

SENATE BILL NO. 442—COMMITTEE ON FINANCE

(ON BEHALF OF THE DIVISION OF BUDGET AND PLANNING)

MARCH 28, 2011

Referred to Committee on Finance

SUMMARY—Establishes the Fund for State Park Interpretative and Educational Programs and Operation of Concessions. (BDR 35-1210)

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

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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 state parks; creating the Fund for State Park Interpretative and Educational Programs and Operation of Concessions; authorizing the Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources to establish certain concessions within state parks; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Under existing law, the Division of State Parks of the State Department of
- 2 Conservation and Natural Resources is funded by grants and gifts of money, fees
- 3 and legislative appropriations. (NRS 407.075, 407.0762, 407.077) **Section 2** of this
- 4 bill authorizes the Administrator of the Division to establish concessions within the
- 5 boundaries of any state park the revenue from which is required to be deposited in
- 6 the Fund for State Park Interpretative and Educational Programs and Operation of
- 7 Concessions. **Section 1** of this bill creates the Fund for State Park Interpretative and
- 8 Educational Programs and Operation of Concessions for the use of the Division and
- 9 provides for the expenditure of money from the Fund.



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 a new section to read as follows:

1. The Fund for State Park Interpretative and Educational Programs and Operation of Concessions is hereby created as an enterprise fund for the use of the Division to receive all revenues derived from sales of concessions and vending machines operated within state parks and other special revenue generating activities.

2. Money in the Fund must be invested as the money in other state funds is invested. The interest and income earned on the money in the Fund, after deducting any applicable charges, must be credited to the Fund. Claims against the Fund must be paid as other claims against the State are paid.

3. In addition to any expenditure required by subsection 4, the cost of any goods and services used for the sale of concessions and the coordination of special revenue generating activities must be expended from the Fund.

4. Money deposited in the Fund must be expended:

(a) By the Administrator, upon approval by the Director, for special interpretative or educational programs and special park projects that enhance the interpretative and educational mission of the Division; or

(b) For any other purpose authorized by the Legislature or by the Interim Finance Committee if the Legislature is not in session.

5. Any balance remaining in the Fund does not revert to the State General Fund at the end of any fiscal year.

Sec. 2. NRS 407.065 is hereby amended to read as follows:

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

(a) 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



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1 natural resources, hunting and fishing, in accordance with such
2 regulations as may be adopted in furtherance of the purposes of the
3 Division.

4 (d) Shall impose and collect reasonable fees for entering,
5 camping and boating in state parks and recreational areas. The
6 Division shall issue, upon application therefor and proof of
7 residency and age, an annual permit for entering, camping and
8 boating in all state parks and recreational areas in this State to any
9 person who is 65 years of age or older and has resided in this State
10 for at least 5 years immediately preceding the date on which the
11 application is submitted. The permit must be issued without charge,
12 except that the Division shall charge and collect an administrative
13 fee for the issuance of the permit in an amount sufficient to cover
14 the costs of issuing the permit.

15 (e) May conduct and operate such special services as may be
16 necessary for the comfort and convenience of the general public,
17 and impose and collect reasonable fees for such special services.

18 (f) May rent or lease concessions located within the boundaries
19 of state parks or of real property controlled or administered by the
20 Division to public or private corporations, to groups of natural
21 persons, or to natural persons for a valuable consideration upon such
22 terms and conditions as the Division deems fit and proper, but no
23 concessionaire may dominate any state park operation.

24 (g) May establish such capital projects construction funds as are
25 necessary to account for the parks improvements program approved
26 by the Legislature. The money in these funds must be used for the
27 construction and improvement of those parks which are under the
28 supervision of the Administrator.

29 *(h) In addition to any concession specified in paragraph (f),*
30 *may establish concessions within the boundaries of any state park*
31 *to provide for the sale of food, drinks, ice, publications, sundries,*
32 *gifts and souvenirs, and other such related items as the*
33 *Administrator determines are appropriately made available to*
34 *visitors. Any money received by the Administrator for a concession*
35 *established pursuant to this paragraph must be deposited in the*
36 *Fund for State Park Interpretive and Educational Programs and*
37 *Operation of Concessions.*

38 2. The Administrator:

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



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(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), (e) and (f) of subsection 1 or subsection 2 must be deposited in the State General Fund.

Sec. 3. This act becomes effective on July 1, 2011.

