

Amendment No. 820

Senate Amendment to Senate Bill No. 446

(BDR 18-1209)

Proposed by: Senate Committee on Finance**Amends:** Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

ASSEMBLY ACTION				Initial and Date		SENATE ACTION				Initial and Date		
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____			Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____			Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____			Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill that is proposed to be retained in this amendment; and (6) *green bold underlining* is newly added transitory language.

CAF/JRS



Date: 5/29/2011

S.B. No. 446—Revises provisions governing the composition of the State
Department of Conservation and Natural Resources.
(BDR 18-1209)



SENATE BILL NO. 446—COMMITTEE ON FINANCE

(ON BEHALF OF THE DIVISION OF BUDGET AND PLANNING)

MARCH 28, 2011

Referred to Committee on Natural Resources

SUMMARY—Revises provisions governing the composition of the State Department of Conservation and Natural Resources. (BDR 18-1209)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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

AN ACT relating to governmental administration; revising provisions governing the composition of the State Department of Conservation and Natural Resources; eliminating the Advisory Board on Natural Resources, the Division of Conservation Districts ~~{, the State Conservation Commission}~~ and the Commission for the Preservation of Wild Horses; ***creating the Conservation Districts Program within the Department;*** transferring the duties of the ~~{State Conservation Commission}~~ ***Division of Conservation Districts*** to the ~~{State Environmental Commission; revising certain provisions governing the administration of conservation districts; repealing certain provisions governing those districts;}~~ ***Conservation Districts Program;*** and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates of the Advisory Board on Natural Resources to advise the Director of the State Department of Conservation and Natural Resources on certain matters relating to the use of land and natural resources in this State. (NRS 232.085) **Section 35** of this bill eliminates the Advisory Board. **Section 2** of this bill requires the Director to consider input from members of the public, industries in this State and representatives of organizations, associations, groups or other entities concerned with matters of conservation and natural resources on the matters upon which the Advisory Board provided input.

Existing law creates the State Department of Conservation and Natural Resources, consisting of several divisions and commissions including the Division of Conservation Districts, the State Environmental Commission, the State Conservation Commission and the Commission for the Preservation of Wild Horses. (NRS 232.090) ~~{Sections}~~ ***Section 3*** ~~{and 25}~~ of this bill ~~{eliminate}~~ ***eliminates*** the Division of Conservation Districts ~~{, the State Conservation Commission}~~ and the Commission for the Preservation of Wild Horses ~~{.~~

~~Existing law provides for the creation of conservation districts in this State to provide local planning for the conservation and development of natural resources in their areas and requires the State Conservation Commission, with the assistance of the Division of~~

Conservation Districts, to oversee the conservation districts. (NRS 548.105, 548.175) Section 9 of this bill transfers the authority to oversee the conservation districts to the State Environmental Commission, and section 4 of this bill requires the Division of Environmental Protection to provide the Commission with assistance as necessary.

Existing law authorizes the adoption of regulations for the use of land within conservation districts, including provisions for: (1) carrying out engineering operations; (2) methods of cultivation; (3) specifications of cropping programs; (4) requirements for the retirement from cultivation of erosive areas; and (5) other measures that may assist in conservation. Existing law also provides for the establishment of boards of adjustment, which have the power to grant variances to the established land use regulations. (NRS 548.410-548.510) Section 25 of this bill repeals the authority to adopt land use regulations and eliminates the boards of adjustments. However, section 37 of this bill provides that existing land use regulations in effect on July 1, 2011, will remain in effect until amended or repealed, and creates the Conservation Districts Program within the Department. Section 14.5 of this bill transfers the duties of the Division of Conservation Districts to the Conservation Districts Program. Section 35 of this bill repeals provisions relating to the Advisory Board on Natural Resources, the Division of Conservation Districts and the Commission for the Preservation of Wild Horses.

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

Section 1. NRS 232.055 is hereby amended to read as follows:

232.055 1. The Director shall appoint ~~two assistant directors~~ *one deputy director* of the Department and shall assign ~~their~~ *his or her* duties.

2. ~~Each assistant~~ *The deputy* director is in the unclassified service of the State.

3. Except as otherwise provided in NRS 284.143, ~~each assistant~~ *the deputy* director shall devote his or her entire time and attention to the business of his or her office and shall not engage in any other gainful employment or occupation.

Sec. 2. NRS 232.070 is hereby amended to read as follows:

232.070 1. As executive head of the Department, the Director is responsible for the administration, through the divisions and other units of the Department, of all provisions of law relating to the functions of the Department, except functions assigned by law to the State Environmental Commission ~~or the State Conservation Commission~~ *or the State Conservation Commission*. ~~for the Commission for the Preservation of Wild Horses.~~

2. Except as otherwise provided in subsection 4, the Director shall:

(a) Establish departmental goals, objectives and priorities.

(b) Approve divisional goals, objectives and priorities.

(c) Approve divisional and departmental budgets, legislative proposals, contracts, agreements and applications for federal assistance.

(d) Coordinate divisional programs within the Department and coordinate departmental and divisional programs with other departments and with other levels of government.

(e) Appoint the executive head of each division within the Department.

(f) Delegate to the executive heads of the divisions such authorities and responsibilities as the Director deems necessary for the efficient conduct of the business of the Department.

(g) Establish new administrative units or programs which may be necessary for the efficient operation of the Department, and alter departmental organization and reassign responsibilities as the Director deems appropriate.

(h) From time to time adopt, amend and rescind such regulations as the Director deems necessary for the administration of the Department.

(i) *Consider input from members of the public, industries and representatives of organizations, associations, groups or other entities concerned with matters of conservation and natural resources on the following:*

(1) *Matters relating to the establishment and maintenance of an adequate policy of forest and watershed protection;*

(2) *Matters relating to the park and recreational policy of the State;*

(3) *The use of land within this State which is under the jurisdiction of the Federal Government;*

(4) *The effect of state and federal agencies' programs and regulations on the users of land under the jurisdiction of the Federal Government, and on the problems of those users of land; and*

(5) *The preservation, protection and use of this State's natural resources.*

3. Except as otherwise provided in subsection 4, the Director may enter into cooperative agreements with any federal or state agency or political subdivision of the State, any public or private institution located in or outside the State of Nevada, or any other person, in connection with studies and investigations pertaining to any activities of the Department.

4. This section does not confer upon the Director any powers or duties which are delegated by law to the State Environmental Commission ~~or the State Conservation Commission~~ or the State Conservation Commission ~~for the Commission for the Preservation of Wild Horses~~ but the Director may foster cooperative agreements and coordinate programs and activities involving the powers and duties of the commissions.

5. All gifts of money and other property which the Director is authorized to accept must be accounted for in the Department of Conservation and Natural Resources Gift Fund which is hereby created as a trust fund.

Sec. 3. NRS 232.090 is hereby amended to read as follows:

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

(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 Conservation Districts.~~

~~(f) The Division of Environmental Protection.~~

~~(g)~~ (f) Such other divisions as the Director may from time to time establish.

2. The State Environmental Commission, ~~the State Conservation Commission, the Commission for the Preservation of Wild Horses,~~ Conservation Districts Program, the Nevada Natural Heritage Program and the Board to Review Claims are within the Department.

Sec. 4. ~~NRS 232.136 is hereby amended to read as follows:~~

~~232.136 1. The Division of Environmental Protection consists of the Administrator and any other necessary personnel.~~

~~2. The Administrator is appointed by the Director and is in the unclassified service of the State.~~

~~3. In addition to any other duties provided by law, the Administrator shall assist the State Environmental Commission in carrying out the provisions of chapter 548 of NRS.] (Deleted by amendment.)~~

Sec. 5. NRS 318.1181 is hereby amended to read as follows:

318.1181 In the case of a district created wholly or in part for the purpose of furnishing fire protection, the board may:

1. Acquire fire protection equipment and acquire, construct or improve fire protection facilities and make improvements necessary and incidental thereto;

2. Eliminate fire hazards existing within the district in the manner prescribed in NRS 474.580 for districts created pursuant to chapter 474 of NRS;

3. Clear public highways and private lands of dry grass, stubble, bushes, rubbish and other inflammable material which in its judgment constitute a fire hazard;

4. Coordinate fire protection activities with the State Forester Firewarden ; ~~{and the Advisory Board on Natural Resources;}~~ and

5. Cooperate with the State Forester Firewarden ~~{and the Advisory Board on Natural Resources}~~ in formulating a statewide plan for the prevention and control of fires.

Sec. 6. NRS 321.355 is hereby amended to read as follows:

321.355 1. Before any state land may be leased, exchanged, sold or contracted for sale, the State Land Registrar, in consultation with the Department of Transportation ~~{, the Advisory Board on Natural Resources}~~ and with counties and local governments, shall designate any existing routes over the land which the State Land Registrar determines to be necessary for public access to any other land that is open to public use. If such a route is designated, the land must be conveyed with a right-of-way and all rights of access and abutter's rights for the route reserved in the name of the State of Nevada. Any right-of-way reserved pursuant to this subsection may, when necessary as determined by the State Land Registrar and otherwise approved as required by law, be used by a public utility pursuant to the requirements set forth in NRS 322.050 and 322.060.

2. After the land or interest in the land is conveyed, if the route is determined by the State Land Registrar, in consultation with the Department of Transportation ~~{and the Advisory Board on Natural Resources}~~ and with counties and local governments, to be no longer necessary for public access to other land which is open to public use, the State Land Registrar shall, subject to the provisions of subsections 3 and 4, release the right, title and interest of the State in and to the right-of-way to the purchaser or lessee of the land, his or her assigns or successors in interest.

3. Before releasing the state's interest in the right-of-way, the State Land Registrar shall cause to be published in a newspaper of general circulation in the county where the right-of-way is located a notice of intent to release that interest. The notice must be published at least 30 days before the proposed date for the release and must contain:

(a) A description of the location of the right-of-way;

(b) The date upon which the release is to be effective; and

(c) The mailing address of the State Land Registrar to which persons may send protests against the proposed release.

4. The State Land Registrar may, or upon the receipt of a written protest against the proposed release shall, hold a public hearing. The hearing must be:

(a) Held in the county in which the right-of-way is located; and

(b) Advertised at least 30 days before the date of the hearing in a newspaper of general circulation in the county where the right-of-way is located.

Sec. 7. NRS 321.7355 is hereby amended to read as follows:

321.7355 1. The State Land Use Planning Agency shall prepare, in cooperation with appropriate federal and state agencies and local governments throughout the State, plans or statements of policy concerning the acquisition and use of lands in the State of Nevada that are under federal management.

2. The State Land Use Planning Agency shall, in preparing the plans and statements of policy, identify lands which are suitable for acquisition for:

(a) Commercial, industrial or residential development;
(b) The expansion of the property tax base, including the potential for an increase in revenue by the lease and sale of those lands; or

(c) Accommodating increases in the population of this State.

➤ The plans or statements of policy must not include matters concerning zoning or the division of land and must be consistent with local plans and regulations concerning the use of private property.

3. The State Land Use Planning Agency shall:

(a) Encourage public comment upon the various matters treated in a proposed plan or statement of policy throughout its preparation and incorporate such comments into the proposed plan or statement of policy as are appropriate;

(b) Submit its work on a plan or statement of policy periodically for review and comment by the Land Use Planning Advisory Council ~~[-, the Advisory Board on Natural Resources]~~ and any committees of the Legislature or subcommittees of the Legislative Commission that deal with matters concerning the public lands;

(c) On or before February 1 of each odd-numbered year, prepare and submit a written report to the Legislature concerning any activities engaged in by the Agency pursuant to the provisions of this section during the immediately preceding biennium, including, without limitation:

(1) The progress and any results of its work; or

(2) Any plans or statements of policy prepared pursuant to this section; and

(d) Provide written responses to written comments received from a county or city upon the various matters treated in a proposed plan or statement of policy.

4. Whenever the State Land Use Planning Agency prepares plans or statements of policy pursuant to subsection 1 and submits those plans or policy statements to the Governor, Legislature or an agency of the Federal Government, the State Land Use Planning Agency shall include with each plan or statement of policy the comments and recommendations of:

(a) The Land Use Planning Advisory Council; *and*

~~(b) [-The Advisory Board on Natural Resources; and~~
~~(c)]~~ Any committees of the Legislature or subcommittees of the Legislative Commission that deal with matters concerning the public lands.

5. A plan or statement of policy must be approved by the governing bodies of the county and cities affected by it before it is put into effect.

Sec. 8. NRS 407.063 is hereby amended to read as follows:

407.063 1. The Administrator may acquire for the Division, subject to the approval of the Director and with the concurrence of the Interim Finance Committee, and within the limits of legislative appropriation where money is required, real or personal property by lease or purchase. The right of eminent domain as provided by chapter 37 of NRS may be exercised by the Division. The Interim Finance Committee may clarify the legislative intent of an appropriation at the request of the Director ~~[-, any member of the advisory board on natural resources]~~ or the Administrator.

2. Before approving the acquisition of real property to expand the area of land that surrounds a state park and in which development is to be restricted, the Interim Finance Committee shall consult the governing body of the county, city or town in which the land to be acquired is located.

Sec. 9. ~~NRS 445B.210 is hereby amended to read as follows:~~

~~445B.210 The Commission may:~~

~~1. Subject to the provisions of NRS 445B.215, adopt regulations consistent with the general intent and purposes of NRS 445B.100 to 445B.640, inclusive, to prevent, abate and control air pollution;~~

~~2. Establish standards for air quality;~~

~~3. Require access to records relating to emissions which cause or contribute to air pollution.~~

~~4. Cooperate with other governmental agencies, including other states and the Federal Government.~~

~~5. Establish such requirements for the control of emissions as may be necessary to prevent, abate or control air pollution.~~

~~6. By regulation:~~

~~(a) Designate as a hazardous air pollutant any substance which, on or after October 1, 1993, is on the federal list of hazardous air pollutants pursuant to 42 U.S.C. § 7412(b); and~~

~~(b) Delete from designation as a hazardous air pollutant any substance which, after October 1, 1993, is deleted from the federal list of hazardous air pollutants pursuant to 42 U.S.C. § 7412(b);~~

~~→ based upon the Commission's determination of the extent to which such a substance presents a risk to the public health.~~

~~7. Hold hearings to carry out the provisions of NRS 445B.100 to 445B.640, inclusive, except as otherwise provided in those sections.~~

~~8. Establish fuel standards for both stationary and mobile sources of air contaminants. Fuel standards for mobile sources of air contaminants must be established to achieve air quality standards that protect the health of the residents of the State of Nevada.~~

~~9. Require elimination of devices or practices which cannot be reasonably allowed without generation of undue amounts of air contaminants.~~

~~10. Administer the provisions of chapter 548 of NRS.] (Deleted by amendment.)~~

Sec. 10. NRS 501.020 is hereby amended to read as follows:

~~501.020 [Except as otherwise provided in NRS 504.430 to 504.490, inclusive.]~~ "Commission" means the Board of Wildlife Commissioners.

Sec. 11. NRS 502.225 is hereby amended to read as follows:

502.225 1. There is hereby created the Advisory Board on Dream Tags, consisting of the following five members:

(a) One member appointed by the Governor;

(b) One member appointed by the Majority Leader of the Senate;

(c) One member appointed by the Speaker of the Assembly;

(d) One member appointed by the ~~[Advisory Board on]~~ *Director of the State Department of Conservation and* Natural Resources; and

(e) The Vice Chair of the Commission, who serves as an ex officio member of the Board.

2. Each appointed member of the Board must be a resident of this State and, following the initial terms, serves a term of 2 years.

3. At its first meeting each year, the members of the Board shall elect a Chair, who shall serve until the next Chair is elected. The Board shall meet as necessary at the call of the Chair.

4. A majority of the members of the Board constitutes a quorum for the transaction of business, and a majority of those members present at any meeting is sufficient for any official action taken by the Board.

5. While engaged in the business of the Board, to the extent of legislative appropriation, each member of the Board is entitled to receive the per diem allowance and travel expenses provided for state officers and employees generally.

6. To the extent of legislative appropriation, the Department shall provide the Board with such staff as is necessary to carry out the duties of the Board.

7. The Board shall, in accordance with the requirements of paragraph (c) of subsection 3 of NRS 502.219, determine the appropriate use of money received by a nonprofit organization from the proceeds of a Dream Tag raffle.

Sec. 12. NRS 504.490 is hereby amended to read as follows:

504.490 1. Any person, not authorized to do so, who:

- (a) Removes or attempts to remove a wild horse from the public lands;
- (b) Converts a wild horse to private use;
- (c) Harasses a wild horse or, except as otherwise provided in subsection 2, kills a wild horse;
- (d) Uses an aircraft or a motor vehicle to hunt any wild horse;
- (e) Pollutes or causes the pollution of a watering hole on public land to trap, wound, kill or maim a wild horse;
- (f) Makes or causes the remains of a wild horse to be made into any commercial product; **or**

(g) Sells a wild horse which strays onto private property, ~~or~~

~~(h) Willfully violates a regulation adopted by the Commission for the Preservation of Wild Horses.]~~

➤ is guilty of a gross misdemeanor.

2. A person who willfully and maliciously kills a wild horse is guilty of a category C felony and shall be punished as provided in NRS 193.130.

Sec. 12.3. Chapter 548 of NRS is hereby amended by adding thereto a new section to read as follows:

“Program” means the Conservation Districts Program in the State Department of Conservation and Natural Resources.

Sec. 12.7. NRS 548.015 is hereby amended to read as follows:

548.015 As used in this chapter, the following terms have the meanings attributed to them in NRS 548.020 to 548.090, inclusive, and section 12.3 of this act, unless the context otherwise requires.

~~**Sec. 13.** [NRS 548.030 is hereby amended to read as follows:~~

~~548.030 “Commission” means the State [Conservation] Environmental Commission in the State Department of Conservation and Natural Resources.]~~
~~(Deleted by amendment.)~~

~~**Sec. 14.** [NRS 548.035 is hereby amended to read as follows:~~

~~548.035 “Division” means the Division of [Conservation Districts] Environmental Protection in the State Department of Conservation and Natural Resources.]~~
~~(Deleted by amendment.)~~

Sec. 14.5. NRS 548.157 is hereby amended to read as follows:

548.157 The ~~[Division of Conservation Districts in the State Department of Conservation and Natural Resources]~~ Program shall perform staff services for the Commission in carrying out its responsibilities under this chapter.

Sec. 15. NRS 548.175 is hereby amended to read as follows:

548.175 The Commission has the following duties and powers:

1. To carry out the policies of this State in programs at the state level for the conservation of the renewable natural resources of this State and to represent the State in matters affecting such resources.

2. To offer such assistance as may be appropriate to the supervisors of conservation districts in the carrying out of any of their powers and programs, to propose programs and to assist and guide districts in the preparation and carrying out of programs authorized under this chapter, to review district programs, to coordinate the programs of the districts and resolve any conflicts in such programs, and to facilitate, promote, assist, harmonize, coordinate and guide the programs and activities of districts as they relate to other special-purpose districts, counties and other public agencies.

3. To keep the supervisors of each of the districts informed of the activities and experience of all other districts organized pursuant to this chapter, and to facilitate an interchange of advice and experience among those districts and promote cooperation among them.

4. To secure the cooperation and assistance of the United States, any of its agencies and of other agencies of this State in the work of conservation districts.

5. To serve, along with conservation districts, as the official state agency for cooperating with the Natural Resources Conservation Service of the United States Department of Agriculture in carrying on conservation operations within the boundaries of conservation districts as created under this chapter.

6. To enlist the cooperation and collaboration of state, federal, interstate, local, public and private agencies with the conservation districts and to facilitate arrangements under which the conservation districts may serve county governing bodies and other agencies as their local operating agencies in the administration of any activity concerned with the conservation and use of renewable natural resources.

7. To make available, with the assistance of the ~~[Division.]~~ Program, information concerning the needs and the work of the districts and the Commission to the Director of the State Department of Conservation and Natural Resources, the Legislature, executive agencies and political subdivisions of this State, cooperating federal agencies and the general public.

8. To cooperate with and give such assistance as may be requested by cities, counties, irrigation districts, and other special-purpose districts in the State of Nevada for the purpose of cooperating with the United States through the Secretary of Agriculture in the furtherance of conservation, pursuant to the provisions of the Watershed Protection and Flood Prevention Act, 16 U.S.C. §§ 1001 et seq., and the requirements of other special programs of the United States Department of Agriculture.

9. Pursuant to procedures developed mutually by the Commission and federal, state and local agencies that are authorized to plan or administer activities significantly affecting the conservation and use of renewable natural resources, to receive from those agencies, for review and comment, suitable descriptions of their plans, programs and activities for purposes of coordination with the conservation districts' programs and to arrange for and participate in conferences necessary to avoid conflict among the plans and programs, to call attention to omissions and to avoid duplication of effort.

10. ~~[2.]~~ To submit, with the assistance of the ~~[Division.]~~ Program, a report to the Director of the State Department of Conservation and Natural Resources whenever the Commission determines that there exists a substantial conflict between the program of a district and the proposed plans or activities directly affecting the conservation of natural resources prepared by any other local governmental unit or agency of this State.

11. ~~[3.]~~ By administrative order of the Commission, upon the written request of the board of supervisors of the conservation district or districts involved, with a showing that the request has been approved by a majority vote of the members of each of the boards involved:

(a) To transfer lands from one district established under the provisions of this chapter to another.

(b) To divide a single district into two or more districts, each of which must, thereafter, operate as a separate district under the provisions of this chapter.

(c) To consolidate two or more districts established under the provisions of this chapter into a single district under the provisions of this chapter.

(d) To inform the ~~{Administrative Officer}~~ ~~{Administrator of the Division}~~ Program of any action taken pursuant to this subsection for ~~{his or her}~~ its approval of any new name and the appropriate entry in the ~~{Administrative Officer's}~~ ~~{Administrator's}~~ Program's records of the changes made.

12. {4} To authorize the change of name of any district, upon receipt by the Commission of a resolution by the board of supervisors of the district for such a change and to present the resolution to the ~~{Administrative Officer}~~ ~~{Administrator of the Division}~~ Program for processing and recording in accordance with the provisions of NRS 548.240.

13. {5} To apply for any available grants and to accept and use any grants, gifts or donations to make available grants of money to qualified conservation districts to aid the districts in carrying out the provisions of this chapter.

Sec. 16. NRS 548.185 is hereby amended to read as follows:

548.185 1. Any 10 occupiers of land lying within the limits of the territory proposed to be organized into a district may file a petition with the ~~{State Conservation}~~ Commission asking that a conservation district be organized to function in the territory described in the petition.

2. The petition shall set forth:

(a) The proposed name of the district.

(b) That there is need, in the interest of public health, safety and welfare, for a conservation district to function in the territory described in the petition.

(c) A description of the territory proposed to be organized as a district, which shall consist of one or more townships created pursuant to chapter 257 of NRS.

(d) A request that a referendum be held within the territory so defined on the question of the creation of a conservation district in such territory, and that the Commission determine that such a district be created.

3. Where more than one petition is filed covering parts of the same territory, the ~~{State Conservation}~~ Commission may consolidate all or any such petitions.

Sec. 17. NRS 548.190 is hereby amended to read as follows:

548.190 1. Within 30 days after such a petition has been filed with the ~~{State Conservation}~~ Commission, it shall cause due notice to be given of a proposed hearing upon:

(a) The question of the desirability and necessity, in the interest of the public health, safety and welfare, of the creation of such district.

(b) The question of the appropriate boundaries to be assigned to such district.

(c) The propriety of the petition and other proceedings taken under this chapter.

(d) All questions relevant to such inquiries.

2. All occupiers of land within the limits of the territory described in the petition, and of lands within any territory considered for addition to such described territory, and all other interested persons, shall have the right to attend such hearings and to be heard.

3. If it shall appear upon the hearing that it may be desirable to include, within the proposed district, territory outside of the area within which due notice of the hearing has been given, the hearing shall be adjourned and due notice of further hearing shall be given throughout the entire area considered for inclusion in the district, and such further hearing shall be held.

Sec. 18. NRS 548.195 is hereby amended to read as follows:

548.195 1. After such hearing, if the Commission determines, upon the facts presented at such hearing and upon such other relevant facts and information as may be available, that there is need, in the interest of the public health, safety and welfare, for a conservation district to function in the territory considered at the

1 hearing, the Commission shall make and record such determination, and shall
2 determine the township or townships to be included in the district.

3 2. In making such determination, the Commission shall give due weight and
4 consideration to:

5 (a) The topography of the area considered and of the State.

6 (b) The composition of soils therein.

7 (c) The distribution of erosion.

8 (d) The prevailing land use practices.

9 (e) The desirability and necessity of including within the boundaries the
10 particular lands under consideration and the benefits such lands may receive from
11 being included within such boundaries.

12 (f) The relation of the proposed area to existing watersheds and agricultural
13 regions, and to other conservation districts already organized or proposed for
14 organization under the provisions of this chapter.

15 (g) Such other physical, geographical and economic factors as are relevant,
16 having due regard to the legislative determinations set forth in NRS 548.095 to
17 548.110, inclusive.

18 3. After consideration of the petition and of any other evidence of interest in
19 the organization of a district, and of the relevant factors regarding the need for a
20 district to function in the territory being considered, the ~~{State-Conservation}~~
21 Commission may make the determination of such need without holding a hearing.

22 **Sec. 19.** NRS 548.220 is hereby amended to read as follows:

23 548.220 After 6 months shall have expired from the date of entry of a
24 determination by the ~~{State-Conservation}~~ Commission that operation of a proposed
25 district is not administratively practicable and feasible, and denial of a petition
26 pursuant to such determination, subsequent petitions may be filed and action taken
27 thereon in accordance with the provisions of this chapter.

28 **Sec. 20.** NRS 548.235 is hereby amended to read as follows:

29 548.235 1. The five appointed supervisors shall present to the
30 ~~{Administrative-Officer}~~ ~~{Administrator of the Division}~~ **Program** an application
31 signed by them, which states:

32 (a) That a petition for the creation of the district was filed with the Commission
33 pursuant to the provisions of this chapter, and that the proceedings specified in this
34 chapter were taken pursuant to that petition.

35 (b) That the application is being filed in order to complete the organization of
36 the district as a governmental subdivision and a public body, corporate and politic,
37 under this chapter.

38 (c) That the Commission has appointed them as supervisors.

39 (d) The name and official residence of each of the supervisors, together with a
40 certified copy of the appointments evidencing their right to office.

41 (e) The term of office of each of the supervisors.

42 (f) The name which is proposed for the district.

43 (g) The location of the principal office of the supervisors of the district.

44 2. The application must be subscribed and sworn to by each of the supervisors
45 before a person authorized to take and certify oaths, who shall certify upon the
46 application that the person personally knows the supervisors and knows them to be
47 the officers as affirmed in the application, and that each has subscribed thereto in
48 the officer's presence.

49 3. The application must be accompanied by a statement by the Commission:

50 (a) That a petition was filed, notice issued and hearing held as required by this
51 chapter.

(b) That the Commission did determine that there is need, in the interest of the public health, safety and welfare, for a conservation district to function in the proposed territory and did define the township or townships to be included.

(c) That notice was given and a referendum held on the question of the creation of such a district, and that a majority of the votes cast in such referendum were in favor of the creation of the district.

(d) That thereafter the Commission did determine that the operation of the proposed district is administratively practicable and feasible.

4. The statement must set forth the township or townships to be included.

Sec. 21. NRS 548.240 is hereby amended to read as follows:

548.240 1. The ~~Administrative Officer~~ ~~Administrator of the Division~~ Program shall examine the application and statement, and if the ~~Administrative Officer~~ ~~Administrator~~ Program finds that the name proposed for the district is not identical with that of any other conservation district of this State or so nearly similar as to lead to confusion or uncertainty, the ~~Administrative Officer~~ ~~Administrator~~ Program shall record them in an appropriate book of record. ~~in his or her office.~~

2. If the ~~Administrative Officer~~ ~~Administrator of the Division~~ Program finds that the name proposed for the district is identical with that of any other conservation district of this State, or so nearly similar as to lead to confusion and uncertainty, the ~~Administrative Officer~~ ~~Administrator~~ Program shall notify the Commission. The Commission shall thereupon submit a new name for the district. Upon receipt of a new name, free of such defects, the ~~Administrative Officer~~ ~~Administrator~~ Program shall record the application and statement, with the name so modified, in an appropriate book of record. ~~in his or her office.~~

3. When the application and statement have been recorded, the district becomes a governmental subdivision of this State and a public body corporate and politic.

4. The ~~Administrative Officer~~ ~~Administrator of the Division~~ Program shall make and issue to the supervisors a certificate, over ~~his or her~~ the signature ~~of a member of the staff of the Program,~~ of the organization of the district.

5. The boundaries of the district must include the territory determined by the Commission, but must not include any area included within the boundaries of another conservation district organized under the provisions of this chapter.

Sec. 22. NRS 548.245 is hereby amended to read as follows:

548.245 1. In any suit, action or proceeding involving the validity or enforcement of, or relating to, any contract, proceeding or action of the district, the district shall be deemed to have been established in accordance with the provisions of this chapter upon proof of the issuance of the certificate by the ~~Administrative Officer~~ ~~Administrator of the Division~~ Program.

2. A copy of such a certificate issued by the ~~Administrative Officer~~ ~~Administrator of the Division~~ Program is admissible in evidence in any such suit, action or proceeding and is proof of the contents thereof.

Sec. 23. NRS 548.250 is hereby amended to read as follows:

548.250 1. Within 30 days after the date of issuance by the ~~Administrative Officer~~ ~~Administrator of the Division~~ Program of a certificate of organization of a conservation district, nominating petitions may be filed with the Commission to nominate candidates for supervisors at large of the district.

2. The Commission may extend the time within which nominating petitions may be filed.

3. No nominating petition may be accepted by the Commission unless it is subscribed by three or more registered voters residing within the district.

1 4. Registered voters of the district may sign more than one nominating
2 petition to nominate more than one candidate for supervisor.

3 **Sec. 24.** NRS 548.285 is hereby amended to read as follows:

4 548.285 1. The county clerk of the county in which a conservation district is
5 situated, or the county clerk's designee, shall conduct a biennial nonpartisan
6 election for the replacement of any supervisors whose terms are about to expire and
7 shall pay all costs of that election from county funds.

8 2. The election must be held either at a mass meeting of electors, held in a
9 centrally located public meeting place within the district, or as part of the general
10 election.

11 3. If a mass meeting is held for the election, it must be held on one of the first
12 10 days of November in each even-numbered year.

13 4. If the election is held at a mass meeting:

14 (a) The chair of the district supervisors shall preside at this meeting and the
15 secretary of the district shall keep a record of transactions at the meeting.

16 (b) Nominations of candidates must be made verbally from the floor.

17 (c) Voting must be by secret ballot. The chair of the district supervisors shall
18 appoint three electors present to act, without pay, as judges and tellers to count the
19 votes at the conclusion of voting.

20 5. If the election is held as part of the general election:

21 (a) Candidates are bound by the election laws governing county elections.

22 (b) Ballots must be provided bearing the names of candidates in alphabetical
23 order by surnames with a square before each name and a direction to insert an X
24 mark in the square before the name or names of the voter's choice.

25 (c) At the close of polling, the sealed ballot boxes must be delivered unopened
26 to the county clerk or the county clerk's designee, who shall appoint three electors
27 to act, without pay, as judges and tellers to open the boxes and count the votes.

28 6. The result of the election must be certified to the Commission and to the
29 [Administrative Officer of the Division] Program by the county clerk or the county
30 clerk's designee, within 1 week following the date of election.

31 7. If a conservation district embodies land lying in more than one county, the
32 county clerks of the respective counties shall confer and delegate to the clerk of the
33 county having the greatest number of qualified electors of the conservation district
34 the duty of carrying out the provisions of this section and shall reimburse that
35 county on a pro rata basis for their respective counties' shares of the expenses of
36 conducting the election.

37 **Sec. 25.** NRS 548.295 is hereby amended to read as follows:

38 548.295 1. A vacancy in the office of supervisor of a district must be filled
39 for the unexpired term as soon as practicable after the office becomes vacant, by
40 appointment by the remaining supervisors of the district.

41 2. The chair of the governing body of a district shall certify all such
42 appointments immediately to the Commission and to the [Administrative Officer of
43 the Division.] Program.

44 **Sec. 26.** ~~NRS 548.405 is hereby amended to read as follows:~~

45 ~~548.405 1. Agencies of this State which shall have jurisdiction over, or be~~
46 ~~charged with the administration of, any state-owned lands, and agencies of any~~
47 ~~county or other governmental subdivision of the State which shall have jurisdiction~~
48 ~~over, or be charged with the administration of, any county-owned or other publicly~~
49 ~~owned lands, lying within the boundaries of any district organized under this~~
50 ~~chapter, shall cooperate to the fullest extent with the supervisors of such districts in~~
51 ~~the effectuation of programs and operations undertaken by the supervisors under~~
52 ~~the provisions of this chapter.~~

~~2. The supervisors of such districts shall be given free access to enter and perform work upon such publicly owned lands.~~

~~[3. The provisions of land use regulations adopted pursuant to NRS 548.410 to 548.435, inclusive, shall have the force and effect of law over all such publicly owned lands, and shall be in all respects observed by the agencies administering such lands.] (Deleted by amendment.)~~

Sec. 27. NRS 548.515 is hereby amended to read as follows:

548.515 1. Petitions for including additional territory within an existing district shall be filed with the ~~[State Conservation]~~ Commission.

2. The proceedings provided for in this chapter in the case of petitions to organize a district shall be observed in the case of petitions for inclusion, except that the application for a certificate of inclusion shall be signed by the chair and the secretary of the governing body of the district into which the additional territory is to be included.

3. The ~~[State Conservation]~~ Commission shall prescribe the form for the petitions, which shall be, as nearly as practicable, in the form prescribed in this chapter for petitions to organize a district.

4. Where the total number of land occupiers in the area proposed for inclusion shall be less than 25, the petition may be filed when signed by a majority of the occupiers of such area, and in such case no referendum need be held.

5. In referenda upon petitions for inclusion, all occupiers of land lying within the proposed additional area shall be eligible to vote.

6. The Commission shall determine whether or not such inclusion shall be made.

Sec. 28. NRS 548.520 is hereby amended to read as follows:

548.520 1. Petitions to withdraw lands from a district may be filed with the ~~[State Conservation]~~ Commission at any time.

2. The Commission shall prescribe the form of the petition, which shall be, as nearly as practicable, in the form prescribed in this chapter for petitions to organize a district.

3. Where the total number of land occupiers in the area affected by a proposed withdrawal will be less than 25, the petition may be filed when signed by a majority of the occupiers of such area, and in such case no referendum need be held.

4. In referenda upon petitions for withdrawal, all occupiers of land lying within the area affected by the proposed change in boundary shall be eligible to vote.

5. The Commission shall determine whether or not such withdrawal shall be made.

Sec. 29. NRS 548.525 is hereby amended to read as follows:

548.525 1. At any time after 5 years after the organization of a district under the provisions of this chapter, any 10 occupiers of land lying within the boundaries of such district may file a petition with the ~~[State Conservation]~~ Commission praying that the operations of the district be terminated and the existence of the district be discontinued.

2. The Commission may conduct such public meetings and public hearings upon such petition as may be necessary to assist it in the consideration thereof.

3. The Commission shall determine, on the basis of information presented in the petition or brought out in public hearings and on the basis of the number of petitioners in relation to the total number of occupiers of land lying within the district, whether it can render a reasonable determination of approval or denial of the petition without holding a referendum, or whether a referendum shall be held.

1 **Sec. 30.** NRS 548.530 is hereby amended to read as follows:

2 548.530 1. Within 60 days after a petition for discontinuance has been
3 received by the ~~{state conservation commission,}~~ **Commission**, it shall give due
4 notice of the holding of the referendum if one is to be held.

5 2. The Commission shall supervise the referendum and issue appropriate
6 regulations governing the conduct thereof.

7 3. The question shall be submitted by ballots upon which the words "For
8 terminating the existence of the (name of the conservation district to be
9 here inserted)" and "Against terminating the existence of the (name of the
10 conservation district to be here inserted)" shall be printed, with a square before each
11 proposition and a direction to insert an X mark in the square before one or the other
12 of the propositions, as the voter may favor or oppose discontinuance of such
13 district.

14 4. All persons determined by the county clerk or clerks to be registered voters
15 residing within the district are eligible to vote in such referendum.

16 5. No informalities in the conduct of such referendum or in any matters
17 relating thereto invalidate the referendum or the result thereof if notice thereof was
18 given substantially as provided in this chapter and the referendum was fairly
19 conducted.

20 6. The Commission shall publish the result of the referendum.

21 **Sec. 31.** NRS 548.540 is hereby amended to read as follows:

22 548.540 The ~~{State Conservation}~~ Commission shall not entertain petitions
23 for the discontinuance of any district, nor conduct referenda upon such petitions,
24 nor make any determination pursuant to such petitions in accordance with the
25 provisions of this chapter, more often than once in 5 years.

26 **Sec. 32.** NRS 548.545 is hereby amended to read as follows:

27 548.545 1. Upon receipt from the Commission of a certification that the
28 Commission has determined that the continued operation of the district is not
29 administratively practicable and feasible, pursuant to the provisions of NRS
30 548.535, the supervisors shall forthwith proceed to terminate the affairs of the
31 district.

32 2. The supervisors shall dispose of all property belonging to the district at
33 public auction and shall pay over the proceeds of the sale to the State Treasurer for
34 deposit in the State Treasury.

35 3. The supervisors shall thereupon file an application with the ~~{Administrative~~
36 ~~Officer}~~ ~~{Administrator of the Division}~~ **Program** for the discontinuance of the
37 district, and shall transmit with the application the certificate of the Commission
38 setting forth the determination of the Commission that the continued operation of
39 the district is not administratively practicable and feasible. The application must
40 recite that the property of the district has been disposed of and the proceeds paid
41 over as provided in this section, and must set forth a full accounting of those
42 properties and proceeds of the sale.

43 4. The ~~{Administrative Officer}~~ ~~{Administrator of the Division}~~ **Program**
44 shall issue to the supervisors a certificate of dissolution and shall record the
45 certificate in an appropriate book of records. ~~{in his or her office.}~~

46 **Sec. 33.** NRS 548.550 is hereby amended to read as follows:

47 548.550 1. Upon the issuance of a certificate of dissolution under the
48 provisions of NRS 548.545, all ordinances and regulations theretofore adopted and
49 in force within such district shall be of no further force and effect.

50 2. All contracts theretofore entered into, to which the district or supervisors
51 are parties, shall remain in force and effect for the period provided in such
52 contracts. The ~~{State Conservation}~~ Commission shall be substituted for the district
53 or supervisors as a party to such contracts. The Commission shall be entitled to all

benefits and shall be subject to all liabilities under such contracts and shall have the same right and liability to perform, to require performance, to sue and be sued thereon, and to modify or terminate such contracts by mutual consent or otherwise, as the supervisors of the district would have had.

3. Such dissolution shall not affect the lien of any judgment entered under the provisions of NRS 548.455, nor the pendency of any action instituted under the provisions of NRS 548.445 and 548.450, and the Commission shall succeed to all the rights and obligations of the district or supervisors as to such liens and actions.

Sec. 34. NRS 561.218 is hereby amended to read as follows:

561.218 1. The Director shall appoint a person to manage the activities of the Department relating to natural resources, land use planning and the management and control of wild horses, estrays and feral livestock. The person must be appointed on the basis of merit and is in the unclassified service of the State. The Director may remove the person from office with the approval of the Board.

2. The person appointed shall:

(a) Establish and carry out a policy for the management and control of estrays and the preservation and allocation of natural resources necessary to advance and protect the livestock and agricultural industries in this State.

(b) Develop cooperative agreements and working relationships with federal and state agencies and local governments for land use planning and the preservation and allocation of natural resources necessary to advance and protect the livestock and agricultural industries in this State.

(c) Cooperate with private organizations and governmental agencies to develop procedures and policies for the management and control of wild horses.

(d) Monitor gatherings of estrays and feral livestock conducted pursuant to the provisions of NRS 569.040 to 569.130, inclusive, and assist district brand inspectors in identifying estrays before they are sold or given a placement or other disposition through a cooperative agreement established pursuant to NRS 569.031.

(e) Provide the members of the general public with information relating to the activities of the Department and solicit recommendations from the members of the general public and advisory groups concerning those activities.

(f) Make assessments of the level of competition between livestock and wildlife for food and water, collect data concerning the movement of livestock and perform activities necessary to control noxious weeds.

(g) Participate in land use planning relating to the competition for food and water between livestock and wildlife to ensure the maintenance of the habitat of both livestock and wildlife.

(h) Present testimony, conduct research and prepare reports for the Governor, the Legislature, the Director and any other person or governmental entity as directed by the Director.

(i) Develop and carry out a program to educate the members of the general public concerning the programs administered by the Department, including programs for the management and control of estrays and feral livestock.

(j) Make proposals to the Director for the amendment of the regulations adopted by the Board pursuant to NRS 561.105.

(k) Perform such other duties as directed by the Director.

3. As used in this section:

(a) "Estray" has the meaning ascribed to it in NRS 569.0075.

(b) "Feral livestock" has the meaning ascribed to it in NRS 569.008.

(c) "Wild horse" ~~has the meaning ascribed to it in NRS 504.430.~~ *means a horse, mare or colt which is unbranded and unclaimed and lives on public land.*

Sec. 35. NRS 232.085, 232.125, 504.430, 504.440, 504.450, 504.460, 504.470, 504.480, 504.485, ~~548.115, 548.120, 548.125, 548.135, 548.140,~~

~~548.145, 548.148, 548.150, 548.155, 548.157, 548.165, 548.170, 548.180, 548.200, 548.230, 548.410, 548.415, 548.420, 548.425, 548.430, 548.435, 548.440, 548.445, 548.450, 548.455, 548.460, 548.465, 548.470, 548.475, 548.480, 548.485, 548.490, 548.495, 548.500, 548.505, and [548.510]~~ **548.035** are hereby repealed.

Sec. 36. The member of the Advisory Board on Dream Tags appointed by the Advisory Board on Natural Resources shall continue to serve on the Advisory Board on Dream Tags for the duration of his or her term unless removed before that date in the manner authorized by law.

Sec. 37. ~~[1. The administrative regulations adopted by the State Conservation Commission pursuant to NRS 548.160 and 548.178 remain in force and are hereby transferred to become the administrative regulations of the State Environmental Commission on July 1, 2011. On and after July 1, 2011, these regulations must be interpreted in a manner so that all references to the State Conservation Commission are read and interpreted as being references to the State Environmental Commission, regardless of whether those references have been conformed pursuant to section 29 of this act at the time of interpretation.~~

~~2. Any land use regulations adopted by the State Conservation Commission for a conservation district pursuant to NRS 548.410 which are in force on July 1, 2011, remain in effect until amended or repealed.]~~ **(Deleted by amendment.)**

Sec. 38. As soon as is practicable after July 1, 2011, at the time the Heil Trust Fund for Wild Horses established pursuant to NRS 504.450 is abolished, the State Treasurer shall ensure that any money remaining in the Heil Trust Fund for Wild Horses is transferred to the State General Fund.

Sec. 39. The Legislative Counsel shall, in preparing:

1. The reprint and supplements to the Nevada Revised Statutes, with respect to any section which is not amended by this act or is adopted or amended by another act, appropriately change any reference to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer of agency. If any internal reference is made to a section repealed by this act, the Legislative Counsel shall delete the reference and replace it by reference to the superseding section, if any.

2. Supplements to the Nevada Administrative Code, appropriately change any reference to an officer or agency whose name is changed or whose responsibilities have been transferred pursuant to the provisions of this act to refer to the appropriate officer of agency. If any internal reference is made to a section repealed by this act, the Legislative Counsel shall delete the reference and replace it by reference to the superseding section, if any.

Sec. 40. This act becomes effective on July 1, 2011.

LEADLINES OF REPEALED SECTIONS

232.085 Advisory Board on Natural Resources: Creation; qualifications of members; meetings; compensation; officers; duties.

232.125 Division of Conservation Districts: Administrative Officer; powers and duties.

504.430 Definitions.

504.440 Commission for Preservation of Wild Horses: Creation; membership; terms and compensation of members; meetings.

504.450 Heil Trust Fund for Wild Horses.

504.460 Appointment and duties of Administrator of Commission; prerequisites to filing of certain protests or appeals on behalf of Commission; review by Commission.

504.470 Powers and duties of Commission.

504.480 Agreements with Federal Government.

504.485 Wildlife agencies required to confer with Commission regarding consultations with Secretary of Interior.

~~[548.115 Creation; number and appointment of members;
548.120 Ex officio members and alternates;
548.125 Appointment and terms of office of appointed members; vacancies;
548.135 Seal;
548.140 Chair;
548.145 Compensation of members and employees; operating expenses;
548.148 Meetings;
548.150 Quorum;
548.155 Personnel: Employment; compensation; surety bonds; delegation of authority;
548.157 Division of Conservation Districts in State Department of Conservation and Natural Resources to supply staff;
548.165 Records;
548.170 Attorney General to provide legal services;
548.180 Cooperation of state agencies and state institutions with Commission;
548.300 Removal from office;
548.330 Supervisors to furnish Commission information;
548.410 Petition; formulation; hearings; determination of whether referendum to be held;
548.415 Proposed ordinance; notices of referendum; form of question; informalities not to invalidate referendum;
548.420 Approval of proposed ordinance; effect of regulations;
548.425 Procedure for amendment or repeal of regulations;
548.430 Permissible provisions;
548.435 Uniformity of regulations; availability to occupiers of lands within district;
548.440 Enforcement of regulations; damages;
548.445 Petition to district court to require observance;
548.450 Service of process; appointment of master; hearing; order of court;
548.455 Court to retain jurisdiction until work completed; entry of judgment for costs and expenses; judgment as lien;
548.460 Board of adjustment: Establishment;
548.465 Board of adjustment: Number, appointment and terms of members;
548.470 Board of adjustment: Vacancies;
548.475 Board of adjustment: Removal of member;
548.480 Board of adjustment: Compensation of members and employees;
548.485 Board of adjustment: Chair;
548.490 Board of adjustment: Meetings; quorum;
548.495 Board of adjustment: Rules; records;
548.500 Board of adjustment: Commission to pay expenses;
548.505 Petition for variance; Notice; hearing; determination of board; order;
548.510 Procedure for review of order of board of adjustment by district court.]~~

548.035 "Division" defined.