

SENATE BILL NO. 232—SENATOR SETTELMEYER

FEBRUARY 19, 2019

Referred to Committee on Natural Resources

**SUMMARY**—Revises certain provisions related to irrigation districts. (BDR 48-644)

**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 irrigation districts; authorizing the trustee or trustees to designate a beneficiary of a trust to vote in certain elections, sign certain petitions and run for certain offices of an irrigation district; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law provides that a person who holds title to land within an irrigation district has the right to: (1) vote at an election of the district; (2) sign a petition related to the district; and (3) hold office on the board directors of the district. If land within an irrigation district is held in trust, the trustee may exercise these rights or, if there are multiple trustees, the trustees must designate one of the trustees to exercise these rights. (NRS 539.123, 539.553) **Sections 1 and 2** of this bill authorize such a trustee or trustees, as applicable, to instead designate a beneficiary of the trust to exercise these rights.

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

**Section 1.** NRS 539.123 is hereby amended to read as follows:  
539.123 1. Any person 18 years of age or older, whether a resident of the district or not, who is or has declared his or her intention to become a citizen of the United States is an “elector” for the purposes of this chapter and is entitled to vote at any election held pursuant to this chapter if the following conditions as to ownership of land are met:



(a) The elector must be the bona fide holder of title or evidence of title, as defined in NRS 539.020 and 539.023, to land within the district or have a contractual right to acquire title to land within the district upon payment of a fixed sum to the record titleholder.

(b) The holder of an undivided interest in land is an elector and, if the interest of the holder is community property, the holder's spouse is an elector if the spouse appears of record as the owner of an interest in the acreage. If two or more persons hold undivided or community interests in land, one such person may vote upon presenting the written consent of his or her fellow holders.

(c) A surface water right must be appurtenant to the acreage.

2. An elector is entitled to vote according to the land which the elector owns outright, as follows:

(a) Ten acres or less, one vote;

(b) For each additional 10 acres or a part thereof, up to and including 200 acres, one additional vote; and

(c) For each additional 100 acres or a part thereof above 200 acres, one additional vote.

➤ The district shall issue a separate ballot for each vote which an elector is entitled to cast.

3. If two or more persons hold undivided or community interests in land, each is entitled to cast a percentage of the respective votes otherwise allowed pursuant to subsection 2 that is equal to his or her percentage interest in that land, except that, if pursuant to this subsection those persons are entitled to a fractional interest in a vote, that vote may only be cast by one of those persons upon presenting the written consent of his or her fellow holders.

4. Any elector who resides outside the district, who owns land in the district, and who is qualified to vote at district elections shall be deemed a resident of that division and precinct of the district in which the major portion of the elector's lands are located, for the purpose of determining the elector's place of voting and qualifications for holding office.

5. Any elector who resides within the district boundaries shall be deemed a resident of the division in which he or she actually resides, for the purpose of determining the elector's qualification for voting and holding office.

6. A guardian, executor ~~{}~~ or administrator ~~{for-trustee}~~ shall be deemed the holder of title or evidence of title, as prescribed in NRS 539.020 and 539.023, to the land in the State for which he or she is the guardian, executor ~~{}~~ or administrator, ~~{for-trustee,}~~ and has the right to sign petitions, vote and do all things that any elector may do pursuant to this chapter. If there is more than one guardian, executor ~~{}~~ or administrator, ~~{for-trustee,}~~ they must designate one of their



number to sign petitions, vote and do the other things that an elector may do pursuant to this chapter.

7. Corporations, partnerships or limited-liability companies holding land in the district shall be deemed persons entitled to exercise all the rights of natural persons, and the president of such a corporation, the general partner of such a partnership, the manager of such a limited-liability company, or any other person authorized in writing by the president of the corporation, the general partner of the partnership or the members of the limited-liability company, may sign any petition authorized by this chapter, and register and cast the vote of the corporation, partnership or limited-liability company at any election. If a partnership has more than one general partner, the general partners must designate one of their number to sign petitions, vote and do the other things that an elector may do pursuant to this chapter. If a limited-liability company:

(a) Has more than one manager, the managers must designate one of their number to sign petitions, vote and do the other things that an elector may do pursuant to this chapter.

(b) Does not have a manager, the members must designate one of their number to sign petitions, vote and do the other things that an elector may do pursuant to this chapter.

8. *A trustee shall be deemed the holder of title or evidence of title, as prescribed in NRS 539.020 and 539.023, to the land in the State for which he or she is the trustee, and has the right to sign petitions, vote and do all things that any elector may do pursuant to this chapter or designate one of the beneficiaries of the trust to sign petitions, vote and do all things that an elector may do pursuant to this chapter. If there is more than one trustee, the trustees must designate one of their number to sign petitions, vote and do the other things that an elector may do pursuant to this chapter or designate one of the beneficiaries of the trust to sign petitions, vote and do all things that an elector may do pursuant to this chapter.*

9. Designations or written consents for the purposes of registration and voting as authorized pursuant to this section must be filed with the district not later than 14 days before the election.

**Sec. 2.** NRS 539.553 is hereby amended to read as follows:

539.553 In any election to approve any bond issue, contract or other proposal which would subject the lands in any district to the repayment of an obligation to be incurred for capital purposes, the following procedure must be followed:

1. The secretary of the district shall prepare from the book of assessments a list of all electors qualified by an ownership of land which meets the conditions prescribed in paragraphs (a), (b) and (c) of subsection 1 of NRS 539.123, showing the number of acres listed



1 to each such elector, or the percentage interest in acreage held by  
2 each elector who holds an undivided interest in land.

3 2. At the time and place appointed for the election, the list must  
4 be open for inspection. If both spouses vote with respect to acreage  
5 in which their interest is community property, the number of votes  
6 attributed to that acreage must be divided equally between them. If  
7 one holder of an undivided interest votes with the consent of his or  
8 her fellow holders, the entire acreage must be attributed to him or  
9 her.

10 3. An elector is entitled to vote on the proposal according to  
11 the land which the elector owns outright, as follows:

12 (a) Ten acres or less, one vote;

13 (b) For each additional 10 acres or a part thereof, up to and  
14 including 200 acres, one additional vote; and

15 (c) For each additional 100 acres or a part thereof above 200  
16 acres, one additional vote.

17 ➡ The district shall issue a separate ballot for each vote which an  
18 elector is entitled to cast.

19 4. If two or more persons hold undivided or community  
20 interests in land, each is entitled to cast a percentage of the  
21 respective votes otherwise allowed pursuant to subsection 3 that is  
22 equal to his or her percentage interest in that land, except that, if  
23 pursuant to this subsection those persons are entitled to a fractional  
24 interest in a vote, that vote may only be cast by one of those persons  
25 upon presenting the written consent of his or her fellow holders.

26 5. A guardian, executor ~~[ ]~~ or administrator ~~[or trustee]~~ shall be  
27 deemed the holder of title or evidence of title to the land in the State  
28 for which he or she is the guardian, executor ~~[ ]~~ or administrator ,  
29 ~~[or trustee,]~~ and has the right to vote pursuant to this section. If there  
30 is more than one guardian, executor ~~[ ]~~ or administrator , ~~[or~~  
31 ~~trustee,]~~ they must designate one of their number to vote pursuant to  
32 this section.

33 6. Corporations, partnerships or limited-liability companies  
34 holding land in the district shall be deemed persons entitled to  
35 exercise all the rights of natural persons, and the president of such a  
36 corporation, the general partner of such a partnership, the manager  
37 of such a limited-liability company, or any other person authorized  
38 in writing by the president of the corporation, the general partner of  
39 the partnership or the members of the limited-liability company,  
40 may cast the vote of the corporation, partnership or limited-liability  
41 company pursuant to this section. If a partnership has more than one  
42 general partner, the general partners must designate one of their  
43 number to cast the vote of the partnership pursuant to this section. If  
44 a limited-liability company:



(a) Has more than one manager, the managers must designate one of their number to cast the vote of the limited-liability company pursuant to this section.

(b) Does not have a manager, the members must designate one of their number to cast the vote of the limited-liability company pursuant to this section.

*7. A trustee shall be deemed the holder of title or evidence of title to the land in the State for which he or she is the trustee, and has the right to vote pursuant to this section or designate one of the beneficiaries of the trust to vote pursuant to this section. If there is more than one trustee, the trustees must designate one of their number to vote pursuant to this section or designate one of the beneficiaries of the trust to vote pursuant to this section.*

8. Designations or written consents for the purposes of voting as authorized pursuant to this section must be filed with the district not later than 14 days before the election.

~~8-1~~ 9. At the end of the time appointed for voting, the secretary of the district shall determine the total number of votes cast approving the proposal and shall declare it passed if the proposal is approved by a majority of the votes cast.

~~9-1~~ 10. If the proposal is not so approved, it is rejected and the result must be entered of record.

~~10-1~~ 11. No informalities in conducting the election invalidate the result if the election is fairly conducted and the result can be clearly ascertained.

~~11-1~~ 12. For the purposes of this section, eligibility to vote and the number of acres listed to each elector must be determined from the current book of assessments. The board may by regulation permit holders of real property in the district to establish eligibility to vote by providing proof of acquisition of an interest in real property in the district since the last assessment roll was closed.

**Sec. 3.** This act becomes effective on July 1, 2019.

