside within the City
13 of Elko and within the boundaries of the Authority; and

14 (d) One member elected at large, who must reside outside the City
15 of Elko but within the boundaries of the Authority.

16 2. Subject to the provisions of subsection 3, the terms of those
17 members appointed pursuant to paragraphs (a) and (b) of subsection 1
18 are coterminous with their respective terms in their specified elective
19 offices.

20 3. Those members appointed pursuant to paragraph (a) or (b) of
21 subsection 1 may be removed by the appointing board with or without
22 cause.

23 4. Any vacancy occurring among the members of the Board
24 appointed pursuant to paragraph (a) or (b) of subsection 1 must be
25 filled promptly by the board which appointed the member whose
26 position has become vacant. Any vacancy occurring among the
27 members of the board elected pursuant to paragraph (c) or (d) of
28 subsection 1 must be filled promptly by appointment by the board of
29 county commissioners of Elko County. The member appointed by the
30 board of county commissioners to fill a vacancy in a position created
31 pursuant to paragraph (c) or (d) must not be a member of the board of
32 county commissioners but must meet the residency requirements for
33 the vacant position.

34 5. If a member elected pursuant to paragraph (c) or (d) of
35 subsection 1 or appointed to fill a vacancy in a position created
36 pursuant to one of those paragraphs ceases to reside in the area
37 specified in the paragraph under which he was elected or appointed,
38 he is automatically disqualified from serving on the Board. A
39 disqualified member's position must be filled by the prompt
40 appointment of a successor in the manner specified in subsection 4.

41 6. The term of a person appointed to fill a vacancy is the
42 unexpired term of the member he replaces.

43 7. A general authority election must be held in conjunction with
44 the general election in 1992 and with such elections every 2 years
45 thereafter. The three members of the Board described in paragraphs
46 (c) and (d) of subsection 1 must be elected at the general authority
47 election in 1992. The offices created pursuant to those paragraphs are
48 nonpartisan. Each candidate for one of these offices must file a
49 declaration of candidacy with the county clerk not earlier than January



1 preceding the election and not later than 5 p.m. on the third Friday
2 in August of the year of the election. The terms of office of the
3 members described in paragraphs (c) and (d) of subsection 1 are 4
4 years, except that, the initial term of office of one of the members
5 described in paragraph (c) of subsection 1 is 2 years. The county clerk
6 shall designate the seat which will have an initial term of 2 years
7 before any candidate files a declaration of candidacy for the election.
8 The period for registering to vote in the general authority election
9 must be closed on the 30th calendar day preceding the date of the
10 election. All persons who are qualified to vote at general elections in
11 this state and reside within the boundaries of the authority upon the
12 date of the close of registration are entitled to vote at the general
13 authority election. ~~The Board shall reimburse the county clerk for all~~
14 ~~costs of each general authority election.~~ Except as otherwise
15 provided in this subsection, a general authority election must be
16 carried out in the same manner as provided for other general elections
17 in Title 24 of NRS.

18 **Sec. 3.** Section 13 of chapter 227, Statutes of Nevada 1975, as
19 amended by chapter 345, Statutes of Nevada 1993, at page 1100, is hereby
20 amended to read as follows:

21 Sec. 13. The Authority may provide for the publication by title of
22 any resolution which it may adopt for the issuance of bonds or for the
23 inclusion *or exclusion* of lands under this Act, in one issue of a
24 newspaper having circulation within the County of Elko. For a period
25 of 30 days after the date of publication, any person in interest may
26 contest the legality of the resolution or any bonds which may be
27 issued pursuant thereto or any of the provisions made for the security
28 and payment of the bonds, including the boundaries of the Authority,
29 or with respect to any special, primary or general election at which the
30 bonds or any portion thereof are authorized, or for the inclusion *or*
31 *exclusion* of the lands, but after that time no person may bring a cause
32 of action to contest the regularity, formality or legality thereof for any
33 cause.

34 **Sec. 4.** Section 18 of chapter 227, Statutes of Nevada 1975, at page
35 274, is hereby amended to read as follows:

36 Sec. 18. The boundaries of the Authority ~~shall include all lands~~
37 ~~now and hereinafter within the City of Elko, together with all lands~~
38 ~~within 3 miles of the present boundaries of the City of Elko and~~
39 ~~together with those lands generally designated in the Official Records~~
40 ~~of Elko County, Nevada, as follows:~~

41 ~~— Humboldt River Ranches Inc., Unit No. 1.~~
42 ~~— Town of Lamoille as shown on the "Map of the Town of~~
43 ~~Lamoille," including Tract A, File No. 37018 and on "Map of the~~
44 ~~First Addition, Town of Lamoille," File No. 107888.~~
45 ~~— Last Chance Ranch Inc., Units No. 1, 2 and 3.~~
46 ~~— L.C.R. 11 Subdivision.~~
47 ~~— Lucky Nugget Ranches Inc., Unit No. 1 and the unvacated~~
48 ~~portions of Unit No. 2.~~



~~Meadow Valley Ranches Units No. 1 through 5, inclusive, and 7 through 12, inclusive.~~
~~Pleasant Valley Estates.~~
~~River Valley Ranches, Unit No. 1.~~
~~Twin River Ranches, Inc., Units No. 2, 3 and 4.~~
~~Valley Vista Acres.~~
~~Spring Creek Tracts No. 101, 102, 103, 201, 301, 101 A, 104, 105, 107, 106 A, the unabandoned portion of 401, 106 B, the unabandoned portion of 106 C, 202, 303, 402, 304, 109, 403 and 106 D, inclusive.]~~
include all lands, except the incorporated City of Carlin and those lands that have a current agricultural use assessment from the county assessor of Elko County pursuant to chapter 361A of NRS, located within the boundaries described as follows: Beginning at the southwest corner of Elko County, and running thence northerly and westerly along the boundary common to Elko and Eureka Counties to its intersection with a line perpendicular to the northern boundary of the City of Carlin; thence easterly along the northern boundary of the City of Carlin to its extended intersection with the Cadastral Survey Range Line common to Range 52 and Range 53, M.D.B. & M.; thence north along the Cadastral Survey Range Line common to Range 52 and Range 53, M.D.B. & M., to its intersection with Fish Creek; thence easterly to the summit of Swales Mountain of the Independence Mountain Range; thence northerly along the crest of the Independence Mountain Range to its intersection with the Cadastral Survey Township Line common to Township 43 and Township 44, M.D.B. & M.; thence east along the Cadastral Survey Township Line common to Township 43 and Township 44, M.D.B. & M., to its intersection with the Cadastral Survey Range Line common to Range 61 and Range 62, M.D.B. & M.; thence south along the Cadastral Survey Range Line common to Range 61 and Range 62, M.D.B. & M., to its intersection with the centerline of State Route 231, also known as the Angel Lake access road; thence southerly and westerly along the centerline of State Route 231 to Angel Lake; thence west to the crest of the East Humboldt Mountain Range; thence southerly and westerly along the crest of the East Humboldt Mountain Range and the Ruby Mountain Range to its intersection with the southern boundary of Elko County; thence west along the southern boundary of Elko County to the point of beginning.

Sec. 5. If a member of the board of governors of the Elko Convention and Visitors Authority elected pursuant to paragraph (c) or (d) of subsection 1 of section 8 of chapter 227, Statutes of Nevada 1975, as last amended by chapter 686, Statutes of Nevada 1997, at page 3479, ceases to reside within the boundaries of the authority on the effective date of this act, he is automatically disqualified from serving on the board. A disqualified member's position must be filled by the prompt appointment of a successor in the manner specified in subsection 4 of that section.



- 1 **Sec. 6.** Section 26 of chapter 227, Statutes of Nevada 1975, as
2 amended by chapter 275, Statutes of Nevada 1979, at page 383, is hereby
3 repealed.
4 **Sec. 7.** This act becomes effective upon passage and approval.

TEXT OF REPEALED SECTION

Section 26 of chapter 227, Statutes of Nevada 1975:

Sec. 26. After establishment and definition of the initial boundaries of the Authority, inclusion of additional lands within the boundaries of the Authority shall be accomplished pursuant to one of the following procedures:

1. If lands proximate to the boundaries of the Authority are platted or mapped after April 18, 1975, pursuant to the provisions of chapter 278 of NRS, the owner or owners thereof may request in writing that such lands be included within the boundaries of the Authority and the Board of County Commissioners of Elko County shall provide for the notation of such inclusion upon the final subdivision map or parcel map prior to the final recordation thereof, and shall notify the Board of the Authority in writing of the fact of such inclusion; or

2. If the owner or owners of lands proximate to the boundaries of the Authority so proposed to be platted or mapped fail to request inclusion of the lands within the boundaries of the Authority and the Board of County Commissioners of Elko County preliminarily determines that, by reason of such proximity, the lands should be so included within the boundaries of the Authority, then prior to final recordation of such map the Board of County Commissioners shall by resolution make such a preliminary determination, shall fix in the resolution the time and place of a hearing on any such inclusion and shall give at least thirty days prior notice in writing of the time and place of such hearing to both the owner or owners of lands proposed to be so platted or mapped and to the Authority. At the time and place of the hearing, the Board of County Commissioners shall hear the owner or owners and the Authority, as well as all persons interested, as to the question of whether or not the lands should be so included within the boundaries of the Authority. Upon completion of the hearing, the Board of County Commissioners shall determine by resolution whether or not the lands shall be so included and the determination of the County Commissioners, in the absence of fraud or abuse of discretion, is final and conclusive. The final action of the Board of County Commissioners shall, prior to final recordation, be noted on the title sheet of any subdivision or parcel map approved pursuant to the provisions of chapter 278 of NRS and the Board of County Commissioners shall give the Authority notice in writing of its final determination.



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3. Upon inclusion of any additional lands within the boundaries of the Authority, the Board of the Authority shall forthwith adopt a resolution confirming the inclusion of such lands and shall otherwise comply with the provisions of NRS 234.250.

