
ASSEMBLY BILL NO. 287—ASSEMBLYMEN MORTENSON, COLLINS,
GOLDWATER, HETRICK, CLABORN, ANDERSON,
ANDONOV, ANGLE, BUCKLEY, CHOWNING, MANENDO,
MCCLEARY AND OCEGUERA

MARCH 13, 2003

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions relating to transfer, establishment
and maintenance of certain parks. (BDR 26-657)

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 land; imposing conditions on the transfer
by the State of Nevada to a local government of any state
park or interest therein; requiring legislative authorization
before a local government to which such property or
interest is transferred may sell, lease, encumber, alienate
or otherwise dispose of the property or interest;
authorizing the Division of State Parks of the State
Department of Conservation and Natural Resources to
enter into cooperative agreements with certain political
subdivisions of this state to establish and maintain certain
parks; and providing other matters properly relating
thereto.

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

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

3 1. *If the State of Nevada leases, sells or otherwise transfers,*
4 *with or without consideration, a state park or any part thereof to a*
5 *local government, the local government must agree to operate and*
6 *maintain the park or part thereof in such a manner that the use*



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1 *and enjoyment of the park or part thereof by the residents of this*
2 *state is not diminished.*

3 2. *A local government to which is transferred any real*
4 *property or other interest in a state park, including, without*
5 *limitation, any facility, equipment, water right or mineral right,*
6 *may not sell, lease, encumber, alienate or otherwise dispose of the*
7 *real property or other interest without authorization by a*
8 *concurrent resolution of the Legislature.*

9 3. *If the State of Nevada executes a deed for real property*
10 *which is part of a state park and which is transferred to a local*
11 *government, the deed must:*

12 (a) *Include restrictions that:*

13 (1) *Protect all historical and recreational value of the*
14 *property;*

15 (2) *Guarantee public access to the property; and*

16 (3) *Prevent the local government or any successor in title*
17 *from transferring the property without authorization by a*
18 *concurrent resolution of the Legislature; and*

19 (b) *Provide for the reversion of title to the property to the State*
20 *of Nevada upon the breach of any restriction specified in*
21 *paragraph (a).*

22 4. *The transfer to a local government of any real property*
23 *that is part of a state park must not occur if any underlying lease*
24 *of land from the Bureau of Land Management used by the state*
25 *park prohibits such a transfer or would, upon such a transfer,*
26 *compromise the ability of the local government to use the real*
27 *property as a park.*

28 5. *A local government to which is transferred real property*
29 *that is part of a state park shall, if the real property is subject to a*
30 *lease from any person or entity, including, without limitation, the*
31 *Bureau of Land Management, take all actions reasonable and*
32 *necessary to ensure that the leased property remains part of the*
33 *park.*

34 **Sec. 2.** NRS 407.068 is hereby amended to read as follows:

35 407.068 1. As used in this section:

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

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

42 (c) "Park" includes any recreational facility.

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



1 2. The Administrator, subject to the approval of the Director,
2 may enter into cooperative agreements for the operation of parks,
3 not a part of the Division but which are of state park caliber, with
4 any other state agency, controlling *subdivision* or using subdivision,
5 for the primary purpose of establishing or maintaining a park where:
6 (a) A controlling subdivision is not authorized to establish or
7 maintain parks; or
8 (b) A using subdivision would be subjected to an unfair
9 financial burden through extensive use of the park by nonresidents
10 of the using subdivision.
11 3. Such an agreement ~~[shall]~~ *must* include:
12 (a) The Division;
13 (b) The using subdivision in which the site is located; and
14 (c) The controlling subdivision or other state agency.
15 The agreement may include any other using subdivision whose
16 residents may be expected to make substantial use of the park.
17 4. The Division shall apportion the cost of operation, or the
18 combined state and local shares of the cost if federal funds are also
19 received, as follows:
20 (a) As between the State and the using subdivision or
21 subdivisions, on the basis of the number of persons residing outside
22 the using subdivisions, as against the number of residents of such
23 subdivisions, who are estimated or anticipated by the Division to
24 use the park.
25 (b) As between two or more using subdivisions, on the basis of
26 the number of residents of each so estimated or anticipated to use
27 the park.
28 5. *In addition to the cooperative agreements authorized*
29 *pursuant to subsection 2, the Administrator, subject to the*
30 *approval of the Director, may enter into a cooperative agreement*
31 *with a using subdivision for the purpose of establishing and*
32 *maintaining a park that:*
33 (a) *Is under the jurisdiction of the Division; and*
34 (b) *Will be used primarily by residents of the using*
35 *subdivision.*
36 **Sec. 3.** This act becomes effective upon passage and approval.

