

## **SELECT NATURAL RESOURCES AND PUBLIC LANDS** **LEGISLATION APPROVED BY THE 2017 LEGISLATURE**

### **General Public Lands and State Lands**

#### **A.B. 34 (Chapter 145)**

Assembly Bill 34 reduces the number of appraisals required when selling or leasing State land from two to one. When selling or leasing State land, or land owned by an incorporated city or county in a county with a population of 45,000 or more, the bill prohibits using an appraiser if a relative of the appraiser within the third degree of consanguinity or affinity has an interest in the land or an adjoining property. Counties with a population of 45,000 or more include Carson City and Clark, Douglas, Elko, Lyon, and Washoe Counties. For counties with a population less than 45,000, and cities within those counties, the applicable degree of consanguinity and affinity is increased to the second degree.

The bill expands the allowable uses of the Revolving Account for Land Management to include certain costs of acquisition, such as environmental assessments and mitigation, and raises from \$5,000 to \$20,000 the balance at which the State Land Registrar may request an allocation from the State General Fund. The measure also eliminates the duty of the State Lands Administrator to collect certain data and clarifies duties to compile information.

Finally, the bill repeals provisions related to the 1959 Lincoln County Pilot Land Development and Disposal Law.

#### **A.B. 385 (Chapter 17)**

Assembly Bill 385 requires the Administrator of the Division of State Parks in the State Department of Conservation and Natural Resources (SDCNR) to establish a program for free entrance to State parks and recreational areas for all fifth graders enrolled in a school in the State of Nevada and any accompanying adults.

#### **A.B. 449 (Chapter 282)**

Assembly Bill 449 declares the last Saturday of each September to be “Public Lands Day” and requests the Governor to issue a proclamation every year promoting Public Lands Day. The bill directs the Division of State Parks, State Department of Conservation and Natural Resources, to waive entry, camping, and boating fees in State parks and recreational areas for Nevada residents on Public Lands Day.

#### **A.B. 489 (Chapter 542)**

Assembly Bill 489 expands the authorized use of funds in the Revolving Account for Land Management by the State Land Registrar to include the acquisition of land and any required environmental assessments or mitigation. The bill provides that if the balance in the Revolving Account is below \$20,000, the State Land Registrar may

request an allocation from the Contingency Account in the State General Fund. Finally, the bill appropriates \$200,000 from the State General Fund to the Revolving Account to replenish the balance in that account.

**S.B. 43 (Chapter 98)**

Senate Bill 43 adds a representative from the United States National Park Service to the Nevada State Board on Geographic Names.

**S.B. 197 (Chapter 32)**

Senate Bill 197 extends by ten years, from June 30, 2020, to June 30, 2030, the deadline for the issuance of the remainder of the general obligation bonds that were required in 2009 to be issued to carry out certain projects to improve the environment in the Lake Tahoe Basin.

**S.B. 198 (Chapter 33)**

Senate Bill 198 extends by five years, from June 30, 2019, to June 30, 2024, the deadline for the issuance of the remainder of the general obligation bonds that were authorized, but not yet issued, for the Conservation and Resource Protection Grant Program.

**S.B. 251 (Chapter 524)**

Senate Bill 251 requires the Board to Review Claims to adopt regulations for the Division of Environmental Protection of the SDCNR to award grants from the Fund for Cleaning Up Discharges of Petroleum to assist operators who have demonstrated financial need in defraying costs of infrastructure required to comply with laws or regulations to prevent discharge of petroleum from a storage tank. The bill sets forth priorities for grant awards and provides that certain administration and distribution requirements be included in the regulations.

**S.B. 413 (Chapter 299)**

Senate Bill 413 establishes the last Saturday in September of each year as “Public Lands Day” and authorizes the Governor to issue annually a proclamation encouraging its observance and recognizing the importance, uniqueness, and value of public lands in this State.

**S.B. 499 (Chapter 266)**

Senate Bill 499 clarifies that certain requirements of forest practices and procedures only apply to logging operations, including the requirement for obtaining a variance for the felling of trees within 200 feet of a body of water.

**S.B. 512 (Chapter 366)**

Senate Bill 512 requires the State Land Registrar to establish by regulation fees for the use of certain State lands. The bill also provides that the proceeds of certain fees related to navigable bodies of water that are in excess of \$65,000 must be accounted for separately and used to carry out programs to preserve, protect, restore, and enhance the natural environment of the Lake Tahoe Basin.

**S.J.R. 12 (File No. 36)**

Senate Joint Resolution No. 12 rescinds S.J.R. 1 of the 2015 Legislative Session, which urged the U.S. Congress to enact legislation transferring title to certain public lands to the State of Nevada in accordance with the report issued by the Nevada Land Management Task Force in July 2014. Instead, S.J.R. 12 declares Nevada's support and encouragement for the retention of federal management and control of federal public lands in Nevada. The resolution requires the Secretary of the Senate to transmit a copy of S.J.R. 12 to the President of the U.S., the Vice President as the presiding officer of the U.S. Senate, the Speaker of the House of Representatives, the Governor, and each member of Nevada's Congressional Delegation.

**Agriculture****A.B. 32 (Chapter 80)**

Assembly Bill 32 authorizes the State Department of Agriculture to issue a certificate to a governmental entity and a license to a "government applicator" to engage in pest control using general and restricted use pesticides. The measure revises the procedures applicable to background checks and gives the Department authority to adopt regulations relating to background checks. Further, the bill revises what prior convictions are disqualifying for purposes of licensure. With respect to pest control licensure, the bill clarifies exemptions for certain persons including, but not limited to, consultants, farmers, landscapers, residential gardeners, researchers, certain government employees, and persons involved in termite control. Finally, the bill clarifies the licensing structure for pest control businesses and their principals.

**S.B. 429 (Chapter 260)**

Senate Bill 429 authorizes a governing body of a city or county to establish by ordinance an urban agriculture zone for the purpose of promoting the development and operation of urban agriculture. This bill provides that a master plan also may include an urban agricultural element, which must include a plan to inventory any vacant lands owned by the city or county and blighted lands in the city or county to determine if such lands may be suitable for urban farming or gardening.

A governing body of a city or county is authorized to establish by ordinance the terms and conditions for the use of vacant or blighted land owned by the city or county for the purpose of community gardening.

## **Historical and Cultural Resources**

### **A.B. 371 (Chapter 574)**

Assembly Bill 371 authorizes the State Land Registrar of the Division of State Lands, SDCNR, to purchase a historic building that has been determined by the Office of Historic Preservation to be at risk of loss. The bill authorizes the State Land Registrar to enter into a public-private partnership for the preservation, rehabilitation, restoration, reconstruction or adaptive reuse of a historic building so purchased. The public-private partnership must be structured to facilitate the transfer of ownership of the historic building from the State to the private partner and repayment of the purchase price of the historic building to the State by the private partner from revenues generated by the historic building.

Additionally, A.B. 371 creates the Restore Nevada's Treasures Revolving Account in the State General Fund for the receipt of gifts, grants, or donations to be deposited into the Account by the State Land Registrar for expenses related to the acquisition of historic buildings.

### **S.B. 244 (Chapter 523)**

Senate Bill 244 provides that both the Museum Director of the Nevada State Museum, Division of Museums and History, Department of Tourism and Cultural Affairs; and the Office of Historic Preservation, SDCNR, in consultation with Indian tribes, must adopt regulations concerning the process for repatriation of native Indian human remains and other cultural items. A person shall not knowingly excavate a prehistoric Indian burial site on private lands within this State without first obtaining a permit from the Museum Director; however, a person who is engaging in a lawful activity on private lands, including, without limitation, construction, mining, logging, or farming is not required to obtain such a permit to engage in that lawful activity. The Museum Director is required to provide notice to and consultation with the applicable Indian tribes throughout the permitting process with regard to a permit to investigate, explore, or excavate certain historic or prehistoric sites.

To carry out these provisions, the bill appropriates the following amounts from the State General Fund:

- \$1,390 in Fiscal Year 2018-2019 to the Office of Historic Preservation;
- \$4,589 over the 2017-2019 Biennium to the Division of Museums and History; and
- \$65,635 over the 2017-2019 Biennium to the Nevada State Museum.

An enrolled member of a Nevada Indian tribe is added to the membership of both the Board of Museums and History and the Commission for Cultural Centers and Historic Preservation. The bill authorizes the Division to spend from the Fund for the

Promotion of Tourism \$5,608 over the 2017-2019 Biennium for certain expenses of the newly added Board member.

Additionally the bill authorizes the Nevada State Museum to spend from the Fund for the Promotion of Tourism \$80,220 over the 2017-2019 Biennium for the costs associated with a full-time position to carry out various provisions of this bill.

Finally, the bill increases penalties for the willful defacement of a native Indian cairn or grave, the knowing and willful defacement of a historic or prehistoric site, and trafficking of cultural property obtained from State land without a permit.

#### **S.B. 313 (Chapter 119)**

Senate Bill 313 authorizes trustees or the governing authority of a public library to establish a gift fund with a financial institution and to transfer money from the gift fund to a tax-exempt library foundation operated for the support of the library. Trustees are authorized to enter into a lease or lease-purchase agreement for real or personal property for a library and to convey property for that purpose. Any construction, alteration, repair, or remodeling of an improvement involved in such an agreement must comply with prevailing wage requirements.

Library foundations are exempt from taxes on the transfer of real property and must comply with existing law governing open meetings and public records, but are not required to disclose the names of contributors.

### **Water Resources**

#### **A.B. 50 (Chapter 70)**

Assembly Bill 50 increases the amount of fines and civil penalties that may be imposed for violations related to community and public water systems. The cap on civil penalties that may be recovered on behalf of Nevada's Division of Environmental Protection (NDEP), SDCNR, is raised from \$5,000 to \$25,000 per day. The cap on administrative fines imposed by NDEP is increased from \$2,500 to \$5,000 per day.

The State Environmental Commission also is authorized to establish regulations for fees necessary to carry out the State's oversight of public water systems and for review of tentative and final subdivision maps by NDEP.

#### **A.B. 52 (Chapter 507)**

Assembly Bill 52 adds a new chapter to *Nevada Revised Statutes* governing the review and permitting of dissolved mineral resource exploration projects, as defined in the bill. The measure includes provisions regarding limits on water use, penalties, and the adoption of regulations by the Commission on Mineral Resources in coordination with the Division of Water Resources and the Division of Environmental Protection of the SDCNR.

**A.B. 79 (Chapter 42)**

Assembly Bill 79 removes the designation of the Las Vegas Valley Water District and the Southern Nevada Water Authority as the exclusive providers of water service for the Garnet Valley Ground Water Basin in Clark County, Nevada.

**A.B. 138 (Chapter 272)**

Assembly Bill 138 allows for the capture of rainwater from the roof of a single-family dwelling for nonpotable domestic use. Provided there is no conflict with existing water rights, and other conditions are met, the measure also allows for the capture of rainwater in a guzzler for use by wildlife. De minimus collection of rainwater under these circumstances does not require a water right permit.

**A.B. 209 (Chapter 147)**

Assembly Bill 209 revises the criteria considered by the State Engineer for an extension of time to work a forfeiture of groundwater rights. In certain groundwater basins, the State Engineer may grant an extension of up to three years and may grant multiple extensions.

**S.B. 47 (Chapter 517)**

Senate Bill 47 makes various changes relating to the appropriation of water. Specifically, the bill does the following:

- Requires the State Engineer to prepare a water budget and inventory of groundwater for each basin in the State;
- Revises the application and notice requirements for applications to appropriate water;
- Provides that if the records of the State Engineer indicate four or more consecutive years of nonuse of water, the State Engineer must notify the owner of the nonuse and the owner has one year to provide proof of beneficial use of water to avoid forfeiture;
- Provides certain considerations that must be used by the State Engineer in determining whether to grant an extension to work a forfeiture;
- Increases to five years the maximum period for a single extension to file proofs for any manner of use, to match the maximum period allowed for a municipal/quasi-municipal use; and
- Makes clarifying changes to the Southern Nevada Water Authority Act.

**S.B. 51 (Chapter 156)**

Senate Bill 51 makes various revisions to the process of adjudication of vested water rights, including:

- Removing the requirement that the State Engineer determine the relative rights of claimants in order of the importance of the stream for irrigation;
- Requiring that the State Engineer provide notice of the pendency of the proceedings as soon as practicable after the State Engineer enters an order granting a petition to determine the relative rights of claimants. The notice must set forth the date the State Engineer will commence taking proofs of appropriation, the date by which all proofs must be filed, and that all proofs must be accompanied by maps depicting required information;
- Revising information that must be included in proofs of appropriation;
- Providing a process for return and correction of defective proofs of appropriation;
- Authorizing the State Engineer to make a copy of the preliminary order and the order of determination available on the Internet and to send a notice to each person who has filed a proof of appropriation that the order is available on State Engineer's website;
- Providing that the State Engineer must hold a hearing on objections to the preliminary order and that notice of the hearing may be sent or served upon persons to be affected by the objections; and
- Providing that all testimony at the hearings must be transcribed by a court reporter and that claimants objecting to the preliminary order shall pay the fees and expenses of the court reporter.

**S.B. 74 (Chapter 520)**

Senate Bill 74 expands the time for review of water conservation plans by the State Engineer to 120 days and revises the contents of water conservation plans to include:

- A plan to progress toward the installation of meters on municipal water connections;
- Standards for water efficiency for new development;
- Tiered rate structures to promote water conservation; and
- Watering restrictions based on the time of day and day of the week.

The measure also eliminates the member of the Western Regional Water Commission who is appointed by the Chief of the Water Planning Section in the State Engineer's

office. Finally, the bill requires the State Controller to transfer certain unencumbered funds in the Water Distribution Revolving Account to the State General Fund on July 1, 2017.

**S.B. 270 (Chapter 525)**

Senate Bill 270 requires any claimant of a pre-statutory water right to submit proof of the claim to the State Engineer on or before December 31, 2027, and it requires the State Engineer, during the ten-year period preceding the deadline, to provide notice, by various means, of the requirement to submit proofs. The bill also provides that if a claimant fails to submit such proof, the claim is deemed abandoned.

**S.B. 513 (Chapter 201)**

Senate Bill 513 increases the cap on the assessment for water distribution expenses, where a system stream irrigates more than 200,000 acres of land, from 30 cents to \$1 per acre-foot of water decreed.

**S.B. 514 (Chapter 535)**

Senate Bill 514 provides that money appropriated in the current biennium to the State Engineer for the maintenance and operation of the South Fork Dam carries forward until June 30, 2019. The bill also appropriates \$447,310 from the State General Fund to the Division of Water Resources, SDCNR, for the maintenance and operation of the South Fork Dam, provided the funds are not committed for expenditure after June 30, 2021.

Finally, the measure provides that fees collected by the State Engineer for services related to the adjudication and appropriation of water will be deposited into the State General Fund instead of the Water Distribution Revolving Account and that the State Engineer shall retain any fees received for producing copies to pay costs related to printing.

## **Wildlife**

**S.B. 75 (Chapter 157)**

Senate Bill 75 makes confidential any information concerning a person who has requested assistance from the Department of Wildlife or has reported any information concerning potentially dangerous wildlife or wildlife causing a nuisance. The measure also provides that certain reports the Department is required to submit to various entities may instead be posted on the Department's website.

**S.B. 194 (Chapter 374)**

Senate Bill 194 prohibits the purchase, sale, or possession with intent to sell any item in this State that is, wholly or partially, made of an animal part or byproduct derived from a shark fin or any species of elephant, rhinoceros, tiger, lion, leopard, cheetah, jaguar, pangolin, sea turtle, ray, mammoth, narwhal, walrus, or hippopotamus. The measure



designates the criminal and civil penalties to be imposed upon a person for violating these provisions. Certain classes of sales are exempt, including law enforcement, antiques, musical instruments, knives and firearms, and scientific or educational institutions. Additionally, sales of items specifically authorized for sale by federal law are exempt.

**S.B. 364 (Chapter 333)**

Senate Bill 364 makes various changes to provisions governing trapping, including:

- Excluding certain devices from the definition of “trap”;
- Revising the prohibitions on traps and similar devices set within 200 feet of a public road;
- Providing that each State agency that manages any public land where trapping may occur must post certain warning signs;
- Requiring a fee of \$5 for each trap, snare, or similar device registered with the Department of Wildlife;
- Providing that, with limited exceptions, any trap not registered with the Department must have the name and address of the owner stamped on the trap or on a metal tag attached to the trap;
- Providing that a person may remove or disturb a trap if it creates an immediate risk of physical injury to any person or an animal accompanying the person; and
- Mandating that all types of traps be visited with the frequency set forth in regulation and that any kind of animal found in a trap must be removed at the time of visitation.

**S.B. 370 (Chapter 297)**

Senate Bill 370 makes it unlawful to use a helicopter to transport game, hunters, or hunting equipment, except when the loading and unloading of the cargo and passengers:

- Takes place at an airport, landing field, or heliport that is established by a governmental entity and is accessible by a public road; or
- Is done in the course of an emergency or search and rescue operation.

**S.B. 511 (Chapter 533)**

Senate Bill 511 makes a number of changes to provisions governing licenses and permits available to residents and nonresidents by the Department of Wildlife, including:

- Revising the types of licenses and permits that are available and establishing related fees;
- Repealing requirements to purchase certain stamps and instead requiring the payment of a single fee for the issuance of a license or permit;
- Requiring a tag to hunt certain big game mammals;
- Providing for the distribution of certain percentages from license and permit fees to existing accounts maintained to fund certain wildlife purposes;
- Making licenses valid for one year from the date of purchase; and
- Revising provisions relating to certificates of numbers for motorboats and decals for aquatic invasive species.

The measure requires consultation with resident Native Americans or Native American tribes in Nevada when considering recommendations relating to hunting and fishing rights of Nevada tribal members. Finally, the bill increases the number of deer and antelope tags that may be issued annually as compensation for damage to agricultural lands from 1.5 percent to 2.5 percent of the total number of tags authorized annually for the entire State.

**S.J.R. 13 (File No. 37)**

Senate Joint Resolution No. 13 expresses the support of the Nevada Legislature for the determination of the Blue Ribbon Panel on Sustaining America's Diverse Fish and Wildlife Resources to recommend that Congress dedicate \$1.3 billion annually from revenue obtained from the development of energy and mineral resources on federal lands to diversify funding for the management of wildlife.

The resolution also expresses support for the enactment of legislation to broaden dedicated methods of funding for:

- The conservation of wildlife in this State;
- Carrying out the Wildlife Action Plan of the Department of Wildlife; and
- Providing State matching funds if a dedicated method of federal funding is obtained for the conservation of wildlife in this State.