
ASSEMBLY BILL NO. 433—COMMITTEE ON WAYS AND MEANS

(ON BEHALF OF THE OFFICE OF FINANCE
IN THE OFFICE OF THE GOVERNOR)

MARCH 26, 2021

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to the Sagebrush Ecosystem Council. (BDR 18-1104)

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

~

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

AN ACT relating to natural resources; authorizing the Sagebrush Ecosystem Council to establish a fee for the program established by the Council to mitigate damage to sagebrush ecosystems in this State; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law creates the Sagebrush Ecosystem Council within the State
2 Department of Conservation and Natural Resources and requires the Council to
3 establish a program to mitigate damage to sagebrush ecosystems in this State by
4 authorizing a system that awards credits to persons, federal and state agencies, local
5 governments and nonprofit organizations to protect, enhance or restore sagebrush
6 ecosystems. (NRS 232.162) **Section 2** of this bill authorizes the Council to
7 establish by regulation a reasonable fee for participation in this program. **Section 2**
8 provides that the proceeds from any such fee must be deposited in the Account to
9 Restore the Sagebrush Ecosystems. **Section 1** of this bill makes a conforming
10 change to allow money in the Account to be used to carry out the program to
11 mitigate damage to sagebrush ecosystems in this State.

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

1 **Section 1.** NRS 232.161 is hereby amended to read as follows:
2 232.161 1. The Account to Restore the Sagebrush Ecosystem
3 is hereby created in the State General Fund. The Director shall



1 administer the Account in a manner consistent with policies and
2 priorities established by the Sagebrush Ecosystem Council created
3 by NRS 232.162.

4 2. The Director may apply for and accept any gift, donation,
5 bequest, grant or other source of money. Any money so received
6 must be deposited in the Account.

7 3. The interest and income earned on the money in the
8 Account, after deducting any applicable charges, must be credited to
9 the Account. Money that remains in the Account at the end of a
10 fiscal year does not revert to the State General Fund, and the balance
11 in the Account must be carried forward to the next fiscal year.

12 4. The money in the Account may only be used:

13 (a) *To carry out the program established by the Sagebrush*
14 *Ecosystem Council pursuant to paragraph (e) of subsection 7 of*
15 *NRS 232.162 to mitigate damage to sagebrush ecosystems in this*
16 *State and is hereby authorized for expenditure as a continuing*
17 *appropriation for this purpose.*

18 (b) To establish and carry out programs to preserve, restore and
19 enhance sagebrush ecosystems pursuant to NRS 321.592 and
20 321.594 and is hereby authorized for expenditure as a continuing
21 appropriation for this purpose.

22 ~~(b)~~ (c) For any other purpose authorized by the Legislature.

23 5. Claims against the Account must be paid as other claims
24 against the State are paid.

25 **Sec. 2.** NRS 232.162 is hereby amended to read as follows:

26 232.162 1. The Sagebrush Ecosystem Council is hereby
27 created in the Department. The Council consists of:

28 (a) The following nine voting members appointed by the
29 Governor:

30 (1) One member who represents agricultural interests;

31 (2) One member who represents the energy industry;

32 (3) One member who represents the general public;

33 (4) One member who represents conservation and
34 environmental interests;

35 (5) One member who represents mining interests;

36 (6) One member who represents ranching interests;

37 (7) One member who represents local government;

38 (8) One member who acts as a liaison for Native American
39 tribes; and

40 (9) One member of the Board of Wildlife Commissioners or
41 his or her designee.

42 (b) In addition to the members appointed pursuant to paragraph
43 (a), the following nonvoting members:

44 (1) The Director of the State Department of Conservation
45 and Natural Resources;



- 1 (2) The Director of the Department of Wildlife;
- 2 (3) The Director of the State Department of Agriculture;
- 3 (4) The State Director of the Nevada State Office of the
- 4 Bureau of Land Management;
- 5 (5) The State Supervisor of the Nevada State Office of the
- 6 United States Fish and Wildlife Service;
- 7 (6) The Forest Supervisor for the Humboldt-Toiyabe
- 8 National Forest; and
- 9 (7) Any other members appointed by the Governor as
- 10 nonvoting members.

11 2. The provisions of subsection 6 of NRS 232A.020 do not
12 apply to the appointment by the Governor of the members of the
13 Council.

14 3. After the initial terms, each member of the Council
15 appointed pursuant to subparagraphs (1) to (8), inclusive, of
16 paragraph (a) of subsection 1 and subparagraph (7) of paragraph (b)
17 of subsection 1 serves a term of 4 years, commencing on July 1.

18 4. A vacancy in the membership of the Council must be filled
19 in the same manner as the original appointment for the remainder of
20 the unexpired term. A member may be reappointed.

21 5. While engaged in the business of the Council, each voting
22 member is entitled to receive a salary of not more than \$80 per day,
23 as established by the Council, and the per diem allowance and travel
24 expenses provided for state officers and employees generally.

25 6. The Council may:

26 (a) Adopt regulations to govern the management and operation
27 of the Council;

28 (b) Establish subcommittees consisting of members of the
29 Council to assist the Council in the performance of its duties; and

30 (c) Consider and require the recovery of costs related to
31 activities prescribed by paragraph (d) of subsection 2 of NRS
32 321.594 pursuant to NRS 701.600 to 701.640, inclusive, or any
33 other authorized method of recovering those costs.

34 7. The Council shall:

35 (a) Consider the best science available in its determinations
36 regarding the conservation of the greater sage grouse (Centrocercus
37 urophasianus) and sagebrush ecosystems in this State. [§]

38 (b) Establish and carry out strategies for:

39 (1) The conservation of the greater sage grouse and
40 sagebrush ecosystems in this State; and

41 (2) Managing land which includes those sagebrush
42 ecosystems, taking into consideration the importance of those
43 sagebrush ecosystems and the interests of the State. [§]

44 (c) Establish and carry out a long-term system for carrying out
45 strategies to manage sagebrush ecosystems in this State using an



1 adaptive management framework and providing for input from
2 interested persons and governmental entities . [§]

3 (d) Oversee any team within the Division of State Lands of the
4 Department which provides technical services concerning sagebrush
5 ecosystems . [§]

6 (e) Establish a program to mitigate damage to sagebrush
7 ecosystems in this State by authorizing a system that awards credits
8 to persons, federal and state agencies, local governments and
9 nonprofit organizations to protect, enhance or restore sagebrush
10 ecosystems . [§] *The Council may establish by regulation a
11 reasonable fee for participation in the program established
12 pursuant to this paragraph. Any such fee must be deposited in the
13 Account to Restore the Sagebrush Ecosystems created by NRS
14 232.161.*

15 (f) Solicit suggestions and information and, if necessary,
16 prioritize projects concerning the enhancement of the landscape, the
17 restoration of habitat, the reduction of nonnative grasses and plants
18 and the mitigation of damage to or the expansion of scientific
19 knowledge of sagebrush ecosystems . [§]

20 (g) If requested, provide advice for the resolution of any conflict
21 concerning the management of the greater sage grouse or a
22 sagebrush ecosystem in this State . [§]

23 (h) Coordinate and facilitate discussion among persons, federal
24 and state agencies and local governments concerning the
25 maintenance of sagebrush ecosystems and the conservation of the
26 greater sage grouse . [§]

27 (i) Provide information and advice to persons, federal and state
28 agencies and local governments concerning any strategy, system,
29 program or project carried out pursuant to this section or NRS
30 321.592 or 321.594 . [§; and]

31 (j) Provide direction to state agencies concerning any strategy,
32 system, program or project carried out pursuant to this section or
33 NRS 321.592 or 321.594 and resolve any conflict with any direction
34 given by another state board, commission or department jointly with
35 that board, commission or department, as applicable.

36 8. On or before June 30 and December 31 of each year, the
37 Council shall submit a written report to the Governor. The report
38 must include, without limitation:

39 (a) Information concerning the overall health and population of
40 the greater sage grouse within this State and in the United States and
41 the overall health of sagebrush ecosystems within this State,
42 including, without limitation, information concerning any threats to
43 the population of sage grouse and any sagebrush ecosystems within
44 this State;



1 (b) Information concerning all strategies, systems, programs and
2 projects carried out pursuant to this section and NRS 321.592 and
3 321.594, including, without limitation, information concerning the
4 costs, sources of funding and results of those strategies, systems,
5 programs and projects; and

6 (c) Any other information specified by the Council.

7 **Sec. 3.** Notwithstanding the provisions of NRS 218D.430 and
8 218D.435, a committee, other than the Assembly Standing
9 Committee on Ways and Means and the Senate Standing Committee
10 on Finance, may vote on this act before the expiration of the period
11 prescribed for the return of a fiscal note in NRS 218D.475. This
12 section applies retroactively from and after March 22, 2021.

13 **Sec. 4.** This act becomes effective upon passage and approval.



