

ASSEMBLY BILL NO. 486—COMMITTEE ON WAYS AND MEANS

MARCH 25, 2019

Referred to Committee on Government Affairs

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

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

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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 outdoor recreation; creating the Division of Outdoor Recreation within the State Department of Conservation and Natural Resources; providing that the Administrator for Business Development for Outdoor Recreation of the Division and the Administrator for Preservation of Natural Resources for Outdoor Recreation of the Division are the executive heads of the Division; creating the Advisory Board on Outdoor Recreation which shall advise the Administrators of the Division on any matter concerning outdoor recreation in this State; providing that certain provisions relating to outdoor recreation are to be carried out by the Division and the Administrators of the Division; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Section 15 of this bill creates the Division of Outdoor Recreation within the State Department of Conservation and Natural Resources. **Section 4** of this bill makes a conforming change. **Section 16** of this bill creates the positions of the Administrator for Business Development for Outdoor Recreation of the Division and the Administrator for Preservation of Natural Resources for Outdoor Recreation of the Division. **Section 1** of this bill provides that these Administrators are the executive heads of the Division. **Sections 2, 3 and 5** of this bill make conforming changes.

Section 17 of this bill provides the qualifications for the respective Administrators. **Section 18** of this bill provides that the Administrators are in the unclassified service of the State. **Section 18** further provides how the salaries of the Administrators are to be paid and the restrictions on other employment that apply to



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the Administrators. **Section 19** of this bill provides that one Administrator is required to keep his or her principal office in Las Vegas, Nevada and the other Administrator is required to keep his or her principal office in Carson City, Nevada. **Section 20** of this bill requires the Administrators to employ at least two persons to carry out the duties of the Division. **Section 21** of this bill authorizes the Administrators to make certain expenditures. **Section 22** of this bill provides the various duties of the Administrators. **Section 23** of this bill requires the Administrators to submit certain reports to the Director of the State Department of Conservation and Natural Resources. **Section 24** of this bill authorizes the Administrators to adopt such regulations as they find necessary for carrying out the provisions governing the Division. **Section 25** of this bill authorizes the respective Administrators to designate an employee or employees to act as his or her deputy or deputies. **Section 26** of this bill authorizes the Administrators to accept gifts, grants and contributions to carry out the provisions governing the Division or to defray expenses incurred by the Division in the discharge of its duties.

Section 27 of this bill creates the Advisory Board on Outdoor Recreation. **Section 27** requires the Advisory Board to advise the Administrators on any matter concerning outdoor recreation in this State. **Section 28** of this bill provides the process through which the members of the Advisory Board are to be compensated.

Existing law requires the Division of State Parks to prepare and maintain a comprehensive statewide outdoor recreation plan. (NRS 407.205) Existing law authorizes the Administrator of the Division to: (1) apply to participate in or to receive aid from any federal program respecting outdoor recreation; and (2) receive certain fees. (NRS 407.207, 407.2072) Existing law provides the procedure for depositing and using any money the Administrator receives from such fees. (NRS 407.2074) Existing law prohibits the Administrator from making a commitment or entering into any such program until the Administrator has determined that sufficient funds are available to the Division for meeting the State's share, if any, of project costs. (NRS 407.209) **Sections 29-33 and 35** of this bill move these provisions so that the Division of Outdoor Recreation and the Administrators of this Division carry out these tasks.

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

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

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

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

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

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



1 1. "Department" means the State Department of Conservation
2 and Natural Resources.

3 2. "Director" means the Director of the State Department of
4 Conservation and Natural Resources.

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

6 232.020 There is hereby created the State Department of
7 Conservation and Natural Resources, in which is vested the
8 administration of the provisions of NRS 232.010 to 232.162,
9 inclusive ~~H~~, *and section 1 of this act.*

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

11 232.090 1. The Department consists of the Director and the
12 following:

- 13 (a) The Division of Water Resources.
14 (b) The Division of State Lands.
15 (c) The Division of Forestry.
16 (d) The Division of State Parks.
17 (e) The Division of Environmental Protection.
18 (f) The Office of Historic Preservation.
19 (g) *The Division of Outdoor Recreation.*

20 (h) Such other divisions as the Director may from time to time
21 establish.

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

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

29 232.140 1. Except as otherwise provided in NRS 232.159
30 and 232.161, money to carry out the provisions of NRS 232.010 to
31 232.162, inclusive, *and section 1 of this act* and to support the
32 Department and its various divisions and other units must be
33 provided by direct legislative appropriation from the State General
34 Fund.

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

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

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



1 **Sec. 8.** *“Administrator for Business Development for*
2 *Outdoor Recreation” means the Administrator for Business*
3 *Development for Outdoor Recreation of the Division.*

4 **Sec. 9.** *“Administrator for Preservation of Natural Resources*
5 *for Outdoor Recreation” means the Administrator Preservation of*
6 *Natural Resources for Outdoor Recreation of the Division.*

7 **Sec. 10.** *“Administrators” means the Administrator for*
8 *Business Development for Outdoor Recreation and the*
9 *Administrator for Preservation of Natural Resources for Outdoor*
10 *Recreation.*

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

13 **Sec. 12.** *“Department” means the State Department of*
14 *Conservation and Natural Resources.*

15 **Sec. 13.** *“Director” means the Director of the Department.*

16 **Sec. 14.** *“Division” means the Division of Outdoor*
17 *Recreation of the Department.*

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

21 **Sec. 16.** *1. The positions of the Administrator for Business*
22 *Development for Outdoor Recreation of the Division and the*
23 *Administrator for Preservation of Natural Resources for Outdoor*
24 *Recreation of the Division are hereby created.*

25 *2. The Administrators are appointed by and responsible to the*
26 *Director.*

27 **Sec. 17.** *1. The Administrator for Business Development*
28 *for Outdoor Recreation shall have demonstrated executive ability*
29 *and be experienced in marketing and business development.*

30 *2. The Administrator for Preservation of Natural Resources*
31 *for Outdoor Recreation shall have demonstrated executive ability*
32 *and be experienced in conservation and implementing or*
33 *interpreting policies regarding natural resources.*

34 **Sec. 18.** *1. The Administrators are in the unclassified*
35 *service of the State.*

36 *2. The salaries of the Administrators may be apportioned and*
37 *paid from any money available to the Division, unless otherwise*
38 *provided by law.*

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

43 **Sec. 19.** *The Director shall require:*

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



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

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

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

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

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

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

3. The Administrator for Business Development for Outdoor Recreation shall:

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

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

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

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

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

(b) With the Department, the Department of Wildlife and any other organization, association, group or other entity concerned with matters of conservation and natural resources regarding



1 *conservation and the implementation or interpretation of policies*
2 *regarding natural resources.*

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

5 *6. The Administrators shall:*

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

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

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

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

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

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

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

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

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

30 **Sec. 23. The Administrators shall:**

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

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

36 **Sec. 24. The Administrators may adopt such regulations as**
37 *they find necessary for carrying out the provisions of this chapter.*

38 **Sec. 25. 1. The Administrator for Business Development**
39 *for Outdoor Recreation may designate an employee or employees*
40 *of the Division employed pursuant to section 20 of this act to act*
41 *as the deputy or deputies of the Administrator for Business*
42 *Development for Outdoor Recreation. In the case of the absence*
43 *of the Administrator for Business Development for Outdoor*
44 *Recreation or the inability of the Administrator for Business*
45 *Development for Outdoor Recreation from any cause to discharge*



1 *the powers and duties of his or her office, such powers and duties*
2 *devolve upon such deputy or deputies.*

3 2. *The Administrator for Preservation of Natural Resources*
4 *for Outdoor Recreation may designate an employee or employees*
5 *of the Division employed pursuant to section 20 of this act to act*
6 *as the deputy or deputies of the Administrator for Preservation of*
7 *Natural Resources for Outdoor Recreation. In the case of the*
8 *absence of the Administrator for Preservation of Natural*
9 *Resources for Outdoor Recreation or the inability of the*
10 *Administrator for Preservation of Natural Resources for Outdoor*
11 *Recreation from any cause to discharge the powers and duties of*
12 *his or her office, such powers and duties devolve upon such deputy*
13 *or deputies.*

14 3. *Deputies shall receive annual salaries in the amounts*
15 *determined pursuant to statute.*

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

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

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

- 27 (a) *The Lieutenant Governor or his or her designee;*
28 (b) *The Director of the Department of Tourism and Cultural*
29 *Affairs or his or her designee;*
30 (c) *The Executive Director of the Office of Economic*
31 *Development or his or her designee;*
32 (d) *The Superintendent of Public Instruction of the*
33 *Department of Education or his or her designee;*
34 (e) *The Director of the Department of Health and Human*
35 *Services or his or her designee; and*
36 (f) *The following members, appointed by the Governor:*
37 (1) *A representative of the outdoor recreation industry; and*
38 (2) *A representative of conservation interests.*

39 2. *The Lieutenant Governor or his or her designee shall:*

- 40 (a) *Serve as Chair of the Advisory Board; and*
41 (b) *Appoint a member of the Advisory Board to serve as Vice*
42 *Chair of the Advisory Board.*

43 3. *The Advisory Board shall meet at such times and places as*
44 *are specified by a call of the Chair. Four members of the Advisory*
45 *Board constitute a quorum. The affirmative vote of a majority of*



1 *the Advisory Board members present is sufficient for any action of*
2 *the Advisory Board.*

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

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

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

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

22 **Sec. 29. 1.** *The Division shall prepare and maintain a*
23 *comprehensive statewide outdoor recreation plan. The plan shall*
24 *contain:*

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

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

28 *(c) Other necessary information, as may be determined by the*
29 *Administrators.*

30 *2. The plan shall:*

31 *(a) Take into account relevant federal resources and*
32 *programs; and*

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

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



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

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

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

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

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

Sec. 30. *The Administrators, subject to the approval of the Director, may apply to any appropriate agency or officer of the United States for participation in or the receipt of aid from any federal program respecting outdoor recreation. In connection with obtaining the benefits of any such program, the Division shall coordinate its activities with and represent the interest of all other agencies and political subdivisions of the State having interests in the planning, development and maintenance of outdoor recreation resources and facilities.*

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

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

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

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

3. *Notwithstanding any other specific provision to the contrary, if a fee is charged to the Division pursuant to subsection*



1 *1, the fee may be paid from money received by the Division for the*
2 *planning, acquisition or development of outdoor recreational*
3 *projects regardless of the source of the money to the extent that*
4 *such payment of the fee does not violate the terms of any federal*
5 *grant awarded to the State of Nevada.*

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

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

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

12 *(c) May be used by the Administrators only to pay the costs of*
13 *administering the federal grants provided for the planning,*
14 *acquisition or development of outdoor recreational projects*
15 *pursuant to the Land and Water Conservation Fund established*
16 *by 54 U.S.C. § 200302. The costs of administering those federal*
17 *grants include, without limitation, costs for the salary, travel*
18 *expenses and per diem allowances of the person whose duty is to*
19 *administer the federal grants.*

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

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



1 **Sec. 34.** The Administrator for Business Development for
2 Outdoor Recreation of the Division of Outdoor Recreation and the
3 Administrator for Preservation of Natural Resources for Outdoor
4 Recreation of the Division of Outdoor Recreation shall conduct,
5 complete and, on or before February 15, 2020, submit to the
6 Director of the Department of Conservation and Natural Resources
7 an initial impact study regarding industries involved with outdoor
8 recreation in this State, including, without limitation, business
9 opportunities in this State for such industries, and regarding any
10 other related topics deemed appropriate by the Director.

11 **Sec. 35.** NRS 407.205, 407.207, 407.2072, 407.2074 and
12 407.209 are hereby repealed.

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

LEADLINES OF REPEALED SECTIONS

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

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

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

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

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

