

ASSEMBLY BILL NO. 2—COMMITTEE ON NATURAL
RESOURCES, AGRICULTURE, AND MINING

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

PREFILED DECEMBER 19, 2012

Referred to Committee on Natural Resources,
Agriculture, and Mining

SUMMARY—Revises provisions governing the Land Use Planning
Advisory Council. (BDR 26-175)

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

~

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

AN ACT relating to public lands; revising the provisions governing
the Land Use Planning Advisory Council, the
membership of the Advisory Council and the appointment
of persons to the Advisory Council; and providing other
matters properly relating thereto.

Legislative Counsel’s Digest:

1 The Land Use Planning Advisory Council, consisting of 17 members appointed
2 by the Governor, advises the Administrator of the Division of State Lands of the
3 State Department of Conservation and Natural Resources on matters relating to
4 land use planning and the development of plans and policy statements involving the
5 acquisition of lands under federal management. (NRS 321.740, 321.750) The
6 Executive Council of the Land Use Planning Advisory Council, which includes
7 four persons selected by the Advisory Council from among its members, makes
8 recommendations for land use planning in areas of critical environmental concern
9 and to resolve inconsistencies between the land use plans of local government
10 entities. (NRS 321.755)

11 **Section 1** of this bill makes various changes to provisions governing the
12 Advisory Council and specifically provides for the addition to the Advisory
13 Council of 1 nonvoting member, to be appointed by the Nevada Association of
14 Counties. **Section 1** also provides that the remaining 17 voting members of the
15 Advisory Council are to be nominated by the boards of county commissioners of
16 the various counties in this State and appointed by the Governor, with 1 member
17 being appointed from each county.

18 Pursuant to **section 2** of this bill, the term of each current member of the
19 Advisory Council and current member of the Executive Council of the Advisory



20 Council expires on December 31, 2013. **Section 2** further provides that the 17
21 voting members must be nominated and appointed to initial terms that begin on
22 January 1, 2014, and that current members of the Advisory Council are eligible for
23 appointment to the Advisory Council in accordance with the amendatory provisions
24 of **section 1**. In addition, **section 2** provides for the staggering of the terms of the
25 voting members.

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

1 **Section 1.** NRS 321.740 is hereby amended to read as follows:
2 321.740 1. The Land Use Planning Advisory Council,
3 consisting of 17 *voting* members appointed by the Governor ~~and~~ *and*
4 *I nonvoting member appointed by the Nevada Association of*
5 *Counties, or its successor organization,* is hereby created. *The*
6 *provisions of subsection 6 of NRS 232A.020 do not apply to*
7 *members of the Advisory Council who also serve as county*
8 *commissioners, and the Governor may appoint any such member*
9 *of the Advisory Council to one other board, commission or similar*
10 *body.*
11 2. *One voting member must be appointed to the Advisory*
12 *Council to represent each county. At least 30 days before the*
13 *beginning of any term of the representative of a county, or within*
14 *30 days after the position of that representative becomes vacant,*
15 *the board of county commissioners of that county shall submit to*
16 *the Governor the name of its nominee or a list of the names of not*
17 *more than three nominees who are elected officials or other*
18 *representatives of the county for the position to be filled. If a*
19 *board of county commissioners submits the names of two or more*
20 *nominees, the board shall number its nominees in order of*
21 *preference. That order of preference is not binding upon the*
22 *Governor.* The Governor shall appoint ~~members who are elected~~
23 ~~officials or representatives of local political subdivisions, one~~
24 ~~member from each county.~~
25 ~~—3. Members are~~ *the person so nominated or, if more than one*
26 *person is nominated, one of the persons from the list of nominees.*
27 3. *If a board of county commissioners fails to submit the*
28 *name of its nominee or a list of nominees within the time required*
29 *by this subsection or subsection 2, the Governor may appoint to*
30 *the Advisory Council any resident of that county as the*
31 *representative of the county. If a board has timely submitted the*
32 *name of its nominee or a list of nominees and the Governor fails*
33 *to appoint a person so nominated:*
34 (a) *If one person has been nominated, that person; or*



1 (b) If two or more persons have been nominated, the person
2 listed by the board first in order of preference,
3 ↪ shall be deemed to be a voting member of the Advisory Council
4 as of the beginning of the new term or, in the case of an
5 appointment to fill a vacancy, the first meeting of the Advisory
6 Council that is held not less than 30 days after the submission of
7 the nomination unless, before that date, the Governor notifies the
8 board in writing that none of its nominees will be appointed to the
9 Advisory Council. Within 30 days after the date of any such
10 notice, the board shall submit to the Governor the name of a new
11 nominee or a list of new nominees.

12 4. After the initial terms, each voting member serves a term of
13 3 years and is eligible for reappointment to the Advisory Council.

14 5. The nonvoting member of the Advisory Council serves at
15 the pleasure of the Nevada Association of Counties, or its
16 successor organization.

17 6. At its first meeting each year, the Advisory Council shall
18 elect a Chair from among its members.

19 7. A majority of the voting members of the Advisory Council
20 constitutes a quorum for the transaction of business, and a
21 majority of a quorum present at any meeting is sufficient for any
22 official action taken by the Advisory Council.

23 8. A board of county commissioners may provide that, while
24 engaged in the business of the Advisory Council, a voting member
25 of the Advisory Council is entitled to receive from the county he or
26 she represents the per diem allowance and travel expenses ~~and~~
27 ~~subsistence allowances~~ provided by law for ~~their positions from~~
28 ~~the local political subdivisions.~~ state officers and employees
29 generally.

30 **Sec. 2.** 1. Notwithstanding the provisions of NRS 232A.020
31 and 321.755 to the contrary, the term of each member of the Land
32 Use Planning Advisory Council and each member of the Executive
33 Council of the Land Use Planning Advisory Council expires on
34 December 31, 2013. Each such member is eligible for nomination
35 and appointment as a voting member of the Advisory Council in
36 accordance with the provisions of NRS 321.740, as amended by
37 section 1 of this act.

38 2. On or after July 1, 2013, the board of county commissioners
39 of each county shall nominate, and the Governor shall appoint, a
40 voting member to the Advisory Council in accordance with the
41 provisions of NRS 321.740, as amended by section 1 of this act, to a
42 term that begins on January 1, 2014.

43 3. The initial term of the members appointed to the Advisory
44 Council pursuant to subsection 2 as the representatives of:



1 (a) Carson City, Clark, Douglas, Elko, Lyon and Nye Counties
2 expires on December 31, 2014.

3 (b) Churchill, Humboldt, Lander, Pershing, Washoe and White
4 Pine Counties expires on December 31, 2015.

5 (c) Esmeralda, Eureka, Lincoln, Mineral and Storey Counties
6 expires on December 31, 2016.

7 **Sec. 3.** 1. This section and section 2 of this act become
8 effective on July 1, 2013.

9 2. Section 1 of this act becomes effective on January 1, 2014.

⑩



* A B 2 R 1 *