

NRS

NRS 490.065 Enforcement of chapter. The Department, all officers thereof and all peace officers in this State shall enforce the provisions of this chapter.

NRS 232.1585 Off-Highway Vehicles Program: Creation; administration; technical advisory committee; report; budget; regulations.

5. The Director shall include in his or her budget the money necessary, within the limits of legislative authorizations for the Account for Off-Highway Vehicles, for:

- (a) The operating expenses of the Commission on Off-Highway Vehicles;
- (b) The administrative expenses of the Program to carry out the provisions of this section; and
- (c) A reserve amount as approved by the Legislature.

“The provisions of the section” is all that this money can be spent on. MW

No other provisions of law may receive any money from this fund. MW

Nowhere in this chapter is general law enforcement mentioned (“safe OHV operation patrols”, “patrol for inappropriate use of forest land”). MW

NRS 490.068 Election of officers; Commission authorized to award grants of money from Account; duties of Commission relating to Account; report to Legislature.

(e) Perform the duties assigned to the Commission set forth in [NRS 490.083](#) and [490.084](#).

NRS 490.083 Form, size, number and display of registration.

NRS 490.084 Fees for issuance of certificate of title and for annual registration.

2. The Commission shall determine the fee for the annual registration of an off-highway vehicle pursuant to [NRS 490.082](#) or [490.0825](#), but such fee must not be less than \$20 or more than \$30. Money received from the payment of the fees described in this subsection

must be deposited with the State Treasurer for credit to the Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration created by [NRS 490.085](#).

Neither .083 nor .084 contemplate general law enforcement. This money can only be spent on the provisions detailed in this chapter. Nowhere in this chapter is general law enforcement contemplated. MW

3. The Commission may award a grant of money from the Account for Off-Highway Vehicles created by [NRS 490.069](#). Any such grant must comply with the requirements set forth in [NRS 490.069](#). The Commission shall:

(2) The application for the grant address all applicable laws and regulations, including, without limitation, those concerning:

- (I) Threatened and endangered species in the area affected by the project;
- (II) Ecological, cultural and archaeological sites in the area affected by the project; and
- (III) Existing land use authorizations and prohibitions, land use plans, special designations and local ordinances for the area affected by the project;

This the same as NAC490.137 MW

NRS 490.069 Account for Off-Highway Vehicles: Creation; use of money in Account.

1. **The Account for Off-Highway Vehicles is hereby created in the State General Fund as a revolving account.**
- 2 (c) **Any money in the Account that is not used** pursuant to paragraph (a) or (b) each fiscal year **may be used by the Commission to award grants** as provided in [NRS 490.068](#) **for projects relating to:**
 - (1) Studies or planning for trails and facilities for use by owners and operators of off-highway vehicles. Money received pursuant to this subparagraph may be used to prepare environmental assessments and environmental impact studies that are required pursuant to 42 U.S.C. §§ 4321 et seq.
 - (2) The mapping and signing of those trails and facilities.
 - (3) The acquisition of land for those trails and facilities.
 - (4) The enhancement or maintenance, or both, of those trails and facilities.
 - (5) The construction of those trails and facilities.
 - (6) The restoration of areas that have been damaged by the use of off-highway vehicles.
 - (7) The construction of trail features and features ancillary to a trail including, without limitation, a trailhead or a parking area near a trailhead, which minimize impacts to environmentally sensitive areas or important wildlife habitat areas.
 - (8) Safety training and education relating to the use of off-highway vehicles.
 - (9) **Efforts to improve compliance with and enforcement of the requirements relating to off-highway vehicles.**
(1-9) being the only allowable grant expenditures provisions of this chapter. MW
General law enforcement is not included in this chapter. MW
(9)“...Requirements relating to OHV” is what is addressing dealers and manufacturers. MW

NRS 490.085 Revolving Account for the Administration of Off-Highway Vehicle Titling and Registration: Creation; use of money in Account.

2. **Except as otherwise provided in subsection 3, the Department shall use the money in the Account to pay the expenses of administering the provisions of this chapter relating to the titling and registration of off-highway vehicles.**

The provisions of this chapter do not include general law enforcement. MW

NRS 490.086 Revolving Account for the Assistance of the Department: Creation; use of money in Account.

2. **All money received by the Department from the Federal Government or any other source to assist the Department in carrying out the provisions of this chapter relating to the titling and registration of off-highway vehicles must be deposited into the Account.**

3. **Money in the Account must be used only for the purposes specified in subsection 2.**

Subsection 2, here, is referring to NRS490.069 §2 1-9. MW

NAC

NAC 490.134 Qualifications to apply for grant. (NRS 490.068) To qualify to apply to the Commission for a grant, a person **must comply** with the provisions of [NAC 490.1345](#), [490.135](#) and [490.1355](#).

“Must comply” is very important. I do not find any exemptions to the “must comply” requirements. MW

NAC 490.1345 Entity applying for grant must be in good standing. (NRS 490.068) **If a person** who seeks to apply to the Commission for a grant is a corporate or other legal entity that **is registered with the Secretary of State of Nevada or the secretary of state of another state, the entity must be in good standing in the state in which it is registered.**

Law enforcement does not register with the SOS. How do they comply ? MW

NAC 490.135 Written agreement with governmental agency required to apply for grant under certain circumstances. (NRS 490.068) **If a person who seeks to apply to the Commission for a grant proposes to carry out a project on public land, the person must, before applying to the Commission, have a written agreement to use the land with any governmental entity having jurisdiction** over that land, including, without limitation, any necessary permits, leases, easements and rights-of-way.

Law enforcement does not need a “Written agreement to use the land” to access any land. MW

How does Law enforcement ask permission to use land ? How do they comply ? MW

NAC 490.1355 Interest in real property required to apply for grant. (NRS 490.068)

1. **At the time a person seeks to apply** to the Commission for a grant, **the person must have an interest in the real property** on which the proposed project will be carried out, such that the interest satisfies the requirements of this section.

Law enforcement never has “interest in real property”. How do they comply ? MW

2. **The interest in the real property**, whether by way of ownership, lease, rental, easement, right-of-way, written agreement or other legal instrument, **must be sufficient in scope and authority to allow the applicant:**

(a) To complete the proposed project; and

(b) **To operate and maintain the proposed project after its completion.**

How does Law enforcement “operate and maintain” their projects after the projects are completed ? How do they comply ? MW

NAC 490.137 Contents of application for grant: Generally. ([NRS 490.068](#)) An application **must** include verifiable evidence, in writing and satisfactory to the Commission:

1. Setting forth that each appropriate federal, state or local governmental agency:
 - (a) Has been consulted by the applicant; and
 - (b) Has approved the proposed project.
2. Addressing all applicable laws and regulations concerning:
 - (a) Threatened and endangered species in the area or areas affected by the proposed project;
 - (b) Ecological, cultural and archaeological sites in the area or areas affected by the proposed project; and
 - (c) Existing land use authorizations and prohibitions, land use plans, special designations and local ordinances for the area or areas affected by the proposed project.
3. Containing any information related to compliance that is provided by an appropriate federal, state or local governmental agency, and any information or advice provided by any agency, group or natural person.

How does Law enforcement do any of this when their “projects” do not fall under the jurisdiction of any of these agencies ? How do they comply ? MW

Nowhere in NAC do I find provisions that would allow law enforcement to comply. It is clear the neither NAC490 NRS 490 contemplated using OHV grant awards for general law enforcement. MW