

Assembly Bill No. 9—Joint Rules Committee

CHAPTER.....

AN ACT relating to natural resources; directing the submission to a vote of the people of a proposal to issue state general obligation bonds to protect, preserve and obtain the benefits of the property and natural resources of this state; providing for the use of the proceeds if the issue is approved; creating the fund to protect natural resources; and providing other matters properly relating thereto.

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

Section 1. At the general election to be held on November 5, 2002, there must be submitted to the voters of this state, in the manner prescribed by chapter 349 of NRS, a proposal to issue general obligation bonds of the state to protect, preserve and obtain the benefits of the property and natural resources of this state in an amount not to exceed \$200,000,000. If the proposal is carried, the bonds may be issued at one time or from time to time, and the Legislature shall levy such tax as may be necessary to pay the principal of and interest on the bonds. The proceeds of such tax together with any other amounts appropriated to pay the principal of and interest on the bonds when due must be deposited in the consolidated bond interest and redemption fund.

Sec. 2. Except as otherwise provided in subsection 9 of section 3 of this act, of the total bond issue, if approved pursuant to section 1 of this act:

1. An amount of \$27,000,000 must be allocated to the Division of State Parks of the State Department of Conservation and Natural Resources to protect and preserve the property or natural resources of this state or to obtain the benefits thereof for the following purposes:

(a) For the acquisition of real or personal property or interests in real or personal property for purposes related to parks and recreation; or

(b) To support extraordinary capital improvements and renovations of facilities in state parks.

2. An amount of \$27,500,000 must be allocated to the Division of Wildlife of the State Department of Conservation and Natural Resources for the following purposes:

(a) For the acquisition of real or personal property or interests in real or personal property to enhance, protect, and manage wildlife and wildlife habitat or enhance recreational opportunities related to wildlife, or both; or

(b) For the development and renovation of facilities or the improvement of existing habitats for fish and other wildlife.

3. An amount of \$25,000,000 must be allocated to the Las Vegas Springs Preserve in Clark County for the following purposes:

(a) Planning, development and design of the preserve;

(b) Providing wildlife habitat;

(c) Constructing buildings and other facilities for the preserve; or

(d) Providing other infrastructure for the preserve.

The Las Vegas Springs Preserve shall match the allocation made pursuant to this subsection with an amount of money or value of services, material or equipment that is equal to 50 percent of the cost of each project that is completed pursuant to this subsection.

4. An amount of \$10,000,000 must be allocated to Clark County to develop a county regional wetlands park at the Las Vegas Wash. The money allocated pursuant to this paragraph must be used to:

- (a) Divert water, control erosion and make improvements to restore the existing wetlands, and to create new wetlands;
- (b) Acquire and develop land and water rights;
- (c) Provide recreational facilities; and
- (d) Provide parking for and access to the park.

Clark County shall match the allocation made pursuant to this subsection with an amount of money or value of services, material or equipment that is equal to 50 percent of the cost of each project that is completed pursuant to this subsection.

5. An amount of \$35,000,000 must be allocated to the Department of Cultural Affairs to establish at the Las Vegas Springs Preserve a museum to provide exhibits and education regarding the natural resources, history and cultural heritage of this state. The money allocated pursuant to this subsection must be used for:

- (a) The planning and design of the museum;
- (b) Construction of the museum;
- (c) Moving exhibits from other locations to the museum; or
- (d) Creating new exhibits.

6. An amount of \$10,000,000 must be allocated to Washoe County to enhance and restore the Truckee River corridor. The money allocated pursuant to this subsection must be used to:

- (a) Acquire and develop land and water rights;
- (b) Provide recreational facilities;
- (c) Provide parking for and access to and along the river; or
- (d) Restore the Truckee River corridor.

Washoe County shall match the allocation made pursuant to this subsection with an amount of money or value of services, material or equipment that is equal to 50 percent of the cost of each project that is completed pursuant to this subsection.

7. An amount of \$65,500,000 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 for the following purposes:

(a) To make grants in the following amounts:

(1) An amount of \$7,250,000 to state agencies, counties, municipalities or private nonprofit organizations that qualify for grants pursuant to the regulations adopted by the Administrator of the Division of State Lands pursuant to this subsection, as appropriate, for the construction of recreational trails, including, without limitation, hiking, equestrian and bicycle trails. The award of grants pursuant to this subparagraph must be coordinated with the Division of State Parks.

(2) An amount of \$5,000,000 to state agencies, counties, municipalities or private nonprofit organizations that qualify for grants pursuant to the regulations adopted by the Administrator of the Division of State Lands pursuant to this subsection, as appropriate, for the acquisition of land and water or interests in land and water for urban parks and

greenbelts. Programs and projects paid for by grants made pursuant to this subparagraph must be for the protection and preservation of the property and natural resources of this state, or for the purposes of obtaining the benefits thereof. The award of grants pursuant to this subparagraph must be coordinated with the Division of State Parks.

(3) An amount of \$3,000,000 to state agencies, counties whose population is less than 100,000 or municipalities located within those counties, as appropriate, for the development of habitat conservation plans. The making of grants pursuant to this subparagraph must be coordinated with the Division of Wildlife and the Nevada Natural Heritage Program.

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

(5) An amount of \$20,000,000 to counties and municipalities for the acquisition of land and water or interests in land and water to protect and enhance wildlife habitat, sensitive or unique vegetation, historic or cultural resources, riparian corridors, wetlands and other environmental resources pursuant to an adopted plan for open spaces. Grants made pursuant to this subparagraph must require:

(I) In a county whose population is 100,000 or more, that the county or municipality which receives the grant matches the grant with an amount of money or value of services, material or equipment that is equal to 50 percent of the cost of the acquisition.

(II) In a county whose population is less than 100,000, that the county or municipality which receives the grant matches the grant with an amount of money or value of services, material or equipment that is equal to 25 percent of the amount of the grant.

(6) An amount of \$10,000,000 for grants to Churchill County, Douglas County, Lyon County or Carson City and municipalities located within those counties to enhance and restore the Carson River corridor. Grants made pursuant to this subparagraph must require that the county or municipality which receives the grant match the grant with an amount of money or value of services, material or equipment that is equal to 50 percent of the cost of the project for which the grant is awarded. Money awarded for grants pursuant to this subparagraph must be used to:

(I) Acquire and develop land and water rights;

(II) Provide recreational facilities;

(III) Provide parking for and access to and along the river; or

(IV) Restore the Carson River corridor.

(7) An amount of \$5,000,000 for grants to Douglas County, Washoe County or Carson City and municipalities located within those counties to enhance and develop the Lake Tahoe Path System. Grants made pursuant to this subparagraph must require that the county or municipality which receives the grant match the grant with an amount of money or value of services, material or equipment that is equal to 50 percent of the cost of the project for which the grant is awarded. Money awarded for grants pursuant to this subparagraph must be used to:

(I) Acquire land for the path system; or

(II) Develop the path system.

(b) An amount of \$15,000,000 to carry out contracts or agreements under which nonprofit conservation organizations may acquire land and water or interests in land and water for the public benefit, to protect and enhance wildlife habitat, sensitive or unique vegetation, historic or cultural resources, riparian corridors, floodplains and wetlands and other environmental resources. Any money provided by the Division of State Lands pursuant to this paragraph must be matched by an amount of money or value of services, material or equipment that is equal to 50 percent of the cost of the acquisition. The investment of this state in any property acquired pursuant to this paragraph must be secured by an interest in the property.

The Administrator of the Division of State Lands may adopt such regulations as the Administrator determines are necessary to carry out the programs and projects and make the grants described in this subsection. The regulations adopted by the Administrator must state whether and to what degree applicants for grants must match any money awarded.

Sec. 3. 1. The fund to protect natural resources is hereby created in the state general fund. The Director of the Department of Conservation and Natural Resources shall administer the fund and prescribe the method pursuant to which the governmental entities which administer the programs and projects described in section 2 of this act may request money from the fund in accordance with the allocations made pursuant to that section.

2. The proceeds of any bonds issued pursuant to section 1 of this act, after deducting any applicable charges, must be deposited in the fund.

3. Any interest or income earned on the money in the fund must be credited to the fund. Any money remaining in the fund at the end of the fiscal year does not revert to the general fund but remains in the fund for authorized expenditure.

4. All claims against the fund must be paid as other claims against the state are paid.

5. 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 is not sufficient. The money in the fund 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.

6. Any interests in land or water acquired by the 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.

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.

7. 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 and remainders after life estates.

8. If any interests in land or water acquired by the state pursuant to this act, or portions thereof, are later determined not to be necessary to carry out the purposes of the 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.

9. 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.

10. The Interim Finance Committee must approve the issuance of any bonds issued pursuant to this act if the proceeds of which will be used for the purposes set forth in paragraph (a) of subsection 7 of section 2 of this act.

Sec. 4. The Legislature finds and declares that the issuance of bonds pursuant to this act, except the use of the proceeds of those bonds pursuant to subsections 3 and 5 of section 2 of this act and subparagraph (5) of paragraph (a) of subsection 7 of section 2 of this act and paragraph (b) of subsection 7 of section 2 of this act:

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

2. Constitutes an exercise of the authority conferred by the second paragraph of section 3 of article 9 of the Constitution of the State of Nevada.

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

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

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