

ASSEMBLY BILL NO. 439—COMMITTEE ON NATURAL RESOURCES, AGRICULTURE,
AND MINING

(ON BEHALF OF DIVISION OF PARKS)

MARCH 10, 1999

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions governing use of state parks and other recreational areas.
(BDR 35-438)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: 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 recreational areas; revising the age and residency requirements for free use of state parks and other recreational areas by certain elderly persons; requiring the collection of an administrative fee for the issuance of a permit for such use; clarifying the authority for the collection of reasonable fees for entering, camping and boating in state parks and recreational areas; and providing other matters properly relating thereto.

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

1 **Section 1.** NRS 407.065 is hereby amended to read as follows:
2 407.065 **1.** The administrator, subject to the approval of the director
3 ~~1. may:~~
4 ~~1. Designate,] :~~
5 **(a) May** establish, name, plan, operate, control, protect, develop and
6 maintain state parks, monuments and recreational areas for the use of the
7 general public.
8 ~~[2. Protect]~~
9 **(b) Shall protect** state parks and property controlled or administered by
10 the division from misuse or damage and preserve the peace within those
11 areas. The administrator may appoint or designate certain employees of the
12 division to have the general authority of peace officers.

~~[3.—Allow]~~

(c) *May allow* multiple use of state parks and real property controlled or administered by the division for any lawful purpose, including , but not limited to, grazing, mining, development of natural resources, hunting and fishing, ~~[and subject to]~~ *in accordance with* such regulations as may be adopted in furtherance of the purposes of the division.

~~[4.—Conduct]~~

(d) *Shall impose and collect reasonable fees for entering, camping and boating in state parks and recreational areas. The division shall issue, upon application therefor and proof of residency and age, an annual permit for entering, camping and boating in all state parks and recreational areas in this state to any person who is 65 years of age or older and has resided in this state for at least 5 years immediately preceding the date on which the application is submitted. The permit must be issued without charge, except that the division shall charge and collect an administrative fee for the issuance of the permit in an amount sufficient to cover the costs of 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 ~~[them. Except as otherwise provided in subsection 1 of NRS 407.0762 and subsection 1 of NRS 407.0765, the fees collected pursuant to this subsection must be deposited in the state general fund. No fees for special services may be collected from bona fide residents of this state who are more than 60 years old. Reasonable proof of age and residence may be required for free use of special services.~~

~~—5.—Rent]~~ *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. Rental and lease payments must be deposited in the state general fund.

~~[6.—Establish]~~

(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. Except as otherwise provided in subsection 1 of NRS 407.0762 and subsection 1 of NRS 407.0765, the fees collected pursuant to paragraphs (d) and (e) of subsection 1 must be deposited in the state general fund.

1 **Sec. 2.** NRS 407.0762 is hereby amended to read as follows:

2 407.0762 1. The account for maintenance of state parks within the
3 division of state parks is hereby created in the state general fund. Except as
4 otherwise provided in NRS 407.0765, any amount of fees collected
5 pursuant to *paragraphs (d) and (e) of* subsection ~~14~~ 1 of NRS 407.065 in a
6 calendar year, which is in excess of the amounts authorized for expenditure
7 from that revenue source in the division's budget for the fiscal year
8 beginning in that calendar year, must be deposited in the account. The
9 interest and income earned on the money in the account, after deducting
10 any applicable charges, must be credited to the account.

11 2. The money in the account does not lapse to the state general fund at
12 the end of any fiscal year.

13 3. The money deposited in the account pursuant to subsection 1 must
14 only be used to repair and maintain state parks, monuments and
15 recreational areas.

16 4. Before the administrator may expend money pursuant to subsection
17 3:

18 (a) For emergency repairs and projects with a cost of less than \$25,000,
19 he must first receive the approval of the director.

20 (b) For projects with a cost of \$25,000 or more, other than emergency
21 repairs, he must first receive the approval of the director and of the interim
22 finance committee.

23 **Sec. 3.** NRS 289.260 is hereby amended to read as follows:

24 289.260 1. Rangers and employees of the division of state parks of
25 the state department of conservation and natural resources have, at the
26 discretion of the administrator of the division, the same power to make
27 arrests as any other peace officer for violations of law committed inside the
28 boundaries of state parks or real property controlled or administered by the
29 division.

30 2. An employee of the division of state parks of the state department of
31 conservation and natural resources appointed or designated pursuant to
32 *paragraph (b) of* subsection ~~2~~ 1 of NRS 407.065 has the powers of a
33 peace officer.

34 **Sec. 4.** Notwithstanding the amendatory provisions of section 1 of this
35 act to the contrary:

36 1. A permit for senior citizens issued by the division of state parks of
37 the state department of conservation and natural resources before
38 January 1, 2000, to a person who is a resident of this state and is 60 years
39 of age or older remains valid until:

40 (a) The date of expiration of the permit; or

41 (b) The date on which the person to whom it is issued ceases to be a
42 resident of this state,

43 whichever occurs first.

- 1 2. A person who holds a valid permit for senior citizens issued by the
2 division of state parks of the state department of conservation and natural
3 resources before January 1, 2000, may apply for the issuance of an annual
4 permit described in paragraph (d) of subsection 1 of NRS 407.065 upon:
5 (a) Proof only that the person is a current resident of this state; and
6 (b) Payment of the administrative fee required by that paragraph.
7 3. The division of state parks of the state department of conservation
8 and natural resources shall, upon receiving an application that satisfies the
9 requirements of subsection 2, issue to the applicant an annual permit
10 described in paragraph (d) of subsection 1 of NRS 407.065.
11 4. An annual permit issued pursuant to subsection 3 is renewable by
12 the person to whom it is issued subject to the same terms and conditions
13 applicable to the issuance of the permit.
14 **Sec. 5.** 1. This act becomes effective on January 1, 2000.
15 2. Section 4 of this act expires by limitation on January 1, 2005.

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