

SENATE BILL NO. 326—SENATOR LEE

MARCH 21, 2011

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to parks and recreation areas in this State. (BDR 20-393)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: Yes.

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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 government affairs; authorizing county park and recreation commissions and city planning commissions to encourage and accept gifts, grants, donations and endowments for recreational, cultural and park facilities; requiring county park and recreation commissions and city planning commissions to use certain money to ensure that residents of this State may use recreational, cultural and park facilities free of charge; exempting residents of this State from paying certain fees to use recreational, cultural and park facilities; requiring the Department of Motor Vehicles to transfer a portion of the proceeds of the governmental services tax to fund state parks; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law grants certain powers and duties to county park and recreation commissions and city planning commissions relating to planning for and developing recreational, cultural and park facilities in counties and cities in this State. (NRS 244.30792, 268.190) **Sections 1 and 2** of this bill authorize county park and recreation commissions and city planning commissions to encourage and accept any gifts, grants, donations and endowments for recreational, cultural or park facilities and require the commissions to use such money to ensure that residents may use such facilities free of charge.

Existing law requires the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources to impose and collect reasonable fees for entering, camping and boating in state parks and recreational areas. (NRS 407.065) **Section 3** of this bill exempts residents of this State from



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13 paying a fee to enter any state park or recreational area, though residents of this
14 State must still pay any established fees for boating, camping or special events.

15 Existing law imposes a basic governmental services tax for the privilege of
16 operating any vehicle upon the public highways of this State. (NRS 371.030)
17 Pursuant to existing law, the Department of Motor Vehicles is required to distribute
18 the money collected from this governmental services tax in a specified manner to
19 the Motor Vehicle Fund and the State General Fund and to the counties of this
20 State, after deducting a commission for itself. (NRS 482.180, 482.181, 482.182)
21 **Section 4** of this bill requires the Department to monthly transfer an amount from
22 the proceeds of the governmental services tax equal to \$3 per noncommercial
23 vehicle for which the tax was paid in the previous month to the State General Fund
24 for credit to the Division of State Parks of the State Department of Conservation
25 and Natural Resources.

1 WHEREAS, Nevada's state parks provide recreational
2 opportunities for all Nevada residents and visitors and enhance the
3 livability of communities throughout the State; and

4 WHEREAS, State parks offer an affordable alternative for
5 recreation at a time when other recreational activities and outlets are
6 too expensive or unattainable to the average Nevadan; and

7 WHEREAS, Nevada's 25 state parks, recreation areas and historic
8 sites host more than 3.3 million visitors per year; and

9 WHEREAS, State parks, recreation areas and historic sites,
10 totaling more than 130,000 acres, embody the best of Nevada and
11 represent an important and diverse component of Nevada's outdoor
12 recreation estate; and

13 WHEREAS, The legacy of state parks began nearly 90 years ago
14 when the importance of their acquisition and preservation was
15 realized by Governor James Scrugham, who took a major step in
16 1923 to set aside certain areas of the public domain as "state
17 recreation grounds and game refuges"; and

18 WHEREAS, In 1935, the Nevada Legislature created the State
19 Park Commission and designated the first of several sites as official
20 "state parks," giving birth to a state park system in this State, and in
21 1963, the Division of State Parks was created; and

22 WHEREAS, Beginning in the 1980s and 1990s, greater attention
23 was focused on maintaining and improving the park system's aging
24 facilities and redesigning facilities to meet federal requirements
25 relating to accessibility and health standards; and

26 WHEREAS, For many years Nevada's parks system has endured
27 unstable financial support which jeopardizes the viability of the
28 system, and despite the clearly documented social and economic
29 value of Nevada's state parks, it continues to be very difficult for the
30 system to compete for the money from the State General Fund; and

31 WHEREAS, While the state parks system in Nevada brings
32 funding to the State and counties that far outweigh the general



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allowances, the Division of State Parks typically finds itself trying to recover funding lost from previous years of budget reductions; and

WHEREAS, The economic problems that have plagued the State of Nevada since 2008 have had a devastating impact on Nevada's state parks system, and appropriations from the State General Fund to the system have been reduced nearly 46 percent, with significant reductions anticipated in 2011; and

WHEREAS, Many of Nevada's state parks receive direct assistance from the Federal Land and Water Conservation Fund, and under the rules set forth for the Fund, closure of any sites receiving money from the Fund is a violation of the federal requirements and may jeopardize Nevada's eligibility to participate in future Fund allocations and other federal allocations to the State; and

WHEREAS, Despite significant efforts to increase revenue from sources other than the State General Fund by streamlining operations, reducing personnel, increasing fees and developing innovative new sources of revenue, state parks still face an uncertain future; and

WHEREAS, The public has no less need for recreational opportunities and access to open space and parks in times of economic hardship, and in fact, these needs are enhanced because of leaner economies and the public's desire to seek more affordable recreational outlets; and

WHEREAS, This legislation offers an innovative approach to providing dependable and sustainable funding for Nevada's state parks that will weather challenging economic times and ensure the viability of the park system for Nevada's future; now, therefore,

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

Section 1. NRS 244.30792 is hereby amended to read as follows:

244.30792 The commission may have the following powers and duties as determined by the board and as set forth by the board in the organizational ordinance:

1. To determine policy in regard to recreational, cultural and park facilities.
2. To promulgate regulations governing the use of such facilities.
3. To prepare plans for additional recreational, cultural and park facilities and the development of existing facilities.
4. To operate and maintain existing facilities.



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5. To fix, and from time to time increase or decrease, rates, tolls and charges for services and the use or availability of facilities.

6. To employ technical and clerical staff.

7. To prepare and submit annual budgets to the board.

8. To purchase or lease land subject to the statutes governing purchases and leases of land by the board.

9. To acquire by gift, bequest or devise any personal property, or any real property within the county, for recreational, cultural or park facilities.

10. To administer any trusts declared for recreational, cultural and park facilities in the county.

11. To enter into contracts for the construction and development of recreational, cultural and park facilities.

12. *To encourage and accept any gifts, grants, donations and endowments for recreational, cultural or park facilities and use such money to ensure that residents may use the recreational, cultural or park facilities free of charge.*

13. To expend all money collected to the credit of facilities under the control of the commission, but all money received for such facilities must be deposited in the county treasury to the credit of the commission and paid out only upon warrants drawn by the commission upon properly authenticated vouchers of the commission after approval of the same by the county auditor.

~~13.1~~ 14. To perform such additional duties for park, recreational and cultural programs as may be delegated by the board.

Sec. 2. NRS 268.190 is hereby amended to read as follows:

268.190 Except as otherwise provided by law, the city planning commission may:

1. Recommend and advise the city council and all other public authorities concerning:

(a) The laying out, widening, extending, paving, parking and locating of streets, sidewalks and boulevards.

(b) The betterment of housing and sanitary conditions, and the establishment of zones or districts within which lots or buildings may be restricted to residential use, or from which the establishment, conduct or operation of certain business, manufacturing or other enterprises may be excluded, and limiting the height, area and bulk of buildings and structures therein.

2. Recommend to the city council and all other public authorities plans and regulations for the future growth, development and beautification of the municipality in respect to its public and private buildings and works, streets, parks, grounds and vacant lots, which must include for each city a population plan if required by NRS 278.170, a plan for the development of affordable housing and,



1 for each city located in a county whose population is 400,000 or
2 more, a plan to inventory and preserve historic neighborhoods.

3 3. *Encourage and accept any gifts, grants, donations and*
4 *endowments for recreational, cultural or park facilities and use*
5 *such money to ensure that residents may use the recreational,*
6 *cultural and park facilities free of charge.*

7 4. Perform any other acts and things necessary or proper to
8 carry out the provisions of NRS 268.110 to 268.220, inclusive, and
9 in general to study and propose such measures as may be for the
10 municipal welfare and in the interest of protecting the municipal
11 area's natural resources from impairment.

12 **Sec. 3.** NRS 407.065 is hereby amended to read as follows:

13 407.065 1. The Administrator, subject to the approval of the
14 Director:

15 (a) Except as otherwise provided in this paragraph, may
16 establish, name, plan, operate, control, protect, develop and
17 maintain state parks, monuments and recreational areas for the use
18 of the general public. The name of an existing state park, monument
19 or recreational area may not be changed unless the Legislature
20 approves the change by statute.

21 (b) Shall protect state parks and property controlled or
22 administered by the Division from misuse or damage and preserve
23 the peace within those areas. The Administrator may appoint or
24 designate certain employees of the Division to have the general
25 authority of peace officers.

26 (c) May allow multiple use of state parks and real property
27 controlled or administered by the Division for any lawful purpose,
28 including, but not limited to, grazing, mining, development of
29 natural resources, hunting and fishing, in accordance with such
30 regulations as may be adopted in furtherance of the purposes of the
31 Division.

32 (d) ~~{Shall}~~ *Except as otherwise provided in subsection 4, shall*
33 impose and collect reasonable fees for entering, camping and
34 boating in state parks and recreational areas. The Division shall
35 issue, upon application therefor and proof of residency and age, an
36 annual permit for entering, camping and boating in all state parks
37 and recreational areas in this State to any person who is 65 years of
38 age or older and has resided in this State for at least 5 years
39 immediately preceding the date on which the application is
40 submitted. The permit must be issued without charge, except that
41 the Division shall charge and collect an administrative fee for the
42 issuance of the permit in an amount sufficient to cover the costs of
43 issuing the permit.



(e) May conduct and operate such special services as may be necessary for the comfort and convenience of the general public, and impose and collect reasonable fees for such special services.

(f) May rent or lease concessions located within the boundaries of state parks or of real property controlled or administered by the Division to public or private corporations, to groups of natural persons, or to natural persons for a valuable consideration upon such terms and conditions as the Division deems fit and proper, but no concessionaire may dominate any state park operation.

(g) May establish such capital projects construction funds as are necessary to account for the parks improvements program approved by the Legislature. The money in these funds must be used for the construction and improvement of those parks which are under the supervision of the Administrator.

2. ~~{The}~~ *Except as otherwise provided in subsection 4, the Administrator:*

(a) Shall issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter each state park and each recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee; and

(b) May issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter a specific state park or specific recreational area in this State and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee.

3. An annual permit issued pursuant to subsection 2 does not authorize the holder of the permit to engage in camping or boating, or to attend special events. The holder of such a permit who wishes to engage in camping or boating, or to attend special events, must pay any fee established for the respective activity.

4. *Except as otherwise provided in this subsection, upon providing proof of residency as prescribed by the Division, a person who is a resident of this State may enter each state park and each recreational area in this State and use the facilities of the state park or recreational area without paying the fee to enter the park. This subsection does not authorize a resident of this State to engage in camping or boating, or to attend special events, free of charge. A resident of this State who wishes to engage in camping or boating, or to attend special events, must pay any fee established for the respective activity.*

5. Except as otherwise provided in subsection 1 of NRS 407.0762 and subsection 1 of NRS 407.0765, the fees collected



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pursuant to paragraphs (d), (e) and (f) of subsection 1 or subsection 2 must be deposited in the State General Fund.

Sec. 4. NRS 482.180 is hereby amended to read as follows:

482.180 1. The Motor Vehicle Fund is hereby created as an agency fund. Except as otherwise provided in subsection 4 or by a specific statute, all money received or collected by the Department must be deposited in the State Treasury for credit to the Motor Vehicle Fund.

2. The interest and income on the money in the Motor Vehicle Fund, after deducting any applicable charges, must be credited to the State Highway Fund.

3. Any check accepted by the Department in payment of the governmental services tax or any other fee required to be collected pursuant to this chapter must, if it is dishonored upon presentation for payment, be charged back against the Motor Vehicle Fund or the county to which the payment was credited pursuant to this section or NRS 482.181, in the proper proportion.

4. Except as otherwise provided in ~~subsection~~ **subsections 6 and 7**, all money received or collected by the Department for the basic governmental services tax must be distributed in the manner set forth in NRS 482.181 and 482.182.

5. Money for the administration of the provisions of this chapter must be provided by direct legislative appropriation from the State Highway Fund or other legislative authorization, upon the presentation of budgets in the manner required by law. Out of the appropriation or authorization, the Department shall pay every item of expense.

6. The Department shall withhold 6 percent from the amount of the governmental services tax collected by the Department as a commission. From the amount of the governmental services tax collected by a county assessor, the State Controller shall credit 1 percent to the Department as a commission and remit 5 percent to the county for credit to its general fund as commission for the services of the county assessor. All money withheld by or credited to the Department pursuant to this subsection must be used only for the administration of this chapter as authorized by the Legislature pursuant to subsection 5.

7. *After deducting the amount withheld by the Department and the amount credited to the Department pursuant to subsection 6, the Department shall transfer from the proceeds of the governmental services tax an amount that is equal to \$3 for each noncommercial motor vehicle for which the governmental services tax was paid in the immediately preceding month to the State General Fund for credit to the Division of State Parks of the State Department of Conservation and Natural Resources.*



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1 **8.** When the requirements of this section and NRS 482.181 and
2 482.182 have been met, and when directed by the Department, the
3 State Controller shall transfer monthly to the State Highway Fund
4 any balance in the Motor Vehicle Fund.

5 ~~[8.]~~ **9.** If a statute requires that any money in the Motor
6 Vehicle Fund be transferred to another fund or account, the
7 Department shall direct the State Controller to transfer the money in
8 accordance with the statute.

9 **Sec. 5.** NRS 482.181 is hereby amended to read as follows:

10 482.181 1. Except as otherwise provided in subsection 5,
11 after deducting the amount withheld by the Department and the
12 amount credited to the Department pursuant to subsection 6 of NRS
13 482.180, *the amount transferred to the State General Fund for*
14 *credit to the Division of State Parks of the State Department of*
15 *Conservation and Natural Resources pursuant to subsection 7 of*
16 *NRS 482.180*, and the amount transferred to the State General Fund
17 pursuant to NRS 482.182, the Department shall certify monthly to
18 the State Board of Examiners the amount of the basic and
19 supplemental governmental services taxes collected for each county
20 by the Department and its agents during the preceding month, and
21 that money must be distributed monthly as provided in this section.

22 2. Any supplemental governmental services tax collected for a
23 county must be distributed only to the county, to be used as
24 provided in NRS 371.043, 371.045 and 371.047.

25 3. The distribution of the basic governmental services tax
26 received or collected for each county must be made to the county
27 school district within each county before any distribution is made to
28 a local government, special district or enterprise district. For the
29 purpose of calculating the amount of the basic governmental
30 services tax to be distributed to the county school district, the taxes
31 levied by each local government, special district and enterprise
32 district are the product of its certified valuation, determined
33 pursuant to subsection 2 of NRS 361.405, and its tax rate,
34 established pursuant to NRS 361.455 for the fiscal year beginning
35 on July 1, 1980, except that the tax rate for school districts,
36 including the rate attributable to a district's debt service, is the rate
37 established pursuant to NRS 361.455 for the fiscal year beginning
38 on July 1, 1978, but if the rate attributable to a district's debt service
39 in any fiscal year is greater than its rate for the fiscal year beginning
40 on July 1, 1978, the higher rate must be used to determine the
41 amount attributable to debt service.

42 4. After making the distributions set forth in subsection 3, the
43 remaining money received or collected for each county must be
44 deposited in the Local Government Tax Distribution Account
45 created by NRS 360.660 for distribution to local governments,



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1 special districts and enterprise districts within each county pursuant
2 to the provisions of NRS 360.680 and 360.690.

3 5. An amount equal to any basic governmental services tax
4 distributed to a redevelopment agency in the Fiscal Year 1987-1988
5 must continue to be distributed to that agency as long as it exists but
6 must not be increased.

7 6. The Department shall make distributions of the basic
8 governmental services tax directly to county school districts.

9 7. As used in this section:

10 (a) "Enterprise district" has the meaning ascribed to it in
11 NRS 360.620.

12 (b) "Local government" has the meaning ascribed to it in
13 NRS 360.640.

14 (c) "Received or collected for each county" means:

15 (1) For the basic governmental services tax collected on
16 vehicles subject to the provisions of chapter 706 of NRS, the
17 amount determined for each county based on the following
18 percentages:

19		
20	Carson City.....1.07 percent	Lincoln.....3.12 percent
21	Churchill.....5.21 percent	Lyon.....2.90 percent
22	Clark.....22.54 percent	Mineral2.40 percent
23	Douglas2.52 percent	Nye4.09 percent
24	Elko13.31 percent	Pershing.....7.00 percent
25	Esmeralda.....2.52 percent	Storey.....0.19 percent
26	Eureka3.10 percent	Washoe12.24 percent
27	Humboldt.....8.25 percent	White Pine5.66 percent
28	Lander3.88 percent	
29		

30 (2) For all other basic and supplemental governmental
31 services tax received or collected by the Department, the amount
32 attributable to each county based on the county of registration of the
33 vehicle for which the tax was paid.

34 (d) "Special district" has the meaning ascribed to it in
35 NRS 360.650.

36 **Sec. 6.** NRS 482.182 is hereby amended to read as follows:

37 482.182 1. After deducting the amount withheld by the
38 Department and the amount credited to the Department pursuant to
39 subsection 6 of NRS 482.180 *and the amount transferred to the*
40 *State General Fund for credit to the Division of State Parks of the*
41 *State Department of Conservation and Natural Resources*
42 *pursuant to subsection 7 of NRS 482.180*, and before carrying out
43 the provisions of NRS 482.181 each month, the Department shall
44 direct the State Controller to transfer to the State General Fund from
45 the proceeds of the basic governmental services tax collected by the



1 Department and its agents during the preceding month the amounts
2 indicated pursuant to this section.

3 2. Except as otherwise provided in subsection 3, the amount
4 required to be transferred pursuant to subsection 1 from the
5 proceeds of the basic governmental services tax imposed on vehicles
6 depreciated in accordance with:

7 (a) Subsection 1 of NRS 371.060 based upon an age of:

8 (1) One year, is a sum equal to 11 percent of those proceeds;

9 (2) Two years, is a sum equal to 12 percent of those
10 proceeds;

11 (3) Three years, is a sum equal to 13 percent of those
12 proceeds;

13 (4) Four years, is a sum equal to 15 percent of those
14 proceeds;

15 (5) Five years, is a sum equal to 18 percent of those
16 proceeds;

17 (6) Six years, is a sum equal to 22 percent of those proceeds;

18 (7) Seven years, is a sum equal to 29 percent of those
19 proceeds;

20 (8) Eight years, is a sum equal to 40 percent of those
21 proceeds; and

22 (9) Nine years or more, is a sum equal to 67 percent of those
23 proceeds; and

24 (b) Subsection 2 of NRS 371.060 based upon an age of:

25 (1) One year, is a sum equal to 12 percent of those proceeds;

26 (2) Two years, is a sum equal to 14 percent of those
27 proceeds;

28 (3) Three years, is a sum equal to 18 percent of those
29 proceeds;

30 (4) Four years, is a sum equal to 21 percent of those
31 proceeds;

32 (5) Five years, is a sum equal to 26 percent of those
33 proceeds;

34 (6) Six years, is a sum equal to 30 percent of those proceeds;

35 (7) Seven years, is a sum equal to 33 percent of those
36 proceeds;

37 (8) Eight years, is a sum equal to 37 percent of those
38 proceeds;

39 (9) Nine years, is a sum equal to 40 percent of those
40 proceeds; and

41 (10) Ten years or more, is a sum equal to 43 percent of those
42 proceeds.

43 3. The amount required to be transferred pursuant to subsection
44 1 from the proceeds of the basic governmental services tax imposed
45 on vehicles to which the minimum amount of that tax applies



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1 pursuant to paragraph (b) of subsection 3 of NRS 371.060 is a sum
2 equal to 63 percent of those proceeds.

3 **Sec. 7.** This act becomes effective on:

4 1. July 1, 2011, for the purposes of adopting regulations and
5 performing any other preparatory administrative tasks that are
6 necessary to carry out the provisions of this act; and

7 2. January 1, 2012, for all other purposes.

