

**ADOPTED REGULATION OF THE STATE CONSERVATION
COMMISSION IN THE STATE DEPARTMENT OF
CONSERVATION AND NATURAL RESOURCES**

LCB File No. R081-12

Effective December 20, 2012

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

AUTHORITY: §§1 and 2, NRS 548.160; §§3-5, NRS 548.160, 548.175 and 548.178.

A REGULATION relating to conservation districts; requiring each conservation district to submit annually to the State Conservation Commission in the State Department of Conservation and Natural Resources a statement of the accounts of receipts and disbursements of the district; requiring each conservation district to submit annually to the Conservation Districts Program in the Department a work plan and budget and an annual report and financial report; requiring the Program to provide to the Commission an annual report on each conservation district; providing for the review of each conservation district by the Commission and a determination by the Commission of whether each district is in good standing and eligible to receive a grant of money from the Commission; providing that a grant of money received by a conservation district must be committed for expenditure by the end of the fiscal year for which the money is granted; and providing other matters properly relating thereto.

Section 1. Chapter 548 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 and 3 of this regulation.

Sec. 2. 1. *The supervisors of each conservation district shall, not later than September 30 of each year, or such later date as approved by the Commission, submit to the Commission a statement of the accounts of receipts and disbursements of the conservation district for the fiscal year ending the immediately preceding June 30.*

2. The timely submission to the Commission of the statement required by subsection 1 and the approval of the statement or a revised statement by the Commission pursuant to section 3

of this regulation shall be deemed by the Commission to satisfy the annual audit requirement set forth in NRS 548.320.

Sec. 3. 1. *At the first meeting of the Commission after September 30 of each year:*

(a) The Program shall provide to the Commission a report on each conservation district.

The report must include, without limitation, the work plan and budget and the annual report and financial report of each conservation district submitted to the Program pursuant to NAC 548.110.

(b) The Commission will review the work plan and budget and the annual report and financial report of each conservation district provided to the Commission by the Program pursuant to paragraph (a) and determine whether the actions of the conservation district comply with the requirements of this chapter and chapter 548 of NRS.

(c) For each conservation district, the Commission will:

(1) Approve the statement of the accounts of receipts and disbursements of the conservation district that was submitted by the supervisors of the conservation district to the Commission pursuant to section 2 of this regulation; or

(2) Require the supervisors to submit to the Commission, not later than 60 days after the meeting, a revised statement of such accounts of receipts and disbursements of the conservation district.

(d) The Commission will designate a conservation district as being in good standing and eligible to receive a grant of money from the Commission if:

(1) The Commission determines pursuant to paragraph (b) that the actions of the conservation district comply with the requirements of this chapter and chapter 548 of NRS; and

(2) The Commission approves the statement of the accounts of receipts and disbursements of the conservation district submitted by the supervisors of the conservation district to the Commission.

2. If the Commission requires the supervisors of a conservation district to submit to the Commission a revised statement of the accounts of receipts and disbursements of the conservation district pursuant to paragraph (c) of subsection 1, the Commission will, at the first meeting of the Commission after the revised statement is submitted, designate the conservation district as being in good standing and eligible to receive a grant of money from the Commission if:

(a) The Commission determines pursuant to paragraph (b) of subsection 1 that the actions of the conservation district comply with the requirements of this chapter and chapter 548 of NRS; and

(b) The Commission approves the revised statement.

Sec. 4. 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 *conservation* district.
2. Hold *such* meetings at least three times each year, one of which must be an annual meeting ~~[H]~~, *except that not more than one meeting of the governing board held during a calendar month may be used to satisfy the requirements of this subsection.*
3. Properly give notice of each *such* 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 *such* meeting ~~[required by subsection 2]~~ with the Program within 30 working days after the meeting.

5. Hold an election of supervisors on one of the first 10 days of November in each even-numbered year and submit the results of the election to the ~~[Commission]~~ *Program* before November 30 of that year.

6. ~~[Develop an annual]~~ *Not later than June 1 of each year, or such later date as approved by the Commission, develop a* work plan and budget and submit ~~[them]~~ *the work plan and budget* to the ~~[Commission by the first of June of each year.~~

~~—7.— Develop] Program.~~

7. *Not later than September 30 of each year, or such later date as approved by the Commission, develop* an annual report and financial report *for the fiscal year ending the immediately preceding June 30* and submit ~~[them]~~ *the annual report and financial report* to the ~~[Commission by September 30 of each year for the immediately preceding fiscal year.]~~ *Program.*

Sec. 5. NAC 548.120 is hereby amended to read as follows:

548.120 1. ~~[The Program 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 among the *conservation* districts that have been designated as *being in good standing and* eligible ~~[for]~~ *to receive* a grant of money pursuant to ~~[subsection 2]~~ *section 3 of this regulation* 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 ~~for years~~ for which it was granted. Any money which has not been committed for expenditure before July 1 ~~of the fiscal year after the fiscal year or years for which~~ *next following the date on which* the money was granted must be deducted from any grant awarded *to the conservation district* for ~~that~~ *the* fiscal year ~~for~~

~~4.]~~ *next following the fiscal year for which the money was granted.*

2. 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 REGULATION

The State Conservation Commission adopted permanent regulations pertaining to Chapter 548 of the Nevada Administrative Code, LCB File No. R081-12, on October 4, 2012. The regulation revises the provisions governing the administration of Conservation Districts by the Commission. A copy of the regulation as adopted is attached hereto.

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS AS REQUIRED BY
ADMINISTRATIVE PROCEDURES ACT, NRS 233B.066**

LCB FILE R081-12

**Changes in reporting requirements for the state’s Conservation Districts to the
State Conservation Commission**

The following statement is submitted for amendments, additions and deletions, to Nevada Administrative Code (NAC) Chapter 548 adopted by the State Conservation Commission in the Department of Conservation and Natural Resources.

- 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.**

The Conservation Districts Program (CDP), as staff to the State Conservation Commission, solicited comment from the public by sending notice of workshops by electronic or regular mail as follows:

<u>Date of Notice</u>	<u>Workshop/ Hearing</u>	<u>Date of Workshop</u>	<u>Number Notified</u>	<u>Representing Businesses</u>
March 30, 2012	Workshop	April 16, 2012	62	25
March 30, 2012	Workshop	April 17, 2012	62	25
March 30, 2012	Workshop	April 19, 2012	62	25
August 28, 2012	Hearing	October 4, 2012	209	144

The mailing list included the interested parties list maintained by the CDP, as well as officials of local jurisdictions subject to these regulations.

Limited oral comments were received at the workshops. A copy of the comments may be obtained by calling the CDP at (775) 684-2764 or by writing to the Conservation Districts Program, 901 S Stewart St, Ste 1003, Carson City, Nevada 89701, or by e-mailing the CDP at timrubad@dcnr.nv.gov.

The Legislative Counsel Bureau (LCB) completed its review and revisions on July 31, 2012. As a result of the hearing on October 4, 2012, changes to the LCB language were proposed, but with those changes being quite minor they were not submitted to LCB a

second time at their suggestion. The amended version of the regulation was adopted by the State Conservation Commission at their meeting held on October 4, 2012.

2. The number persons who:

(a) Attended and testified at each workshop:

<u>Date of Workshop</u>	<u>Attended</u>	<u>Testified</u>
April 16, 2012	2	0
April 17, 2012	3	2
April 19, 2012	3	3

(b) Attended and testified at each hearing:

<u>Date of Hearing</u>	<u>Commission/ Public Attended</u>	<u>Public Testified</u>
10-4-12	5 / 0	0

(c) Submitted to the agency written comments: None

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 and interested businesses and persons, by notices posted at the Nevada State Library; various Department of Conservation and Natural Resources locations throughout the state; and at the Main Public Libraries throughout the state. Comments were also solicited by direct email to all USDA Natural Resource Conservation Service (NRCS) offices in the state, each elected Conservation District Supervisor with an email on record with the CDP, and numerous other state and federal offices involved with the Conservation Districts. Approximately 90% of the approximately 200 direct email notices were sent to individuals in business, or organizations working daily with businesses.

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 with changes reflecting the verbal comments testified to, or received by, the CDP primarily from active participants in private industry and/or the conservation districts during the workshops and hearing listed above. The State Conservation Commission adopted the permanent regulation as revised in workshops and at the adoption hearing; and believed no changes other than those made were necessary.

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.**

The proposed permanent regulation has no adverse economic effect on the conservation districts.

The proposed permanent regulation has a slightly beneficial economic effect on the conservation districts by reducing some of their reporting occurrences. A specific amount was not testified to nor determined by staff.

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

The CDP anticipates no additional cost to the agency.

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, the name of the regulating federal agency.

There are not 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.

The Commission is not aware of any provision in this regulation which is also governed by federal regulation.

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.

The State conservation Commission is not aware of any provision in this regulation that provides for a new fee, or increases an existing fee.

10. If the proposed regulation is likely to impose a direct and significant economic burden upon a small business or directly restricted 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 is not expected to impose a significant economic burden upon any business in the state. The methods used to determine this impact was deduction and simple analysis of the effects of the regulation.