

ASSEMBLY BILL NO. 447—ASSEMBLYMAN MORTENSON

MARCH 19, 2007

Referred to Committee on Government Affairs

SUMMARY—Creates an advisory bistate commission to study and make recommendations concerning various environmental and land-use issues. (BDR 22-914)

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 cooperative agreements; creating an advisory bistate commission to study various environmental and land-use issues that are common to the areas of Clark County, Nevada, Inyo County, California, and San Bernardino County, California and make recommendations to certain governing bodies; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

1 This bill creates an advisory bistate commission to study various environmental
2 and land-use issues that are common to the areas of Clark County, Nevada, Inyo
3 County, California, and San Bernardino County, California and make
4 recommendations to certain governing bodies. The advisory commission is
5 modeled loosely on the Advisory Planning Commission of the Tahoe Regional
6 Planning Agency.

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

1 **Section 1.** Chapter 277 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 9, inclusive, of this
3 act.

4 **Sec. 2.** *As used in sections 2 to 9, inclusive, of this act, unless*
5 *the context otherwise requires, the words and terms defined in*
6 *sections 3 and 4 of this act have the meanings ascribed to them in*
7 *those sections.*



1 **Sec. 3. "Commission" means the Tricounty Desert Advisory**
2 **Commission established pursuant to section 6 of this act.**

3 **Sec. 4. "Region" includes:**

- 4 1. Clark County, Nevada;
5 2. Inyo County, California; and
6 3. San Bernardino County, California.

7 **Sec. 5. It is found and declared that:**

8 1. The natural resources of the region are threatened with
9 deterioration or degeneration, which endangers the natural beauty
10 and economic productivity of the region.

11 2. The public and private interests and investments in the
12 region are substantial.

13 3. The region exhibits unique environmental and ecological
14 values which are irreplaceable.

15 4. By virtue of the special conditions and circumstances of
16 the region's natural ecology, developmental pattern, population
17 distribution and human needs, the region is experiencing
18 problems of resource use and deficiencies of environmental
19 control.

20 5. Environmental and land-use issues in the region,
21 including, without limitation, the health and continued viability of
22 aquifers and the construction and maintenance of roadways, are
23 not amenable to being addressed successfully by policies that are
24 limited to local scope.

25 6. Increasing urbanization is threatening the ecological
26 values of the region and threatening the public opportunities for
27 use of the public lands.

28 7. Maintenance of the social and economic health of the
29 region depends on maintaining the significant scenic,
30 recreational, educational, scientific, natural and public health
31 values of the region.

32 8. There is a public interest in protecting, preserving and
33 enhancing these values for the residents of the region and for
34 visitors to the region.

35 9. Responsibilities for providing recreational and scientific
36 opportunities, preserving scenic and natural areas, and
37 safeguarding the public who live, work and play in or visit the
38 region are divided among local governments, regional agencies,
39 the states of California and Nevada, and the Federal Government.

40 10. In order to preserve the scenic beauty and outdoor
41 recreational opportunities of the region, there is a need to ensure
42 an equilibrium between the region's natural endowment and its
43 man-made environment.



11. *There is a need for a regional voice to study relevant issues and make recommendations for the betterment of the region.*

Sec. 6. 1. *In order to enhance the efficiency and governmental effectiveness of the region, the Tricounty Desert Advisory Commission, representing Clark County, Nevada, and Inyo and San Bernardino Counties, California, is hereby established with the power to study the pertinent issues in the region and make recommendations to the relevant governing bodies relating to the Commission's findings.*

2. *The issues in the region to be studied by the Commission include, without limitation:*

(a) Water.

(b) Transportation and traffic.

(c) Zoning and land-use planning.

(d) Air quality and pollution.

(e) The preservation of wildlife habitats.

(f) Generation of energy.

(g) Any other issues that the Commission determines are common among the areas of the region.

Sec. 7. 1. *The Commission consists of 13 members as follows:*

(a) Three members appointed by the Majority Leader of the California Senate from among persons knowledgeable in one or more of the areas of energy, the environment, land use, transportation, water or wildlife. At least one such person must reside in the region.

(b) Three members appointed by the Speaker of the California Assembly from among persons knowledgeable in one or more of the areas of energy, the environment, land use, transportation, water or wildlife. At least one such person must reside in the region.

(c) Three members appointed by the Majority Leader of the Nevada Senate from among persons knowledgeable in one or more of the areas of energy, the environment, land use, transportation, water or wildlife. At least one such person must reside in the region.

(d) Three members appointed by the Speaker of the Nevada Assembly from among persons knowledgeable in one or more of the areas of energy, the environment, land use, transportation, water or wildlife. At least one such person must reside in the region.

(e) A member of the general public who resides in the region, appointed by the governor of the state in which he resides. In odd-numbered years, the member must be a resident of the State of



1 *California. In even-numbered years, the member must be a*
2 *resident of the State of Nevada.*

3 *↳ Except as otherwise provided in this subsection, the term of*
4 *each member is 4 years. The term of the member of the general*
5 *public described in paragraph (e) is 1 year. Any vacancy must be*
6 *filled in the same manner as the original appointment for the*
7 *remainder of the unexpired term. A member may be reappointed*
8 *to the Commission.*

9 2. *The Commission shall elect from its own members a*
10 *Chairman and a Vice Chairman, whose terms of office must be 1*
11 *year and who may be reelected. If a vacancy occurs in either*
12 *office, the Commission shall fill such vacancy for the unexpired*
13 *term.*

14 3. *A majority of the members of the Commission constitutes a*
15 *quorum for the transaction of the business of the Commission. A*
16 *majority vote of the quorum present is required to take action with*
17 *respect to any matter.*

18 **Sec. 8.** *The Commission shall establish and maintain an*
19 *office within the region, and for this purpose, the Commission*
20 *may rent or own property and equipment. Every book or record of*
21 *the Commission which is of such nature as to constitute a public*
22 *record under the law of either the State of California or the State*
23 *of Nevada must be open to inspection and copying during regular*
24 *office hours.*

25 **Sec. 9.** *Each authority charged pursuant to the provisions of*
26 *sections 2 to 9, inclusive, of this act or by the law of either state*
27 *with the duty of appointing a member of the Commission shall, by*
28 *certified copy of its resolution or other action, notify the Secretary*
29 *of State of its own state of the action taken.*

30 **Sec. 10.** *This act becomes effective on the date on which all*
31 *members have been appointed to the Tricounty Desert Advisory*
32 *Commission by their respective appointing authorities.*

