

SENATE BILL NO. 144—COMMITTEE ON
GOVERNMENT AFFAIRS

(ON BEHALF OF THE DEPARTMENT OF CONSERVATION AND
NATURAL RESOURCES, PARKS DIVISION)

FEBRUARY 18, 2003

Referred to Committee on Government Affairs

SUMMARY—Authorizes Administrator of Division of State Parks of State Department of Conservation and Natural Resources to charge and collect certain fees under certain circumstances and authorizes Division to enter into certain cooperative agreements. (BDR 35-493)

FISCAL NOTE: Effect on Local Government: Yes.
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 the Division of State Parks of the State Department of Conservation and Natural Resources; authorizing, under certain circumstances, the Administrator of the Division to charge and collect a fee for administering certain federal grants for the planning, acquisition or development of outdoor recreational projects; authorizing the Division 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 407 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 and 3 of this act.

3 **Sec. 2. 1. *The Administrator, subject to the approval of the***
4 ***Director, may charge and collect from each grant recipient a fee***



* S B 1 4 4 R 1 *

1 *for administering the federal grants provided to the State of*
2 *Nevada and its political subdivisions for the planning, acquisition*
3 *or development of outdoor recreational projects pursuant to the*
4 *Land and Water Conservation Fund established by 16 U.S.C. §*
5 *460l-5 to the extent that such a fee does not violate the terms of*
6 *such a federal grant.*

7 *2. If a fee is charged pursuant to subsection 1, the fee must*
8 *be charged only one time for each grant awarded in an amount*
9 *that is based on the direct costs attributable to administering the*
10 *grant by one grants administrator and any associated travel,*
11 *services, supplies and equipment.*

12 *3. Notwithstanding any other specific provision to the*
13 *contrary, if a fee is charged to the Division pursuant to subsection*
14 *1, the fee may be paid from money received by the Division for the*
15 *planning, acquisition or development of outdoor recreational*
16 *projects regardless of the source of the money to the extent that*
17 *such payment of the fee does not violate the terms of any federal*
18 *grant awarded to the State of Nevada.*

19 **Sec. 3. 1.** *Any money the Administrator receives pursuant*
20 *to section 2 of this act:*

21 *(a) Must be deposited in the State Treasury and accounted for*
22 *separately in the State General Fund;*

23 *(b) Does not revert to the State General Fund at the end of any*
24 *fiscal year; and*

25 *(c) May be used by the Administrator only to pay the costs of*
26 *administering the federal grants provided for the planning,*
27 *acquisition or development of outdoor recreational projects*
28 *pursuant to the Land and Water Conservation Fund established*
29 *by 16 U.S.C. § 460l-5. The costs of administering those federal*
30 *grants include, without limitation, costs for the salary, travel*
31 *expenses and per diem allowances of the person whose duty is to*
32 *administer the federal grants.*

33 *2. Any interest or income earned on the money in the*
34 *account, after deducting applicable charges, must be credited to*
35 *the account. Any claims against the account must be paid in the*
36 *manner that other claims against the State are paid.*

37 **Sec. 4.** *NRS 407.068 is hereby amended to read as follows:*
38 *407.068 1. As used in this section:*

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

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

45 *(c) "Park" includes any recreational facility.*



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

3 2. The Administrator, subject to the approval of the Director,
4 may enter into cooperative agreements for the operation of parks,
5 not a part of the Division but which are of state park caliber, with
6 any other state agency, controlling *subdivision* or using subdivision,
7 for the primary purpose of establishing or maintaining a park where:

8 (a) A controlling subdivision is not authorized to establish or
9 maintain parks; or

10 (b) A using subdivision would be subjected to an unfair
11 financial burden through extensive use of the park by nonresidents
12 of the using subdivision.

13 3. Such an agreement ~~shall~~ *must* include:

14 (a) The Division;

15 (b) The using subdivision in which the site is located; and

16 (c) The controlling subdivision or other state agency.

17 The agreement may include any other using subdivision whose
18 residents may be expected to make substantial use of the park.

19 4. The Division shall apportion the cost of operation, or the
20 combined state and local shares of the cost if federal funds are also
21 received, as follows:

22 (a) As between the State and the using subdivision or
23 subdivisions, on the basis of the number of persons residing outside
24 the using subdivisions, as against the number of residents of such
25 subdivisions, who are estimated or anticipated by the Division to
26 use the park.

27 (b) As between two or more using subdivisions, on the basis of
28 the number of residents of each so estimated or anticipated to use
29 the park.

30 *5. In addition to the cooperative agreements authorized*
31 *pursuant to subsection 2, the Administrator, subject to the*
32 *approval of the Director, may enter into a cooperative agreement*
33 *with a using subdivision for the purpose of establishing and*
34 *maintaining a park that:*

35 (a) *Is under the jurisdiction of the Division; and*

36 (b) *Will be used primarily by residents of the using*
37 *subdivision.*

38 **Sec. 5.** NRS 407.209 is hereby amended to read as follows:

39 407.209 The Administrator, subject to the approval of the
40 director, shall make no commitment, nor shall he enter into any
41 agreement pursuant to NRS 407.205 ~~to 407.209, inclusive.~~ ,
42 *407.207 and 407.209 and sections 2 and 3 of this act* until he has
43 determined that sufficient funds are available to the Division for
44 meeting the State's share, if any, of project costs. It is the legislative
45 intent that, to such extent as may be necessary to assure the proper



1 operation and maintenance of areas and facilities acquired or
2 developed pursuant to any program participated in by this state
3 under NRS 407.205 ~~to 407.209, inclusive,~~ 407.207 and 407.209
4 and sections 2 and 3 of this act such areas and facilities ~~shall~~
5 *must* be publicly maintained for outdoor recreation purposes. The
6 Administrator, subject to the approval of the Director, may enter
7 into and administer agreements with the United States or any
8 appropriate agency thereof for planning, acquisition and
9 development projects involving participating federal aid funds on
10 behalf of any political subdivision or subdivisions of this state if
11 such subdivision or subdivisions give necessary assurances to the
12 Division that they have available sufficient funds to meet their
13 shares, if any, of the cost of the project and that the acquired or
14 developed areas will be operated and maintained at the expense of
15 such subdivision or subdivisions for public outdoor recreation use.
16 **Sec. 6.** This act becomes effective upon passage and approval.

