

**ADOPTED REGULATION OF THE
STATE CONSERVATION COMMISSION**

LCB File No. R158-07

Effective December 4, 2007

EXPLANATION – Matter in *italics* is new; matter in brackets ~~[omitted material]~~ is material to be omitted.

AUTHORITY: §§1 and 2, NRS 548.160 and 548.178.

A REGULATION relating to conservation; revising the requirements for a conservation district to be in good standing; requiring the equal distribution of all available grants of money provided by legislative appropriation to conservation districts; authorizing the distribution of grants of money provided by other sources under certain circumstances; and providing other matters properly relating thereto.

Section 1. NAC 548.110 is hereby amended to read as follows:

548.110 To be in good standing, a conservation district must:

1. Hold regularly scheduled meetings of the governing board of the district.
2. Hold meetings at least three times each year, one of which must be an annual meeting.
3. Properly give notice of each meeting, prepare an agenda and issue it in conformance with the requirements of chapter 241 of NRS.
4. File the agenda for and the minutes taken at each meeting *required by subsection 2* with the Division within 30 *working* days after the meeting.
5. Hold an election of ~~[officers before the 10th]~~ *supervisors on one of the first 10 days* of November ~~[of]~~ *in* each even-numbered year ~~[,]~~ and submit the results of the election to the Commission before ~~[the 30th of the month.]~~ *November 30 of that year.*
6. Develop an annual work plan and budget and submit them to the Commission by the first of June of each year.

7. Develop an annual report and financial report and submit them to the Commission by ~~the 30th of~~ September 30 of each year for the immediately preceding fiscal year.

Sec. 2. NAC 548.120 is hereby amended to read as follows:

548.120 1. The Division shall report to the Commission at the first meeting of the Commission of each new fiscal year the conservation districts that are in good standing as of July 1 of that year. *A district that is not in good standing is not eligible to receive a grant of money.*

2. The Commission will review the annual budget of each district in good standing to determine whether it complies with the intent of this chapter and chapter 548 of NRS. If the budget complies with the intent of those chapters, the Commission will designate the district as eligible for a grant of money.

3. The Commission will *equally* distribute ~~any available grants of money equally~~ among the districts that have been designated as eligible for a grant of money pursuant to subsection 2 ~~4. A district that is not in good standing is not eligible to receive a grant of money.~~

~~4. Any~~ *all available grants of money provided by legislative appropriation pursuant to paragraph (a) of subsection 1 of NRS 548.178 for the Commission's program of basic operating grants to conservation districts. A grant of money received by a conservation district is for the fiscal year ~~in~~ or years for which it was granted. Any money which has not been committed for expenditure ~~by~~ before July 1 of the ~~next~~ fiscal year after the fiscal year or years for which the money was granted* must be deducted from any grant awarded for that fiscal year.

4. The Commission may, pursuant to paragraph (b) of subsection 1 of NRS 548.178, distribute grants of money provided by sources other than legislative appropriation in such

amounts and subject to such conditions as the Commission determines appropriate to any conservation district which the Commission determines qualifies for a grant.

**NOTICE OF ADOPTION OF PROPOSED REGULATION
LCB FILE NO. R158-07**

The State Conservation Commission adopted regulations assigned LCB File No. R158-07 which pertain to chapter 548 of the Nevada Administrative Code.

INFORMATIONAL STATEMENT

1. A description of how public comment was solicited, a summary of public response, and an explanation how other interested persons may obtain a copy of the summary.

Copies of the proposed regulations, notices of workshop, and notices of intent to act upon the regulation were sent by U.S. mail and email to persons who were known to have an interest in the conservation district programs as well as any persons who had specifically requested such notice. These documents were also made available at the Division of Conservation Districts and the State Conservation Commission's website at www.dcd.nv.gov, www.dcd.nv.gov/conser.htm and mailed to all county libraries in Nevada and posted at the following locations:

Department of Conservation and Natural Resources, 901 S. Stewart St,
Carson City, NV 89701
Nevada Division of Conservation Districts, 901 S. Stewart St, Suite 5004,
Carson City, 89701
Legislative Counsel Bureau, 401 S. Carson St, Carson City, NV 89710
State Library and Archives, 100 Stewart St, Carson City, NV 89710
NRCS State Office, 1365 Corporate Blvd, Reno, NV 89502

A workshop was held in conjunction with a meeting of the State Conservation Commission to provide advice and receive comments on the proposed changes to administrative code as they relate to the State Conservation Commission, Conservation District grant program as well as good standing status pursuant to NAC 548.110 and 548.120. The workshop was held on August 16, 2007, and the minutes of that meeting are attached. On October 4, 2007, the Division of Conservation Districts issued a Notice of Intent to Adopt Regulations. That notice incorporated the proposed amendments, the suggestions of the parties attending the August 16th workshop as well as the recommendations of the State Conservation Commission, the Division of Conservation Districts and the Deputy Attorney General.

On November 5, 2007 the State Conservation Commission held a public hearing with the intent to solicit further comments and Adopt the Regulation. On November 7, 2007 the Commission solicited further comments. The Commission adopted the proposed changes to Chapter 548 of the Nevada Administrative Code to include any amendments that may be proposed by the Legislative Counsel Bureau providing it did not significantly change their intent.

2. **The number of persons who:**
- (a) **Attended each workshop:** August 16, 2007 – 23
 - (b) **Attended each hearing:** November 5, 2007 - 18; November 7, 2007 - 20
 - (c) **Testified at each hearing:** November 5, 2007 – None; November 7, 2007 – None.
 - (d) **Submitted written comments to the agency:** No written comments were submitted.

3. **A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.**

Comments were solicited from affected businesses in the same manner as they were solicited from the public.

4. **If the regulation was adopted without changing any part of the proposed regulation, a summary of the reasons for adopting the regulation without change.**

The permanent regulation was adopted on November 7, 2007 as proposed. There were no proposed changes suggested at either the workshop or the public hearing, so no changes were made. The commission adopted the changes with the option of including any proposed changes made by the Legislative Counsel Bureau providing the changes did not change their intent.

On November 13, 2007 the Legislative Counsel Bureau submitted their amendments to the proposed language. The Division of Conservation District's staff reviewed the suggestions and is confident that the changes do not significantly alter the intent of the Conservation Commission.

5. **The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:**

- (a) **Both adverse and beneficial effects; and**
- (b) **Both immediate and long-term effects.**

- (a) **Both adverse and beneficial effects:**

Local conservation districts will benefit by the proposed change. Language in NRS differs slightly from NAC in wording that has caused confusion among conservation districts such as 'election of supervisors' versus 'election of officers'. Additionally, it will provide clarification on the conservation district grant program while accommodating for the distinction between legislative grant appropriations as well as non-state funding. No adverse effects are anticipated.

- (b) **Both immediate and long-term effect:**

See Item # 5(a)

6. **The estimated cost to the agency for enforcement of the adopted regulation.**

There is no additional cost to the agency for enforcement of this regulation.

- 7. A description of any regulations of other state or government agencies which the proposed regulation overlaps or duplicates and a statement explaining why the duplication or overlapping is necessary. If the regulation overlaps or duplicates a federal regulation, provide the name of the regulating federal agency.**

There are no other state or government agency regulations that the proposed amendments duplicate.

- 8. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.**

N/A

- 9. If the regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

N/A

- 10. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?**

The proposed regulation does not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business. The proposed amendment only applies to conservation districts (subdivisions of state government) and the conservation commission.