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FIRST REPRINT

EXEMPT

S.B. 106

SENATE BILL NO. 106—COMMITTEE ON NATURAL RESOURCES

FEBRUARY 13, 2001

Referred to Committee on Natural Resources

SUMMARY—Requires division of minerals of commission on mineral resources to identify and map certain roads. (BDR 35-1040)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included in Executive Budget.

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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 roads; requiring the division of minerals of the commission on mineral resources to identify and map certain roads; authorizing the attorney general or a district attorney to bring an action for a declaratory judgment concerning those roads under certain circumstances; making an appropriation; 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.** Chapter 405 of NRS is hereby amended by adding thereto a
2 new section to read as follows:
3 **1. *The division shall, insofar as practicable:***
4 ***(a) Identify each road in this state that exists upon a right of way***
5 ***granted by Congress over public lands pursuant to the provisions of***
6 ***section 8 of chapter 262, 14 Stat. 253 (1866), former 43 U.S.C. § 932;***
7 ***and***
8 ***(b) Prepare or cause to be prepared a map of each county in this state***
9 ***that shows the general course of each road:***
10 ***(1) Identified pursuant to the provisions of paragraph (a);***
11 ***(2) Designated as a state highway or route pursuant to the***
12 ***provisions of NRS 408.285;***
13 ***(3) Mapped as a main, general, minor or standard county road***
14 ***pursuant to the provisions of NRS 403.190 or otherwise identified,***
15 ***described or mapped through formal action of a board of county***
16 ***commissioners; or***
17 ***(4) Identified, described or mapped through formal action of a***
18 ***board of county commissioners as a road specified in paragraph (a) or a***
19 ***way laid out or maintained by a governmental agency.***
20 **2. *The division shall:***



1 (a) *If it finds that a county has prepared a complete map of each road*
2 *specified in paragraph (a) of subsection 1 which is located or partially*
3 *located within the boundaries of the county, incorporate that map into*
4 *the map prepared by the division pursuant to paragraph (b) of subsection*
5 *1; and*
6 (b) *Request the advice of the department of transportation concerning*
7 *cartographic procedures, standards and guidelines.*
8 3. *If an agency or instrumentality of the Federal Government*
9 *unreasonably limits or imposes unreasonable conditions upon the use of*
10 *a road identified by the division pursuant to paragraph (a) of subsection*
11 *1, the attorney general may, unless he has brought an action concerning*
12 *the road pursuant to the provisions of subsection 6 of NRS 405.195 or*
13 *subsection 2 of NRS 405.204, bring an action for a declaratory judgment*
14 *establishing the rights of all users to the unimpeded maintenance, use*
15 *and enjoyment of the road. If the attorney general fails to bring such an*
16 *action, the district attorney of any county in which the road or a portion*
17 *of the road is located may bring the action. If the attorney general or a*
18 *district attorney brings the action in a court of this state, the map*
19 *prepared by the division pursuant to the provisions of this section is*
20 *prima facie evidence of the existence and location of any road included*
21 *on the map.*
22 4. *The division shall:*
23 (a) *Periodically review the map prepared pursuant to the provisions of*
24 *this section; and*
25 (b) *Revise the map if required to ensure its accuracy.*
26 5. *The division may:*
27 (a) *Apply for and accept any gift, grant, appropriation or donation,*
28 *and use the gift, grant, appropriation or donation to carry out the*
29 *provisions of this section; and*
30 (b) *Contract with any person to assist the division in carrying out*
31 *those provisions.*
32 6. *As used in this section, "division" means the division of minerals*
33 *of the commission on mineral resources.*
34 **Sec. 2.** 1. There is hereby appropriated from the state general fund
35 to the division of minerals of the commission on mineral resources the sum
36 of \$50,000 to carry out the provisions of section 1 of this act.
37 2. Any remaining balance of the appropriation made by subsection 1
38 must not be committed for expenditure after June 30, 2003, and reverts to
39 the state general fund as soon as all payments of money committed have
40 been made.
41 **Sec. 3.** This act becomes effective upon passage and approval.

