

Amendment No. 202

Senate Amendment to Senate Bill No. 396 (BDR 43-919)

Proposed by: Senate Committee on Government Affairs

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will MAINTAIN the unfunded mandate requested by the affected local government to S.B. 396 (§ 1).

| 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 underlining* is newly added transitory language.

MSM/BJE



Date: 4/24/2011

S.B. No. 396—Changes the governmental entity entrusted to administer and distribute the additional funds generated by the special license plates for the support of the natural environment of the Mount Charleston area. (BDR 43-919)



SENATE BILL NO. 396—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 28, 2011

Referred to Committee on Government Affairs

SUMMARY—Changes the governmental entity entrusted to administer and distribute the additional funds generated by the special license plates for the support of the natural environment of the Mount Charleston area. (BDR 43-919)

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

CONTAINS UNFUNDED MANDATE (§ 1)
(REQUESTED BY AFFECTED LOCAL GOVERNMENT)

~

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

AN ACT relating to motor vehicles; requiring that the additional funds generated by the special license plates for the support of the natural environment of the Mount Charleston area be administered and distributed by the Board of County Commissioners of Clark County, with the advice of the Mount Charleston Town Advisory Board ~~or~~ or its successor, rather than by the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law provides for the issuance of special license plates for the support of the natural environment of the Mount Charleston area, creates an account for those license plates, requires the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources to administer the account and allows the Administrator to provide grants from the account. (NRS 321.5959, 482.37935) This bill: (1) eliminates the Account for License Plates for the Support of the Natural Environment of the Mount Charleston Area; (2) ~~eliminates the involvement of the Administrator of the Division of State Lands; (2)~~ requires that the additional funds generated by those special license plates be distributed directly, on a quarterly basis, to the ~~Mount Charleston Town Advisory Board or its successor;~~ Board of County Commissioners of Clark County; and ~~(4)~~ (3) requires the Board of County Commissioners, with the advice of the Mount Charleston Town Advisory Board or its successor, to use and grant the money so distributed to it only for the support of programs for the natural environment of the Mount Charleston area. Thus, this bill does not change the permissible uses of the additional funds generated by the special license plates for the support of the natural environment of the Mount Charleston area. Rather, it simply changes the identity of the governmental entity entrusted to administer and distribute those funds. This bill also provides, however, that programs and projects in effect on, and grants made before, the effective date of this bill (July 1, 2011) must be continued or

expended, as applicable, under the supervision of the Administrator of the Division of State Lands.

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

Section 1. NRS 482.37935 is hereby amended to read as follows:

482.37935 1. Except as otherwise provided in this subsection, the Department, in cooperation with the Division of State Lands of the State Department of Conservation and Natural Resources, shall design, prepare and issue license plates for the support of the natural environment of the Mount Charleston area using any colors that the Department deems appropriate. The design of the license plates must include a depiction of Mount Charleston and its surrounding area. The Department shall not design, prepare or issue the license plates unless it receives at least 250 applications for the issuance of those plates.

2. If the Department receives at least 250 applications for the issuance of license plates for the support of the natural environment of the Mount Charleston area, the Department shall issue those plates for a passenger car or light commercial vehicle upon application by a person who is entitled to license plates pursuant to NRS 482.265 and who otherwise complies with the requirements for registration and licensing pursuant to this chapter. A person may request that personalized prestige license plates issued pursuant to NRS 482.3667 be combined with license plates for the support of the natural environment of the Mount Charleston area if that person pays the fees for the personalized prestige license plates in addition to the fees for the license plates for the support of the natural environment of the Mount Charleston area pursuant to subsections 3 and 4.

3. The fee for license plates for the support of the natural environment of the Mount Charleston area is \$35, in addition to all other applicable registration and license fees and governmental services taxes. The license plates are renewable upon the payment of \$10.

4. In addition to all *other applicable registration and license* fees ~~for the license, registration~~ and governmental services taxes ~~() and the fee prescribed in subsection 3,~~ a person who requests a set of license plates for the support of the natural environment of the Mount Charleston area must pay for the initial issuance of the plates an additional fee of \$25 and for each renewal of the plates an additional fee of \$20, to ~~finance projects for the natural environment of the Mount Charleston area.~~ *be distributed pursuant to subsection 5.*

5. The Department shall deposit the fees collected pursuant to subsection 4 with the State Treasurer for credit to the ~~Account for License Plates for the Support of the Natural Environment of the Mount Charleston Area created pursuant to NRS 321.5959.~~ *State General Fund. The State Treasurer shall, on a quarterly basis, distribute the fees deposited pursuant to this subsection to the ~~Mount Charleston Town Advisory Board or its successor.~~ Board of County Commissioners of Clark County. The fees distributed pursuant to this subsection:*

(a) May be used by the Board of County Commissioners, with the advice of the Mount Charleston Town Advisory Board or its successor, only:

(1) For the support of programs for the natural environment of the Mount Charleston area, including, without limitation, programs to improve the wildlife habitat, the ecosystem, the forest, public access to the area and its recreational use.

(2) *To make grants to governmental entities and nonprofit organizations to carry out the programs described in subparagraph (1).*

(b) *Must not be used to replace or supplant money available from other sources.*

6. If, during a registration year, the holder of license plates issued pursuant to the provisions of this section disposes of the vehicle to which the plates are affixed, the holder ~~[may retain]~~ *shall:*

(a) *Retain* the plates and ~~[-]~~

~~— (a) Affix~~ *affix* them to another vehicle that meets the requirements of this section if the *holder pays the fee for the transfer of the registration* and *any* registration ~~[fees are paid as set out in this chapter.]~~ *fee or governmental services tax due pursuant to NRS 482.399;* or

(b) Within 30 days after removing the plates from the vehicle, return them to the Department.

Sec. 2. ~~[NRS 269.576 is hereby amended to read as follows:~~

~~269.576 1. Except as appointment may be deferred pursuant to NRS 269.563, the board of county commissioners of any county whose population is 400,000 or more shall, in each ordinance which establishes an unincorporated town pursuant to NRS 269.500 to 269.625, inclusive, provide for:~~

~~— (a) Appointment by the board of county commissioners or the election by the registered voters of the unincorporated town of three or five qualified electors who are residents of the unincorporated town to serve as the town advisory board. If the ordinance provides for appointment by the board of county commissioners, in making such appointments, the board of county commissioners shall consider:~~

~~— (1) The results of any poll conducted by the town advisory board; and~~

~~— (2) Any application submitted to the board of county commissioners by persons who desire to be appointed to the town advisory board in response to an announcement made by the town advisory board.~~

~~— (b) A term of 2 years for members of the town advisory board.~~

~~— (c) Election of a chair from among the members of the town advisory board for a term of 2 years, and, if a vacancy occurs in the office of chair, for the election of a chair from among the members for the remainder of the unexpired term. The ordinance must also provide that a chair is not eligible to succeed himself or herself for a term of office as chair.~~

~~2. The members of a town advisory board serve at the pleasure of the board of county commissioners. If a member is removed, the board of county commissioners shall appoint a new member to serve out the remainder of the unexpired term of the member who was removed.~~

~~3. The board of county commissioners shall provide notice of the expiration of the term of a member of and any vacancy on a town advisory board to the residents of the unincorporated town by mail, newsletter or newspaper at least 30 days before the expiration of the term or filling the vacancy.~~

~~4. The duties of the town advisory board are to:~~

~~— (a) Assist the board of county commissioners in governing the unincorporated town by acting as liaison between the residents of the town and the board of county commissioners; [and]~~

~~— (b) Advise the board of county commissioners on matters of importance to the unincorporated town and its residents [-]; and~~

~~— (c) Perform such other tasks as may be required or allowed by any statute or other law.~~

~~5. The board of county commissioners may provide by ordinance for compensation for the members of the town advisory board.]~~ (Deleted by amendment.)

1 **Sec. 3.** NRS 321.5959 is hereby repealed.

2 **Sec. 4.** The provisions of NRS 354.599 do not apply to any additional
3 expenses of a local government that are related to the provisions of this act.

4 **Sec. 5.** 1. On July 1, 2011, or as soon as practicable thereafter, the
5 Administrator shall cause to be transferred to the Board any money that was in the
6 Account at the end of the day on June 30, 2011. Any money so transferred may be
7 used only for the purposes set forth in subsection 5 of NRS 482.37935, as amended
8 by section 1 of this act.

9 2. As used in this section:

10 (a) "Account" means the Account for License Plates for the Support of the
11 Natural Environment of the Mount Charleston Area, created by NRS 321.5959.

12 (b) "Administrator" means the Administrator of the Division of State Lands of
13 the State Department of Conservation and Natural Resources.

14 (c) "Board" means the ~~Mount Charleston Town Advisory Board or its~~
15 ~~successor.~~ **Board of County Commissioners of Clark County.**

16 **Sec. 6. Notwithstanding the amendatory provisions of this act:**

17 **1. Each program or project for the support of the natural environment of**
18 **the Mount Charleston area that was commenced before July 1, 2011; and**

19 **2. Each grant for the support of the natural environment of the Mount**
20 **Charleston area that was made before July 1, 2011,**

21 **must be continued or expended, as applicable, under the supervision of the**
22 **Administrator of the Division of State Lands of the State Department of**
23 **Conservation and Natural Resources. The Board of County Commissioners of**
24 **Clark County shall, from the money distributed to it pursuant to subsection 5**
25 **of NRS 482.37935, as amended by section 1 of this act, transfer money to the**
26 **Administrator as necessary to carry out the provisions of this section.**

27 ~~[Sec. 6.]~~ **Sec. 7.** This act becomes effective on July 1, 2011.

TEXT OF REPEALED SECTION

321.5959 Account for License Plates for Support of Natural Environment of Mount Charleston Area.

1. The Account for License Plates for the Support of the Natural Environment of the Mount Charleston Area is hereby created in the State General Fund. The Administrator of the Division shall administer the Account.

2. The money in the Account does not lapse to the State General Fund at the end of a fiscal year. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

3. The money in the Account must be used only for the support of programs for the natural environment of the Mount Charleston area, including, without limitation, programs to improve the wildlife habitat, the ecosystem, the forest, public access to the area and its recreational use, and must not be used to replace or supplant money available from other sources. The Administrator may provide grants from the Account to other public agencies and political subdivisions, including, without limitation, unincorporated towns, to carry out the provisions of this section.