

Amendment No. 352

Senate Amendment to Senate Bill No. 376 (BDR 26-1009)

Proposed by: Senate Committee on Natural Resources**Amends:** Summary: Yes Title: Yes Preamble: Add Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold* is newly added transitory language.

JRS/TMC



Date: 4/21/2007

S.B. No. 376—Requires the State Land Use Planning Agency to prepare a statewide master plan for the recreational use of land in this State. (BDR 26-1009)



SENATE BILL NO. 376—SENATOR HARDY

MARCH 19, 2007

Referred to Committee on Natural Resources

SUMMARY—Requires the ~~{State Land Use Planning Agency}~~ **Division of State Parks of the State Department of Conservation and Natural Resources** to prepare a ~~{statewide master plan for the recreational use of land in this State.}~~ **comprehensive outdoor recreation plan for a certain designated area.** (BDR ~~{26-1009}~~ **S-1009**)

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 land; requiring the ~~{State Land Use Planning Agency}~~ **Division of State Parks of the State Department of Conservation and Natural Resources** to prepare a ~~{statewide master}~~ plan for the recreational use of land ~~{in this State}~~ **within a certain area designated by the Division;** authorizing the ~~{Agency}~~ **Division** to carry out the provisions of the ~~{master}~~ plan under certain circumstances; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, ~~{planning for the use of land is primarily the responsibility of cities, counties and regional planning agencies. State participation in planning for the use of land is generally limited to coordinating information and data and providing assistance to local governmental entities. (NRS 221.640) Existing law designates the Division of State Lands of the State Department of Conservation and Natural Resources as the State Land Use Planning Agency. (NRS 221.700) As part of the statutory duties of the Agency, it is required to develop and make available to cities and counties information that is useful in planning for the use of land by the cities and counties. (NRS 221.720)}~~

—Section 1 of this bill expands the duties of the Agency by requiring it to prepare a statewide master plan for the recreational use of land and for the identification, creation and maintenance of open spaces. The master plan must include provisions for trails for use by certain off highway vehicles and must, to the greatest extent practicable, be coordinated with any similar provisions of a land use plan adopted by a city, county or planning agency. Section 1 further authorizes the Agency to enter into an agreement for the construction and maintenance of trails for use by off highway vehicles. **the Division of State Parks of the State Department of Conservation and Natural Resources is required to prepare and maintain a comprehensive statewide outdoor recreation plan. The plan must include an evaluation of the demand for and supply of outdoor recreation resources and facilities in Nevada and a program for carrying out the plan. (NRS 407.205)**

Section 5 of this bill requires the Division to prepare an additional plan which is a comprehensive outdoor recreation plan. The plan is not statewide, but applicable only to a certain area of Clark County, Nevada, designated by the Division. The plan must include all relevant provisions of the comprehensive statewide outdoor recreation plan prepared by the Division and also an analysis of any plans and activities of federal, state or local governmental agencies in the area designated by the Division. In addition, section 5 authorizes the Division to cooperate with all interested persons in preparing the comprehensive outdoor recreation plan and requires the Division to submit a written report concerning its activities to the next regular session of the Legislature.

Section ~~(5)~~ 6 of this bill appropriates ~~(\$2,500,000)~~ \$250,000 to the ~~[Agency]~~ Division to carry out the provisions of the bill.

WHEREAS, Providing access to a wide range of recreational opportunities is an important activity of federal, state and local governmental entities; and

WHEREAS, Funding for recreational opportunities in this State is available from several sources, including, without limitation, the Southern Nevada Public Land Management Act of 1998, Public Law 105-263, and qualifying to receive any such funding is essential for improving recreational opportunities in this State; and

WHEREAS, The Division of State Parks of the State Department of Conservation and Natural Resources is required to prepare and maintain a comprehensive statewide outdoor recreation plan to qualify to receive funding for certain outdoor recreation projects from the Federal Government; and

WHEREAS, The planning for and development of recreational opportunities in this State, including, without limitation, the development of trails for off-highway vehicles, hiking trails, bike paths, campgrounds and facilities for camping and conservation efforts, involve the use of public and private land, thereby requiring coordination of activities and cooperation among federal, state and local governmental entities, nonprofit organizations and other entities; and

WHEREAS, Such coordination and cooperation is often essential to ensure compliance with environmental laws such as the National Environmental Policy Act, 42 U.S.C. §§ 4321 et seq.; now, therefore,

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

Section 1. ~~[Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:~~

~~1. The State Land Use Planning Agency shall prepare a statewide master plan for the recreational use of land in this State and the identification, creation and maintenance of open spaces. The master plan must include, without limitation, provisions for identifying, constructing and maintaining trails for use by an off-highway vehicle that is issued a certificate of operation pursuant to NRS 490.070 or for which a certificate of operation is not required pursuant to NRS 490.080.~~

~~2. In preparing a statewide master plan pursuant to this section, the State Land Use Planning Agency shall, to the greatest extent practicable, coordinate the provisions of the master plan with any similar provisions of a plan or part of a plan adopted by a city, county or regional planning agency. Any provision of the master plan that conflicts with the provisions of a plan or part of a plan adopted by a city, county or planning agency must be approved by the city, county or~~

~~planning agency before the provision may be carried out pursuant to subsection 3.~~

~~3. After preparing a statewide master plan pursuant to this section, the State Land Use Planning Agency may, by contract or other agreement, carry out the master plan or any part of the master plan, including, without limitation, constructing and maintaining any trail for use by an off-highway vehicle as set forth in the master plan.~~ (Deleted by amendment.)

Sec. 2. [NRS 321.640 is hereby amended to read as follows:

~~321.640 The Legislature hereby finds and declares that:~~

~~1. It is in the public interest to place the primary authority for the planning process with the local governments, which are closest to the people;~~

~~2. Unregulated growth and development of the State will result in harm to the public safety, health, comfort, convenience, resources and general welfare;~~

~~3. The cities of the State have a responsibility for guiding the development of areas within their respective boundaries for the common good, and the counties have similar responsibilities with respect to their unincorporated areas;~~

~~4. City, county, regional and other planning must be done in harmony to ensure the orderly growth and preservation of the State; and~~

~~5. [State] Except as otherwise provided in section 1 of this act, state participation in land use planning should be limited to coordination of information and data, the acquisition and use of federal lands within the State, providing land use planning assistance in areas of critical environmental concern when directed by the Governor or requested by local governments, and providing assistance in resolving inconsistencies between the land use plans of local governmental entities when requested to do so by one of the entities.]~~ (Deleted by amendment.)

Sec. 3. [NRS 321.700 is hereby amended to read as follows:

~~321.700 In addition to any other functions assigned to it by law, the Division is hereby designated as the State Land Use Planning Agency for the purpose of carrying out the provisions of NRS 321.640 to 321.770, inclusive, and section 1 of this act, and fulfilling any land use planning requirements arising under federal law.]~~ (Deleted by amendment.)

Sec. 4. [NRS 321.750 is hereby amended to read as follows:

~~321.750 The Land Use Planning Advisory Council shall:~~

~~1. Advise the Administrator on the development and distribution to cities and counties of information useful to land use planning;~~

~~2. Advise the State Land Use Planning Agency regarding [the];~~

~~(a) The development of plans and statements of policy pursuant to subsection 1 of NRS 321.7355 [;]; and~~

~~(b) The preparation of a statewide master plan pursuant to section 1 of this act.]~~ (Deleted by amendment.)

Sec. 5. 1. The Division of State Parks of the State Department of Conservation and Natural Resources shall prepare a comprehensive outdoor recreation plan. The Division shall designate an area located within the northeast portion of Clark County, Nevada, as the applicable area for the plan. The area for the plan may include any portion of Lincoln County, Nevada, that is contiguous to that portion of Clark County, Nevada. The plan must include, without limitation:

(a) All provisions of the comprehensive statewide outdoor recreation plan prepared and maintained by the Division pursuant to NRS 407.205 that are applicable or related to the designated area for the comprehensive outdoor recreation plan required pursuant to this section;

(b) A specific review, compilation and suggested revision, if any, of any existing outdoor recreation plan that is prepared for or is applicable to the

designated area for the plan required pursuant to this section and any inventories of outdoor recreational facilities and existing or proposed development activities within or affecting the designated area for the plan;

(c) An analysis of any plans or other actions of a federal, state or local governmental agency relating to outdoor recreational activities, facilities and opportunities for members of the public to engage in outdoor recreational activities in the designated area for the plan;

(d) An evaluation of the possible integration of the activities, facilities and opportunities specified in paragraph (c); and

(e) Any other information required by the Division relating to the plan.

2. The Division may:

(a) Cooperate with any person, including, without limitation, any nonprofit organization, any federal, state or local governmental agency or any other entity in preparing and revising the plan required pursuant to this section; and

(b) Apply for and accept any gift or grant of money from any source to assist the Division in preparing or carrying out the provisions of the plan, including, without limitation, the development or construction of any trails for hiking, biking or off-highway vehicles or any campgrounds or other facilities within the designated area for the plan.

3. The Division shall:

(a) Upon request by the Legislative Committee on Public Lands, submit a report to the Committee concerning the progress of the Division in preparing the plan required pursuant to this section and any other actions of the Division in carrying out the provisions of this section, including, without limitation, a statement setting forth the availability and expenditure of the money appropriated pursuant to section 6 of this act; and

(b) On or before February 1, 2009, prepare and submit to the Director of the Legislative Counsel Bureau for transmittal to the Legislature a written report setting forth:

(1) The provisions of the comprehensive outdoor recreation plan prepared pursuant to this section; and

(2) Any other activities of the Division in carrying out the provisions of this section.

~~Sec. 5.~~ **Sec. 6.** 1. There is hereby appropriated from the State General Fund to the ~~State Land Use Planning Agency~~ **Division of State Parks of the State Department of Conservation and Natural Resources** the sum of ~~(\$2,500,000)~~ **\$250,000** to carry out the provisions of **section 5** of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2009, by the entity to which the appropriation is made or any entity to which money from the appropriation is granted or otherwise transferred in any manner, and any portion of the appropriated money remaining must not be spent for any purpose after September 18, 2009, by either the entity to which the money was appropriated or the entity to which the money was subsequently granted or transferred, and must be reverted to the State General Fund on or before September 18, 2009.

~~Sec. 6.~~ **Sec. 7.** This act becomes effective on July 1, 2007.