

Commission on Off-Highway Vehicles
5/31/2012
Agenda Item No. 8 Handout
Report on Status of Non-Voting Advisors

COMMISSION ON OFF-HIGHWAY VEHICLES

NRS 490.067 Creation; membership; terms of members; compensation; oath of office; Executive Secretary; regulations. [Effective July 1, 2012, or 30 days after the Department of Motor Vehicles publishes on its website a statement that it has completed the preparatory tasks that are necessary to begin registration of off-highway vehicles, whichever is sooner.]

1. The Commission on Off-Highway Vehicles is hereby created.

2. The Commission consists of 11 members as follows:

(a) One member who is an authorized dealer, appointed by the Governor;

John Glenn (Elko) term ends 1/01/2014

(b) One member who is a sportsman, appointed by the Governor from a list of persons submitted by the Director of the Department of Wildlife;

Darin Elmore (Washoe) term ends 1/01/2015

(c) One member who is a rancher, appointed by the Governor from a list of persons submitted by the Director of the State Department of Agriculture;

Jonathan Griggs (R) (Elko) term ends 1/01/2013

(d) One member who is a representative of the Nevada Association of Counties, appointed by the Governor from a list of persons submitted by the Executive Director of the Association;

Marci Henson (D) (Clark) term ends 1/01/2014

(e) One member who is a representative of law enforcement, appointed by the Governor from a list of persons submitted by the Nevada Sheriffs' and Chiefs' Association;

Kerry Lee (R) (Lincoln) term ends 1/01/2013

(f) One member, appointed by the Governor from a list of persons submitted by the Director of the State Department of Conservation and Natural Resources, who:

(1) Possesses a degree in soil science, rangeland ecosystems science or a related field;

(2) Has at least 5 years of experience working in one of the fields described in subparagraph (1); and

(3) Is knowledgeable about the ecosystems of the Great Basin Region of central Nevada or the Mojave Desert; and

VACANT term ending 1/01/2015

(g) One member, appointed by the Governor, who is a representative of an organization that represents persons who use off-highway vehicles to access areas to participate in recreational activities that do not primarily involve off-highway vehicles;

Paul Jackson term ends 1/01/2014 (Washoe)

(h) Four members, appointed by the Governor, who reside in the State of Nevada and have participated in recreational activities for off-highway vehicles for at least 5 years using the type of off-highway vehicle owned or operated by the persons they will represent, as follows:

(1) One member who represents persons who own or operate all-terrain vehicles;

Richard Harrison term ends 1/01/2015 (Clark)

(2) One member who represents persons who own or operate all-terrain motorcycles;

Robert Adams (D) (Nye) term ends 1/01/2013

(3) One member who represents persons who own or operate snowmobiles; and

Wayne Paul Fischer (R) (Washoe) term ending 1/01/2014

(4) One member who represents persons who own or operate, and participate in the racing of, off-highway motorcycles.

Gary Lambert (R) (Washoe) term ends 1/01/2013

3. The Governor shall not appoint to the Commission any member described in paragraph (h) of subsection 2 unless the member has been recommended to the Governor by an off-highway vehicle organization. As used in this subsection, "off-highway vehicle organization" means a profit or nonprofit corporation, association or organization formed pursuant to the laws of this State and which promotes off-highway vehicle recreation or racing.

4. After the initial terms, each member of the Commission serves for a term of 3 years. A vacancy on the Commission must be filled in the same manner as the original appointment.

5. Except as otherwise provided in this subsection, a member of the Commission may not serve more than two consecutive terms on the Commission. A member who has served two consecutive terms on the Commission may be reappointed if the Governor does not receive any applications for that member's seat or if the Governor determines that no qualified applicants are available to fill that member's seat.

6. The Governor shall ensure that, insofar as practicable, the members appointed to the Commission reflect the geographical diversity of this State.

7. Each member of the Commission:

(a) Is entitled to receive, if money is available for that purpose from the fees collected pursuant to [NRS 490.084](#), the per diem allowance and travel expenses provided for state officers and employees generally.

(b) Shall swear or affirm that he or she will work to create and promote responsible off-highway vehicle recreation in the State. The Governor may remove a member from the Commission if the member violates the oath described in this paragraph.

8. The Commission may employ an Executive Secretary, who must not be a member of the Commission, to assist in its daily operations and in administering the Fund.

9. The Commission may adopt regulations for the operation of the Commission. Upon request by the Commission, the nonvoting advisers solicited by the Commission pursuant to [NRS 490.068](#) may provide assistance to the Commission in adopting those regulations.

(Added to NRS by [2009, 3082](#); A [2011, 292](#), effective July 1, 2012, or 30 days after the Department of Motor Vehicles publishes on its website a statement that it has completed the preparatory tasks that are necessary to begin registration of off-highway vehicles, whichever is sooner)

NRS 490.068 Election of officers; nonvoting advisers; Commission authorized to award grants of money from Fund; duties of Commission relating to Fund; report to Legislature. [Effective July 1, 2012, or 30 days after the Department of Motor Vehicles publishes on its website a statement that it has completed the preparatory tasks that are necessary to begin registration of off-highway vehicles, whichever is sooner.]

1. The Commission shall:

(a) Elect a Chair, Vice Chair, Secretary and Treasurer from among its members.

(b) Meet at the call of the Chair.

(c) Meet at least four times each year.

(d) Solicit nine nonvoting advisers to the Commission to serve for terms of 2 years as follows:

(1) One adviser from the Bureau of Land Management.

Leo Drumm, term ends March 26, 2014

(2) One adviser from the United States Forest Service.

Vacant

(3) One adviser who is:

(I) From the Natural Resources Conservation Service of the United States Department of Agriculture; or

(II) A teacher, instructor or professor at an institution of the Nevada System of Higher Education and who provides instruction in environmental science or a related field.

Vacant

(3) One adviser from the State Department of Conservation and Natural Resources.

Vacant

(4) One adviser from the Department of Wildlife.

Rob Buonamici, term ends April 26, 2014

(5) One adviser from the Department of Motor Vehicles.

Ann Yurish-Lee, term ends March 26, 2014

(6) One adviser from the Commission on Tourism.

Vacant

(7) One adviser from the Nevada Indian Commission.

Vacant

(8) One adviser from the United States Fish and Wildlife Service.

Declined to name an advisor; requested Ted Koch be added to the Interested Parties List for notice

2. The Commission may award a grant of money from the Fund. Any such grant must comply with the requirements set forth in [NRS 490.069](#). The Commission shall:

(a) Adopt regulations setting forth who may apply for a grant of money from the Fund and the manner in which such a person may submit the application to the Commission. The regulations adopted pursuant to this paragraph must include, without limitation, requirements that:

(1) Any person requesting a grant provide proof satisfactory to the Commission that the appropriate federal, state or local governmental agency has been consulted regarding the nature of the project to be funded by the grant and regarding the area affected by the project;

(2) The application for the grant address all applicable laws and regulations, including, without limitation, those concerning:

(I) Threatened and endangered species in the area affected by the project;

(II) Ecological, cultural and archaeological sites in the area affected by the project; and

(III) Existing land use authorizations and prohibitions, land use plans, special designations and local ordinances for the area affected by the project; and

(3) Any compliance information provided by an appropriate federal, state or local governmental agency, and any information or advice provided by any agency, group or individual be submitted with the application for the grant.

(b) Adopt regulations for awarding grants from the Fund.

(c) Adopt regulations for determining the acceptable performance of work on a project for which a grant is awarded.

(d) Approve the completion of, and payment of money for, work performed on a project for which a grant is awarded, if the Commission determines the work is acceptable.

(e) Monitor the accounting activities of the Fund.

3. The nonvoting advisers solicited by the Commission pursuant to paragraph (d) of subsection 1 shall assist the Commission in carrying out the duties set forth in this section and shall review for completeness and for compliance with the requirements of paragraph (a) of subsection 2 all applications for grants.

4. For each regular session of the Legislature, the Commission shall prepare a comprehensive report, including, without limitation, a summary of any grants that the Commission awarded and of the accounting activities of the Fund, and any recommendations of the Commission for proposed legislation. The report must be submitted to the Director of the Legislative Counsel Bureau for distribution to the Legislature not later than September 1 of each even-numbered year.

(Added to NRS by [2009, 3084](#); A [2011, 292](#), effective July 1, 2012, or 30 days after the Department of Motor Vehicles publishes on its website a statement that it has completed the preparatory tasks that are necessary to begin registration of off-highway vehicles, whichever is sooner)

NRS 490.069 Fund for Off-Highway Vehicles: Creation; use of money in Fund. [Effective July 1, 2012, or 30 days after the Department of Motor Vehicles publishes on its website a statement that it has completed the preparatory tasks that are necessary to begin registration of off-highway vehicles, whichever is sooner.]

1. The Fund for Off-Highway Vehicles is hereby created in the State Treasury as a revolving fund. The Commission shall administer the Fund. Any money remaining in the Fund at the end of a fiscal year does not revert to the State General Fund, and the balance in the Fund must be carried forward.

2. During the period beginning on the effective date of this section and ending 1 year after that date, money in the Fund may only be used by the Commission for the reasonable administrative costs of the Commission and to inform the public of the requirements of this chapter.

3. On or after the expiration of the period specified in subsection 2, money in the Fund may only be used by the Commission as follows:

(a) Not more than 5 percent of the money that is in the Fund as of January 1 of each year may be used for the reasonable administrative costs of the Fund.

(b) Except as otherwise provided in subsection 4, 20 percent of any money in the Fund as of January 1 of each year that is not used pursuant to paragraph (a) must be used for law enforcement, as recommended by the Office of Criminal Justice Assistance of the Department of Public Safety, or its successor, and any remaining portion of that money may be used as follows:

(1) Sixty percent of the money may be used for projects relating to:

(I) Studies or planning for trails and facilities for use by owners and operators of off-highway vehicles. Money received pursuant to this sub-subparagraph may be used to prepare environmental assessments and environmental impact studies that are required pursuant to 42 U.S.C. §§ 4321 et seq.

(II) The mapping and signing of those trails and facilities.

(III) The acquisition of land for those trails and facilities.

(IV) The enhancement and maintenance of those trails and facilities.

(V) The construction of those trails and facilities.

(VI) The restoration of areas that have been damaged by the use of off-highway vehicles.

(2) Fifteen percent of the money may be used for safety training and education relating to off-highway vehicles.

4. If money is used for the projects described in paragraph (b) of subsection 3, not more than 30 percent of such money may be allocated to any one category of projects described in subparagraph (1) of that paragraph.

(Added to NRS by [2009, 3081](#); A [2011, 292](#), effective July 1, 2012, or 30 days after the Department of Motor Vehicles publishes on its website a statement that it has completed the preparatory tasks that are necessary to begin registration of off-highway vehicles, whichever is sooner)