

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:

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

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



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

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

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

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

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

13
14 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
15 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

16
17 **Section 1.** NRS 318.055 is hereby amended to read as follows:
18 318.055 1. The formation of a district may be initiated by:

19 (a) A resolution adopted by the board of county commissioners;

20 or

21 (b) A petition proposed by any owner of property to be located
22 in the district.

23 2. After adoption of the resolution or receipt of the petition the
24 organization of the district must be initiated by the adoption of an
25 ordinance by the board of county commissioners, which is in this
26 chapter sometimes designated the "initiating ordinance." ~~No~~

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

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



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

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

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

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

16 ~~3-1~~ 4. *The restrictions set forth in paragraphs (a) to (e),
17 inclusive, of subsection 3 do not apply to a proposed district which
18 will furnish recreational facilities pursuant to NRS 318.143 if
19 before a board of county commissioners adopts the initiating
20 ordinance for the proposed district, each board of county
21 commissioners and governing body of an incorporated city,
22 unincorporated town and existing general improvement district
23 with territory included within the boundaries of the proposed
24 district consent to the formation of the district by resolution.*

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

29 ~~4-1~~ 6. The initiating ordinance must set forth:

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

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



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

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

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

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

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

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

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

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

18 318.143 1. Subject to the provisions of subsection 2, the
19 board may ~~acquire~~:

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

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

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

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

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

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

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

40 2. If the proposed recreational facilities are situated within 7
41 miles from the boundary of an incorporated city or unincorporated
42 town, and if the county in which the proposed recreational facilities
43 are situated has adopted a recreation plan pursuant to NRS 278.010
44 to 278.630, inclusive, the authority conferred by subsection 1 may
45 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.

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