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**Nevada Division of State Parks**

**Position Statement**

**AB 287**

NRS 407.068 currently allows the administrator of the Division of State Parks to enter into cooperative agreements for the operation of locally owned parks as a state facility. However, there are no provisions for the reverse situation. The proposed bill will provide the additional flexibility of allowing political subdivisions to develop, operate and maintain a state owned park or facility under agreement with the state. Such a scenario would most likely arise when the majority of the park's users are residents of a particular political subdivision, or where growth creates a demand for urban type recreational facilities that are not typically provided in a state park. This would benefit both the state and the local jurisdiction. Accordingly, the Division supports AB 287.

The proposed bill will:

- Permit the State to lease, sell or otherwise transfer state park real property or other interests in any part to a local government, with or without compensation. Such interests may include but is not limited to land, facilities, equipment, water rights or mineral rights. In exercising such a transfer, the local government must agree to operate and maintain the park in such a manner that its use and enjoyment by Nevada residents is not diminished.
- A local government to which is transferred any real property or other interest in a state park, may not sell, lease, encumber, alienate or otherwise dispose of the real property or other interest without authorization by a concurrent resolution of the Legislature.
- If the State of Nevada executes a deed for real property which is part of a state park and which is transferred to a local government, the deed must include restrictions that:
  - Protect all historical and recreational values
  - Guarantee public access
  - Prevent the local government or any successor in title from transferring the property without authorization by a concurrent resolution of the Legislature; and
  - Provide for the reversion of title to the property to the State upon the breach of any restriction specified above
- The transfer to a local government of any real property that is part of a state park must not occur if any underlying lease of land from the Bureau of Land Management prohibits such a transfer or would, upon such a transfer, compromise the ability of the local government to use the real property as a park..
- If state park property comes under control of a local government and the property is subject to a lease from any person or entity, such as the Bureau of Land Management, the local government shall take all actions reasonable and necessary to ensure that the leased property remains part of the park.

In addition, the Administrator, subject to the approval of the Director of the Department of Conservation and Natural Resources, may enter into a cooperative agreement with a using political subdivision for the purpose of establishing and maintaining a park that is under the jurisdiction of the Division, provided that it will be used primarily by residents of the using subdivision.

This latter provision is also included in Section 5 of SB 144, which is also supported by the Division.

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ASSEMBLY NATURAL RES., AGRICULTURE & MINING  
DATE: 3/24/03 ROOM: 3161 EXHIBIT Q1-2  
SUBMITTED BY: Steve Weaver

Similarly, the real property transfer provisions of Section 1 of AB 287 overlap provisions contained in SB 444. But, due to the added flexibility of AB 287 (allowing either transfer of real property or a cooperative management agreement), we would prefer this bill over SB 444.

Regardless, we would still need Sections 1-3 of SB 144 approved to allow for a completely unrelated issue to be resolved, i.e. administration of the Federal Land & Water Conservation Fund grant program.