

ASSEMBLY BILL NO. 379—ASSEMBLYWOMAN JOINER

MARCH 20, 2017

Referred to Committee on Government Affairs

SUMMARY—Amends provisions relating to general improvement districts created for the purpose of furnishing recreational facilities. (BDR 25-211)

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 general improvement districts; revising provisions relating to the formation of a general improvement district that is organized to furnish recreational facilities; expanding the authority of the board of trustees of a general improvement district that is organized to furnish recreational facilities; providing that watersheds, trails, open spaces, lakes, ponds and rivers are recreational facilities; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a board of county commissioners cannot begin the organization of a general improvement district that includes any real property within 7 miles from the boundary of an incorporated city or unincorporated town unless one of five conditions is met. (NRS 318.055) **Section 1** of this bill provides that these conditions do not apply to a proposed district which will furnish recreational facilities if each board of county commissioners and governing body of an incorporated city, unincorporated town and existing general improvement district with territory included within the boundaries of the proposed district consent to the formation of the district by resolution.

Existing law authorizes the board of trustees of a general improvement district to acquire, construct, reconstruct, improve, extend and better one or more of the following types of facilities for recreation: exposition buildings, museums, skating rinks, other type rinks, fieldhouses, sports arenas, bowling alleys, swimming pools, stadiums, golf courses, tennis courts, squash courts, other courts, ball fields, other athletic fields, tracks, playgrounds, bowling greens, ball parks, public parks, promenades, beaches, marinas, levees, piers, docks, wharves, boat basins, boathouses, harborages, anchorages, gymnasiums, appurtenant shower, locker and other bathhouse facilities, amusement halls, dance halls, concert halls, theaters,



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auditoriums, aviaries, aquariums, zoological gardens, biological gardens and vivariums. **Section 2** of this bill authorizes a board to: (1) also acquire, operate, maintain, manage and restore these recreational facilities; (2) design, compile or administer certain environmental or cultural reports; (3) take measures to reduce wildfire, restore native vegetation and conserve and manage natural resources; (4) establish or fund the establishment of educational programs at facilities for recreation, including, without limitation, funding for personnel who provide such educational programs; (5) enter into certain agreements with a nonprofit corporation; and (6) establish a fund and accept gifts, grants and donations for deposit in the fund. **Section 2** also provides that recreational facilities include watersheds, trails, open spaces, lakes, ponds and rivers.

WHEREAS, Recreational facilities are essential to the health, quality of life and economic prosperity of the residents of this State; and

WHEREAS, Well-maintained recreational facilities stimulate economic growth and enhance the vitality of local and regional communities; and

WHEREAS, Protecting water quality and wildlife habitat and ensuring safety in recreational facilities encourage participation in healthy outdoor activities; and

WHEREAS, It is necessary to provide sustainable and reliable funding for the creation and maintenance of recreational facilities; now, therefore,

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

Section 1. NRS 318.055 is hereby amended to read as follows:
318.055 1. The formation of a district may be initiated by:

- (a) A resolution adopted by the board of county commissioners;
or
(b) A petition proposed by any owner of property to be located in the district.

2. After adoption of the resolution or receipt of the petition the organization of the district must be initiated by the adoption of an ordinance by the board of county commissioners, which is in this chapter sometimes designated the "initiating ordinance." ~~Not~~

3. Except as otherwise provided in subsection 4, no initiating ordinance may be adopted by the board of county commissioners if the proposed district includes any real property within 7 miles from the boundary of an incorporated city or unincorporated town unless:

- (a) All members of the board of county commissioners unanimously vote for the organization of a district with boundaries which contravene this 7-mile limitation;



(b) A petition for annexation to or inclusion within the incorporated city or unincorporated town of that property has first been filed with the governing body of the incorporated city or unincorporated town pursuant to law and the governing body thereof has refused to annex or include that property and has entered the fact of that refusal in its minutes;

(c) No part of the area within the district is eligible for inclusion in a petition for such an annexation;

(d) The governing body of the incorporated city or the town board of the unincorporated town, by resolution, consents to the formation of the district; or

(e) That property is within 7 miles of an unincorporated town with a town advisory board or citizens' advisory council but is not within 7 miles of an incorporated city or unincorporated town with a town board.

~~13-1~~ 4. *The restrictions set forth in paragraphs (a) to (e), inclusive, of subsection 3 do not apply to a proposed district which will furnish recreational facilities pursuant to NRS 318.143 if before a board of county commissioners adopts the initiating ordinance for the proposed district, each board of county commissioners and governing body of an incorporated city, unincorporated town and existing general improvement district with territory included within the boundaries of the proposed district consent to the formation of the district by resolution.*

5. Except as is otherwise provided in this chapter, a district may be entirely within or entirely without, or partly within and partly without, one or more municipalities or counties, and the district may consist of noncontiguous tracts or parcels of property.

~~14-1~~ 6. The initiating ordinance must set forth:

(a) The name of the proposed district, consisting of a chosen name preceding the word "District," or, if the district is authorized to exercise more than one basic power, the words "General Improvement District." If a district's name as provided in the organizational proceedings does not include the words "General Improvement," and if subsequently any additional basic power is granted to the district pursuant to NRS 318.077, the board of county commissioners may redesignate the district with a chosen name preceding the words "General Improvement District."

(b) A statement of the basic power or basic powers for which the district is proposed to be created (for instance, by way of illustration, "for paving, curb and gutters, sidewalks, storm drainage and sanitary sewer improvements within the district"). The basic power or basic powers stated in the initiating ordinance must be one or more of those authorized in NRS 318.116, as supplemented by the sections of this chapter designated therein.



(c) A statement that the ordinance creating the district will be based on the board's finding:

(1) That public convenience and necessity require the creation of the district;

(2) That the creation of the district is economically sound and feasible;

(3) That the service plan for the district conforms to subsection 1 of NRS 308.030; and

(4) That the service plan for the district does not contravene any of the criteria enumerated in subsection 1 of NRS 308.060.

(d) A general description of the boundaries of the district or the territory to be included therein, with such certainty as to enable an owner of property to determine whether his or her property is within the district.

(e) The place and time for the hearing on the creation of the district.

Sec. 2. NRS 318.143 is hereby amended to read as follows:

318.143 1. Subject to the provisions of subsection 2, the board may ~~acquire~~:

(a) *Acquire*, construct, reconstruct, improve, *operate, maintain, manage, restore*, extend and better lands, works, systems and facilities for recreation.

(b) *Design, compile or administer environmental or cultural reports.*

(c) *Take measures to reduce wildfire, restore native vegetation, and conserve and manage natural resources.*

(d) *Establish or fund the establishment of educational programs at facilities for recreation, including, without limitation, granting funding for personnel who provide such educational programs.*

(e) *Enter into an agreement with a nonprofit corporation to take one or more of the actions described in paragraph (a), (b), (c) or (d).*

(f) *Establish a fund consisting of contributions from private sources, the State or the county, cities and towns in which the district is located for the purpose of matching federal money from any federal source.*

(g) *Accept gifts, grants and donations for deposit in any fund established pursuant to paragraph (f).*

2. If the proposed recreational facilities are situated within 7 miles from the boundary of an incorporated city or unincorporated town, and if the county in which the proposed recreational facilities are situated has adopted a recreation plan pursuant to NRS 278.010 to 278.630, inclusive, the authority conferred by subsection 1 may be exercised only in conformity with such plan.



1 3. Such recreational facilities may include without limitation
2 exposition buildings, museums, skating rinks, other type rinks,
3 fieldhouses, sports arenas, bowling alleys, swimming pools,
4 stadiums, golf courses, tennis courts, squash courts, other courts,
5 ball fields, other athletic fields, tracks, playgrounds, bowling greens,
6 ball parks, public parks, promenades, beaches, marinas, levees,
7 piers, docks, wharves, boat basins, boathouses, harborages,
8 anchorages, gymnasiums, appurtenant shower, locker and other
9 bathhouse facilities, amusement halls, dance halls, concert halls,
10 theaters, auditoriums, aviaries, aquariums, zoological gardens,
11 biological gardens , ~~land~~ vivariums , *watersheds, trails, open*
12 *spaces, lakes, ponds and rivers* (or any combination thereof).
13 **Sec. 3.** This act becomes effective on July 1, 2017.

