

**Committee Action:**

**Do Pass** \_\_\_\_\_

**Amend & Do Pass** \_\_\_\_\_

**Other** \_\_\_\_\_

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**Assembly Committee on Government Affairs**

This measure may be considered for action during today's work session.

April 11, 2019

**ASSEMBLY BILL 486**

**Creates the Division of Outdoor Recreation within the State Department of Conservation and Natural Resources. (BDR 18-840)**

**Sponsored by: Assembly Committee on Ways and Means**

**Date Heard: April 4, 2019**

**Fiscal Impact: Effect on Local Government: No.**

**Effect on the State: Yes.**

Assembly Bill 486 creates the Division of Outdoor Recreation within the State Department of Conservation and Natural Resources (SDCNR). The bill also creates two administrator positions, one located in Carson City and one in Las Vegas. Each administrator will have a different focus, one on business development for outdoor recreation and one on the preservation of natural resources for outdoor recreation. In addition to other provisions, the bill requires or authorizes the administrators to:

1. Employ at least two persons to carry out the duties of the Division;
2. Submit certain reports to the director of SDCNR;
3. Designate an employee or employees to act as a deputy or deputies;
4. Adopt regulations for carrying out the duties of the Division; and
5. Accept gifts, grants, and contributions to carry out duties or to defray expenses.

Finally, the bill creates the Advisory Board on Outdoor Recreation and requires the Board to advise the administrators on any matter concerning outdoor recreation in this state.

**Amendments:**

Kyle Davis, Nevada Conservation League, and Tom Clark, Outdoor Business Coalition, proposed the attached amendment, which:

1. Provides for one administrator with two deputy administrators, each with specific knowledge and experience, one in the classified service and one in the unclassified service;
2. Locates one deputy administrator, to the extent practicable, in a county with a population over 700,000;
3. Deletes a provision requiring one administrator to coordinate all activities relating to conservation;

4. Revises the membership of the Advisory Board on Outdoor Recreation; and
5. Deletes the requirement that the Division shall prepare and maintain a comprehensive statewide outdoor recreation plan.

Amendment to AB 486

Submitted by:

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Assembly Bill 486 —Creates the Division of Outdoor Recreation within the State Department of Conservation and Natural Resources. (BDR 18-840)

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

**Section 1.** Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

*1. ~~The executive heads~~ **Administrator** of the Division of Outdoor Recreation ~~will be the Administrator for Business Development for Outdoor Recreation of the Division, and the Administrator for Preservation of Natural Resources for Outdoor Recreation of the Division, who will be appointed by and be responsible to the Director.~~*

*2. ~~The Administrators and the employees of the Division of Outdoor Recreation shall administer the provisions of sections 6 to ~~33~~28, inclusive, of this act and any other laws relating to outdoor recreation.~~*

**Sec. 2.** NRS 232.010 is hereby amended to read as follows:

232.010 As used in NRS 232.010 to 232.162, inclusive ~~+~~, *and section 1 of this act:*

1. “Department” means the State Department of Conservation and Natural Resources.
2. “Director” means the Director of the State Department of Conservation and Natural

Resources.

**Sec. 3.** NRS 232.020 is hereby amended to read as follows:

232.020 There is hereby created the State Department of Conservation and Natural Resources, in which is vested the administration of the provisions of NRS 232.010 to 232.162, inclusive ~~†~~, *and section 1 of this act.*

**Sec. 4.** NRS 232.090 is hereby amended to read as follows:

232.090 1. The Department consists of the Director and the following:

- (a) The Division of Water Resources.
- (b) The Division of State Lands.
- (c) The Division of Forestry.
- (d) The Division of State Parks.
- (e) The Division of Environmental Protection.
- (f) The Office of Historic Preservation.
- (g) The Division of Outdoor Recreation.*
- (h) Such other divisions as the Director may from time to time establish.*

2. The State Environmental Commission, the State Conservation Commission, the Commission for Cultural Centers and Historic Preservation, the Commission on Off-Highway Vehicles, the Conservation Districts Program, the Nevada Natural Heritage Program, the Sagebrush Ecosystem Council and the Board to Review Claims are within the Department.

**Sec. 5.** NRS 232.140 is hereby amended to read as follows:

232.140 1. Except as otherwise provided in NRS 232.159 and 232.161, money to carry out the provisions of NRS 232.010 to 232.162, inclusive, *and section 1 of this act* and to support the Department and its various divisions and other units must be provided by direct legislative appropriation from the State General Fund.

2. All money so appropriated must be paid out on claims approved by the Director in the same manner as other claims against the State are paid.

Sec. 6. Title 35 of NRS is hereby amended by adding thereto a new chapter to consist of the provisions set forth as sections 7 to 33, inclusive, of this act.

Sec. 7. *As used in this chapter, unless the context otherwise requires, the words and terms defined in sections 8 to 14, inclusive, of this act have the meanings ascribed to them in those sections.*

~~Sec. 8. "Administrator for Business Development for Outdoor Recreation" means the Administrator for Business Development for Outdoor Recreation of the Division.~~

~~Sec. 9. "Administrator for Preservation of Natural Resources for Outdoor Recreation" means the Administrator Preservation of Natural Resources for Outdoor Recreation of the Division.~~

Sec. 10. ~~"Administrators" means the Administrator for Business Development for Outdoor Recreation and the Administrator for Preservation~~ of the Division of Outdoor Recreation ~~of Natural Resources for Outdoor Recreation.~~

Sec. 11. *"Advisory Board" means the Advisory Board on Outdoor Recreation created by section 27 of this act.*

Sec. 12. *"Department" means the State Department of Conservation and Natural Resources.*

Sec. 13. *"Director" means the Director of the Department.*

Sec. 14. *"Division" means the Division of Outdoor Recreation of the Department.*

Sec. 15. *There is hereby created the Division of Outdoor Recreation in the State Department of Conservation and Natural Resources.*

Sec. 16. *1. The positions of the Administrator for* ~~Business Development for Outdoor~~

~~Recreation of the Division and the Administrator for Preservation of Natural Resources for~~ the  
Division of Outdoor Recreation ~~of the Division are~~ is hereby created.

2. ~~The Administrators~~ are is appointed by and responsible to the Director.

Sec. 17. 1. ~~The Administrator for Business Development for Outdoor Recreation shall have:~~

(a) ~~demonstrated executive ability and be experienced in marketing and business development;~~ or

~~2. The Administrator for Preservation of Natural Resources for Outdoor Recreation shall have~~

(b) ~~demonstrated executive ability and be experienced in conservation and implementing or interpreting policies regarding natural resources.~~

Sec. 18. 1. ~~The Administrators~~ are is in the unclassified service of the State.

2. ~~The salaries~~ salary of the Administrators ~~s~~ may be apportioned and paid from any money available to the Division, unless otherwise provided by law.

3. ~~Except as otherwise provided in NRS 284.143, the Administrators shall devote their~~ his  
or her ~~entire time and attention to the business of his or her respective office and shall not pursue any other business or occupation or hold any other office of profit.~~

~~Sec. 19. The Director shall require:~~

~~1. One administrator appointed pursuant to section 16 of this act to keep his or her principal office in Las Vegas, Nevada.~~

~~2. One administrator appointed pursuant to section 16 of this act to keep his or her principal office in Carson City, Nevada.~~

Sec. 20. 1. ~~The Administrators shall employ at least two persons~~ deputy administrators ~~in the classified service of the State~~ service to carry out the duties of the Division.

(a) One person shall serve in classified service of the State; and

(b) One person shall serve in unclassified service of the State.

2. One deputy shall have demonstrated executive ability and be experienced in marketing and business development, and the other deputy shall have demonstrated executive ability and be experienced in conservation and implementing or interpreting policies regarding natural resources.

3. To the extent practicable, at least one deputy should be located in a county over 700,000

4. The salaries for any person employed pursuant to this subsection must be paid from the State General Fund or from money received as grants from the Federal Government to the extent allowable pursuant to federal law, or both.

Sec. 21. *The Administrator~~s~~ may purchase such material and incur such expenses for traveling and other purposes as may be necessary for the proper conduct and maintenance of the Division, to be paid from the money which may be appropriated for such purposes from time to time, as other state claims are paid.*

Sec. 22. *1. As the executive head~~s~~ of the Division, the Administrator~~s~~, subject to administrative supervision by the Director, shall direct and supervise all administrative, fiscal, budget and technical activities of the Division and all programs administered by the Division as provided by law.*

*2. The Administrator~~s~~ may organize the Division into various sections and, from time to time, alter such organization and reassign responsibilities and duties as the Administrator~~s~~ may deem appropriate.*

*3. The Administrator ~~for Business Development for Outdoor Recreation~~ and deputy administrators shall:*

*(a) Coordinate all activities relating to marketing and business development for outdoor recreation, including, without limitation, marketing, advertising and securing media opportunities that reflect the opportunities for outdoor recreation in this State.*

*(b) Coordinate with the Department of Tourism and Cultural Affairs and the Office of Economic Development concerning the promotion and growth of any businesses and opportunities related to outdoor recreation.*

*(c) Promote economic development by working with the Office of Economic Development to attract outdoor recreation industries to this State and develop the growth of new business opportunities within this State.*

~~*4. The Administrator for Preservation of Natural Resources for Outdoor Recreation shall coordinate:*~~

~~*(b) All activities relating to conservation and implementing or interpreting policies regarding natural resources.*~~

~~*(c)*~~ ***(d) Coordinate*** *With the Department, the Department of Wildlife and any other organization, association, group or other entity concerned with matters of conservation and natural resources regarding conservation and the implementation or interpretation of policies regarding natural resources.*

*5. The Administrators shall perform such duties as are or may be prescribed by law and the Director.*

*6. The Administrators shall:*

*(a) Coordinate the activities of the various sections of the Division.*

*(b) Promote the growth of the outdoor recreation economy in this State so that there is support for economic growth as well as stewardship and conservation of any natural resource*



*in this State.*

*(c) Advocate for and coordinate outdoor recreation policy, management and promotion among state and federal agencies and local government entities in this State.*

*(d) Recommend policies and initiatives to the Director to enhance outdoor recreational amenities and experiences in this State and help implement such policies and initiatives.*

*(e) Create and maintain a statewide list of lands to be conserved, enhanced and publicized for outdoor recreation.*

*(f) Develop data regarding the impacts of outdoor recreation in this State.*

*(g) Advocate on behalf of the State for federal funding, including, without limitation, any funding opportunities that are available pursuant to the Land and Water Conservation Fund established by 54 U.S.C. § 200302.*

*(h) Promote the health and social benefits of outdoor recreation.*

*(i) Promote the engagement of communities that are diverse in outdoor recreation.*

**Sec. 23. *The Administrator~~s~~ shall:***

*1. Report to the Director upon all matters pertaining to the administration of the Administrator's office.*

*2. Submit a biennial report to the Director on the work of the Division, with such recommendations that the Administrator may deem advisable.*

**Sec. 24. *The Administrator~~s~~ may adopt such regulations as they find necessary for carrying out the provisions of this chapter.***

**Sec. 25. ~~1. The Administrator for Business Development for Outdoor Recreation may designate an employee or employees of the Division employed pursuant to section 20 of this act to act as the deputy or deputies of the Administrator for Business Development for Outdoor~~**

~~*Recreation. In the case of the absence of the Administrator for Business Development for*~~

~~Outdoor Recreation or the inability of the Administrator for Business Development for Outdoor Recreation from any cause to discharge the powers and duties of his or her office, such powers and duties devolve upon such deputy or deputies.~~

~~2. The Administrator for Preservation of Natural Resources for Outdoor Recreation may designate an employee or employees of the Division employed pursuant to section 20 of this act to act as the deputy or deputies of the Administrator for Preservation of Natural Resources for Outdoor Recreation. In the case of the absence of the Administrator for Preservation of Natural Resources for Outdoor Recreation or the inability of the Administrator for Preservation of Natural Resources for Outdoor Recreation from any cause to discharge the powers and duties of his or her office, such powers and duties devolve upon such deputy or deputies.~~

3. 1. Deputies shall receive annual salaries in the amounts determined pursuant to statute.

4. 2. Except as otherwise provided in NRS 284.143, each deputy shall devote his or her entire time and attention to the business of his or her office and shall not pursue any other business or occupation or hold any other office of profit.

Sec. 26. The Administrators may apply for and receive gifts, grants, contributions or other money from governmental and private agencies, affiliated associations and other persons to carry out the provisions of this chapter and to defray expenses incurred by the Division in the discharge of its duties.

Sec. 27. 1. There is hereby created the Advisory Board on Outdoor Recreation composed of

- (a) *The Lieutenant Governor or his or her designee;*
  - (b) *The Director of the Department of Tourism and Cultural Affairs or his or her designee;*
  - (c) *The Executive Director of the Office of Economic Development or his or her designee;*
  - (d) *The ~~Superintendent of Public Instruction of the Department of Education or his or her designee;~~ Director of the Department of Wildlife or his or her designee;*
  - (e) *The ~~Director of the Department of Health and Human Services or his or her designee;~~ ~~and~~ Director of the Department of Conservation and Natural Resources or his or her designee;*
  - (f) Administrator of the Division of State Parks or his or her designee;
  - (g) The Chair of the Nevada Indian Commission
  - (h) *~~The following~~ Four members; shall be appointed by the Governor; from a list created by the Lieutenant Governor and the Director of the Department of Conservation and Natural Resources;*
    - (1) *A representative of the outdoor recreation industry; ~~and~~*
    - (2) *A representative of conservation interests;*
    - (3) A member with experience in education; and
    - (4) A member with experience in public health.
2. *The Lieutenant Governor or his or her designee shall:*
- (a) *Serve as Chair of the Advisory Board; and*
  - (b) *Appoint a member of the Advisory Board to serve as Vice Chair of the Advisory Board.*
3. *The Advisory Board shall meet at ~~such times and places as are~~ least once a year as specified by ~~a call of the Chair. ~~Four~~ Five members of the Advisory Board constitute a quorum.~~ The affirmative vote of a majority of the Advisory Board members present is sufficient for any action of the Advisory Board.*

4. *The Advisory Board shall advise the Administrators on any matter concerning outdoor recreation in this State.*

Sec. 28. 1. *Each member of the Advisory Board who is not a public employee is entitled to receive compensation of not more than \$80 per day, as fixed by the Advisory Board, while engaged in the business of the Advisory Board.*

2. *A member of the Advisory Board who is a public employee may not receive any compensation for his or her services as a member of the Advisory Board. Any member of the Advisory Board who is a public employee must be granted administrative leave from the duties of the member to engage in the business of the Advisory Board without loss of his or her regular compensation. Such leave does not reduce the amount of the other accrued leave of the member.*

3. *In addition to any compensation received pursuant to this section, while engaged in the business of the Advisory Board, each member and employee of the Advisory Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.*

~~Sec. 29. 1. The Division shall prepare and maintain a comprehensive statewide outdoor recreation plan. The plan shall contain:~~

~~(a) An evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;~~

~~(b) A program for the implementation of the plan; and~~

~~(c) Other necessary information, as may be determined by the Administrators.~~

~~2. The plan shall:~~

~~(a) Take into account relevant federal resources and programs; and~~

~~(b) Be correlated so far as practicable with other state, regional and local plans.~~

~~3. The Administrators, subject to the approval of the Director, may represent and act for the State in dealing with the Federal Government or any of its agencies, instrumentalities or officers for the purposes of receiving financial assistance for planning, acquisition or development of outdoor recreation projects pursuant to the provisions of federal law. When an outdoor recreation project is combined with an historic preservation project, the Director or the Director's designee is responsible for representing and acting for the State in dealing with the Federal Government.~~

~~4. The Administrators, subject to the approval of the Director, may accept, administer and disburse to other state agencies and political subdivisions money paid by the Federal Government to the State of Nevada as financial assistance for planning, acquisition or development of outdoor recreation projects, and the Administrators shall, on behalf of the State, keep such records as the Federal Government prescribes, and as will facilitate an effective audit, including records which fully disclose:~~

~~(a) The amount and the disposition by the State of the proceeds of such assistance;~~

~~(b) The total cost of the project or undertaking in connection with such assistance as given or used; and~~

~~(c) The amount and nature of that portion of the cost of the project or undertaking supplied by other sources.~~

~~5. Authorized representatives of the Federal Government shall have access for the purpose of audit and examination to any books, documents, papers and records of the State that are pertinent to financial assistance received by the State pursuant to federal law for planning, acquisition or development of outdoor recreation projects.~~

~~Sec. 30. The Administrators, subject to the approval of the Director, may apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from~~

~~any federal program respecting outdoor recreation. In connection with obtaining the benefits of any such program, the Division shall coordinate its activities with and represent the interest of all other agencies and political subdivisions of the State having interests in the planning, development and maintenance of outdoor recreation resources and facilities.~~

~~Sec. 31. 1. The Administrators, subject to the approval of the Director, may charge and collect from each grant recipient a fee for administering the federal grants provided to the State of Nevada and its political subdivisions for the planning, acquisition or development of outdoor recreational projects pursuant to the Land and Water Conservation Fund established by 54 U.S.C. § 200302 to the extent that such a fee does not violate the terms of such a federal grant.~~

~~2. If a fee is charged pursuant to subsection 1:~~

~~(a) The fee must be charged only once annually.~~

~~(b) The total of all fees collected annually pursuant to subsection 1 must not exceed an amount equal to the annual salary of a half time position the duty of which is to administer the federal grants.~~

~~3. Notwithstanding any other specific provision to the contrary, if a fee is charged to the the planning, acquisition or development of outdoor recreational projects regardless of the source of the money to the extent that such payment of the fee does not violate the terms of any federal grant awarded to the State of Nevada.~~

~~Sec. 32. 1. Any money the Administrators receive pursuant to section 31 of this act:~~

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

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

~~(c) May be used by the Administrators only to pay the costs of administering the federal~~

~~grants provided for the planning, acquisition or development of outdoor recreational projects pursuant to the Land and Water Conservation Fund established by 54 U.S.C. § 200302. The costs of administering those federal grants include, without limitation, costs for the salary, travel expenses and per diem allowances of the person whose duty is to administer the federal grants.~~

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

~~Sec. 33. The Administrators, subject to the approval of the Director, shall make no commitment, nor shall the Administrators enter into any agreement pursuant to sections 29 to 33, inclusive, of this act until the Administrators have determined that sufficient funds are available to the Division for meeting the State's share, if any, of project costs. It is the legislative intent that, to such extent as may be necessary to assure the proper operation and maintenance of areas and facilities acquired or developed pursuant to any program participated in by this State under sections 29 to 33, inclusive, of this act, such areas and facilities must be publicly maintained for outdoor recreation purposes. The Administrators, subject to the approval of the Director, may enter into and administer agreements with the United States or any appropriate agency thereof for planning, acquisition and development projects involving participating federal aid funds on behalf of any political subdivision or subdivisions of this State if such subdivision or subdivisions give necessary assurances to the Division that they have available sufficient funds to meet their shares, if any, of the cost of the project and that the acquired or developed areas will be operated and maintained at the expense of such subdivision or subdivisions for public outdoor recreation use.~~

Sec. 34. The Administrator for Business Development for Outdoor Recreation of the Division of Outdoor Recreation and the Administrator for Preservation of Natural Resources for Outdoor



Recreation of the Division of Outdoor Recreation shall conduct, complete and, on or before February 15, 2020, submit to the Director of the Department of Conservation and Natural Resources an initial impact study regarding industries involved with outdoor recreation in this State, including, without limitation, business opportunities in this State for such industries, and regarding any other related topics deemed appropriate by the Director.

~~Sec. 35. NRS 407.205, 407.207, 407.2072, 407.2074 and 407.209 are hereby repealed.~~

Sec. 36. This act becomes effective on July 1, 2019

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### ~~LEADLINES OF REPEALED SECTIONS~~

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~~407.205 Statewide plan for outdoor recreation; financial assistance and accounting for projects.~~

~~407.207 Representation of state agencies and political subdivisions in obtaining federal assistance for outdoor recreation.~~

~~407.2072 Fees for administration of certain federal grants: Imposition; payment and collection.~~

~~407.2074 Fees for administration of certain federal grants: Disposition; use.~~

~~407.209 Determination of availability of money for state or local share of costs of project.~~