

SENATE BILL NO. 476—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 23, 2015

Referred to Committee on Natural Resources

SUMMARY—Amends provisions relating to certain local districts.
(BDR 49-826)

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
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 local districts; making legislative declarations; requiring the imposition of a fee on parcels in a conservation district upon the approval of registered voters; authorizing the increase, decrease or elimination of the fee upon such approval; requiring that money collected from the fee be expended only for the purposes of the conservation district; authorizing the supervisors of a conservation district to serve ex officio as directors of a weed control district upon agreement with a board of county commissioners; providing a penalty; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, a conservation district may be organized as a political subdivision of the State, with various powers and duties regarding the conservation of natural resources within the district. (Chapter 548 of NRS)

In **section 2** of this bill, the Legislature declares that conservation districts may be recognized as having special expertise regarding local conditions, conservation of renewable natural resources and the coordination of local programs which makes the districts suited to serve as cooperating agencies for the purposes of the federal National Environmental Policy Act (42 U.S.C. §§ 4321 et seq.) and to provide local government coordination for the purposes of the Federal Land Policy and Management Act of 1976. (43 U.S.C. §§ 1701 et seq.)

Section 4 of this bill requires a board of county commissioners to impose an annual fee, not to exceed \$25, on each parcel in a conservation district, if the imposition of the fee is approved at an election. Under **section 5** of this bill, a board of county commissioners must submit to the voters the question of whether to impose the fee upon receipt of a petition signed by either a majority of the supervisors of the conservation district or at least 10 percent of the registered voters of the conservation district. **Section 5.5** of this bill provides that the required



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election may be conducted by mail. Under **section 6** of this bill, the fee may not be increased, decreased or eliminated except according to the same procedures for imposing the fee. Under **section 4**, money collected from the imposition of the fee may be used only for the purposes of a conservation district prescribed in chapter 548 of NRS.

Sections 8 and 9 of this bill add the Forest Service of the United States Department of Agriculture and the Bureau of Land Management and the Fish and Wildlife Service of the United States Department of the Interior to the definitions of "United States" and "agencies of the United States" for the purposes of provisions regarding cooperation between conservation districts and those agencies of the United States.

In **section 10** of this bill, the Legislature recognizes the importance of locally led efforts for the conservation of natural resources and pledges to strive to provide appropriations to conservation districts at levels comparable to the appropriations provided to similar districts in other western states.

Existing law authorizes the creation of weed control districts, which are governed by a board of directors appointed by the applicable board of county commissioners. (NRS 555.203, 555.207) **Section 15** of this bill authorizes a board of county commissioners and the supervisors of a conservation district to enter into an agreement under which the supervisors of the conservation district serve, ex officio, as the directors of a weed control district that lies entirely within the conservation district. The supervisors must ensure that the money of the weed control district is expended only for the purposes of the statutory provisions relating to weed control districts.

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

Section 1. Chapter 548 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 7, inclusive, of this act.

Sec. 2. *It is hereby declared, as a matter of legislative determination, that conservation districts may be recognized as having special expertise regarding local conditions, conservation of renewable natural resources and the coordination of local programs which makes conservation districts uniquely suitable to serve as cooperating agencies for the purpose of the National Environmental Policy Act of 1969, 42 U.S.C. §§ 4321 et seq., and any other federal laws regarding land management, and to provide local government coordination for the purposes of the Federal Land Policy and Management Act of 1976, 43 U.S.C. §§ 1701 et seq., and any other federal laws regarding land management.*

Sec. 3. *As used in sections 3 to 7, inclusive, of this act, "parcel" has the meaning ascribed to it in NRS 361A.065.*

Sec. 4. *1. Subject to the provisions of sections 5 and 5.5 of this act, and only after receiving the approval of a majority of the registered voters of the conservation district voting on the question at a primary, general or special election held pursuant to section 5*



1 of this act or at an election conducted by mail pursuant to section
2 5.5 of this act:

3 (a) If a conservation district includes land lying in only one
4 county, the board of county commissioners of the county shall
5 impose, on behalf of the conservation district, an annual fee of not
6 more than \$25 on each parcel in the conservation district; and

7 (b) If a conservation district includes land lying in more than
8 one county, the boards of county commissioners of the respective
9 counties shall impose, on behalf of the conservation district, an
10 annual fee of not more than \$25 on each parcel in the
11 conservation district.

12 2. A fee imposed pursuant to subsection 1 must be collected
13 as are other fees and taxes imposed by the board of county
14 commissioners are collected. A board of county commissioners
15 that imposes the fee shall establish a separate fund in the county
16 treasury for the receipt and expenditure of and accounting for the
17 proceeds of the fee.

18 3. Money collected pursuant to this section may be used only
19 for the purposes of this chapter.

20 **Sec. 5. 1.** A board of county commissioners shall submit to
21 the voters a question of whether to impose a fee described in
22 section 4 of this act upon receipt of a petition requesting the
23 election and prescribing the amount of the proposed fee. The
24 petition must be signed by a majority of the supervisors of the
25 conservation district or not less than 10 percent of the registered
26 voters of the conservation district. The board of county
27 commissioners shall direct the county clerk of the county or the
28 county clerk's designee to conduct an election on the question.

29 2. If a conservation district includes land lying in more than
30 one county, the petition described in subsection 1 must be
31 submitted to the board of county commissioners of each such
32 county and each respective board of county commissioners shall
33 submit the question to the registered voters of the conservation
34 district who live in the county. Each respective board of county
35 commissioners shall direct the county clerk of the county or the
36 county clerk's designee to conduct an election on the question.
37 The county clerks of the respective counties shall confer and
38 delegate to the county clerk, or the county clerk's designee, of the
39 county having the greatest number of qualified electors of the
40 conservation district the duty of carrying out the provisions of this
41 section and shall reimburse that county on a pro rata basis for
42 their respective counties' shares of the expenses of conducting the
43 election.

44 3. Notice of an election or elections on the question of
45 whether to impose a fee described in section 4 of this act must be:



(a) Published at least once each week for 4 weeks before the date of the election in a newspaper of general circulation in the county or counties in which the election or elections are to be held; and

(b) Posted continuously on the Internet website of the county or counties beginning not less than 30 days before the date of the election.

4. At the election, the ballot must contain the words "Shall a fee of not more than \$_____ per parcel be approved for the conservation district?" or words equivalent thereto.

5. If a majority of the registered voters of the conservation district voting on the question approve the imposition of the fee, the fee must be imposed beginning on July 1 of the year next following the election or elections.

Sec. 5.5. 1. In lieu of conducting the election required by section 4 of this act at a primary, general or special election pursuant to section 5 of this act, the board or boards of county commissioners, as applicable, may direct that the election be conducted by mail in accordance with this section. Except as otherwise provided in this section, the provisions of section 5 of this act govern an election conducted pursuant to this section.

2. If the election is conducted by mail:

(a) The board or boards of county commissioners, as applicable, shall establish the date by which marked mailing ballots must be mailed by voters to the county clerk or the county clerk's designee pursuant to paragraph (c). That date is the date of the election for the purposes of subsection 3 of section 5 of this act.

(b) On or after the first date of publication or posting, whichever occurs first, of the notice required by subsection 3 of section 5 of this act, but not later than 5 business days after that date, the county clerk or the county clerk's designee shall cause to be mailed to each registered voter in the conservation district:

(1) An official mailing ballot;

(2) A return envelope; and

(3) Instructions regarding the manner of marking and returning the ballot. The instructions must set forth the date established pursuant to paragraph (a) by which the ballot must be mailed by the voter to the county clerk or the county clerk's designee.

(c) Upon receipt of a mailing ballot, the registered voter must, in accordance with the instructions, mark and fold the ballot, deposit and seal the ballot in the return envelope, affix his or her signature on the back of the envelope and mail the envelope to the county clerk or the county clerk's designee. The ballot shall be



1 *deemed timely mailed if the envelope is postmarked not later than*
2 *3 business days after the date established pursuant to paragraph*
3 *(a) by which the ballot must be mailed.*

4 *(d) At the close of polling, the county clerk or the county*
5 *clerk's designee shall appoint three electors who are not*
6 *supervisors of the conservation district to act, without pay, as*
7 *judges and tellers to open the envelopes and count the votes.*

8 *3. If a majority of the electors of the conservation district*
9 *voting on the question at an election conducted pursuant to this*
10 *section approve the imposition of the fee, the fee must be imposed*
11 *beginning on July 1 of the year next following the election.*

12 **Sec. 6.** *A fee imposed pursuant to sections 4, 5 and 5.5 of this*
13 *act, as applicable, may not be increased, decreased or eliminated*
14 *except according to the same procedures prescribed in sections 4,*
15 *5 and 5.5 of this act, as applicable, for imposing the fee.*

16 **Sec. 7.** *A board of county commissioners may appropriate*
17 *money from the county general fund to a conservation district for*
18 *the purpose of providing programs for renewable natural*
19 *resources regardless of whether a fee is imposed pursuant to*
20 *sections 4, 5 and 5.5 of this act, as applicable.*

21 **Sec. 8.** NRS 548.020 is hereby amended to read as follows:
22 548.020 "Agencies of the United States" includes the United
23 States of America, the ~~[Soil]~~ *Natural Resources* Conservation
24 Service *and the Forest Service* of the United States Department of
25 Agriculture, *the Bureau of Land Management and the Fish and*
26 *Wildlife Service of the United States Department of the Interior,*
27 and any other agency or instrumentality, corporate or otherwise, of
28 the United States of America.

29 **Sec. 9.** NRS 548.090 is hereby amended to read as follows:
30 548.090 "United States" includes the United States of America,
31 the ~~[Soil]~~ *Natural Resources* Conservation Service *and the Forest*
32 *Service* of the United States Department of Agriculture, *the Bureau*
33 *of Land Management and the Fish and Wildlife Service of the*
34 *United States Department of the Interior,* and any other agency or
35 instrumentality, corporate or otherwise, of the United States of
36 America.

37 **Sec. 10.** NRS 548.105 is hereby amended to read as follows:
38 548.105 **1.** It is hereby declared, as a matter of legislative
39 determination, that persons in local communities are best able to
40 provide basic leadership and direction for the planning and
41 accomplishment of the conservation and development of renewable
42 natural resources through organization and operation of
43 conservation districts.

44 **2.** *Recognizing the importance of locally led efforts for the*
45 *conservation of renewable natural resources, the Legislature will*



strive to provide appropriations to conservation districts at a level comparable to the appropriations provided to similar districts in other western states.

Sec. 11. 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 hearing, the Commission shall make and record such determination, and shall determine the township or townships to be included in the district.

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

- (a) The topography of the area considered and of the State.
- (b) The composition of soils therein.
- (c) The distribution of erosion.
- (d) The prevailing land use practices.
- (e) The desirability and necessity of including within the boundaries the particular lands under consideration and the benefits such lands may receive from being included within such boundaries.
- (f) The relation of the proposed area to existing watersheds and agricultural regions, and to other conservation districts already organized or proposed for organization under the provisions of this chapter.

(g) Such other physical, geographical and economic factors as are relevant, having due regard to the legislative determinations set forth in NRS 548.095 to 548.110, inclusive **[H]**, *and section 2 of this act.*

3. After consideration of the petition and of any other evidence of interest in the organization of a district, and of the relevant factors regarding the need for a district to function in the territory being considered, the Commission may make the determination of such need without holding a hearing.

Sec. 12. NRS 548.215 is hereby amended to read as follows:

548.215 1. The Commission shall publish the result of the referendum and shall thereafter consider and determine whether the operation of the district is administratively practicable and feasible.

2. If the Commission determines that the operation of such district is not administratively practicable and feasible, the Commission shall record such determination and deny the petition.

3. If the Commission determines that the operation of the district is administratively practicable and feasible, the Commission shall record such determination and shall proceed with the organization of the district in the manner provided in this chapter.



1 The Commission shall not determine that the operation of the
2 proposed district is administratively practicable and feasible unless
3 at least a majority of the votes cast in the referendum upon the
4 creation of the district are cast in favor of the creation of such
5 district.

6 4. In making such determination, the Commission shall give
7 due regard and weight to:

8 (a) The attitudes of the occupiers of lands lying within the
9 defined boundaries.

10 (b) The number of eligible registered voters who voted in the
11 referendum.

12 (c) The proportion of the votes cast in such referendum in favor
13 of the creation of the district to the total number of votes cast.

14 (d) The approximate wealth and income of the land occupiers of
15 the proposed district.

16 (e) The probable expense of carrying on erosion-control
17 operations within such district.

18 (f) Such other economic and social factors as may be relevant to
19 such determination, having due regard to the legislative
20 determinations set forth in NRS 548.095 to 548.110, inclusive **H**,
21 *and section 2 of this act.*

22 **Sec. 13.** NRS 548.430 is hereby amended to read as follows:

23 548.430 The regulations to be adopted by the Commission
24 under the provisions of NRS 548.410 to 548.435, inclusive, may
25 include:

26 1. Provisions requiring the carrying out of necessary
27 engineering operations, including the construction of terraces,
28 terrace outlets, check dikes, dams, ponds, ditches and other
29 necessary structures.

30 2. Provisions requiring observance of particular methods of
31 cultivation, including contour cultivating, contour furrowing, lister
32 furrowing, sowing, planting, strip cropping, seeding, and planting of
33 lands to water-conserving and erosion-preventing plants, trees and
34 grasses, forestation, and reforestation.

35 3. Specifications of cropping programs and tillage practices to
36 be observed.

37 4. Provisions requiring the retirement from cultivation of
38 highly erosive areas or of areas on which erosion may not be
39 adequately controlled if cultivation is carried on.

40 5. Provisions for such other means, measures, operations, and
41 programs as may assist conservation of renewable natural resources
42 and prevent or control soil erosion and sedimentation in the
43 conservation district, having due regard to the legislative findings
44 set forth in NRS 548.095 to 548.110, inclusive **H**, *and section 2 of*
45 *this act.*



Sec. 14. NRS 548.535 is hereby amended to read as follows:

548.535 1. The Commission shall consider the information and facts presented in the petition and brought out in any public hearings that may be held and the result of the referendum if one is held, and shall thereafter determine whether the continued operation of the district is administratively practicable and feasible.

2. If the Commission determines that the continued operation of such district is administratively practicable and feasible, the Commission shall record such determination and deny the petition. The Commission shall not determine that the continued operation of the district is administratively practicable and feasible unless the number of petitioners comprises less than a majority of the registered voters in the district or unless at least a majority of the votes cast in the referendum were cast in favor of the continuance of such district.

3. If the Commission determines that the continued operation of the district is not administratively practicable and feasible, the Commission shall record such determination and shall certify such determination to the supervisors of the district.

4. In making such determination the Commission shall give due regard and weight to:

(a) The attitudes of the occupiers of lands lying within the district.

(b) The number of eligible registered voters who voted in the referendum.

(c) The proportion of petitioners to the total number of land occupiers in the district, and the proportion of the votes cast in favor of the discontinuance of the district to the total number of votes cast.

(d) The approximate wealth and income of the land occupiers of the district.

(e) The probable expense of carrying on erosion-control operations within such district.

(f) Such other economic and social factors as may be relevant to such determination, having due regard to the legislative findings as set forth in NRS 548.095 to 548.110, inclusive **[H]**, and *section 2 of this act*.

Sec. 15. Chapter 555 of NRS is hereby amended by adding thereto a new section to read as follows:

1. If the area included in a weed control district is entirely within the boundaries of one county and entirely within the boundaries of one conservation district organized pursuant to chapter 548 of NRS, the board of county commissioners of the county and the supervisors of the conservation district may enter into an agreement for the supervisors of the conservation district to serve, ex officio, as the board of directors of the weed control



1 *district. If, as a result of a change in boundaries, the area included*
2 *in a weed control district is no longer entirely within the*
3 *boundaries of one county and entirely within the boundaries of*
4 *one conservation district organized pursuant to chapter 548 of*
5 *NRS, the supervisors of the conservation district may no longer*
6 *serve, ex officio, as the board of directors of the weed control*
7 *district, and the supervisors of the weed control district must be*
8 *appointed pursuant to NRS 555.205.*

9 2. *An agreement entered into pursuant to subsection 1 may*
10 *be terminated by mutual agreement of the board of county*
11 *commissioners and the supervisors of the conservation district. If*
12 *an agreement is terminated pursuant to this section, the board of*
13 *directors of the weed control district must be appointed pursuant*
14 *to NRS 555.205.*

15 3. *The supervisors of a conservation district serving ex officio*
16 *as the board of directors of a weed control district pursuant to this*
17 *section shall ensure that any money collected by the weed control*
18 *district pursuant to an assessment levied pursuant to NRS*
19 *555.215, and any other money appropriated or granted to the weed*
20 *control district from any source, is expended only for the purposes*
21 *of this section and NRS 555.202 to 555.220, inclusive.*

22 **Sec. 16.** NRS 555.205 is hereby amended to read as follows:

23 555.205 *Except as otherwise provided in section 15 of this*
24 *act:*

25 1. The board of county commissioners of any county in which
26 a weed control district has been created shall appoint a board of
27 directors of the district composed of three or five persons who:

28 (a) Are landowners in the district, whether or not they signed the
29 petition for its creation. For the purpose of this paragraph, if any
30 corporation or partnership owns land in the district, a partner or a
31 director, officer or beneficial owner of 10 percent or more of the
32 stock of the corporation shall be deemed a landowner.

33 (b) Fairly represent the agricultural economy of the district.

34 2. If the district includes lands situated in more than one
35 county, the board of county commissioners shall appoint at least one
36 member of the board of directors from each county in which one-
37 third or more of the lands are situated.

38 3. The initial appointments to the board of directors shall be for
39 terms of 1, 2 and 3 years respectively. Each subsequent appointment
40 shall be for a term of 3 years. Any vacancy shall be filled by
41 appointment for the unexpired term.

42 4. In addition to other causes provided by law, a vacancy is
43 created on the board if any director:

44 (a) Ceases to be a landowner in the district.

45 (b) Is absent, unless excused, from three meetings of the board.



1 5. If, as a result of a change in the boundaries of the district, a
2 county becomes entitled to a new member of the board of directors
3 pursuant to subsection 2, the board of county commissioners shall
4 make the new appointment upon the first expiration of the term of a
5 current member thereafter.

6 **Sec. 17.** NRS 555.220 is hereby amended to read as follows:

7 555.220 Any person violating any of the provisions of NRS
8 555.202 to 555.210, inclusive, *and section 15 of this act*, or failing,
9 refusing or neglecting to perform or observe any conditions or
10 regulations prescribed by the State Quarantine Officer, in
11 accordance with the provisions of NRS 555.202 to 555.210,
12 inclusive, *and section 15 of this act* is guilty of a misdemeanor.

13 **Sec. 18.** This act becomes effective on July 1, 2015.

