**PROPOSED REGULATION OF THE ADMINISTRATOR**

**OF THE DIVISION OF OUTDOOR RECREATION OF THE**

**STATE DEPARTMENT OF CONSERVATION**

**AND NATURAL RESOURCES**

**LCB File No. R060-24**

April 29, 2024

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

AUTHORITY: §§ 1-2 and 4-6, NRS 407A.605 and 407A.610, as amended by section 1.3 of Assembly Bill No. 164, chapter 77, Statutes of Nevada 2023, at page 392; § 3, NRS 407A.605.

A REGULATION relating to outdoor recreation; revising provisions governing the purposes for which grant money from the Outdoor Education and Recreation Grant Program may not be used; revising requirements relating to the referral of an application for a grant to the Advisory Board; establishing certain duties of the Advisory Board relating to the Grant Program; repealing certain provisions establishing the Technical Advisory Committee as an advisory committee to perform certain duties relating to the Grant Program; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law creates the Outdoor Education and Recreation Grant Program and requires the Administrator of the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources to adopt regulations for the governance of the program. (NRS 407A.605) Existing regulations set forth the purposes for which a grant from the Grant Program may and may not be used. (NAC 407A.140) **Section 2** of this regulation removes organized youth sports from the list of purposes for which a grant from the Grant Program may not be used.

Before the passage of Assembly Bill No. 164 (A.B. 164) of the 2023 Legislative Session, existing law required the Administrator to adopt regulations to establish an advisory committee to assist and advise the Administrator in the development and administration of the Grant Program. (NRS 407A.610) Existing law creates the Advisory Board on Outdoor Recreation, which is required to advise the Administrator on any matter concerning outdoor recreation in this State. (NRS 407A.575) A.B. 164 removed the requirement for the Administrator to establish such an advisory committee and instead requires the Advisory Board to assist and advise the Administrator in the development and administration of the Grant Program. Consistent with the changes made by A.B. 164, **section 6** of this regulation repeals the provisions of existing

regulations defining the advisory committee as the Technical Advisory Committee and establishing the membership of the Technical Advisory Committee. **Section 1** of this regulation makes a conforming change to remove a reference to a regulation repealed by **section 6**. **Sections 3-5** of this regulation make conforming changes to replace references to the Technical Advisory Committee with the Advisory Board on Outdoor Recreation.

Existing regulations authorize the Administrator to review and approve or disapprove an application for a grant that requests less than $5,000 instead of referring the application to the Technical Advisory committee. (NAC 407A.145) **Section 3** increases the amount from $5,000 to $7,500.

**Section 1.** NAC 407A.100 is hereby amended to read as follows:

407A.100 As used in this chapter, unless the context otherwise requires, the words and terms defined in NAC 407A.105 to ~~[407A.125,]~~ ***407A.120,*** inclusive, have the meanings ascribed to them in those sections.

**Sec. 2.** NAC 407A.140 is hereby amended to read as follows:

407A.140 1. The Administrator will administer the Grant Program to provide grants for outdoor environmental, ecological, agricultural or other natural resource-based education and recreation programs for pupils in this State.

2. The following are eligible to apply for a grant from the Grant Program:

(a) Any department, division or agency of the Federal Government, this State or a local government.

(b) A federally recognized Indian tribe.

(c) A private nonprofit organization.

(d) A school district, public school, private school or charter school.

(e) Any community-based program, entity or organization.

3. To apply for a grant, the agency, tribe, organization, program or entity must submit an application on a form provided by the Division.

4. A grant from the Grant Program:

(a) May be used for the following purposes:

(1) Outdoor education and recreation;

(2) Outdoor environmental education;

(3) Agricultural education;

(4) Natural resource-based education and recreation;

(5) Conservation education;

(6) Ecological education;

(7) Environmental stewardship education; or

(8) Environmental restoration education.

(b) May not be used for the following purposes:

(1) Activities that may reasonably be perceived to lobby or advocate for political purposes; ***or***

(2) Activities that would violate any local, state or federal law**.** ~~**[**; or~~

~~(3) Organized youth sports, including, without limitation, community leagues and school teams.**]**~~

**Sec. 3.** NAC 407A.145 is hereby amended to read as follows:

407A.145 1. The Administrator may establish limitations on the availability and use of grant money. Any such limitations will be set forth in the applicable application instructions.

2. The Administrator may:

(a) Review and approve or disapprove an application for a grant that requests **equal to or** less than ~~**[**$5,000**]**~~ ***$7,500*** instead of referring the application to the ~~**[**Technical Advisory Committee;**]**~~ ***Advisory Board;***

(b) Require that any applicant for a grant make a matching contribution to be eligible for the Grant Program; or

(c) Reduce the money provided from that which is requested in a grant application for any element of the grant proposal.

**Sec. 4.** NAC 407A.155 is hereby amended to read as follows:

407A.155 When evaluating completed grant applications for each periodic solicitation of grant applications, the ~~[Technical Advisory Committee]~~ ***Advisory Board*** shall:

1. Consider, without limitation:

(a) The eligibility requirements for a grant;

(b) The requirements and priorities for program selection set forth in NRS 407A.605;

(c) Any limitations set forth by the Administrator pursuant to NAC 407A.145;

(d) The feasibility of the project; and

(e) The estimated costs of the program and benefits to the pupils in this State.

2. Rank each application received in order of priority for awarding grants. Unless otherwise required by the Administrator pursuant to NAC 407A.145, a matching contribution is not required to apply for a grant, but applications that include a matching contribution, including, without limitation, cash or in-kind matches, may receive a higher ranking.

3. Recommend the amount of a grant to be awarded, if any, for a project proposed in a grant application.

4. Provide the Administrator with a ranked list of applicants and the recommended amount of the grant for each applicant.

**Sec. 5.** NAC 407A.160 is hereby amended to read as follows:

407A.160 The Administrator will:

1. Except as otherwise provided in NAC 407A.145, consider the grant applications in the order the applications were ranked by the ~~[Technical Advisory Committee;]~~ ***Advisory Board;***

2. Determine whether to award a grant and, if applicable, in what amount the grant should be awarded; and

3. Post on the Internet website of the Division any grants awarded pursuant to this section not later than 5 business days after awarding the grant.

**Sec. 6.** NAC 407A.125 and 407A.150 are hereby repealed.

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## TEXT OF REPEALED SECTIONS

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**NAC 407A.125 "Technical Advisory Committee" defined. (NRS 407A.605)** "Technical Advisory Committee" means the committee established pursuant to NRS 407A.610.

**NAC 407A.150 Technical Advisory Committee: Membership; Executive Secretary; terms; Chair and Vice Chair. (NRS 407A.605, 407A.610)**

1. The Technical Advisory Committee consists of:

(a) The Administrator of the Division of State Parks of the State Department of Conservation and Natural Resources; and

(b) The following members appointed by the Administrator of the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources:

(1) One member who represents a state agency other than the Division of State Parks or the Division of Outdoor Recreation;

(2) One member who represents a local government;

(3) One member who represents a federal agency;

(4) One member who represents a school district or a public school other than a charter school;

(5) One member who represents a private school or charter school;

(6) One member who represents a private nonprofit organization or community-based program, entity or organization;

(7) One member who represents the outdoor business community; and

(8) One member who has participated in an outdoor recreation and education grant program funded by a grant awarded pursuant to NRS 407A.605 or, if no such person is available to serve, a person who represents pupils in this State and has knowledge and experience in outdoor education and recreation programs.

2. The Administrator of the Division of Outdoor Recreation of the State Department of Conservation and Natural Resources or his or her designee shall serve as the Executive Secretary to the Technical Advisory Committee.

3. Each member of the Technical Advisory Committee appointed pursuant to paragraph (b) of subsection 1 serves a term of 2 years and may be reappointed. Such members serve at the pleasure of the Administrator.

4. The Chair and Vice Chair of the Technical Advisory Committee shall be elected by a majority vote of the members of the Technical Advisory Committee.