

Amendment No. 734

Senate Amendment to Senate Bill No. 512 First Reprint

(BDR 26-906)

Proposed by: Senate Committee on Finance

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

Adoption of this amendment will MAINTAIN the 2/3s majority vote requirement for final passage of S.B. 512 R1 (§§ 1, 2).

| 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) variations of *green bold underlining* is language proposed to be added 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 proposed to be retained in this amendment.

EMR/HAC



Date: 5/16/2017

S.B. No. 512—Revises provisions relating to fees for the use of certain state lands.  
(BDR 26-906)





## SENATE BILL NO. 512—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE OFFICE OF FINANCE  
IN THE OFFICE OF THE GOVERNOR)

MARCH 27, 2017

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to fees for the use of certain state lands.  
(BDR 26-906)

FISCAL NOTE: Effect on Local Government: No.  
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 state lands; requiring the State Land Registrar to establish certain fees by regulation for the use of state lands; revising provisions relating to the accounting and use of the proceeds of certain fees for the use of state lands; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Under existing law, the State Land Registrar is required to charge fees in certain amounts for the use of certain state lands. (NRS 322.110, 322.120) **Sections 1 and 2** of this bill require the State Land Registrar to establish the amount of these fees by regulation. **Section 5** of this bill provides that the existing fees remain in effect until the State Land Registrar has established such fees by regulation.

Under existing law, the proceeds of certain fees for authorization to use certain state lands must be paid to the State General Fund. **(NRS 322.160, Section 4)** of this bill provides that the proceeds of certain fees relating to navigable bodies of water that are in excess of ~~\$50,000~~ **\$65,000** must be accounted for separately and used by the State Land Registrar to carry out programs to preserve, protect, restore and enhance the natural environment of the Lake Tahoe Basin.

WHEREAS, The Legislature of the State of Nevada by chapter 459, Statutes of Nevada 1993, established a fee schedule in 1993 for the application for and use of lands owned by the State, including, without limitation, sovereign lands under navigable waters, which was incorporated in Nevada Revised Statutes as NRS 322.110 and 322.120; and

WHEREAS, The Legislature of the State of Nevada amended the statutes establishing the fee schedule in 1995 by chapters 293 and 645, Statutes of Nevada 1995; and

WHEREAS, This fee schedule has not been modified since 1995; and

WHEREAS, The fees charged under this fee schedule are less than the fair market value for the use of state land and less than what other western states and agencies charge for comparable uses; and

WHEREAS, The State Land Registrar is authorized to charge a nonrefundable application fee and annual use fee for various uses of state land pursuant to NRS 322.110 and 322.120; and

WHEREAS, The fees charged by the State Land Registrar require modification in order to enable the State Land Registrar to charge a more appropriate fee for the application for and use of state lands; now, therefore,

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

**Section 1.** NRS 322.110 is hereby amended to read as follows:

322.110 1. Except as otherwise provided in this section or by specific statute, the State Land Registrar shall charge ~~the following nonrefundable fees:~~ *a nonrefundable fee in an amount established by regulation for the following:*

(a) For the consideration of an application for the issuance of any lease, easement, permit, license or other authorization for:

(1) Any commercial use of state land other than an agricultural use. ~~the fee of \$200.~~

(2) Any agricultural use of state land. ~~the fee of \$150.~~

(3) Any other use of state land. ~~the fee of \$100.~~

(b) For the consideration of an application for the amendment of any lease, easement, permit, license or other authorization for:

(1) Any commercial use of state land other than an agricultural use. ~~the fee of \$100.~~

(2) Any agricultural use of state land. ~~the fee of \$75.~~

(3) Any other use of state land. ~~the fee of \$50.~~

2. The State Land Registrar shall charge a nonrefundable fee ~~of \$10~~ *in an amount established by regulation* for the consideration of an application for the issuance or amendment of a permit to engage in recreational dredging.

3. The State Land Registrar may waive any fee for the consideration of an application regarding any permit, license or other authorization for the use of state land for which no fee is charged.

**Sec. 2.** NRS 322.120 is hereby amended to read as follows:

322.120 Except as otherwise provided *in this section or* by specific statute, the State Land Registrar shall charge *a fee in an amount established by regulation* for the issuance of:

1. A permit for:

(a) The commercial use of a pier or other facility for loading passengers on vessels in a navigable body of water. ~~the fee of \$125 per year.~~

(b) The multiple residential use of a pier or other facility for loading passengers on vessels in a navigable body of water. ~~the fee of \$62.50 per year.~~

(c) The single residential use of a pier or other facility for loading passengers on vessels in a navigable body of water. ~~the fee of \$50 per year.~~

(d) Any other use of a pier or other facility for loading passengers on vessels in a navigable body of water. ~~the fee of \$62.50 per year.~~

2. A permit for:

(a) The commercial use:

(1) Of a boat hoist, boat house, boat ramp, boat slip, deck or a similar device or structure in or on a navigable body of water, ~~the fee of \$50 per year.~~

except that no fee may be charged for a boat hoist, boat house or deck which is attached to a pier.

(2) Of a mooring buoy or similar device for mooring vessels in or on a navigable body of water. ~~+, a fee of \$10 per month or \$100 per year.~~

(b) Any other use:

(1) Of a boat hoist, boat house, boat ramp, boat slip, deck or a similar device or structure in or on a navigable body of water, ~~+, a fee of \$25 per year,~~ except that no fee may be charged for a boat hoist, boat house or deck which is attached to a pier.

(2) Of a mooring buoy or similar device for mooring vessels in or on a navigable body of water. ~~+, a fee of \$5 per month or \$30 per year.~~

(c) Any use of a boat-fueling facility in or on a navigable body of water. ~~+, a fee of \$250 per year.~~

**Sec. 3.** NRS 322.125 is hereby amended to read as follows:

322.125 1. The State Land Registrar shall grant a person credit towards the fee ~~required~~ **imposed** pursuant to NRS 322.120 for the commercial use of state land in an amount equal to:

(a) The amount that the total fees charged to that person pursuant to that section for the previous year exceeded one and one-half cents for each gallon of fuel sold plus 5 percent of that person's gross revenue from the commercial use of that state land, excluding the sale of fuel, for that year;

(b) The amount that the United States Forest Service returned to the State of Nevada from money that the person was required to pay pursuant to a lease or permit to use federal land during the previous year which is attributable to revenues earned on land belonging to the State of Nevada; and

(c) The difference between the fee for a permit for commercial use and the fee for a permit for multiple residential use if during the previous year the person paid the fee for a permit for commercial use but did not conduct that commercial use.

2. A person who is eligible for a credit pursuant to subsection 1 shall demonstrate to the satisfaction of the State Land Registrar that the person is entitled to such a credit.

3. If the amount of a credit granted pursuant to this section exceeds the amount of the fee imposed pursuant to NRS 322.120 for the year in which the credit will be used, the excess credit is forfeited and the State Land Registrar shall not grant a refund or apply the credit to any other year.

**Sec. 4.** NRS 322.160 is hereby amended to read as follows:

322.160 The proceeds of any fee charged pursuant to NRS 322.100 to 322.130, inclusive, must be accounted for by the State Land Registrar and:

1. If the fee is for any authorization to use land granted to the State by the Federal Government for educational purposes, the proceeds must be paid into the State Treasury for credit to the State Permanent School Fund.

2. If the fee is for any authorization to use any other state land, *except as otherwise provided in this subsection*, the proceeds must be paid into the State Treasury for credit to the State General Fund. *If the proceeds of the fees charged pursuant to NRS 322.120 to use any other state land exceed ~~+\$50,000~~ \$65,000 in any fiscal year, the amount which is in excess of ~~+\$50,000~~ \$65,000 must be accounted for separately and used by the State Land Registrar to carry out programs to preserve, protect, restore and enhance the natural environment of the Lake Tahoe Basin.*

**Sec. 5.** Notwithstanding the amendatory provisions of this act, the fees set forth in NRS 322.110 and 322.120, as those sections existed on June 30, 2017, remain in effect until the regulations establishing fees pursuant to NRS 322.110 and

1 322.120, as amended by sections 1 and 2 of this act, respectively, are adopted by  
2 the State Land Registrar and filed with the Secretary of State.

3 **Sec. 6.** This act becomes effective on July 1, 2017.