
SENATE BILL NO. 119—SENATOR HARDY

FEBRUARY 13, 2013

JOINT SPONSOR: ASSEMBLYMAN HARDY

Referred to Committee on Government Affairs

SUMMARY—Revises various provisions of the Fort Mohave Valley Development Law. (BDR S-472)

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 public lands; transferring public lands administered by Clark County under the Fort Mohave Valley Development Law from Clark County to the State of Nevada; transferring the powers and duties of the Board of County Commissioners of Clark County under the Fort Mohave Valley Development Law to the Colorado River Commission of Nevada; requiring the transfer of the money in the Fort Mohave Valley Development Fund in the County Treasury of Clark County to the Fort Mohave Valley Development Account in the State General Fund; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 In 2007, the Legislature revised the Fort Mohave Valley Development Law by
2 transferring from the Colorado River Commission of Nevada to the Board of
3 County Commissioners of Clark County various powers and duties relating to the
4 development of the Fort Mohave Valley, including the power to acquire, develop
5 and dispose of certain public lands in the Fort Mohave Valley and the authority to
6 expend money from the former Fort Mohave Valley Development Account for
7 specified purposes. (Chapter 427, Statutes of Nevada 2007, p. 2000) This bill
8 transfers back to the Commission the power and responsibility of administering the
9 Fort Mohave Valley Development Law. To carry out the transfer, this bill provides
10 that: (1) all public lands held, controlled or administered by Clark County under the
11 Fort Mohave Valley Development Law must be transferred from Clark County to
12 the State of Nevada; and (2) all money in the Fort Mohave Valley Development



13 Fund in the County Treasury must be transferred by Clark County to the State
14 Treasurer for credit to the Fort Mohave Valley Development Account in the State
15 General Fund.

16 To ensure that the Colorado River Commission of Nevada administers the Fort
17 Mohave Valley Development Law for the benefit of the Fort Mohave Valley,
18 **section 1** of this bill provides that the Commission has a fiduciary duty to: (1)
19 administer the Fort Mohave Valley Development Law exclusively for the purposes
20 of developing the Fort Mohave Valley and any general improvement district,
21 special district, town or city, including the City of Laughlin, whose territory
22 contains all or a part of the land in Fort Mohave Valley; and (2) use the money in
23 the Fort Mohave Valley Development Account only for the purposes expressly
24 authorized by the Fort Mohave Valley Development Law. **Section 8** of this bill
25 requires that, if the incorporation of the City of Laughlin is approved by the voters
26 at an election held for that purpose, the Commission use the money in the Account
27 to pay certain costs of an election for City offices and certain costs and expenses for
28 new staffing and equipment and operational and capital start-up costs for the City
29 for a period not to exceed 2 years immediately following the date of incorporation
30 of the City.

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

1 **Section 1.** Section 2 of chapter 427, Statutes of Nevada 2007,
2 as amended by chapter 369, Statutes of Nevada 2009, at page 1857,
3 is hereby amended to read as follows:

4 Sec. 2. 1. This act may be cited as the Fort Mohave
5 Valley Development Law.

6 2. The Legislature hereby finds and declares that:

7 (a) It is in the public interest to transfer to ~~{Clark County}~~
8 *the State of Nevada* all of the right, title and interest of ~~{the~~
9 ~~State of Nevada}~~ *Clark County* in all land held, controlled or
10 administered by the ~~{Colorado River Commission of Nevada}~~
11 *Board of County Commissioners of Clark County* on behalf
12 of ~~{the State}~~ *Clark County* under the Fort Mohave Valley
13 Development Law.

14 (b) The ~~{Board of County Commissioners of Clark~~
15 ~~County}~~ *Colorado River Commission of Nevada* has a
16 fiduciary duty to:

17 (1) Administer the Fort Mohave Valley Development
18 Law exclusively for the purposes of developing the Fort
19 Mohave Valley and any general improvement district, special
20 district, town or city whose territory contains all or a part of
21 the land in the Fort Mohave Valley; and

22 (2) Use the money in the Fort Mohave Valley
23 Development ~~{Fund}~~ *Account* only for the purposes expressly
24 authorized by the Fort Mohave Valley Development Law.



1 **Sec. 2.** Section 3 of chapter 427, Statutes of Nevada 2007, as
2 amended by chapter 369, Statutes of Nevada 2009, at page 1857, is
3 hereby amended to read as follows:

4 Sec. 3. 1. As used in this act, unless the context
5 otherwise requires:

6 (a) ~~“Board of County Commissioners” or “Board” means~~
7 ~~the Board of County Commissioners of Clark County.~~

8 ~~—(b)—~~ “Clark County” or “County” means Clark County,
9 Nevada, as created by NRS 243.035.

10 (b) *“Commission” means the Colorado River*
11 *Commission of Nevada.*

12 (c) “Development” and “develop” include the:

13 (1) Preparation of a proposal, plans for a subdivision,
14 plans for a zoning district or zoning regulations, or any other
15 acts in conformance with chapters 278 and 278A of NRS and
16 any local master plans, regulations and ordinances governing
17 the improvement or use of land or the location and
18 construction of structures;

19 (2) Planning, design, construction or any other act
20 necessary to acquire, extend, alter, reconstruct, repair or make
21 other improvements to a project; and

22 (3) Solicitation, consideration and approval of
23 proposals for the use of land,
24 ↪ in the Fort Mohave Valley and in any general
25 improvement district, special district, town or city whose
26 territory contains all or a part of the land in the Fort Mohave
27 Valley.

28 (d) “Fort Mohave Valley Development ~~Fund~~ *Account*”
29 or ~~“Fund”~~ *“Account”* means the ~~fund~~ *account* created in
30 the ~~County Treasury~~ *State General Fund* pursuant to
31 section 6 of this act.

32 2. As used in this section, “project” means any structure,
33 facility, undertaking or system which a county, city, town,
34 general improvement district or special district is authorized
35 to acquire, improve, equip, maintain or operate, including all
36 kinds of personal and real property, improvements and
37 fixtures thereon, property of any nature appurtenant thereto or
38 used in connection therewith and every estate, interest and
39 right therein, legal or equitable, including terms for years, or
40 any combination thereof.

41 **Sec. 3.** Section 4 of chapter 427, Statutes of Nevada 2007, as
42 amended by chapter 369, Statutes of Nevada 2009, at page 1858, is
43 hereby amended to read as follows:

44 Sec. 4. 1. The ~~Board of County Commissioners~~
45 *Commission* may , *on behalf of the State of Nevada,*



1 purchase or otherwise acquire from the Federal Government
2 all or any portion of the lands described in subsection 2, at
3 intervals during any period when a purchase or acquisition
4 may be made as provided by the Congress of the United
5 States, including any extension of time granted by the
6 Secretary of the Interior of the United States, or otherwise.

7 2. The lands referred to in subsection 1 are described as
8 follows:

9 (a) Parcel 1. All of sections 1, 12 and 13; fractional
10 sections 24 and 25, T. 33 S., R. 65 E.

11 (b) Parcel 2. All of sections 6, 7 and 8; fractional
12 sections 4, 5, 9, 10 and 15, all of section 16, fractional section
13 17, all of section 18, fractional sections 19, 20, 21, 30 and 31,
14 T. 33 S., R. 66 E.

15 (c) Parcel 3. All of sections 9, 10, 11, 14, 15 and 16,
16 east 1/2 section 20, all of sections 21, 22, 23, fractional
17 sections 24, 25 and 26, all of sections 27 and 28, east 1/2
18 section 29, southeast 1/4 section 31, fractional sections 32,
19 33, 34 and 35, T. 32 S., R. 66 E.

20 (d) Parcel 4. Fractional sections 4 and 5, T. 34 S., R. 66
21 E., and any other surveyed land or any unsurveyed land lying
22 between the lands described in parcels 2, 3 and 4 and the
23 Arizona-Nevada state line.

24 *(e) Any other lands which are owned by the Federal*
25 *Government and located within the Laughlin Township of*
26 *Clark County, the purchase or acquisition of which is*
27 *intended to facilitate the development and diversification of*
28 *the local economy in furtherance of the objectives of the*
29 *Fort Mohave Valley Development Law.*

30 ↪ All references to township and range in this subsection
31 refer to Mount Diablo base and meridian.

32 **Sec. 4.** Section 5 of chapter 427, Statutes of Nevada 2007, as
33 amended by chapter 369, Statutes of Nevada 2009, at page 1859, is
34 hereby amended to read as follows:

35 Sec. 5. 1. The ~~{Board of County Commissioners}~~
36 **Commission** shall undertake such engineering, planning and
37 developmental studies and such other action as may be
38 necessary for the development of the Fort Mohave Valley and
39 any general improvement district, special district, town or city
40 whose territory contains all or a part of the land in the Fort
41 Mohave Valley.

42 2. The ~~{Board}~~ **Commission** shall not solicit plans for
43 development or dispose of lands described in sections 4 and 8
44 of this act unless it has first determined that the proposed
45 development or disposal:



1 (a) Is consistent with the master plan adopted pursuant to
2 chapter 278 of NRS which governs the land proposed for
3 development or disposal; or

4 (b) Constitutes an acceptable revision to the master plan,
5 and is consistent with the plans and projects of any general
6 improvement district, special district, town or city whose
7 territory contains the land proposed for development or
8 disposal.

9 3. Any such proposal for the development or disposal of
10 land must comply with applicable local regulations and
11 ordinances governing the development of land, the location
12 and construction of structures or the regulation of projects.

13 4. The ~~{Board}~~ *Commission* may adopt procedures for
14 the development or disposal of the lands described in sections
15 4 and 8 of this act and may develop, dispose of and approve
16 requests for the development or disposal of those lands only if
17 the development or disposal:

18 (a) Is consistent with the master plan governing the land
19 proposed for development or disposal; or

20 (b) Constitutes an acceptable revision to the master plan.

21 5. The ~~{Board}~~ *Commission* may relinquish all rights,
22 powers and privileges to purchase any portion, part or parcel
23 of the lands described in section 4 of this act. Any such
24 relinquishment must be made by written instrument, approved
25 by the ~~{District Attorney of the County}~~ *Attorney General*
26 and forwarded to the Secretary of the Interior of the United
27 States.

28 **Sec. 5.** Section 6 of chapter 427, Statutes of Nevada 2007, as
29 amended by chapter 369, Statutes of Nevada 2009, at page 1859, is
30 hereby amended to read as follows:

31 Sec. 6. 1. For the use of the ~~{Board of County~~
32 ~~Commissioners}~~ *Commission* in carrying out the Fort
33 Mohave Valley Development Law, the ~~{County Treasurer~~
34 ~~shall create in the County Treasury a separate fund designated~~
35 ~~as the}~~ Fort Mohave Valley Development ~~{Fund}~~ *Account is*
36 *hereby created in the State General Fund.*

37 2. The interest and income earned on the money in the
38 Fort Mohave Valley Development ~~{Fund}~~ *Account*, after
39 deducting any applicable charges, must be credited to the
40 ~~{Fund}~~ *Account.*

41 3. Money in the Fort Mohave Valley Development
42 ~~{Fund}~~ *Account* must be paid out on claims against the
43 ~~{Fund}~~ *Account* as other claims against the ~~{County}~~ *State* are
44 paid, after the claims have been approved by the *State Board*
45 ~~{}~~ *of Examiners.*



1 **Sec. 6.** Section 7 of chapter 427, Statutes of Nevada 2007, as
2 amended by chapter 369, Statutes of Nevada 2009, at page 1859, is
3 hereby amended to read as follows:

4 Sec. 7. 1. The ~~{Board of County Commissioners}~~
5 *Commission* shall administer the Fort Mohave Valley
6 Development Law exclusively for the purposes of developing
7 the Fort Mohave Valley and any general improvement
8 district, special district, town or city whose territory contains
9 all or a part of the land in the Fort Mohave Valley.

10 2. Any money received by the ~~{County}~~ *Commission or*
11 *the State* in connection with the administration of the Fort
12 Mohave Valley Development Law, including, without
13 limitation, any money received from the development or
14 disposition of any land described in section 4 or 8 of this act
15 or any other land which the ~~{County}~~ *Commission* acquires
16 using money from the Fort Mohave Valley Development
17 ~~{Fund,} Account~~, must be deposited ~~{in the County Treasury}~~
18 *with the State Treasurer for credit* to the ~~{credit of the Fort~~
19 ~~Mohave Valley Development Fund.} Account~~.

20 **Sec. 7.** Section 8 of chapter 427, Statutes of Nevada 2007, as
21 amended by chapter 369, Statutes of Nevada 2009, at page 1860, is
22 hereby amended to read as follows:

23 Sec. 8. The ~~{Board of County Commissioners}~~
24 *Commission* may act as the agent of ~~{Clark County}~~ *the State*
25 *of Nevada* in the development and disposal of lands in the
26 Fort Mohave Valley described as ~~{being}~~ :

27 1. *Being* all those lands in T. 32 S., R. 66 E., M.D.B. &
28 M., lying between the meander line of the General Land
29 Office dependent resurvey of 1947 and the right bank of the
30 channel of the Colorado River and all those lands in T. 33 S.,
31 R. 66 E., M.D.B. & M. and T. 34 S., R. 66 E., M.D.B. & M.,
32 lying between the meander line of the General Land Office
33 survey of 1932 and the right bank of the channel of the
34 Colorado River ~~{}~~; and

35 2. *Any lands purchased or acquired from the Federal*
36 *Government pursuant to paragraph (e) of subsection 2 of*
37 *section 4 of the Fort Mohave Valley Development Law.*

38 **Sec. 8.** Section 9 of chapter 427, Statutes of Nevada 2007, as
39 last amended by chapter 481, Statutes of Nevada 2011, at page
40 3021, is hereby amended to read as follows:

41 Sec. 9. 1. Except as otherwise provided in ~~{subsection~~
42 ~~2,} subsections 2 and 3~~, the ~~{Board of County~~
43 ~~Commissioners}~~ *Commission* may use money in the Fort
44 Mohave Valley Development ~~{Fund} Account~~ only to:



1 (a) Purchase or otherwise acquire lands described in
2 sections 4 and 8 of this act; and

3 (b) Administer the Fort Mohave Valley Development
4 Law exclusively for the purposes of developing the Fort
5 Mohave Valley and any general improvement district, special
6 district, town or city whose territory contains all or a part of
7 the land in the Fort Mohave Valley, including, without
8 limitation, the planning, design and construction of capital
9 improvements which develop the land in the Fort Mohave
10 Valley or in any general improvement district, special district,
11 town or city whose territory contains all or a part of the land
12 in the Fort Mohave Valley.

13 2. The ~~{Board of County Commissioners}~~ *Commission*
14 shall use money in the Fort Mohave Valley Development
15 ~~{Fund}~~ *Account* to pay:

16 (a) Any costs incurred by the Committee on Local
17 Government Finance created by NRS 354.105, for the
18 preparation of the report related to the fiscal feasibility of the
19 incorporation of the City of Laughlin ~~{that is}~~ required by
20 section 4 of chapter 481, Statutes of Nevada 2011 ~~{;}~~, *to the*
21 *extent any such costs remain unpaid on July 1, 2013.*

22 (b) Any costs incurred by the County to hold ~~{the~~
23 ~~elections described in sections 5 and 11 of chapter 481,~~
24 ~~Statutes of Nevada 2011; and~~

25 ~~—(c) Any other costs incurred by the County or City of~~
26 ~~Laughlin associated with the incorporation of the City of~~
27 ~~Laughlin;~~

28 ~~→ to the extent that gifts, grants or donations are not available~~
29 ~~to pay for the expenses.} *an election on the question of*~~

30 *incorporation of the City of Laughlin, if the County is*
31 *otherwise authorized or required to hold such an election.*
32 3. *In addition to the requirements of subsection 2, if*
33 *the incorporation of the City of Laughlin is approved by the*
34 *voters at an election described in paragraph (b) of that*
35 *subsection, the Commission shall use money in the Fort*
36 *Mohave Valley Development Account to pay:*

37 (a) *Any costs incurred by the County to hold an election*
38 *for City offices, if the County is otherwise authorized or*
39 *required to hold such an election.*

40 (b) *The costs and expenses of new staffing and*
41 *equipment for the City and the operational and capital start-*
42 *up costs of the City identified in the report described in*
43 *paragraph (a) of subsection 2, for a period not to exceed 2*
44 *years immediately following the date of incorporation of the*
45 *City.*



1 **4. The Commission shall not use money in the Account**
2 **for any project or use outside the Fort Mohave Valley.**

3 **Sec. 9.** Sections 11, 12, 13 and 14 of chapter 427, Statutes of
4 Nevada 2007, at pages 2006 and 2007, are hereby repealed.

5 **Sec. 10.** 1. As soon as practicable after passage and approval
6 of this act but not later than July 1, 2013, the Board of County
7 Commissioners of Clark County shall, on behalf of Clark County,
8 convey gratuitously and by quitclaim deed to the State of Nevada all
9 of the right, title and interest of Clark County in all land held,
10 controlled or administered by the Board of County Commissioners
11 of Clark County on behalf of the County under the Fort Mohave
12 Valley Development Law.

13 2. Each conveyance authorized by subsection 1 is subject to
14 any easement existing on the date of the conveyance, whether or not
15 of record.

16 3. The Colorado River Commission of Nevada shall pay any
17 expenses incurred by Clark County to carry out the provisions of
18 this section.

19 **Sec. 11.** 1. As soon as practicable after passage and approval
20 of this act but not later than July 1, 2013, the County Treasurer of
21 Clark County shall transfer the money in the Fort Mohave Valley
22 Development Fund in the County Treasury to the State Treasurer for
23 credit to the Fort Mohave Valley Development Account in the State
24 General Fund.

25 2. On and after the date on which the County Treasurer makes
26 the transfer required by subsection 1:

27 (a) All outstanding claims against Clark County or the Board of
28 County Commissioners of Clark County payable from the Fort
29 Mohave Valley Development Fund in the County Treasury before
30 the date of the transfer shall be deemed to be claims against the
31 State of Nevada or the Colorado River Commission of Nevada
32 payable from the Fort Mohave Valley Development Account in the
33 State General Fund;

34 (b) All outstanding contracts or other agreements entered into by
35 the Board of County Commissioners of Clark County to carry out
36 the Fort Mohave Valley Development Law before the date of the
37 transfer shall be deemed to be binding upon the Colorado River
38 Commission of Nevada and the State of Nevada and may be
39 enforced by and against the Colorado River Commission of Nevada
40 and the State of Nevada according to their terms; and

41 (c) All outstanding obligations, debts and liabilities incurred by
42 Clark County to carry out the Fort Mohave Valley Development
43 Law before the date of the transfer shall be deemed to be assumed
44 by the Colorado River Commission of Nevada and the State of
45 Nevada and may be enforced against the Colorado River



1 Commission of Nevada and the State of Nevada, and the Colorado
2 River Commission of Nevada and the State of Nevada shall
3 indemnify and hold Clark County and the Board of County
4 Commissioners of Clark County harmless against all such
5 obligations, debts and liabilities.

6 3. The provisions of this section do not apply to any
7 outstanding bonds or similar obligations issued by the Board of
8 County Commissioners of Clark County to carry out the Fort
9 Mohave Valley Development Law before the date of the transfer,
10 but only to the extent that the provisions of this section would
11 constitute an impairment of the rights of the holders of the bonds or
12 similar obligations. If there are any such outstanding bonds or
13 similar obligations, the Board of County Commissioners of Clark
14 County shall take whatever actions that are deemed necessary to
15 protect the interests of Clark County and the rights of the holders of
16 the bonds or similar obligations.

17 **Sec. 12.** The Board of County Commissioners of Clark County
18 shall cooperate with the Colorado River Commission of Nevada to
19 ensure that the provisions of this act are carried out in an orderly
20 manner, including, without limitation, the transfer or exchange of
21 books and records relating to the administration of the Fort Mohave
22 Valley Development Law.

23 **Sec. 13.** This act becomes effective:

24 1. Upon passage and approval for the purposes of carrying out
25 the provisions of sections 10, 11 and 12 of this act and the orderly
26 transfer to the Colorado River Commission of Nevada of the powers
27 and duties of the Board of County Commissioners of Clark County
28 under the Fort Mohave Valley Development Law; and

29 2. On July 1, 2013, for all other purposes.

LEADLINES OF REPEALED SECTIONS

Sec. 11. Transfer of certain lands to Clark County.

**Sec. 12. Transfer of certain funds to Clark County;
treatment of outstanding claims, contracts and liabilities.**

**Sec. 13. Transfer of administrative responsibilities to
Clark County.**

Sec. 14. Effective date.

