

ASSEMBLY BILL NO. 394—ASSEMBLYMAN MORTENSON

MARCH 16, 2009

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 22-489)

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 Nye County, Nevada, 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 Nye County, Nevada, Clark
3 County, Nevada, Inyo County, California, and San Bernardino County, California,
4 and make recommendations to certain governing bodies. The advisory commission
5 is 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.*



* A B 3 9 4 *

1 **Sec. 3. "Commission" means the Mojave Desert Advisory**
2 **Commission established by section 6 of this act.**

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

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

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

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

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

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

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

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

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

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

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

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

41 10. In order to preserve the scenic beauty and outdoor
42 recreational opportunities of the region, there is a need to ensure
43 an equilibrium between the region's natural endowment and its
44 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. *To enhance the efficiency and governmental effectiveness of the region, the Mojave Desert Advisory Commission, representing Nye and Clark Counties, 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 eight members as follows:*

(a) One member appointed by the Board of County Commissioners for Nye County, Nevada, who is a resident of the County and resides within 20 miles of the border between Nevada and California;

(b) One member appointed by the Board of County Commissioners for Clark County, Nevada, who is a resident of the County and resides within 20 miles of the border between Nevada and California;

(c) One member appointed by the Board of Supervisors for Inyo County, California, who is a resident of the County and resides within 20 miles of the border between Nevada and California;

(d) One member appointed by the Board of Supervisors for San Bernardino County, California, who is a resident of the County and resides within 20 miles of the border between Nevada and California;

(e) Two members appointed by the Governor of Nevada, at least one of whom is a hydrologist; and

(f) Two members appointed by the Governor of California, at least one of whom is a hydrologist.



1 ↪ Each person appointed pursuant to this subsection must be
2 knowledgeable in one or more of the areas of energy, the
3 environment, land use, transportation, water or wildlife. No
4 person appointed pursuant to this section may be an elected public
5 officer of a city, county or state government at the time of
6 appointment. The term of each member is 4 years. Any vacancy
7 must be filled in the same manner as the original appointment for
8 the remainder of the unexpired term. A member may be
9 reappointed to the Commission.

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

15 3. All recommendations considered by the Commission
16 relating to the Commission's findings must be transferred to the
17 relevant governing bodies regardless of whether a
18 recommendation is supported by a majority of the members of the
19 Commission.

20 **Sec. 8.** 1. The Commission may establish and maintain an
21 office within the region, and for this purpose, the Commission
22 may rent or own property and equipment.

23 2. Every book or record of the Commission which is of such
24 nature as to constitute a public record under the law of either the
25 State of California or the State of Nevada must be open to
26 inspection and copying during regular office hours.

27 3. The Commission may solicit, accept, use and expend gifts
28 and grants from public and private sources, including money and
29 in-kind contributions including, without limitation, office space,
30 equipment and volunteer staffing services.

31 4. The staff and resources of the State Department of
32 Conservation and Natural Resources must only be made available
33 to the Commission to the extent that such staffing and resources
34 are integrated into the existing staffing levels, duties and resources
35 of the Department.

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

41 **Sec. 10.** This act becomes effective:

42 1. Upon passage and approval for the purposes of appointing
43 the members of the Mojave Desert Advisory Commission; and



- 1 2. For all other purposes on the date on which all members
- 2 have been appointed to the Mojave Desert Advisory Commission,
- 3 established by section 6 of this act, by their respective appointing
- 4 authorities.

