

ASSEMBLY BILL NO. 522—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE DIVISION OF BUDGET AND PLANNING)

MARCH 28, 2011

Referred to Committee on Ways and Means

SUMMARY—Authorizes the issuance of bonds for projects and programs to protect, preserve and obtain the benefits of the property and natural resources of this State. (BDR S-1211)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

~

EXPLANATION – Matter in **bolded italics** is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to state lands; authorizing the issuance of general obligation bonds to carry out projects and programs to protect, preserve and obtain the benefits of the property and natural resources of this State; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 The Legislature submitted to the voters of this State, and the voters approved, at
2 the general election held on November 5, 2002, a proposal to issue general
3 obligation bonds of this State in an amount not to exceed \$200,000,000, the
4 proceeds of which were to be used for projects and programs to protect, preserve
5 and obtain the benefits of the property and natural resources of this State. (Chapter
6 6, Statutes of Nevada 2001, 17th Special Session, p. 104) **Section 1** of this bill
7 requires the issuance of not more than \$75,000,000 in general obligation bonds
8 between July 1, 2011, and July 30, 2020, for programs and projects to protect,
9 preserve and obtain the benefits of the property and natural resources of this State.
10 **Section 2** of this bill requires that the proceeds from the issuance of the bonds must
11 be allocated to: (1) the State Department of Conservation and Natural Resources, to
12 be allocated in the form of grants to state agencies, local governments and nonprofit
13 organizations; (2) the Department of Wildlife; and (3) the Division of State Parks of
14 the State Department of Conservation and Natural Resources.



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

Section 1. Money to protect, preserve and obtain the benefits of the property and natural resources of this State must be provided during the period between the fiscal year beginning on July 1, 2011, and the fiscal year ending on June 30, 2020, by the issuance by the State Board of Finance of general obligation bonds of the State of Nevada in a total face amount of not more than \$75,000,000. With the prior approval of the Legislature or the Interim Finance Committee, the bonds may be issued from time to time pursuant to a schedule established by the Director of the State Department of Conservation and Natural Resources. The provisions of NRS 349.150 to 349.364, inclusive, apply to the issuance of bonds pursuant to this section.

Sec. 2. The proceeds of the bonds issued pursuant to section 1 of this act, after deducting applicable charges, must be deposited in the Fund to Protect Natural Resources created pursuant to section 3 of chapter 6, Statutes of Nevada 2001, 17th Special Session, and, notwithstanding the provisions of chapter 6, Statutes of Nevada 2001, 17th Special Session, to the contrary must be used as follows:

1. An amount of \$45,000,000 must be allocated to the State Department of Conservation and Natural Resources to be administered by the Division of State Lands to carry out the purposes set forth in this subsection. The money allocated pursuant to this subsection must be used as follows:

(a) An amount of \$8,000,000 for grants to counties, local governments and nonprofit organizations for the construction and rehabilitation of recreational trails and accessory facilities. The awarding of grants pursuant to this paragraph must be coordinated with the Division of State Parks.

(b) An amount of \$15,000,000 for grants to counties, local governments and nonprofit organizations for watershed or riparian corridor restoration projects.

(c) An amount of \$250,000 for grants to counties whose population is less than 100,000 and municipalities located within such counties for the development and adoption of open space plans.

(d) An amount of \$11,750,000 for grants to state agencies, counties and local governments for the protection and enhancement of wildlife habitat, sensitive or unique vegetation, historic or cultural resources, riparian corridors, wetlands and other environmental resources through:

(1) The acquisition of easements;

(2) The acquisition of land and water, or interests in land and water, pursuant to an adopted plan for open spaces; and



* A B 5 2 2 *

(3) Extraordinary capital improvements and renovations of facilities in regional parks.

(e) An amount of \$10,000,000 for grants to nonprofit conservation organizations for the protection and enhancement of wildlife habitat, sensitive or unique vegetation, historic or cultural resources, riparian corridors, floodplains, wetlands and other environmental resources through:

(1) The acquisition of easements; and

(2) The acquisition of land and water, or interests in land and water, pursuant to an adopted plan for open spaces.

2. An amount of \$20,000,000 must be allocated to the Department of Wildlife. The money allocated pursuant to this subsection must be used as follows:

(a) For the development and implementation of plans for the improvement of habitat for sage grouse and other species of conservation priority.

(b) For the development and renovation of facilities.

(c) For the improvement of existing habitats for fish and other wildlife, including, without limitation, nongame species.

(d) For the enhancement, conservation and protection of wildlife and wildlife habitat and the enhancement of recreational opportunities relating to wildlife, through conservation agreements, easements and the acquisition of real property and interests in real property.

3. An amount of \$10,000,000 must be allocated to the Division of State Parks of the State Department of Conservation and Natural Resources to protect and preserve the property and natural resources of this State and to support extraordinary capital improvements and renovations of facilities in state parks.

Sec. 3. 1. No grant may be awarded pursuant to subsection 1 of section 2 of this act unless the recipient of the grant provides a matching amount that is not less than 25 percent of the total cost of the project, plan or acquisition to be funded by the grant.

2. The Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources may adopt such regulations as are necessary to carry out the programs and projects and award the grants described in subsection 1 of section 2 of this act.

3. The Director of the State Department of Conservation and Natural Resources shall prescribe the method pursuant to which the entities that administer the programs and projects described in section 2 of this act may request money from the Fund to Protect Natural Resources in accordance with the allocations made pursuant to that section.



* A B 5 2 2 *

4. The State Department of Conservation and Natural Resources may use the proceeds from the bonds issued pursuant to section 1 of this act and the interest income thereon to defray the costs of administering the provisions of this act and may request an appropriation to defray the costs of administering this act if the money in the Fund to Protect Natural Resources is not sufficient. The money deposited in the Fund to Protect Natural Resources pursuant to this act, and the interest income thereon, must be used only for the purposes set forth in this act and must not be used to replace or supplant funding available from other sources.

5. The Department of Wildlife may use up to 5 percent of the money allocated pursuant to subsection 2 of section 2 of this act for expenses relating to personnel required to implement programs and projects funded pursuant to that subsection.

6. Any interests in land or water acquired by this State pursuant to this act:

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

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

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

8. Any property acquired pursuant to the provisions of this act may include easements and other interests in land. Before acquiring any interest in land pursuant to this act, recipients of money pursuant to this act must consider such alternatives to the acquisition of fee simple title as may be available, including, without limitation, the acquisition of easements.

9. If any interests in land or water acquired by this State pursuant to this act, or portions thereof, are later determined not to be necessary to carry out the purposes of this act, those interests may be sold or leased by the Division of State Lands pursuant to chapter 321 of NRS and the proceeds deposited in the Fund to Protect Natural Resources. The proceeds received from such transactions must be expended to carry out the purposes of this act.

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

11. The Legislature or the Interim Finance Committee must approve the issuance of any bonds issued pursuant to this act.

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



* A B 5 2 2 *

1 1. Is necessary for the protection and preservation of the
2 property and natural resources of this State and for the purpose of
3 obtaining the benefits thereof; and

4 2. Constitutes an exercise of the authority conferred by the
5 second paragraph of Section 3 of Article 9 of the Constitution of the
6 State of Nevada.

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

10 **Sec. 6.** Notwithstanding the provisions of NRS 361.453 to the
11 contrary, any levy imposed by the Legislature for the repayment of
12 bonded indebtedness issued pursuant to the provisions of this act
13 must not be included in calculating the limitation set forth in
14 subsection 1 of NRS 361.453 on the total ad valorem tax levied for
15 all public purposes.

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

21 **Sec. 8.** This act becomes effective on July 1, 2011.

