

Amendment No. 1048

Assembly Amendment to Assembly Bill No. 486 First Reprint (BDR 18-840)

Proposed by: Assembly Committee on Ways and Means

Amendment Box: Replaces Amendment No. 1032.

Amends: Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will ADD an appropriation where one does not currently exist in A.B. 486 R1.

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) variations of green bold underlining is language proposed to be added 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 proposed to be retained in this amendment.

KCR/EGO



Date: 5/30/2019

A.B. No. 486—Creates the Division of Outdoor Recreation within the State Department of Conservation and Natural Resources.
(BDR 18-840)



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~~ **for the appointment and duties of the** Administrator of the Division; ~~is the executive head of the Division;~~ creating the Advisory Board on Outdoor Recreation ~~which shall~~ **to** advise the Administrator of the Division on any matter concerning outdoor recreation in this State; **making an appropriation;** 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 position of the Administrator of the Division. **Section 1** of this bill provides that this Administrator is the executive head of the Division. **Sections 2, 3 and 5** of this bill make conforming changes.

Section 17 of this bill provides the qualifications for the Administrator. **Section 18** of this bill provides that the Administrator is in the unclassified service of the State ~~Section 18 further provides how the salary of the Administrator is to be paid and the~~ **and prescribes certain** restrictions on other employment that apply to the Administrator. **Section 20** of this bill requires the Administrator to employ a ~~Deputy Administrator for Business Development for Outdoor Recreation and a Deputy Administrator for Preservation of Natural Resources for Outdoor Recreation. Section 20 additionally authorizes the Administrator to employ additional deputies;~~ **deputy administrator in the unclassified service and prescribes certain restrictions on other employment that apply to the deputy administrator. Section 20 also authorizes the Administrator to employ, within the limits of available money, such other staff as is necessary for the operation of the Division.** **Section 21** of this bill authorizes the Administrator to make certain expenditures. **Section 22** of this bill provides the various duties of the Administrator ~~and Deputy Administrators.~~ **Section 23** of this bill requires the Administrator to submit certain reports to the Director of the ~~State~~ Department ~~of Conservation and Natural Resources.~~ **Section 24** of this bill authorizes the Administrator to adopt such regulations as ~~he or she finds~~ necessary for carrying out the provisions governing the Division. **Section 26** of this bill authorizes the Administrator 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 Administrator 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.

Section 33.5 of this bill makes an appropriation to the Department for the personnel and operating costs of the Division.

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 head of the Division of Outdoor Recreation shall be the Administrator of the Division of Outdoor Recreation, who shall be appointed by and be responsible to the Director.

2. The Administrator and the employees of the Division of Outdoor Recreation shall administer the provisions of sections 6 to 28, inclusive, of this act.

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

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

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

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

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

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

- (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 Environmental Protection.
- (f) The Office of Historic Preservation.
- (g) *The Division of Outdoor Recreation.*
- (h) Such other divisions as the Director may from time to time establish.

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

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

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

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

1 **Sec. 6.** Title 35 of NRS is hereby amended by adding thereto a new chapter
2 to consist of the provisions set forth as sections 7 to 28, inclusive, of this act.

3 **Sec. 7.** *As used in this chapter, unless the context otherwise requires, the*
4 *words and terms defined in sections 10 to 14, inclusive, of this act have the*
5 *meanings ascribed to them in those sections.*

6 **Sec. 8.** (Deleted by amendment.)

7 **Sec. 9.** (Deleted by amendment.)

8 **Sec. 10.** *“Administrator” means the Administrator of the Division.*

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

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

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

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

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

18 **Sec. 16.** 1. *The position of the Administrator is hereby created.*

19 2. *The Administrator is appointed by and responsible to the Director.*

20 **Sec. 17.** *The Administrator shall have demonstrated executive ability and*
21 *be experienced in:*

22 1. *Marketing and business development; or*

23 2. *Conservation and implementing or interpreting policies regarding*
24 *natural resources.*

25 **Sec. 18.** 1. *The Administrator is in the unclassified service of the State.*

26 2. ~~*The salary of the Administrator may be apportioned and paid from any*~~
27 ~~*money available to the Division, unless otherwise provided by law.*~~

28 ~~*3. Except as otherwise provided in NRS 284.143, the Administrator shall*~~
29 ~~*devote his or her entire time and attention to the business of his or her office and*~~
30 ~~*shall not pursue any other business or occupation or hold any other office of*~~
31 ~~*profit.*~~

32 **Sec. 19.** (Deleted by amendment.)

33 **Sec. 20.** 1. *The Administrator shall employ ~~1~~*

34 ~~*(a) The Deputy Administrator for Business Development for Outdoor*~~
35 ~~*Recreation who has demonstrated executive ability and has experience in*~~
36 ~~*marketing and business development; and*~~

37 ~~*(b) The Deputy Administrator for Preservation of Natural Resources for*~~
38 ~~*Outdoor Recreation who has demonstrated executive ability and has experience*~~
39 ~~*in conservation and implementing or interpreting policies regarding natural*~~
40 ~~*resources.*~~

41 ~~*2. The Administrator shall employ:*~~

42 ~~*(a) One deputy administrator described in subsection 1 in the classified*~~
43 ~~*service of the State; and*~~

44 ~~*(b) One a deputy administrator [described in subsection 1] in the*~~
45 ~~*unclassified service of the State.*~~

46 ~~*3. To the extent practicable, the Administrator shall require at least one*~~
47 ~~*deputy administrator employed pursuant to subsection 1 to keep his or her*~~
48 ~~*principal office in a county whose population is 700,000 or more.*~~

49 ~~*4. The Administrator may employ any deputy or deputies of the*~~
50 ~~*Administrator in addition to the deputy administrators required pursuant to*~~
51 ~~*subsection 1.*~~

~~5. The salaries for any person employed pursuant to this section 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.~~

~~6. 2. Except as otherwise provided in NRS 284.143, each the deputy administrator shall devote his or her entire time and attention to the business of his or her office and shall not pursue any other business or occupation or hold any other office of profit.~~

3. The Administrator may employ, within the limits of available money, such other staff as is necessary for the operation of the Division.

Sec. 21. The Administrator 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 head of the Division, the Administrator, 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 Administrator may organize the Division into various sections and, from time to time, alter such organization and reassign responsibilities and duties as the Administrator may deem appropriate.

3. The Administrator ~~and the Deputy Administrator for Business Development for Outdoor Recreation employed pursuant to section 20 of this act~~ 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 and the Deputy Administrator for Preservation of Natural Resources for Outdoor Recreation employed pursuant to section 20 of this act shall coordinate.~~

(d) Coordinate 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 conservation and the implementation or interpretation of policies regarding natural resources.

~~5. The Administrator shall perform such duties as are or may be prescribed by law and the Director.~~

~~6. The Administrator shall:~~

~~(a) Coordinate the activities of the various sections of the Division.~~

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

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

~~##~~ (g) Recommend policies and initiatives to the Director to enhance outdoor recreational amenities and experiences in this State and help implement such policies and initiatives.

~~##~~ (h) Create and maintain a statewide list of lands to be conserved, enhanced and publicized for outdoor recreation.

~~##~~ (i) Develop data regarding the impacts of outdoor recreation in this State.

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

~~##~~ (k) Promote the health and social benefits of outdoor recreation.

~~##~~ (l) Promote the engagement of communities that are diverse in outdoor recreation.

Sec. 23. The Administrator shall:

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

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

Sec. 24. The Administrator may adopt such regulations as ~~he or she finds~~ necessary for carrying out the provisions of this chapter.

Sec. 25. (Deleted by amendment.)

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

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

(a) The Lieutenant Governor or his or her designee;

(b) The Director or his or her designee;

(c) The Director of the Department of Tourism and Cultural Affairs or his or her designee;

(d) The Executive Director of the Office of Economic Development or his or her designee;

(e) The Director of the Department of Wildlife or his or her designee;

(f) The Administrator of the Division of State Parks of the Department;

(g) The Chair of the Nevada Indian Commission; and

(h) The following four members who must be appointed by the Governor from a list of nominees submitted by the Lieutenant Governor and the Director:

(1) A representative of the outdoor recreation industry;

(2) A representative of conservation interests;

(3) A person with experience in and knowledge of education; and

(4) A person with experience in and knowledge of public health.

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

(a) Serve as Chair of the Advisory Board; and

(b) Appoint a member of the Advisory Board to serve as Vice Chair of the Advisory Board.

3. The Advisory Board shall meet at such times and places as are specified by a call of the Chair but not less than once a year. Six members of the Advisory Board constitute a quorum. The affirmative vote of a majority of the Advisory Board members present is sufficient for any action of the Advisory Board.

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

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

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

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

15 **Sec. 29.** (Deleted by amendment.)

16 **Sec. 30.** (Deleted by amendment.)

17 **Sec. 31.** (Deleted by amendment.)

18 **Sec. 32.** (Deleted by amendment.)

19 **Sec. 33.** (Deleted by amendment.)

20 **Sec. 33.5. 1. There is hereby appropriated from the State General**
21 **Fund to the State Department of Conservation and Natural Resources for the**
22 **personnel and operating costs of the Division of Outdoor Recreation in the**
23 **Department created by section 15 of this act the following sums:**

24 **For the Fiscal Year 2019-2020 \$208,911**

25 **For the Fiscal Year 2020-2021 \$448,293**

26 **2. Any balance of the sums appropriated by subsection 1 remaining at**
27 **the end of the respective fiscal years must not be committed for expenditure**
28 **after June 30 of the respective fiscal years by the entity to which the**
29 **appropriation is made or any entity to which money from the appropriation is**
30 **granted or otherwise transferred in any manner, and any portion of the**
31 **appropriated money remaining must not be spent for any purpose after**
32 **September 18, 2020, and September 17, 2021, respectively, by either the entity**
33 **to which the money was appropriated or the entity to which the money was**
34 **subsequently granted or transferred, and must be reverted to the State**
35 **General Fund on or before September 18, 2020, and September 17, 2021,**
36 **respectively.**

37 **Sec. 34.** The Administrator of the Division of Outdoor Recreation **in the**
38 **State Department of Conservation and Natural Resources, which is created by**
39 **section 15 of this act,** shall conduct, complete and, on or before February 15, 2020,
40 submit to the Director of the State Department of Conservation and Natural
41 Resources an initial impact study regarding industries involved with outdoor
42 recreation in this State, including, without limitation, business opportunities in this
43 State for such industries, and regarding any other related topics deemed appropriate
44 by the Director.

45 **Sec. 35.** (Deleted by amendment.)

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