

CHAPTER.....

AN ACT relating to state parks; eliminating the parks marina development fund; expanding the permissible uses of money received from the tax on motor vehicle fuel used in watercraft for recreational purposes; and providing other matters properly relating thereto.

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

Section 1. NRS 365.535 is hereby amended to read as follows:

365.535 1. It is declared to be the policy of the State of Nevada to apply the tax on motor vehicle fuel paid on fuel used in watercraft for recreational purposes during each calendar year, which is hereby declared to be not refundable to the consumer, for the ~~improvement~~ :

(a) *Improvement* of boating and the improvement, operation and maintenance of other outdoor recreational facilities ~~associated with boating and for the payment~~ *located in any state park that includes a body of water used for recreational purposes; and*

(b) *Payment* of the costs incurred, in part, for the administration and enforcement of the provisions of chapter 488 of NRS.

2. The amount of excise taxes paid on all motor vehicle fuel used in watercraft for recreational purposes must be determined annually by the department by use of the following formula:

(a) Multiplying the total boats with motors registered the previous calendar year, pursuant to provisions of chapter 488 of NRS, times 220.76 gallons average fuel purchased per boat;

(b) Adding 566,771 gallons of fuel purchased by out-of-state boaters as determined through a study conducted during 1969-1970 by the division of agricultural and resource economics, Max C. Fleischmann College of Agriculture, University of Nevada, Reno; and

(c) Multiplying the total gallons determined by adding the total obtained under paragraph (a) to the figure in paragraph (b) times the rate of tax, per gallon, imposed on motor vehicle fuel used in watercraft for recreational purposes, less the percentage of the tax authorized to be deducted by the dealer pursuant to NRS 365.330.

3. The division of wildlife of the state department of conservation and natural resources shall submit annually to the department, on or before April 1, the number of boats with motors registered in the previous calendar year. On or before June 1, the department, using that data, shall compute the amount of excise taxes paid on all motor vehicle fuel used in watercraft for recreational purposes based on the formula set forth in subsection 2, and shall certify the ratio for apportionment and distribution, in writing, to the division of wildlife of the state department of conservation and natural resources and to the division of state parks of the state department of conservation and natural resources for the next fiscal year.

4. In each fiscal year, the state treasurer shall, upon receipt of the tax money from the department collected pursuant to the provisions of NRS 365.170 to 365.190, inclusive, allocate the amount determined pursuant to subsection 2, in proportions directed by the legislature, to:

(a) The wildlife account in the state general fund. This money may be expended only for the administration and enforcement of the provisions of chapter 488 of NRS and for the improvement, operation and maintenance of boating facilities and other outdoor recreational facilities associated with boating. ~~on state owned wildlife management areas. Any of this money declared by the division of wildlife of the state department of conservation and natural resources to be~~ *Any money received* in excess of ~~its~~ immediate requirements for these purposes may be transferred to the credit of the parks marina development fund for use by the division of state parks of the state department of conservation and natural resources in accordance with the provisions of paragraph (b). ~~the amount authorized by the legislature to be expended for such purposes must be retained in the wildlife account.~~

(b) The ~~parks marina development fund which is hereby created as a special revenue fund for use by the~~ division of state parks of the state department of conservation and natural resources. ~~All money so deposited to the credit of the division of state parks~~ *Such money* may be expended only as authorized by the legislature for the improvement, operation and maintenance of boating facilities and other outdoor recreational facilities ~~associated with boating.~~

~~5. Money that the state treasurer is required to allocate pursuant to the provisions of subsection 4 may be paid quarterly or oftener if convenient to the state treasurer.~~ *located in any state park that includes a body of water used for recreational purposes.*

Sec. 2. NRS 407.069 is hereby amended to read as follows:

407.069 In the utilization of the money received pursuant to the provisions of NRS 365.535, the administrator, subject to the approval of the director, may execute agreements with federal and state agencies, counties and special districts for the development, improvement, operation and maintenance of boating facilities and other outdoor recreational facilities ~~associated with boating.~~ *located in any state park that includes a body of water used for recreational purposes.*

Sec. 3. Section 97 of chapter 224, Statutes of Nevada 1999, at page 1017, is hereby amended to read as follows:

Sec. 97. NRS 365.535 is hereby amended to read as follows:

365.535 1. It is declared to be the policy of the State of Nevada to apply the tax on motor vehicle fuel paid on fuel used in watercraft for recreational purposes during each calendar year, which is hereby declared to be not refundable to the consumer, for the:

(a) Improvement of boating and the improvement, operation and maintenance of other outdoor recreational facilities located in any state park that includes a body of water used for recreational purposes; and

(b) Payment of the costs incurred, in part, for the administration and enforcement of the provisions of chapter 488 of NRS.

2. The amount of excise taxes paid on all motor vehicle fuel used in watercraft for recreational purposes must be determined annually by the department by use of the following formula:

(a) Multiplying the total boats with motors registered the previous calendar year, pursuant to provisions of chapter 488 of NRS, times 220.76 gallons average fuel purchased per boat;

(b) Adding 566,771 gallons of fuel purchased by out-of-state boaters as determined through a study conducted during 1969-1970 by the division of agricultural and resource economics, Max C. Fleischmann College of Agriculture, University of Nevada, Reno; and

(c) Multiplying the total gallons determined by adding the total obtained under paragraph (a) to the figure in paragraph (b) times the rate of tax, per gallon, imposed on motor vehicle fuel used in watercraft for recreational purposes, less the percentage of the tax authorized to be deducted by the ~~dealer~~ *supplier* pursuant to NRS 365.330.

3. The division of wildlife of the state department of conservation and natural resources shall submit annually to the department, on or before April 1, the number of boats with motors registered in the previous calendar year. On or before June 1, the department, using that data, shall compute the amount of excise taxes paid on all motor vehicle fuel used in watercraft for recreational purposes based on the formula set forth in subsection 2, and shall certify the ratio for apportionment and distribution, in writing, to the division of wildlife of the state department of conservation and natural resources and to the division of state parks of the state department of conservation and natural resources for the next fiscal year.

4. In each fiscal year, the state treasurer shall, upon receipt of the tax money from the department collected pursuant to the provisions of NRS ~~365.170 to 365.190, inclusive,~~ *365.180, 365.185 and 365.190 and section 59 of this act* allocate the amount determined pursuant to subsection 2, in proportions directed by the legislature, to:

(a) The wildlife account in the state general fund. This money may be expended only for the administration and enforcement of the provisions of chapter 488 of NRS and for the improvement, operation and maintenance of boating facilities and other outdoor recreational facilities associated with boating. Any money received in excess of the amount authorized by the legislature to be expended for such purposes must be retained in the wildlife account.

(b) The division of state parks of the state department of conservation and natural resources. Such money may be expended only as authorized by the legislature for the improvement, operation and maintenance of boating facilities and other outdoor recreational facilities located in any state park that includes a body of water used for recreational purposes.

Sec. 4. This act becomes effective on July 1, 2001.