

Amendment No. 196

Senate Amendment to Senate Bill No. 238	(BDR S-709)
Proposed by: Senate 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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

HAC/JWP



Date: 4/2/2015

S.B. No. 238—Disincorporates the City of Ely. (BDR S-709)



## SENATE BILL NO. 238—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 10, 2015

Referred to Committee on Government Affairs

SUMMARY—Disincorporates the City of Ely. (BDR S-709)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.  
Effect on the State: No.

~

EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to the City of Ely; disincorporating the City and forming the Town of Ely; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

This bill disincorporates the City of Ely and forms the Town of Ely, effective on ~~January 1, 2016,~~ July 1, 2018, if the voters of the City approve a ballot question on the issue at the June ~~2, 2015,~~ 6, 2017, general city election. If the voters approve the disincorporation of the City: (1) the Board of County Commissioners of White Pine County becomes the governing body of the newly formed Town; and (2) all money, property, assets, liabilities and indebtedness of the City of Ely become the money, property, assets, liabilities and indebtedness of the Town of Ely, on ~~January 1, 2016,~~ July 1, 2018. This bill makes various other changes to facilitate the transition of the City to the Town.

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

**Section 1.** 1. The City of Ely is hereby disincorporated.

2. The Town of Ely is hereby created. The boundaries of the Town of Ely are coterminous with the boundaries of the City of Ely, as they existed on ~~December 31, 2015,~~ June 30, 2018.

3. Notwithstanding any provision of law to the contrary, the term of office of any elected officer of the City ends on ~~December 31, 2015,~~ June 30, 2018.

**Sec. 2.** At the general city election held in the City of Ely on June ~~2, 2015,~~ 6, 2017, a question must be placed on the ballot in substantially the following form:

Shall the City of Ely be disincorporated?

Yes ☐ No ☐

The voter shall mark the ballot by placing a cross (x) next to the word “yes” or “no.”

**Sec. 3.** If the question set forth in section 2 of this act is approved by the voters of the City of Ely:

1 1. All money, property, assets, liabilities and indebtedness of the City of Ely  
2 become the money, property, assets, liabilities and indebtedness of the Town of Ely  
3 on ~~January 1, 2016,~~ July 1, 2018.

4 2. On ~~January 1, 2016,~~ July 1, 2018:

5 (a) Except as otherwise provided in this paragraph, the Board of County  
6 Commissioners of White Pine County is the governing body of the Town of Ely. At  
7 any time on or after ~~January 1, 2016,~~ July 1, 2018:

8 (1) A town board may be established pursuant to NRS 269.016 to 269.022,  
9 inclusive;

10 (2) A citizens' advisory council may be established pursuant to NRS  
11 269.024 to 269.0248, inclusive; or

12 (3) A town advisory board may be established pursuant to NRS 269.576 or  
13 269.577, as applicable, if the provisions of NRS 269.500 to 269.625, inclusive,  
14 become applicable to the Town pursuant to NRS 269.530;

15 (b) Any justice of the peace within the Town of Ely shall have jurisdiction to  
16 execute and complete all unfinished business standing on the court records of the  
17 City of Ely; and

18 (c) The provisions of chapter 269 of NRS apply to the Town of Ely.

19 3. Any property located within the City of Ely which was assessed and taxed  
20 by the City before disincorporation must continue to be assessed and taxed to pay  
21 for any indebtedness incurred by the City before disincorporation.

22 4. Before ~~January 1, 2016,~~ July 1, 2018, the Board of County  
23 Commissioners of White Pine County and the City Council of the City of Ely must  
24 perform all actions and preparatory administrative tasks necessary to facilitate the  
25 transition of the City of Ely to the Town of Ely.

26 **Sec. 4.** NRS 243.385 is hereby amended to read as follows:

27 243.385 After August 1, 1887, the county seat of White Pine County shall be  
28 located at the ~~City~~ Town of Ely in White Pine County.

29 **Sec. 5.** NRS 328.350 is hereby amended to read as follows:

30 328.350 1. The consent of the State of Nevada is hereby given, in  
31 accordance with Clause 17 of Section 8 of Article I of the Constitution of the  
32 United States, to the acquisition by the United States of the following-described  
33 land in this state as a site for a federal building at Ely: Lying and being in the ~~City~~  
34 Town of Ely, County of White Pine, State of Nevada; beginning at a point being the  
35 intersection of the westerly line of Fifth Street with the southerly line of Clark  
36 Street; running thence south 79°6' west 125 feet to a point in the south line of Clark  
37 Street; thence south 10°54' east 100 feet to a point in the north line of a 15-foot  
38 public alley; thence north 79°6' east 125 feet to a point in the west line of Fifth  
39 Street; thence north 10°54' west 100 feet to the point or place of beginning, being  
40 all of Lots 7, 8, 9, 10 and 11 of Block "Y," as shown and delineated upon the map  
41 or plat of the Townsite of Ely, filed and recorded in the Office of the County  
42 Recorder of White Pine County, Nevada.

43 2. The exclusive jurisdiction in and over the land described is hereby ceded to  
44 the United States for all purposes, except the service thereon of all civil and  
45 criminal process of the courts of this state, but the jurisdiction so ceded shall  
46 continue no longer than the United States shall own such lands; and so long as the  
47 lands shall remain the property of the United States, and no longer, the same shall  
48 be and continue exempt and exonerated from all state, county and municipal  
49 assessment, taxation or other charges which may be levied or imposed under the  
50 authority of this state.

51 **Sec. 6.** 1. This section and section 2 of this act become effective upon  
52 passage and approval.

1           2. Section 3 of this act becomes effective on June ~~12, 2015,~~ 7, 2017, only if a  
2 majority of the voters voting on the question placed on the ballot pursuant to  
3 section 2 of this act vote affirmatively on the question.

4           3. Sections 1, 4 and 5 of this act become effective on ~~January 1, 2016,~~ July  
5 1, 2018, only if a majority of the voters voting on the question placed on the ballot  
6 pursuant to section 2 of this act vote affirmatively on the question.