

ASSEMBLY BILL NO. 52—COMMITTEE ON NATURAL RESOURCES

(ON BEHALF OF THE DIVISION OF STATE LANDS
OF THE STATE DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES)

PREFILED NOVEMBER 18, 2020

Referred to Committee on Government Affairs

SUMMARY—Makes various changes related to the Land Use Planning Advisory Council. (BDR 26-342)

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 lands; revising the membership and duties of the Land Use Planning Advisory Council; authorizing the removal of certain voting members before the expiration of their term under certain circumstances; requiring the election of a vice chair of the Advisory Council; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing law creates the Land Use Planning Advisory Council, which advises the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources and the State Land Use Planning Agency on issues relating to land use planning. (NRS 321.740, 321.750) The Advisory Council consists of 17 voting members appointed by the Governor and 1 nonvoting member appointed by the Nevada Association of Counties. (NRS 321.740) **Section 1** of this bill adds to the Advisory Council: (1) one voting member appointed by the Nevada Indian Commission; and (2) one nonvoting member appointed by the Nevada League of Cities and Municipalities.

Existing law provides that the term of a voting member of the Advisory Council is 3 years. (NRS 321.740) **Section 1** provides an exception to the 3-year term if a voting member appointed by the Governor is an elected official of the county that he or she represents on the Advisory Council and does not become a candidate for reelection or is defeated for reelection. In such a circumstance, **section 1** authorizes the board of county commissioners to end the person's membership on the Advisory Council before the expiration of the person's 3-year term. If the board of county commissioners ends the person's membership on the



Advisory Council: (1) that person's membership on the Advisory Council ends on the date on which his or her term of office as an elected official of the county ends; and (2) a vacancy exists on the Advisory Council that must be filled for the remainder of the unexpired term.

Existing law requires the Advisory Council to elect a Chair. (NRS 321.740) **Section 1** also requires the election of a Vice Chair.

Existing law sets forth the duties of the Advisory Council. (NRS 321.750) **Section 2** of this bill requires the Advisory Council to also: (1) advise any federal or state agency or local government on land use planning and policy; (2) assist and advise in the resolution of inconsistencies in land use plans, if requested; and (3) make recommendations related to areas of critical environmental concern.

Section 3 of this bill changes the minimum period required to be given in existing law for notice of certain public hearings of the Advisory Council by publication in newspapers from 20 days to 10 days before the hearing. (NRS 321.770)

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

Section 1. NRS 321.740 is hereby amended to read as follows:
321.740 1. The Land Use Planning Advisory Council ~~is~~
~~consisting of 17~~ *is hereby created. The Advisory Council consists*
of:

(a) *Seventeen* voting members appointed by the Governor . ~~and~~
~~17~~

(b) *One voting member appointed by the Nevada Indian Commission.*

(c) *One* nonvoting member appointed by the Nevada Association of Counties, or its successor organization . ~~is hereby created.~~

(d) *One nonvoting member appointed by the Nevada League of Cities and Municipalities, or its successor organization.*

2. The provisions of subsection 6 of NRS 232A.020 do not apply to members of the Advisory Council who also serve as county commissioners, and the Governor may appoint any such member of the Advisory Council to one other board, commission or similar body.

~~2~~ 3. One voting member must be appointed *pursuant to paragraph (a) of subsection 1 by the Governor* to the Advisory Council to represent each county. At least 30 days before the beginning of any term of the representative of a county, or within 30 days after the position of that representative becomes vacant, the board of county commissioners of that county shall submit to the Governor the name of its nominee or a list of the names of not more than three nominees who are elected officials or other representatives of the county for the position to be filled. If a board of county commissioners submits the names of two or more



nominees, the board shall number its nominees in order of preference. That order of preference is not binding upon the Governor. The Governor shall appoint the person so nominated or, if more than one person is nominated, one of the persons from the list of nominees.

~~[3.]~~ 4. If a board of county commissioners fails to submit the name of its nominee or a list of nominees within the time required by this subsection or subsection ~~[2.]~~ 3, the Governor may appoint to the Advisory Council any resident of that county as the representative of the county. If a board has timely submitted the name of its nominee or a list of nominees and the Governor fails to appoint a person so nominated:

(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,]~~

5. *Except as otherwise provided in this subsection, each voting member serves a term of 3 years . If a voting member appointed pursuant to paragraph (a) of subsection 1 is an elected official of the county that he or she represents on the Advisory Council and he or she does not become a candidate for reelection or is defeated for reelection, the board of county commissioners of that county may end the person's membership on the Advisory Council before the expiration of his or her 3-year term. If the board of county commissioners ends the person's membership on the Advisory Council pursuant to this subsection:*

(a) *That person's membership on the Advisory Council ends on the date on which his or her term of office as an elected official of the county ends; and*

(b) *A vacancy exists in the membership of the Advisory Council that must be filled for the remainder of the unexpired term pursuant to subsection 3 or 4, as applicable.*

6. Any voting member is eligible for reappointment to the Advisory Council.



1 ~~[5.] 7.~~ The nonvoting ~~[member]~~ *members* of the Advisory
2 Council ~~[serves]~~ *serve* at the pleasure of the ~~[Nevada Association of~~
3 ~~Counties, or its successor organization.~~

4 ~~—6.] appointing authority.~~

5 *8.* At its first meeting each year, the Advisory Council shall
6 elect a Chair *and Vice Chair* from among its *voting* members.

7 ~~[7.] 9.~~ A majority of the voting members of the Advisory
8 Council constitutes a quorum for the transaction of business, and a
9 majority of a quorum present at any meeting is sufficient for any
10 official action taken by the Advisory Council.

11 ~~[8.] 10.~~ A board of county commissioners may provide that,
12 while engaged in the business of the Advisory Council, a voting
13 member of the Advisory Council is entitled to receive from the
14 county he or she represents the per diem allowance and travel
15 expenses provided by law for state officers and employees
16 generally.

17 **Sec. 2.** NRS 321.750 is hereby amended to read as follows:

18 321.750 The Land Use Planning Advisory Council shall:

19 1. Advise the Administrator on the development and
20 distribution to cities and counties of information useful to land use
21 planning.

22 2. Advise the State Land Use Planning Agency regarding the
23 development of plans and statements of policy pursuant to
24 subsection 1 of NRS 321.7355.

25 3. Work cooperatively with the Attorney General and the
26 Nevada Association of Counties as required pursuant to subsection 3
27 of NRS 405.204.

28 *4. Advise any federal or state agency or local government on*
29 *land use planning and policy, including, without limitation,*
30 *developing a statement of policy, drafting a resolution or providing*
31 *formal comment on land use planning policies and land*
32 *management projects of any federal or state agency or local*
33 *government.*

34 *5. Assist and advise in the resolution of inconsistencies in*
35 *land use plans, if requested.*

36 *6. Make recommendations related to areas of critical*
37 *environmental concern pursuant to NRS 321.770.*

38 **Sec. 3.** NRS 321.770 is hereby amended to read as follows:

39 321.770 1. The State Land Use Planning Agency shall
40 provide assistance in land use planning for areas of critical
41 environmental concern:

42 (a) When the Governor directs that the Agency review and assist
43 in land use planning for an area the Governor finds to be of critical
44 environmental concern.



(b) When one or more local government entities request that the Agency advise and assist in land use planning for an area which affects them and which they consider to be of critical environmental concern.

2. Upon receipt of a directive or a request pursuant to subsection 1, the Administrator shall study the problems of the area described and meet with the affected local government entities to receive their initial comments and recommendations. The Administrator shall then submit the matter of planning for the area of critical environmental concern to the Land Use Planning Advisory Council for consideration and recommendation.

3. The Land Use Planning Advisory Council shall include in its procedures one or more public hearings upon notice given by at least one publication at least ~~20~~ 10 days before the hearing in a newspaper or combination of newspapers having general circulation throughout the area affected and each city and county any portion of whose territory lies within such area. The notice shall state with particularity the subject of the hearing.

4. Following completion of the hearings and consideration of other information, the Land Use Planning Advisory Council shall make its final recommendations for land use planning policies in the area of critical environmental concern. The recommendations may include proposed land use regulations to carry out such policies.

5. No land use regulation adopted by the Land Use Planning Advisory Council pursuant to this section may become effective without the approval of the Governor.

Sec. 4. This act becomes effective on July 1, 2021.

