

## Amendment No. 654

Assembly Amendment to Senate Bill No. 124 First Reprint (BDR 25-196)

**Proposed by:** Assembly Committee on Government Affairs**Amends:** Summary: No Title: No Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date		SENATE ACTION				Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____			Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____			Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____			Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold dashed underlining* is newly added transitory language.

HAC/MSM



Date: 5/14/2009

S.B. No. 124—Expands the number of members of the boards of trustees of certain general improvement districts. (BDR 25-196)



## SENATE BILL NO. 124—COMMITTEE ON GOVERNMENT AFFAIRS

FEBRUARY 10, 2009

Referred to Committee on Government Affairs

SUMMARY—Expands the number of members of the boards of trustees of certain general improvement districts. (BDR 25-196)

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 general improvement districts; expanding the membership of the boards of trustees of certain general improvement districts; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Chapter 318 of NRS governs the creation and administration of general improvement districts in Nevada. Existing law requires that the board of trustees of a general improvement district consist of five members. (NRS 318.080) **Section 1** of this bill expands the membership of the board of trustees of a general improvement district : ~~(1)~~ *which exists on or before July 1, 2009, ~~and~~ ; (2) which* is authorized *only* to furnish electric light and power in a county whose population is 400,000 or more ~~(currently the Overton Power District in Clark County) ; and (3) for which the board of county commissioners of the county is not ex officio the board of trustees,~~ from five to seven members. **Section 1** also provides the election procedure for the new members, the continuing election process to keep the staggered terms for all board members and the new quorum requirements for the expanded board. *Currently, the Overton Power District in Clark County is the only general improvement district that is impacted by this bill.*

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

**Section 1.** Chapter 318 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. Notwithstanding any provision of law to the contrary, the board of trustees of a district organized or reorganized pursuant to this chapter that exists on July 1, 2009, ~~and~~ that is authorized *only* to exercise the basic power of furnishing electric light and power pursuant to NRS 318.117 in a county whose population is 400,000 or more ,*and for which the board of county commissioners of the county is not ex officio the board of trustees,* shall consist of seven trustees.*

*2. The members of the board of trustees described in subsection 1 must be selected as follows:*

1       (a) One member who is elected by the qualified electors of the largest  
2       incorporated city in the district at the first biennial election following July 1,  
3       2009. The term of office of a trustee who is elected pursuant to this paragraph is  
4       4 years.

5       (b) One member who is elected by the qualified electors of the district at the  
6       first biennial election following July 1, 2009. The initial term of office of a trustee  
7       who is elected pursuant to this paragraph is 2 years. After the initial term, the  
8       term of office of a trustee who is elected pursuant to this paragraph is 4 years.

9       (c) Five members who are elected from the election areas in the district  
10      created pursuant to NRS 318.0952 that existed on July 1, 2009, each of whom  
11      serves for a term of 4 years.

12      3. Each member of the board of trustees must be a resident of the area  
13      which he seeks to represent.

14      4. A majority of the members of the board constitutes a quorum at any  
15      meeting.

16      **Sec. 2.** NRS 318.090 is hereby amended to read as follows:

17      318.090 Except as otherwise provided in NRS 318.0953 and 318.09533:

18      1. The board shall, by resolution, designate the place where the office or  
19      principal place of the district is to be located, which must be within the corporate  
20      limits of the district ~~and~~ and which may be changed by resolution of the board.  
21      Copies of all those resolutions must be filed with the county clerk or clerks of the  
22      county or counties wherein the district is located within 5 days after their adoption.  
23      The official records and files of the district must be kept at that office and must be  
24      open to public inspection as provided in NRS 239.010.

25      2. The board of trustees shall meet regularly at least once each year, and at  
26      such other times at the office or principal place of the district as provided in the  
27      bylaws.

28      3. Special meetings may be held on notice to each member of the board as  
29      often as, and at such places within the district as, the needs of the district require.

30      4. ~~Three~~ Except as otherwise provided in section 1 of this act, three  
31      members of the board constitute a quorum at any meeting.

32      5. A vacancy on the board must be filled by a qualified elector of the district  
33      chosen by the remaining members of the board, the appointee to act until a  
34      successor in office qualifies as provided in NRS 318.080 on or after the first  
35      Monday in January next following the next biennial election, held in accordance  
36      with NRS 318.095 ~~and~~ or section 1 of this act, at which election the vacancy must  
37      be filled by election if the term of office extends beyond that first Monday in  
38      January. Nominations of qualified electors of the district as candidates to fill  
39      unexpired terms of 2 years may be made the same as nominations for regular terms  
40      of 4 years, as provided in NRS 318.095 ~~and~~ and section 1 of this act. If the board  
41      fails, neglects or refuses to fill any vacancy within 30 days after the vacancy occurs,  
42      the board of county commissioners shall fill that vacancy.

43      6. Each term of office of 4 years terminates on the first Monday in January  
44      next following the general election at which a successor in office is elected, as  
45      provided in NRS 318.095 ~~and~~ or section 1 of this act. The successor's term of office  
46      commences then or as soon thereafter as the successor qualifies as provided in NRS  
47      318.080, subject to the provisions in this chapter for initial appointments to a board,  
48      for appointments to fill vacancies of unexpired terms ~~and~~ and for the reorganizations  
49      of districts under this chapter which were organized under other chapters of NRS.

50      **Sec. 3.** NRS 318.095 is hereby amended to read as follows:

51      318.095 Except as otherwise provided in NRS 318.0953:

52      1. There must be held simultaneously with the first general election in the  
53      county after the creation of the district and simultaneously with every general

1 election thereafter an election to be known as the biennial election of the district.  
2 The election must be conducted under the supervision of the county clerk or  
3 registrar of voters. A district shall reimburse the county clerk or registrar of voters  
4 for the costs he incurred in conducting the election for the district.

5 2. The office of trustee is a nonpartisan office. The general election laws of  
6 this State govern the candidacy, nominations and election of a member of the  
7 board. The names of the candidates for trustee of a district may be placed on the  
8 ballot for the primary or general election.

9 3. ~~{A}~~ *Except as otherwise provided in section 1 of this act*, at the first  
10 biennial election in any district organized or reorganized and operating under this  
11 chapter ~~{B}~~ and each fourth year thereafter, there must be elected by the qualified  
12 electors of the district two qualified electors as members of the board to serve for  
13 terms of 4 years. At the second biennial election and each fourth year thereafter,  
14 there must be so elected three qualified electors as members of the board to serve  
15 for terms of 4 years.

16 4. The secretary of the district shall give notice of election by publication ~~{C}~~  
17 and shall arrange such other details in connection therewith as the county clerk or  
18 registrar of voters may direct.

19 5. Any new member of the board must qualify in the same manner as  
20 members of the first board qualify.

21 **Sec. 4.** NRS 318.0951 is hereby amended to read as follows:

22 318.0951 Except as otherwise provided in NRS 318.0952 or 318.0953:

23 1. Each trustee elected at any biennial election must be chosen by a plurality  
24 of the qualified electors of the district voting on the candidates for the vacancies to  
25 be filled.

26 2. ~~{D}~~ *Except as otherwise provided in section 1 of this act*, if there are two  
27 regular terms which end on the first Monday in January next following the biennial  
28 election, the two qualified electors receiving the highest and next highest number of  
29 votes must be elected. If there are three regular terms so ending, the three qualified  
30 electors receiving the highest, next highest and third highest number of votes must  
31 be elected.

32 3. If there is a vacancy in an unexpired regular term to be filled at the biennial  
33 election, as provided in subsection 5 of NRS 318.090, the candidate who receives  
34 the highest number of votes, after there are chosen the successful candidates to fill  
35 the vacancies in expired regular terms as provided in subsection 2, must be elected.

36 **Sec. 5.** (Deleted by amendment.)

37 **Sec. 6.** NRS 318.09533 is hereby amended to read as follows:

38 318.09533 1. When the board of trustees of any district is constituted  
39 pursuant to NRS 318.0953, the following special provisions apply and supersede  
40 the corresponding provisions of NRS 318.080 to 318.09525, inclusive, *and section*  
41 *1 of this act*, 318.0954 and 318.0955:

42 (a) The members need not file the oath of office or bond required by  
43 NRS 318.080.

44 (b) The members of the board of county commissioners may receive no  
45 additional compensation as trustees of the district.

46 (c) The chairman of the board of county commissioners may be chairman of  
47 the board of trustees and president of the district, or the board of county  
48 commissioners may, at its first meeting in January of each year, designate another  
49 of its members to serve as chairman of the board of trustees and president of the  
50 district for a term of 1 year.

51 (d) The vice chairman of the board of county commissioners may be vice  
52 chairman of the board of trustees and vice president of the district, or the board of  
53 county commissioners may, at its first meeting in January of each year, designate

1 another of its members to serve as vice chairman of the board of trustees and vice  
2 president of the district for a term of 1 year.

3 (e) The secretary and treasurer of the district ~~{shall}~~ **must** not be members of  
4 the board of county commissioners. The board may designate the county clerk and  
5 county treasurer, respectively, to act ex officio as secretary and treasurer, or it may  
6 designate some other person to fill either or both of those offices. No additional  
7 bond may be required of the county treasurer as ex officio district treasurer ~~{not}~~ **or**  
8 of any other county officer appropriately bonded as ex officio a district officer.

9 (f) The secretary and treasurer shall perform the duties prescribed in  
10 subsections 3 and 4 of NRS 318.085.

11 (g) No member of the board of county commissioners may be removed from  
12 the office of trustee under NRS 318.080, but any member is automatically removed  
13 from that office upon his removal from the office of county commissioner in the  
14 manner provided by law.

15 (h) The regular place of meeting of the board need not be within the corporate  
16 limits of the district but must be within the corporate limits of the county and be the  
17 regular meeting place of the board of county commissioners unless the board  
18 otherwise provides by resolution.

19 (i) The times of regular meetings of the board must be the same as the times of  
20 the regular meetings of the board of county commissioners unless the board  
21 otherwise provides by resolution.

22 (j) Special meetings may be held on notice to each member of the board as  
23 often as, and at such place or places within the county as, the board may determine,  
24 unless it otherwise provides by resolution.

25 (k) The office or principal place of the district need not be located within the  
26 corporate limits of the district and must be the office of the county clerk unless the  
27 board otherwise provides by resolution.

28 2. Each board of county commissioners may, by resolution, designate the  
29 district's name which may be used for all purposes, including, **without limitation,**  
30 contracts, lawsuits or in the performance of its duties or exercises of its functions.

31 3. The board may enter into contracts extending beyond the terms of each  
32 member then serving on the board if the contract is entered into in the manner  
33 provided for a board of county commissioners in NRS 244.320.

34 **Sec. 7.** Nothing in this act affects the term of office or election area of a  
35 member of a board of trustees of a district organized or reorganized pursuant to this  
36 chapter, ~~{and}~~ authorized **only** to exercise the basic power of furnishing electric  
37 light and power pursuant to NRS 318.117 in a county whose population is 400,000  
38 or more, **and for which the board of county commissioners of the county is not**  
39 **ex officio the board of trustees,** and who is in office on July 1, 2009.

40 **Sec. 8.** This act becomes effective on July 1, 2009.