

EXEMPT

(REPRINTED WITH ADOPTED AMENDMENTS)
FIRST REPRINT **A.B. 615**

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 section 1 of this
14 act:
- 15 1. An amount of \$27,000,000 must be allocated to the Division of
16 State Parks of the State Department of Conservation and Natural Resources
17 to protect and preserve the property or natural resources of this state or to
18 obtain the benefits thereof for the following purposes:
- 19 (a) For the acquisition of real or personal property or interests in real or
20 personal property for purposes related to parks and recreation; or



- 1 (b) To support extraordinary capital improvements and renovations of
2 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) For the acquisition of real or personal property or interests in real or
7 personal property to enhance, protect, and manage wildlife and wildlife
8 habitat or enhance recreational opportunities related to wildlife, or both; or
9 (b) For the development and renovation of facilities or the improvement
10 of existing habitats for fish and other wildlife.
- 11 3. An amount of \$25,000,000 must be allocated to the Las Vegas
12 Springs Preserve in Clark County for the following purposes:
- 13 (a) Planning, development and design of the preserve;
14 (b) Providing wildlife habitat;
15 (c) Constructing buildings and other facilities for the preserve; or
16 (d) Providing other infrastructure for the preserve.
- 17 The Las Vegas Springs Preserve shall match the allocation made pursuant
18 to this subsection with an amount of money or value of services, material
19 or equipment that is equal to 50 percent of the cost of each project that is
20 completed pursuant to this subsection.
- 21 4. An amount of \$10,000,000 must be allocated to Clark County to
22 develop a county regional wetlands park at the Las Vegas Wash. The
23 money allocated pursuant to this paragraph must be used to:
- 24 (a) Divert water, control erosion and make improvements to restore the
25 existing wetlands, and to create new wetlands;
26 (b) Acquire and develop land and water rights;
27 (c) Provide recreational facilities; and
28 (d) Provide parking for and access to the park.
- 29 Clark County shall match the allocation made pursuant to this subsection
30 with an amount of money or value of services, material or equipment that
31 is equal to 50 percent of the cost of each project that is completed pursuant
32 to this subsection.
- 33 5. An amount of \$35,000,000 must be allocated to the Department of
34 Museums, Library and Arts to establish at the Las Vegas Springs Preserve
35 a museum to provide exhibits and education regarding the natural
36 resources, history and cultural heritage of this state. The money allocated
37 pursuant to this subsection must be used for:
- 38 (a) The planning and design of the museum;
39 (b) Construction of the museum;
40 (c) Moving exhibits from other locations to the museum; or
41 (d) Creating new exhibits.
- 42 6. An amount of \$10,000,000 must be allocated to Washoe County to
43 enhance and restore the Truckee River corridor. The money allocated
44 pursuant to this subsection must be used to:
- 45 (a) Acquire and develop land and water rights;
46 (b) Provide recreational facilities;
47 (c) Provide parking for and access to and along the river; or
48 (d) Restore the Truckee River corridor.



1 Washoe County shall match the allocation made pursuant to this subsection
2 with an amount of money or value of services, material or equipment that
3 is equal to 50 percent of the cost of each project that is completed pursuant
4 to this subsection.

5 7. An amount of \$65,500,000 must be allocated to the State
6 Department of Conservation and Natural Resources to be administered by
7 the Division of State Lands to carry out the purposes set forth in this
8 subsection. The money allocated pursuant to this subsection must be used
9 for the following purposes:

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

11 (1) An amount of \$7,250,000 to state agencies, counties,
12 municipalities or private nonprofit organizations that qualify for grants
13 pursuant to the regulations adopted by the Administrator of the Division of
14 State Lands pursuant to this subsection, as appropriate, for the construction
15 of recreational trails, including, without limitation, hiking, equestrian and
16 bicycle trails. The award of grants pursuant to this subparagraph must be
17 coordinated with the Division of State Parks.

18 (2) An amount of \$5,000,000 to state agencies, counties,
19 municipalities or private nonprofit organizations that qualify for grants
20 pursuant to the regulations adopted by the Administrator of the Division of
21 State Lands pursuant to this subsection, as appropriate, for the acquisition
22 of land and water or interests in land and water for urban parks and
23 greenbelts. Programs and projects paid for by grants made pursuant to this
24 subparagraph must be for the protection and preservation of the property
25 and natural resources of this state, or for the purposes of obtaining the
26 benefits thereof. The award of grants pursuant to this subparagraph must be
27 coordinated with the Division of State Parks.

28 (3) An amount of \$3,000,000 to state agencies, counties whose
29 population is less than 100,000 or municipalities located within those
30 counties, as appropriate, for the development of habitat conservation plans.
31 The making of grants pursuant to this subparagraph must be coordinated
32 with the Division of Wildlife and the Nevada Natural Heritage Program.

33 (4) An amount of \$250,000 to counties whose population is less than
34 100,000 and municipalities located within those counties for the
35 development and adoption of plans for open spaces.

36 (5) An amount of \$20,000,000 to counties and municipalities for the
37 acquisition of land and water or interests in land and water to protect and
38 enhance wildlife habitat, sensitive or unique vegetation, historic or cultural
39 resources, riparian corridors, wetlands and other environmental resources
40 pursuant to an adopted plan for open spaces. Grants made pursuant to this
41 subparagraph must require:

42 (I) In a county whose population is 100,000 or more, that the
43 county or municipality which receives the grant matches the grant with an
44 amount of money or value of services, material or equipment that is equal
45 to 50 percent of the cost of the acquisition.

46 (II) In a county whose population is less than 100,000, that the
47 county or municipality which receives the grant matches the grant with an
48 amount of money or value of services, material or equipment that is equal
49 to 25 percent of the amount of the grant.



- 1 (6) An amount of \$10,000,000 for grants to Churchill County,
2 Douglas County, Lyon County or Carson City and municipalities located
3 within those counties to enhance and restore the Carson River corridor.
4 Grants made pursuant to this subparagraph must require that the county or
5 municipality which receives the grant match the grant with an amount of
6 money or value of services, material or equipment that is equal to 50
7 percent of the cost of the project for which the grant is awarded. Money
8 awarded for grants pursuant to this subparagraph must be used to:
- 9 (I) Acquire and develop land and water rights;
 - 10 (II) Provide recreational facilities;
 - 11 (III) Provide parking for and access to and along the river; or
 - 12 (IV) Restore the Carson River corridor.
- 13 (7) An amount of \$5,000,000 for grants to Douglas County, Washoe
14 County or Carson City and municipalities located within those counties to
15 enhance and develop the Lake Tahoe Path System. Grants made pursuant
16 to this subparagraph must require that the county or municipality which
17 receives the grant match the grant with an amount of money or value of
18 services, material or equipment that is equal to 50 percent of the cost of the
19 project for which the grant is awarded. Money awarded for grants pursuant
20 to this subparagraph must be used to:
- 21 (I) Acquire land for the path system; or
 - 22 (II) Develop the path system.
- 23 (b) An amount of \$15,000,000 to carry out contracts or agreements
24 under which nonprofit conservation organizations may acquire land and
25 water or interests in land and water for the public benefit, to protect and
26 enhance wildlife habitat, sensitive or unique vegetation, historic or cultural
27 resources, riparian corridors, floodplains and wetlands and other
28 environmental resources. Any money provided by the Division of State
29 Lands pursuant to this paragraph must be matched by an amount of money
30 or value of services, material or equipment that is equal to 50 percent of the
31 cost of the acquisition. The investment of this state in any property
32 acquired pursuant to this paragraph must be secured by an interest in the
33 property.
- 34 The Administrator of the Division of State Lands may adopt such
35 regulations as the Administrator determines are necessary to carry out the
36 programs and projects and make the grants described in this subsection.
37 The regulations adopted by the Administrator must state whether and to
38 what degree applicants for grants must match any money awarded.
- 39 **Sec. 3.** 1. The fund to protect natural resources is hereby created in
40 the state general fund. The Director of the Department of Conservation and
41 Natural Resources shall administer the fund and prescribe the method
42 pursuant to which the governmental entities which administer the programs
43 and projects described in section 2 of this act may request money from the
44 fund in accordance with the allocations made pursuant to that section.
- 45 2. The proceeds of any bonds issued pursuant to section 1 of this act,
46 after deducting any applicable charges, must be deposited in the fund.
- 47 3. Any interest or income earned on the money in the fund must be
48 credited to the fund. Any money remaining in the fund at the end of the



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1 fiscal year does not revert to the general fund but remains in the fund for
2 authorized expenditure.

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

5 5. The State Department of Conservation and Natural Resources may
6 use the proceeds from the bonds issued pursuant to section 1 of this act and
7 the interest income thereon to defray the costs of administering the
8 provisions of this act and may request an appropriation to defray the costs
9 of administering this act if the money in the fund is not sufficient. The
10 money in the fund must be used only for the purposes set forth in this act
11 and must not be used to replace or supplant funding available from other
12 sources.

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

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

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

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

22 7. Any property acquired pursuant to the provisions of this act may
23 include easements and other interests in land. Before acquiring any interest
24 in land pursuant to this act, recipients of money pursuant to this act must
25 consider such alternatives to the acquisition of fee simple title as may be
26 available, including, without limitation, the acquisition of easements and
27 remainders after life estates.

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

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

38 10. The Interim Finance Committee must approve the issuance of any
39 bonds issued pursuant to this act if the proceeds of which will be used for
40 the purposes set forth in paragraph (a) of subsection 7 of section 2 of this
41 act.

42 **Sec. 4.** The Legislature finds and declares that the issuance of bonds
43 pursuant to this act, except the use of the proceeds of those bond pursuant
44 to subsections 3 and 5 of section 2 of this act and subparagraph (5) of
45 paragraph (a) of subsection 7 of section 2 of this act and paragraph (b) of
46 subsection 7 of section 2 of this act:

47 1. Is necessary for the protection and preservation of the property and
48 natural resources of this state and for the purpose of obtaining the benefits
49 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.** Notwithstanding the provisions of NRS 361.453 to the
8 contrary, any levy imposed by the legislature for the repayment of bonded
9 indebtedness issued pursuant to the provisions of this act must not be
10 included in calculating the limitation set forth in subsection 1 of NRS
11 361.453 on the total ad valorem tax levied for all public purposes.

12 **Sec. 7.** If any provision of this act, or application thereof to any
13 person, thing or circumstance, is held invalid, the invalidity shall not affect
14 the provisions or application of this act which can be given effect without
15 the invalid provision or application, and to this end the provisions of this
16 act are declared to be severable.

