

Senate Bill No. 144—Committee on
Government Affairs

CHAPTER.....

AN ACT relating to the Division of State Parks of the State Department of Conservation and Natural Resources; authorizing, under certain circumstances, the Administrator of the Division to charge and collect a fee for administering certain federal grants for the planning, acquisition or development of outdoor recreational projects; requiring the Legislature to approve any change to the name of a state park, monument or recreational area; requiring the Administrator of the Division to provide an annual permit to enter all state parks and recreational areas; authorizing the Division to enter into cooperative agreements with certain political subdivisions of this state to establish and maintain certain parks; providing for the allocation of certain bonds proceeds for historic restoration projects in Virginia City and Lincoln County; and providing other matters properly relating thereto.

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

Section 1. Chapter 407 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this act.

Sec. 2. 1. *The Administrator, subject to the approval of the Director, may charge and collect from each grant recipient a fee for administering the federal grants provided to the State of Nevada and its political subdivisions for the planning, acquisition or development of outdoor recreational projects pursuant to the Land and Water Conservation Fund established by 16 U.S.C. § 460l-5 to the extent that such a fee does not violate the terms of such a federal grant.*

2. If a fee is charged pursuant to subsection 1:

(a) The fee must be charged only once annually.

(b) The total of all fees collected annually pursuant to subsection 1 must not exceed an amount equal to the annual salary of a half-time position the duty of which is to administer the federal grants.

3. Notwithstanding any other specific provision to the contrary, if a fee is charged to the Division pursuant to subsection 1, the fee may be paid from money received by the Division for the planning, acquisition or development of outdoor recreational projects regardless of the source of the money to the extent that such payment of the fee does not violate the terms of any federal grant awarded to the State of Nevada.

Sec. 3. 1. *Any money the Administrator receives pursuant to section 2 of this act:*

(a) Must be deposited in the State Treasury and accounted for separately in the State General Fund;

(b) Does not revert to the State General Fund at the end of any fiscal year; and

(c) May be used by the Administrator only to pay the costs of administering the federal grants provided for the planning, acquisition or development of outdoor recreational projects pursuant to the Land and Water Conservation Fund established by 16 U.S.C. § 460l-5. The costs of administering those federal grants include, without limitation, costs for the salary, travel expenses and per diem allowances of the person whose duty is to administer the federal grants.

2. Any interest or income earned on the money in the account, after deducting applicable charges, must be credited to the account. Any claims against the account must be paid in the manner that other claims against the State are paid.

Sec. 4. NRS 407.065 is hereby amended to read as follows:

407.065 1. The Administrator, subject to the approval of the Director:

(a) ~~[May]~~ *Except as otherwise provided in this paragraph, may establish, name, plan, operate, control, protect, develop and maintain state parks, monuments and recreational areas for the use of the general public. The name of an existing state park, monument or recreational area may not be changed unless the Legislature approves the change by statute.*

(b) Shall protect state parks and property controlled or administered by the Division from misuse or damage and preserve the peace within those areas. The Administrator may appoint or designate certain employees of the Division to have the general authority of peace officers.

(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, in accordance with such regulations as may be adopted in furtherance of the purposes of the Division.

(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 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.

(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. *The Administrator:*

(a) Shall issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter each state park and each recreational area in this state and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee; and

(b) May issue an annual permit to a person who pays a reasonable fee as prescribed by regulation which authorizes the holder of the permit to enter a specific state park or specific recreational area in this state and, except as otherwise provided in subsection 3, use the facilities of the state park or recreational area without paying the entrance fee.

3. An annual permit issued pursuant to subsection 2 does not authorize the holder of the permit to engage in camping or boating, or to attend special events. The holder of such a permit who wishes to engage in camping or boating, or to attend special events, must pay any fee established for the respective activity.

4. 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 or subsection 2 must be deposited in the State General Fund.

Sec. 5. NRS 407.068 is hereby amended to read as follows:

407.068 1. As used in this section:

(a) "Controlling subdivision" means any political subdivision of this state, including irrigation, water conservancy and other districts, which owns or controls a site suited to a public park.

(b) “Other state agency” means any other agency of this state which owns or controls a site suited to a public park or is engaged in park and recreation development.

(c) “Park” includes any recreational facility.

(d) “Using subdivision” means any political subdivision of this state which is authorized to establish and maintain public parks.

2. The Administrator, subject to the approval of the Director, may enter into cooperative agreements for the operation of parks, not a part of the Division but which are of state park caliber, with any other state agency, controlling *subdivision* or using subdivision, for the primary purpose of establishing or maintaining a park where:

(a) A controlling subdivision is not authorized to establish or maintain parks; or

(b) A using subdivision would be subjected to an unfair financial burden through extensive use of the park by nonresidents of the using subdivision.

3. Such an agreement ~~{shall}~~ *must* include:

(a) The Division;

(b) The using subdivision in which the site is located; and

(c) The controlling subdivision or other state agency.

The agreement may include any other using subdivision whose residents may be expected to make substantial use of the park.

4. The Division shall apportion the cost of operation, or the combined state and local shares of the cost if federal funds are also received, as follows:

(a) As between the State and the using subdivision or subdivisions, on the basis of the number of persons residing outside the using subdivisions, as against the number of residents of such subdivisions, who are estimated or anticipated by the Division to use the park.

(b) As between two or more using subdivisions, on the basis of the number of residents of each so estimated or anticipated to use the park.

5. In addition to the cooperative agreements authorized pursuant to subsection 2, the Administrator, subject to the approval of the Director, may enter into a cooperative agreement with a using subdivision for the purpose of establishing and maintaining a park that:

(a) Is under the jurisdiction of the Division; and

(b) Will be used primarily by residents of the using subdivision.

Sec. 6. NRS 407.0762 is hereby amended to read as follows:

407.0762 1. The Account for Maintenance of State Parks within the Division of State Parks is hereby created in the State General Fund. Except as otherwise provided in NRS 407.0765, any amount of fees collected pursuant to paragraphs (d) and (e) of

subsection 1 *or subsection 2* of NRS 407.065 in a calendar year, which is in excess of the amounts authorized for expenditure from that revenue source in the Division's budget for the fiscal year beginning in that calendar year, must be deposited in the Account. The interest and income earned on the money in the Account, after deducting any applicable charges, must be credited to the Account.

2. The money in the Account does not lapse to the State General Fund at the end of any fiscal year.

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

4. Before the Administrator may expend money pursuant to subsection 3:

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

(b) For projects with a cost of \$25,000 or more, other than emergency repairs, he must first receive the approval of the Director and of the Interim Finance Committee.

Sec. 7. NRS 407.209 is hereby amended to read as follows:

407.209 The Administrator, subject to the approval of the director, shall make no commitment, nor shall he enter into any agreement pursuant to NRS 407.205 ~~[to 407.209, inclusive,]~~ , *407.207 and 407.209 and sections 2 and 3 of this act* until he has determined that sufficient funds are available to the Division for meeting the State's share, if any, of project costs. It is the legislative intent that, to such extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired or developed pursuant to any program participated in by this state under NRS 407.205 ~~[to 407.209, inclusive,]~~ , *407.207 and 407.209 and sections 2 and 3 of this act* such areas and facilities ~~[shall]~~ *must* be publicly maintained for outdoor recreation purposes. The Administrator, subject to the approval of the Director, may enter into and administer agreements with the United States or any appropriate agency thereof for planning, acquisition and development projects involving participating federal aid funds on behalf of any political subdivision or subdivisions of this state if such subdivision or subdivisions give necessary assurances to the Division that they have available sufficient funds to meet their shares, if any, of the cost of the project and that the acquired or developed areas will be operated and maintained at the expense of such subdivision or subdivisions for public outdoor recreation use.

Sec. 8. Notwithstanding the provisions of chapter 6, Statutes of Nevada 2001, Special Session, from the \$20,000,000 in general obligation bonds allocated to the State Department of Conservation and Natural Resources to be administered by the Division of State

Lands pursuant to subparagraph (5) of paragraph (a) of subsection 7 of section 2 of that act:

1. The sum of \$150,000 must be allocated to Virginia City for distribution to the Comstock Cemetery Foundation for restoration of historic Virginia City cemetery if a commitment for at least a 100 percent matching amount of money from one or more federal grants is obtained for the cost of the restoration project. This allocation must be made from the first bonds sold pursuant to chapter 6 of Statutes of Nevada 2001, Special Session.

2. The sum of \$136,000 must be allocated to Lincoln County for the restoration of the historic fairgrounds in Panaca, Nevada, if a commitment is received from Lincoln County to match the allocated money through the provision of all labor for the restoration project. This allocation must be made from the second group of bonds sold pursuant to chapter 6 of Statutes of Nevada 2001, Special Session.

Sec. 9. This act becomes effective upon passage and approval.