

ASSEMBLY BILL NO. 615—COMMITTEE ON WAYS AND MEANS

MARCH 26, 2001

Referred to Committee on Ways and Means

SUMMARY—Requires submission to voters of proposal to issue general obligation bonds to protect, preserve and obtain benefits of property and natural resources of state. (BDR S-1463)

FISCAL NOTE: Effect on Local Government: Yes.
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 natural resources; directing the submission to a vote of the people of a proposal to issue state general obligation bonds to protect, preserve and obtain the benefits of the property and natural resources of this state; providing for the use of the proceeds if the issue is approved; creating the fund to protect natural resources; 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.** At the general election to be held on November 5, 2002,
2 there must be submitted to the voters of this state, in the manner prescribed
3 by chapter 349 of NRS, a proposal to issue general obligation bonds of the
4 state to protect, preserve and obtain the benefits of the property and natural
5 resources of this state in an amount not to exceed \$200,000,000. If the
6 proposal is carried, the bonds may be issued at one time or from time to
7 time, and the legislature shall levy such tax as may be necessary to pay the
8 principal of and interest on the bonds. The proceeds of such tax together
9 with any other amounts appropriated to pay the principal of and interest on
10 the bonds when due must be deposited in the consolidated bond interest
11 and redemption fund.
12 **Sec. 2.** Except as otherwise provided in subsection 9 of section 3 of
13 this act, of the total bond issue, if approved pursuant to subsection 1:
14 1. An amount of \$27,000,000 must be allocated to the Division of
15 State Parks of the State Department of Conservation and Natural Resources
16 for the following purposes:
17 (a) An amount of \$7,500,000 for the acquisition of real or personal
18 property or interests in real or personal property for purposes related to
19 parks and recreation.



- 1 (b) An amount of \$19,500,000 to support extraordinary capital
2 improvements and renovations of facilities in state parks.
- 3 2. An amount of \$27,500,000 must be allocated to the Division of
4 Wildlife of the State Department of Conservation and Natural Resources
5 for the following purposes:
- 6 (a) An amount of \$13,000,000 for the acquisition of real or personal
7 property or interests in real or personal property to enhance, protect, and
8 manage wildlife and wildlife habitat or enhance recreational opportunities
9 related to wildlife, or both.
- 10 (b) An amount of \$14,500,000 for the development and renovation of
11 facilities or the improvement of existing habitats for fish and other wildlife.
- 12 3. An amount of \$35,000,000 must be allocated to Clark County for
13 the following purposes:
- 14 (a) An amount of \$25,000,000 to develop the Las Vegas Springs
15 Preserve. The money allocated pursuant to this paragraph must be used to:
- 16 (1) Create a plan for the development of the preserve;
17 (2) Acquire and develop water rights;
18 (3) Provide wildlife habitat and restored aquatic habitat;
19 (4) Provide recreational facilities; and
20 (5) Provide parking for and access to the preserve.
- 21 (b) An amount of \$10,000,000 to develop a county regional wetlands
22 park at the Las Vegas Wash. The money allocated pursuant to this
23 paragraph must be used to:
- 24 (1) Divert water, control erosion and make improvements to restore
25 the existing wetlands, and to create new wetlands;
26 (2) Acquire and develop land and water rights;
27 (3) Provide recreational facilities; and
28 (4) Provide parking for and access to the park.
- 29 4. An amount of \$35,000,000 must be allocated to the Department of
30 Museums, Library and Arts to establish at the Las Vegas Springs Preserve
31 a museum to provide exhibits and education regarding the natural
32 resources, history and cultural heritage of this state. The money allocated
33 pursuant to this subsection must be used for:
- 34 (a) The planning and design of the museum;
35 (b) Construction of the museum;
36 (c) Moving exhibits from other locations to the museum; and
37 (d) Creating new exhibits.
- 38 5. An amount of \$7,000,000 must be allocated to Washoe County to
39 develop county regional parks. The money allocated pursuant to this
40 subsection must be used to:
- 41 (a) Divert water and control erosion;
42 (b) Acquire and develop land and water rights;
43 (c) Provide recreational facilities; and
44 (d) Provide parking for and access to the parks.
- 45 6. An amount of \$68,500,000 must be allocated to the State
46 Department of Conservation and Natural Resources to be administered by
47 the Division of State Lands to carry out the purposes set forth in this
48 subsection. The money allocated pursuant to this subsection must be used
49 for the following purposes:



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1 (a) To make grants in the following amounts:

2 (1) An amount of \$15,000,000 to state agencies, counties,
3 municipalities or private nonprofit organizations, as appropriate, for the
4 construction of recreational trails, including, without limitation, hiking,
5 equestrian and bicycle trails. Programs and projects paid for by grants
6 made pursuant to this subparagraph must be carried out in coordination
7 with the Division of State Parks.

8 (2) An amount of \$10,000,000 to state agencies, counties,
9 municipalities or private nonprofit organizations, as appropriate, for the
10 acquisition of land and water or interests in land and water for urban parks
11 and greenbelts. Programs and projects paid for by grants made pursuant to
12 this subparagraph must be carried out in coordination with the Division of
13 State Parks.

14 (3) An amount of \$3,000,000 to state agencies, counties or
15 municipalities, as appropriate, for the development of habitat conservation
16 plans. Programs and projects paid for by grants made pursuant to this
17 subparagraph must be carried out in coordination with the Division of
18 Wildlife and the Nevada Natural Heritage Program.

19 (4) An amount of \$500,000 to counties and municipalities for the
20 development and adoption of plans for open spaces.

21 (5) An amount of \$25,000,000 to counties and municipalities for the
22 acquisition of land and water or interests in land and water pursuant to an
23 adopted plan for open spaces. Grants made pursuant to this subparagraph
24 must require:

25 (I) In a county whose population is 100,000 or more, that the
26 county or municipality which receives the grant matches the grant with an
27 amount of money that is equal to 50 percent of the amount of the grant.

28 (II) In a county whose population is less than 100,000, that the
29 county or municipality which receives the grant matches the grant with an
30 amount of money that is equal to 25 percent of the amount of the grant.

31 (b) To offset a portion of the reasonable costs incurred with respect to
32 the carrying out of contracts and other agreements pursuant to which state
33 agencies, counties or municipalities procure the assistance of a nonprofit
34 organization for conservation to carry out adopted plans for open spaces,
35 habitat conservation or other established state plans or programs. Any
36 money provided by the Division of State Lands pursuant to this paragraph
37 must be matched by an amount of money which is equal to 50 percent of
38 the amount of money provided by the Division. The total amount of money
39 available to carry out the purposes of this paragraph must not exceed
40 \$15,000,000.

41 The Administrator of the Division of State Lands may adopt such
42 regulations as the Administrator determines are necessary to carry out the
43 programs and projects and make the grants described in subsection 6. The
44 regulations adopted by the Administrator must state whether and to what
45 degree applicants for grants must match any money awarded.

46 **Sec. 3.** 1. The fund to protect natural resources is hereby created in
47 the state general fund. The Director of the Department of Conservation and
48 Natural Resources shall administer the fund and prescribe the method
49 pursuant to which the governmental entities which administer the programs



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1 and projects described in section 2 of this act may request money from the
2 fund in accordance with the allocations made pursuant to that section.

3 2. The proceeds of any bonds issued pursuant to section 1 of this act,
4 after deducting any applicable charges, must be deposited in the fund.

5 3. Any interest or income earned on the money in the fund must be
6 credited to the fund. Any money remaining in the fund at the end of the
7 fiscal year does not revert to the general fund but remains in the fund for
8 authorized expenditure.

9 4. All claims against the fund must be paid as other claims against the
10 state are paid.

11 5. Except as otherwise provided in subsection 9, the governmental
12 entities which administer the programs and projects described in section 2
13 of this act may, to the extent of the allocations made pursuant to that
14 section, use the proceeds from the bonds issued pursuant to section 1 of
15 this act to defray the costs of administering those programs and projects, or
16 may request an appropriation to defray the costs of administering the
17 programs and projects if the money in the fund is not sufficient. The money
18 in the fund must be used only for the purposes set forth in this act and must
19 not be used to replace or supplant funding available from other sources.

20 6. Any interests in land or water acquired by the state pursuant to this
21 act:

22 (a) Must be acquired and held by the Division of State Lands pursuant
23 to chapter 321 of NRS.

24 (b) Must not be acquired by condemnation or the power of eminent
25 domain.

26 The acquisition of any water rights pursuant to this act must not have a
27 negative impact on the distribution of water to other persons who hold
28 valid water rights.

29 7. Before acquiring any interest in land pursuant to this act, recipients
30 of money pursuant to this act must consider alternatives to the acquisition
31 of fee simple title, including, without limitation, the acquisition of
32 easements and remainders after life estates.

33 8. If any interests in land or water acquired by the state pursuant to this
34 act, or portions thereof, are later determined not to be necessary to carry
35 out the purposes of the act, those interests may be sold or leased by the
36 Division of State Lands pursuant to chapter 321 of NRS and the proceeds
37 deposited in the fund to protect natural resources. The proceeds received
38 from such transactions must be expended to carry out the purposes of
39 this act.

40 9. Money may be reallocated among the purposes set forth in each
41 subsection of section 2 of this act with the advance approval of the Interim
42 Finance Committee.

43 **Sec. 4.** The Legislature finds and declares that the issuance of bonds
44 pursuant to this act:

45 1. Is necessary for the protection and preservation of the property and
46 natural resources of this state and for the purpose of obtaining the benefits
47 thereof; and



1 2. Constitutes an exercise of the authority conferred by the second
2 paragraph of section 3 of article 9 of the Constitution of the State of
3 Nevada.

4 **Sec. 5.** To the extent not inconsistent with the provisions of this act,
5 the provisions of the State Securities Law, contained in chapter 349 of
6 NRS, apply to the bonds issued pursuant to this act.

7 **Sec. 6.** If any provision of this act, or application thereof to any
8 person, thing or circumstance, is held invalid, the invalidity shall not affect
9 the provisions or application of this act which can be given effect without
10 the invalid provision or application, and to this end the provisions of this
11 act are declared to be severable.

