

ASSEMBLY BILL NO. 2—COMMITTEE
ON GOVERNMENT AFFAIRS

(ON BEHALF OF THE NEVADA ASSOCIATION OF COUNTIES)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Government Affairs

SUMMARY—Revises provisions relating to appointments to public bodies. (BDR 18-437)

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

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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 public bodies; removing the prohibition against gubernatorial appointees serving simultaneously on more than one board, commission or similar body; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law establishes provisions relating to appointments by the Governor to boards, commissions or similar bodies. (NRS 232A.020) **Section 2** of this bill removes the prohibition against the Governor appointing a person to more than one board, commission or similar body at the same time. **Sections 1 and 3** of this bill make conforming changes relating to exceptions to the prohibition for members of the Sagebrush Ecosystem Council and the Land Use Planning Advisory Council. (NRS 232.162, 321.740)

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

Section 1. NRS 232.162 is hereby amended to read as follows:
232.162 1. The Sagebrush Ecosystem Council is hereby created in the Department. The Council consists of:
(a) The following nine voting members appointed by the Governor:
(1) One member who represents agricultural interests;
(2) One member who represents the energy industry;



- (3) One member who represents the general public;
- (4) One member who represents conservation and environmental interests;
- (5) One member who represents mining interests;
- (6) One member who represents ranching interests;
- (7) One member who represents local government;
- (8) One member who acts as a liaison for Native American tribes; and

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

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

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

(2) The Director of the Department of Wildlife;

(3) The Director of the State Department of Agriculture;

(4) The State Director of the Nevada State Office of the Bureau of Land Management;

(5) The State Supervisor of the Nevada State Office of the United States Fish and Wildlife Service;

(6) The Forest Supervisor for the Humboldt-Toiyabe National Forest; and

(7) Any other members appointed by the Governor as nonvoting members.

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

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

~~[4.]~~ 3. A vacancy in the membership of the Council must be filled in the same manner as the original appointment for the remainder of the unexpired term. A member may be reappointed.

~~[5.]~~ 4. While engaged in the business of the Council, each voting member is entitled to receive a salary of not more than \$80 per day, as established by the Council, and the per diem allowance and travel expenses provided for state officers and employees generally.

~~[6.]~~ 5. The Council may:

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

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



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

~~77~~ 6. The Council shall:

(a) Consider the best science available in its determinations regarding the conservation of the greater sage grouse (Centrocercus urophasianus) and sagebrush ecosystems in this State;

(b) Establish and carry out strategies for:

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

(2) Managing land which includes those sagebrush ecosystems, taking into consideration the importance of those sagebrush ecosystems and the interests of the State;

(c) Establish and carry out a long-term system for carrying out strategies to manage sagebrush ecosystems in this State using an adaptive management framework and providing for input from interested persons and governmental entities;

(d) Oversee any team within the Division of State Lands of the Department which provides technical services concerning sagebrush ecosystems;

(e) Establish a program to mitigate damage to sagebrush ecosystems in this State by authorizing a system that awards credits to persons, federal and state agencies, local governments and nonprofit organizations to protect, enhance or restore sagebrush ecosystems;

(f) Solicit suggestions and information and, if necessary, prioritize projects concerning the enhancement of the landscape, the restoration of habitat, the reduction of nonnative grasses and plants and the mitigation of damage to or the expansion of scientific knowledge of sagebrush ecosystems;

(g) If requested, provide advice for the resolution of any conflict concerning the management of the greater sage grouse or a sagebrush ecosystem in this State;

(h) Coordinate and facilitate discussion among persons, federal and state agencies and local governments concerning the maintenance of sagebrush ecosystems and the conservation of the greater sage grouse;

(i) Provide information and advice to persons, federal and state agencies and local governments concerning any strategy, system, program or project carried out pursuant to this section or NRS 321.592 or 321.594; and

(j) Provide direction to state agencies concerning any strategy, system, program or project carried out pursuant to this section or NRS 321.592 or 321.594 and resolve any conflict with any direction



given by another state board, commission or department jointly with that board, commission or department, as applicable.

~~§ 7.~~ 7. On or before June 30 and December 31 of each year, the Council shall submit a written report to the Governor. The report must include, without limitation:

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

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

(c) Any other information specified by the Council.

Sec. 2. NRS 232A.020 is hereby amended to read as follows:

232A.020 1. Except as otherwise provided in this section, a person appointed to a new term or to fill a vacancy on a board, commission or similar body by the Governor must have, in accordance with the provisions of NRS 281.050, actually, as opposed to constructively, resided, for the 6 months immediately preceding the date of the appointment:

(a) In this State; and

(b) If current residency in a particular county, district, ward, subdistrict or any other unit is prescribed by the provisions of law that govern the position, also in that county, district, ward, subdistrict or other unit.

2. After the Governor's initial appointments of members to boards, commissions or similar bodies, all such members shall hold office for terms of 3 years or until their successors have been appointed and have qualified.

3. A vacancy on a board, commission or similar body occurs when a member dies, resigns, becomes ineligible to hold office or is absent from the State for a period of 6 consecutive months.

4. Any vacancy must be filled by the Governor for the remainder of the unexpired term.

5. A member appointed to a board, commission or similar body as a representative of the general public must be a person who:

(a) Has an interest in and a knowledge of the subject matter which is regulated by the board, commission or similar body; and

(b) Does not have a pecuniary interest in any matter which is within the jurisdiction of the board, commission or similar body.



1 6. ~~{Except as otherwise provided in NRS 232.162, the~~
2 ~~Governor shall not appoint a person to a board, commission or~~
3 ~~similar body if the person is a member of any other board,~~
4 ~~commission or similar body.~~

5 —7.} The provisions of subsection 1 do not apply if:

6 (a) A requirement of law concerning another characteristic or
7 status that a member must possess, including, without limitation,
8 membership in another organization, would make it impossible to
9 fulfill the provisions of subsection 1; or

10 (b) The membership of the particular board, commission or
11 similar body includes residents of another state and the provisions of
12 subsection 1 would conflict with a requirement that applies to all
13 members of that body.

14 **Sec. 3.** NRS 321.740 is hereby amended to read as follows:

15 321.740 1. The Land Use Planning Advisory Council,
16 consisting of 17 voting members appointed by the Governor and 1
17 nonvoting member appointed by the Nevada Association of
18 Counties, or its successor organization, is hereby created. ~~{The~~
19 ~~provisions of subsection 6 of NRS 232A.020 do not apply to~~
20 ~~members of the Advisory Council who also serve as county~~
21 ~~commissioners, and the Governor may appoint any such member of~~
22 ~~the Advisory Council to one other board, commission or similar~~
23 ~~body.}~~

24 2. One voting member must be appointed to the Advisory
25 Council to represent each county. At least 30 days before the
26 beginning of any term of the representative of a county, or within 30
27 days after the position of that representative becomes vacant, the
28 board of county commissioners of that county shall submit to the
29 Governor the name of its nominee or a list of the names of not more
30 than three nominees who are elected officials or other
31 representatives of the county for the position to be filled. If a board
32 of county commissioners submits the names of two or more
33 nominees, the board shall number its nominees in order of
34 preference. That order of preference is not binding upon the
35 Governor. The Governor shall appoint the person so nominated or,
36 if more than one person is nominated, one of the persons from the
37 list of nominees.

38 3. If a board of county commissioners fails to submit the name
39 of its nominee or a list of nominees within the time required by this
40 subsection or subsection 2, the Governor may appoint to the
41 Advisory Council any resident of that county as the representative
42 of the county. If a board has timely submitted the name of its
43 nominee or a list of nominees and the Governor fails to appoint a
44 person so nominated:

45 (a) If one person has been nominated, that person; or



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

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

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

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

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

8. A board of county commissioners may provide that, while engaged in the business of the Advisory Council, a voting member of the Advisory Council is entitled to receive from the county he or she represents the per diem allowance and travel expenses provided by law for state officers and employees generally.

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

