

SB394 - 1999

Introduced on Mar 12, 1999

By Titus,

Fiscal Note

Effect On Local Government: *Yes*

Effect on the State or on Industrial Insurance: *Yes*

Provides for coordination of planning among various governmental entities in certain counties with respect to air pollution, land use and transportation. (BDR 22-99)

Current Status: In Senate at Governor

Chapter 425 Sections 11 and 12 of this act effective May 29, 1999. Sections 1, 2, 3, 5, 7, 9 and 10 of this act effective October 1, 1999. Sections 4, 6 and 8 of this act effective July 1, 2001.

Hearings

Senate Government Affairs	Mar-29-1999	No Action
Senate Government Affairs	Apr-08-1999	Amend, and do pass as amended
Assembly Government Affairs	May-06-1999	No Action
Assembly Government Affairs	May-11-1999	Amend, and do pass as amended
Senate Government Affairs	May-21-1999	Concur

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- 12-Mar-99 Read first time. Referred to Committee on Government Affairs. To printer.
- 15-Mar-99 From printer. To committee.
- ✓16-Apr-99 From committee: Amend, and do pass as amended. Placed on Second Reading File. Read second time. Amended. (Amend. No. 518). To printer.
- ✓19-Apr-99 From printer. To engrossment. Engrossed. First reprint. ✓ Read third time. Passed, as amended. Title approved, as amended. (Yeas: 15, Nays: 6). To Assembly.
- 20-Apr-99 In Assembly. Read first time. Referred to Committee on Government Affairs. To committee.
- ✓18-May-99 From committee: Amend, and do pass as amended. Placed on Second Reading File. Read second time. Amended. (Amend. No. 870). To printer.
- ✓19-May-99 From printer. To re-engrossment. Re-engrossed. Second reprint. ✓ Read third time. Passed, as amended. Title approved. (Yeas: 40, Nays: 1, Excused: 1). To Senate.
- 20-May-99 In Senate.
- 22-May-99 Assembly Amendment No. 870 concurred in. To enrollment.
- 24-May-99 Enrolled and delivered to Governor.
- 29-May-99 Approved by the Governor. Chapter 425.



BILL SUMMARY
70th REGULAR SESSION
OF THE NEVADA STATE LEGISLATURE

PREPARED BY
RESEARCH DIVISION
LEGISLATIVE COUNSEL BUREAU
Nonpartisan Staff of the Nevada State Legislature

SENATE BILL 394
(Enrolled)

Senate Bill 394 applies only to a county with a population of 400,000 or more. The bill requires cooperation among the regional planning coalition, the air pollution control board, and the regional transportation commission to ensure consistency among their plans, policies, and programs. In addition, these entities must establish and carry out an integrated program of long-term planning that has the purpose of conserving the region's economic, financial, and natural resources and supporting a common vision of desired future conditions. The measure specifies additional responsibilities of the regional planning coalition concerning air pollution and transportation needs, and a biennial report.

Effective October 1, 1999, the measure also revises provisions governing an air contaminant control program that is operated in the county. The county must allow certain persons to earn credits for reducing the level of air contaminants emitted through the use of solar energy. A person is prohibited from earning credits, however, if the reduction is required as a component of a penalty imposed against the person.

Finally, the measure requires submittal, by October 1, 2000, of a statement of the effects on air quality by complex sources to the Administrator of the Division of Environmental Protection.

This measure is effective on October 1, 1999, except for provisions relating to the cooperative efforts of the coalition, the air pollution control board, and the regional transportation commission, which are effective on July 1, 2000.

LEGISLATIVE HEARINGS

MINUTES AND EXHIBITS

**MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventieth Session
March 29, 1999**

The Senate Committee on Government Affairs was called to order by Chairman Ann O'Connell, at 2:05 p.m., on Monday, March 29, 1999, in Room 2149 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Ann O'Connell, Chairman
Senator William J. Raggio, Vice Chairman
Senator William R. O'Donnell
Senator Jon C. Porter
Senator Joseph M. Neal, Jr.
Senator Dina Titus
Senator Terry Care

GUEST LEGISLATORS PRESENT:

Senator Mark E. Amodei, Capital Senatorial District

STAFF MEMBERS PRESENT:

Kim Marsh Guinasso, Committee Counsel
Juliann Jenson, Committee Policy Analyst
Julie Burdette, Committee Secretary

OTHERS PRESENT:

Phil Rosenquist, Assistant Planning Manager for Regional Planning, Advanced Planning Division, Department of Comprehensive Planning, Clark County
Elizabeth N. Fretwell, Lobbyist, City of Henderson
Irene E. Porter, Lobbyist, Southern Nevada Home Builders Association
Marta Golding Brown, Lobbyist, City of North Las Vegas
Michael A. Harper, Special Projects Manager, Department of Community Development, Washoe County

S.B. 436 attempts to put into place the findings that the planning authority made in its strategic plan. He noted the implementation process could take "another 10 years," since the authority put together a 20-year plan. He concluded, "This is just the beginning of formulating the formal body."

Senator Titus reiterated S.B. 393 would not interfere with the provisions of S.B. 436. She contended S.B. 393 would simply direct local governments to identify where they want growth to occur, and to designate those areas as smart-growth areas. She stressed the bill would also put into place some economic incentives for growth in the identified areas.

Senator Porter pointed out some of the findings of the strategic planning authority came from Senator Titus' initiatives regarding federal lands.

Chairman O'Connell opened the hearing on S.B. 394.

SENATE BILL 394: Provides for coordination of planning among various governmental entities in certain counties with respect to air pollution, land use and transportation. (BDR 22-99)

Senator Titus testified the combination of land use, transportation and air quality (LUTRAQ) is currently a prevalent issue in planning and politics. She asserted, "Everybody recognizes that those three things should be considered together, in order to do good planning." She commented the Lincoln Institute recently held a conference on transportation and land use, resulting in ten papers that were published in a special issue of the journal *Urban Studies*. Senator Titus added a book entitled *Transportation Land Use Connection* addresses this matter and recognizes that "the single greatest force in the development of cities has been highways." She stated the Clean Air Act Amendments of 1990 also recognize the importance of connecting transportation with air quality. She indicated the relevant provisions, which must be met at the state level, are known as the transportation conformity requirements. Senator Titus concluded, "This is [a] well-known, well-documented, well-established fact that these three things need to go together."

However, Senator Titus asserted, Nevada's long-range plans for land use, transportation, and air-pollution control are currently prepared by different public agencies; for different reasons; with different timetables; under different federal, state and local laws and regulations. She maintained S.B. 394 would address

this lack of coordination and promote cooperation among the various agencies. She noted these agencies are already in existence on the local level and are already preparing the relevant plans. Senator Titus contended S.B. 394 would "make it much easier to promote vigorous economic development, transportation access and mobility, and a clean [and] healthy environment."

Senator Titus pointed out S.B. 394 recognizes the agencies involved in land use, transportation, and air quality. She elaborated the bill recognizes the aforementioned regional coalition, created by interlocal agreement, which grew out of the Southern Nevada Strategic Planning Authority. She suggested, "If ... Senator Porter's bill [S.B. 436] ... turns this into a permanent body, and this passes, then that would be substituted for this body that now exists under interlocal agreement." Senator Titus stated the land-use planning entity in Washoe County is a regional planning body created under NRS 278.0264.

Besides land-use planning agencies, Senator Titus continued, a second group of agencies involves local air-pollution control boards. She emphasized those boards, which were created under NRS chapter 445B, are already in existence.

Senator Titus added the third group of relevant agencies includes the Regional Transportation Commissions which have been created in Washoe and Clark counties under NRS chapter 373. She summarized, "Those three groups, then, are defined for you, that should be working together. So it's [it is] the air-quality [boards]; it's [it is] the regional transportation [commissions]; and it's [it is] the established land-use bodies."

Senator Titus noted section 6 of S.B. 394 would provide that agencies in the three aforementioned categories "shall cooperate." She commented the bill does not provide specific details, which would be left up to the local governments. She asserted the agencies would coordinate their efforts, cooperate to draw up plans, and jointly publish one volume at the end of the year summarizing the plans they have prepared.

Senator Titus explained sections 7 through 10 of S.B. 394 "are just repeats of the first section, because you have to do it each time, for each of the three groups." She elaborated those sections address transportation and air-quality agencies in the same manner that land-use planning agencies are addressed earlier in the bill.

Senator Titus emphasized decisions would not be mandated by the state, but would be determined by local governments, acting through regional bodies which already exist. She stressed S.B. 394 would simply ask those bodies to communicate with each other and to cooperate. She claimed land use, transportation, and air quality are critical to smart growth; and she maintained, "We can't [cannot] get a whole picture of what's [what is] going on in an urban area if you don't [do not] have coordination of these three things."

Senator Titus expressed sections 11 and 12 of S.B. 394 deal specifically with air quality. She noted the provisions of section 11 would apply to a program in which credits are given for reducing air pollution. She stated that program currently allows people to earn credits by paving a road or performing other actions, and paragraph (a), subsection 1, section 11, of S.B. 394 would also allow persons to earn credits by using solar energy. Senator Titus distributed a letter from Rose McKinney-James, Lobbyist, Corporation for Solar Technology and Renewable Resources, endorsing that provision (Exhibit C).

Senator Titus continued paragraph (b), subsection 1, section 11, of S.B. 394 would prohibit a person from "double counting" credits. She explained, "If they are sanctioned because of something they are doing that creates air pollution, and they have to clean it up by, say, paving a road, then they shouldn't [should not] be able to get credit for paving that road which they can then sell to somebody else or use as an offset for some other polluting activity."

Senator Titus noted section 14 of S.B. 394 would direct the state to prepare guidelines for coordination of the aforementioned agencies by June 30, 2001. She further indicated the state would act as a "clearinghouse" for the reports that come out of the relevant agencies each year.

Senator Porter suggested he and Senator Titus could provide the committee with an outline of S.B. 393, S.B. 394, and S.B. 436 before the work session on those bills.

Senator Neal asked which bill would be overriding if conflicting bills involved NRS and the Statutes of Nevada. Ms. Guinasso responded she does not believe either bill would override the other. Senator Neal commented the Statutes of Nevada are placed in different volumes than are the NRS, and the Statutes of Nevada are not always accessible by the public, though the NRS are. Ms. Guinasso indicated she does not agree with Senator Neal's statement regarding

accessibility. She added the Legal Division of the Legislative Counsel Bureau "keeps an eye on" substantive conflicts among bills. Ms. Guinasso asserted the Legal Division's concept of conflicting provisions might not necessarily match Senator Neal's. She clarified the Legal Division deems provisions conflicting only if there is a clear conflict in the relevant language. She concluded, "But if something could be accomplished by doing two different things at one time, then I don't [do not] think we would look at it as a conflict, in the sense that we look out for."

Senator Neal asked why Statutes of Nevada are used. Ms. Guinasso explained the Statutes of Nevada contain everything the Legislature does in a particular session. She elaborated they include amendments to NRS, as well as special acts, local acts, resolutions, and so forth.

Senator Neal asked why S.B. 436 would not be put into NRS. Ms. Guinasso answered that bill is a special act and therefore is not designed to be inserted into NRS. However, she pointed out, it would be included in the NRS volume entitled "Special Acts." She maintained the Legal Division would alert the Legislature if that act were specifically conflicting with other legislation.

Senator Neal noted S.B. 393 and S.B. 394 would go into NRS, but S.B. 436 would go into the Statutes of Nevada. He contended a conflict exists between these bills, and one bill would be overriding. He further suggested section 13 of S.B. 436 addresses everything in S.B. 393 and S.B. 394. Senator Neal commented, "If that's [that is] going to be in the Statutes of Nevada, rather than in NRS, then it seems to me the availability of that information is not there for the general public."

Ms. Guinasso replied some bills are only in "skeleton form," so they have not been checked for all the internal references and measures that would need to be included. She clarified "skeleton bills" provide only the essential idea of the legislation. Ms. Guinasso continued a bill often needs to amend several different statutes in order to address all of the potential conflicts. In terms of possible conflicts between S.B. 436, S.B. 393, and S.B. 394, she indicated items that related to the "same specific issue" would be considered conflicting. For example, she suggested, if two bills proposed different committees with the same purview of authority, and if those bills had differing requirements set forth for the committee members' credentials, a specific conflict would exist. Ms. Guinasso asserted it is difficult for the Legal Division to determine whether a

conflict exists when bills are dealing with generalities. She maintained that would represent a policy issue, not a legal conflict.

Chairman O'Connell said S.B. 394 is in "skeleton" form, and she asked if Senator Titus believed any part of the bill would need to be "filled in" before it left the Senate Committee on Government Affairs. Senator Titus responded she is unsure what makes S.B. 394 a "skeleton bill." She contended no substantive changes need to be made to the bill, but perhaps the Legal Division still has to make sure the bill refers to all of the relevant statutes. Ms. Guinasso agreed and noted internal references would also have to be checked.

Senator Neal claimed a "strong kinship" exists between S.B. 394 and S.B. 436.

Chairman O'Connell mentioned a southern Nevada coal company which produces electricity is being blamed for pollution in the Grand Canyon area. She commented she finds that fact interesting, "because the only thing that we tax, as far as our generating electricity, is the coal, which does give quite a bit of income to the State of Nevada." She commented, "I'm [I am] looking at this [S.B. 394], and I'm [I am] wondering what kind of a find we are going to be getting, if indeed this were to pass."

Chairman O'Connell pointed out S.B. 394 would have a fiscal impact on both state and local governments. However, she stated, no fiscal note is attached to the bill. She asked why a fiscal impact is indicated. Senator Titus replied she is not sure, but she suggested, "I think they may think that local government ... will have to draw a map." She reiterated local governments already know where sewer service exists and where it is planned, so a map based on that knowledge should not be a burden. Senator Titus added she spoke to Pamela B. Wilcox, Administrator and State Land Registrar, Division of State Lands, State Department of Conservation and Natural Resources, about the bill's fiscal effect on the state. Senator Titus indicated section 14 of S.B. 394 might involve a fiscal impact because it would require the state to provide guidelines and act as a "clearinghouse," as mentioned earlier. She contended those actions would not place a financial burden on the state.

Chairman O'Connell invited further testimony on S.B. 393.

Michael A. Harper, Special Projects Manager, Department of Community Development, Washoe County; introduced W. Dean Diederich, Planning

Manager, Planning Division, Department of Community Development, Washoe County. Mr. Harper emphasized Washoe County supports smart growth, and he noted he is a member of the governing board of the Institute of Certified Planners, which represents approximately 11,000 certified planners across the nation. He pointed out smart growth has been a "huge initiative" of that organization.

Mr. Harper raised concerns regarding the potential impacts of S.B. 393 on Washoe County. He stated the county is currently in its tenth year of regional planning, as mandated by the state in 1989. Thus, he indicated, Washoe County has "extensive experience" in regional planning. Mr. Harper asserted the processes proposed in S.B. 393 would create some potential conflicts with current processes in the county.

Mr. Harper expressed one of Washoe County's concerns involves the definition of a priority-funding area. He maintained, "Although it's [it is] fairly low, ... there is the potential that what it does do is focus dollars into areas that don't [do not] necessarily represent areas that still need funding." Mr. Harper referred to the aforementioned article regarding Maryland in *Governing Magazine*. He noted that article states smart growth sometimes causes an avoidance of providing money to communities that need funds to bring their areas up to a certain standard. He expressed he was "heartened" to hear Senator Titus testify that S.B. 393 reflects a more "voluntary" end, rather than a "mandatory" one. However, he asserted, the bill should clarify that the state and federal governments would not deny counties the funds they need to provide infrastructure in areas where the density of residential development is less than 3.5 units per acre. Mr. Harper mentioned such infrastructure includes sewer service, roads, and parks, among other things. He pointed out, "[Washoe] County is, basically, the regional parks provider; we would not want to see this bill [S.B. 393] conflict with the ability to provide for park funding."

Mr. Harper next addressed the issue of conformance. He indicated Washoe County requires that all local plans and zoning actions conform to the regional plan. He asserted section 8 of S.B. 393 would specify that a finding of conformance must be made for every pertinent action taken by a local government. Mr. Harper argued that provision is unnecessary in Washoe County, and he pointed out the county has been meeting its conformance requirement for the last 10 years. He stressed the actions taken in accordance with the county's local-zoning ordinance and development regulations must

conform to the regional plan. He further contended section 8 of S.B. 393 is redundant because a portion of state law already requires the appropriate conformance in Washoe County. Mr. Harper maintained two NRS provisions regarding the same subject could be interpreted differently.

Still addressing S.B. 393, Mr. Harper stated he "[appreciates] the comment regarding compatibility, consistency, and internal conformity." However, he indicated, section 10 of the bill should be more specific as to the meaning of such terms. He explained Washoe County is concerned because that section could raise a series of challenges to every relevant action that is taken. Mr. Harper commented, "I understand that this is a desired end, but ... if it's [it is] in the state law, someone is going to ask for a definition." He suggested professional planners in Nevada could offer an appropriate definition.

Mr. Harper continued Washoe County has land-use and transportation plans, so there would be no problem with subsection 3, section 10, of S.B. 393. However, he raised concern with allowing the master plan to be amended only twice per year. He expressed Washoe County currently allows that plan to be amended three times per year, for each element. Mr. Harper emphasized the necessity for such amendments, since conformance to the regional plan is required. He elaborated the regional plan is sometimes amended more than three times per year. Thus, Mr. Harper asserted, subsection 4, section 11, of S.B. 393 would prevent Washoe County from meeting the requirements of the regional plan. He commented, "That puts the county in a bit of a conundrum and straightjackets the regional plan in meeting its requirements to be a flexible document." Mr. Harper added development opportunities that are supported by the community often require an amendment to the regional plan. He indicated, "We would not particularly like to see that truncated by a provision that only twice a year, the master plan can be amended." He suggested the cities of Reno and Sparks would likely agree that it would be difficult to amend a master plan only two times per year. Mr. Harper maintained the current requirement that local governments must be in conformance with Washoe County's regional plan acts as a "safeguard," so it is unnecessary to limit the number of times the county's master plan can be amended.

Mr. Harper noted S.B. 393 provides that the board of county commissioners would prepare a map of priority-funding areas. He suggested city representatives would likely be uncomfortable with designating the county to

develop such a map. He elaborated the cities and the county might disagree about the specific details of the map.

Mr. Harper reiterated Washoe County and the cities of Reno and Sparks have had 10 years of experience with regional planning. He asserted current efforts in that area are "working ... quite well" and are moving toward smart-growth options such as those proposed in S.B. 393. However, he repeated his concern that smart growth focuses only on urban areas, noting Washoe County "embraces" suburban and rural development as viable living options. Thus, Mr. Harper concluded, the proposed priority-funding map might be unnecessary for Washoe County. He further agreed with Senator Raggio's aforementioned concern regarding the definition of "compact urban development." Mr. Harper contended that term is not necessarily "the opposite of urban sprawl." He asserted he believes Washoe County's regional planning director would support his statements.

Senator Titus indicated Washoe County has not contacted her regarding S.B. 393. She said some of the county's concerns could have been addressed earlier, had she known about them.

Senator Titus commented she is glad to hear that regional planning is working well in Washoe County. However, she stated, southern Nevada does not have regional planning. She noted, per Mr. Harper's testimony, conformity is a positive concept. Senator Titus expressed a conformance provision might be repetitious for Washoe County, but southern Nevada currently has no such requirement. She suggested southern Nevada could consider Washoe County as an example in that regard.

Mr. Harper apologized for not relating his concerns to Senator Titus at an earlier time. He pointed out southern Nevada has different needs and opportunities than does Washoe County. He commented:

I want to suggest ... [that] much of this bill [S.B. 393] raises more of a specter of creating conflicts that are unintentional because of the fact that ... [Washoe] County already has a 10-year experience of regional planning; whereas, I understand, southern Nevada is kind of in the incubating stages of that. ... [Nothing is] really broken in Washoe County. I don't [do not] know that this bill necessarily fixes it, but it may create some

conflicts that we would like to avoid that we're [we are] not experiencing right now.

Mr. Diederich indicated he concurs with Mr. Harper's comments. Mr. Diederich also expressed support for Senator Titus' efforts with legislation like S.B. 393. He noted the provisions in section 10 of the bill would occur in NRS 278.150, which addresses plans at the local level, before they are brought to a regional planning authority for a determination of conformance with the regional plan. Mr. Diederich commented, "The difficulty that you have now, is you, literally, are creating a two-stage level of findings of fact that need to be incorporated into the adoption of any master plan." He mentioned California has language like that contained in section 10 of S.B. 393, and the language has been used to "tie up" plans for developing communities while the linkage between transportation, air quality, and land use are discussed. Mr. Diederich stated Washoe County supports that linkage, but sometimes it is not very "clean" in its application. For instance, he asserted, the choice must sometimes be made to intensify land use, though an associated transportation network will suffer. He maintained, "If somebody feels that that's [that is] inconsistent with an overall, overriding goal, then you are, literally, going to put us into court very quick [quickly] while the citizens request some kind of deliberation on that matter."

Regarding subsection 3, section 10, of S.B. 393, Mr. Diederich reiterated Washoe County already has land-use and transportation plans. He pointed out those plans are required under NRS 278.0274, the Truckee Meadows Regional Plan.

Senator Raggio commented Senator Titus should have contacted Washoe County representatives regarding S.B. 393 before including that county in the provisions of the bill. Senator Raggio recognized the "tremendous effort" that went into the legislation which resulted in the present situation in Washoe County. He emphasized that legislation was based on communication between legislators and Washoe County representatives.

Senator Raggio reiterated his earlier question regarding the meaning of "compact urban development," and he also asked how that concept is a part of smart growth. Mr. Harper responded most planners associate that term with "urban villages" or "downtown, very urbanized" areas, where "the idea is growing up rather than growing out." He agreed many cities in the western United States need to "embrace" that concept, but he suggested "compact

urban development" does not represent the opposite of urban sprawl. Mr. Harper added, "It certainly is not a panacea to ... leapfrog development."

Senator Raggio indicated, "I would be interested if it meant something like dealing with the deterioration of the inner core or infrastructure of a city. Is that what you're [you are] looking at, or not? Is that what it means?" Mr. Harper replied, "I think that's [that is] exactly what you are seeing as one of the results of that type of deterioration of the inner city, is going back and increasing the densification, which then, basically, increases the investment opportunities for developers." He asserted the Embarcadero area in San Francisco offers a good example of this practice.

Senator Raggio maintained one of Washoe County's successes has been "coming over the first hurdle" of communication so that the relevant planning agencies now work together. He contended Clark County is currently experiencing coordination and communication problems similar to those that used to exist in Washoe County. However, Senator Raggio indicated, he wants to defer to the representatives of Clark County to address the issue for southern Nevada. He expressed Washoe County has recognized that "you have to get over the turf battles ... [and] the arbitrary lines that are drawn dividing cities and communities and realize that there are certain issues that are regional in nature." He contended no regional-planning problems can be solved until those recognitions are made. Senator Raggio emphasized some regional issues cannot be considered the "sole, possessory" matters of any political subdivision.

Senator Raggio reiterated Senator Porter's previous comments that people are reluctant to allow representatives of one area to make decisions on matters that occur outside of that area. Senator Raggio commented, "Unfortunately, if you can't [cannot] get over that hurdle, you're [you are] going to have a tough time ever having true regional planning." Thus, he asserted, Washoe County created a governing body consisting of representatives from all of the political subdivisions that are affected by regional issues.

Senator Porter claimed rapid growth presents one of the biggest challenges to southern Nevada. He stated:

I think a lot of credit is due to local governments through the years. I think we have some visionaries that [who] have created an environment that's [that is] very attractive to a lot of people.

... The real issue, ... in southern Nevada, ... is that young family that's [that is] sitting in their car that can't [cannot] get to school; they can't [cannot] get to work. Or to that family that's [that is] trying to find a seat for their kids ... in school.

Senator Porter continued southern Nevada has learned from Washoe County, noting that county has worked in concert with the community to formulate a regional vision. However, he expressed, Washoe County still experiences disagreements among local governments, as does southern Nevada. He maintained, "There is not a plan that is perfect. We can't [cannot] legislate cooperation."

Senator Porter commented both Washoe County and Clark County have had successes and failures in planning. He added southern Nevada has "come a long way" in this area, and communication has improved. He asserted local governments still understand that the Legislature can and will make final decisions regarding planning. Senator Porter contended current legislation proposes "ideas, ... visions, and ... suggested changes that are only the beginning." He elaborated growth management is an "ongoing, fluid" process, and he expressed his biggest concern is not about transportation, but about work for southern Nevada citizens. He indicated his constituents are concerned about their jobs, and such concerns are a part of growth management.

Regarding the development of regional planning in Reno, Senator Titus commented:

I think there's [there is] a bit of revisionist history going on, as we look back at how great that process was, and how it worked, and how everybody worked together, and it's [it is] the big role model that we should all follow. There's [There is] a little bit of selective memory, I think, in some of the recitation of how that occurred.

Senator Titus continued she does not think S.B. 393 would impose a problem on Washoe County. She elaborated the bill would allow local governments to determine where they want to grow and to identify their own smart-growth areas. She noted those areas would then be given priority for state and federal funding, in order to promote smart growth. Senator Titus emphasized the bill does not entail restrictions or punitive measures.

Mr. Harper reiterated Washoe County does not oppose the concept of smart growth. However, he stated, the county is concerned that people would interpret S.B. 393 as a limitation on providing funds to certain areas, such as those where the density of residential development is less than 3.5 units per acre, those that are not consistently commercial, and those that are not currently planned for sewer service. He indicated such areas might need assistance from the federal or state government to build roads, for example.

Senator Titus explained S.B. 393 would provide only that "relative preference" be given to identified priority-funding areas. She further pointed out that term would be defined by local governments. She concluded, "Maybe ... you look at it and say, 'Well, this is a smart-growth area; but right now, we need a sewer over here.' Again, that is left totally in your hands. It just says you look at it."

Mr. Harper indicated Senator Titus' explanation of that point relieves some of his concern. However, he noted, that explanation must be clarified, especially for the people who would implement S.B. 393. He commented, "I'm [I am] going to be the person ... [who] is going to be reminding them that Senator Titus made that statement that it was a relative preference, and that it was not intended to be focused completely on smart growth, as I indicated earlier." Senator Titus responded, "And that's [that is] what it says."

Chairman O'Connell suggested that Mr. Harper testify on S.B. 394. Mr. Harper indicated, "S.B. 394 ... makes the regional planning governing body what is called the regional land use coordinating entity in Washoe County." He stated that county's air quality and pollution control board and its Regional Transportation Commission are currently required to bring their plans to the regional planning commission for findings of conformance. Thus, he asserted, the language in S.B. 394 which would require that action is redundant.

Mr. Harper added:

Having the regional planning governing board make those decisions makes them deal with those two issues differently than every other conformance [conformance] finding in Washoe County which must go to the regional planning commission. So you have, basically, a disconnect for air quality and transportation issues and plans and policies; because those, according to the ... statute being proposed here, have to go the regional planning

governing body. But, for instance, a conformance [conformancy] finding for a land use, for a project of regional significance, goes to the regional planning commission. Now, that may not sound like a big deal, but I have to tell you that it's [it is] creating a different and new process and creating some discontinuity between the planning process in Washoe County.

Mr. Harper commented it may seem inexpensive to create a volume of findings and policies each year, as proposed in S.B. 394. However, he maintained, that process would actually be "very expensive," because it would simply duplicate information that is available from other sources. He further contended it is not very difficult to direct people to those sources, though compiling the information into one volume might be more convenient. Mr. Harper said he discussed this issue with the director of the air quality and pollution control board, who agreed the compilation of the proposed volume would be "rather expensive."

Mr. Harper stated Washoe County would not comment on the air-pollution credits, which are an issue for the district Health Department.

Mr. Harper emphasized S.B. 394 addresses a process that has been required in Washoe County for the last 10 years. He expressed, "Every time you put in new language that is already integrated with existing language, you tend to create a problem ... where you have people reading things differently." He apologized to Senator Titus for not contacting her earlier with his concerns regarding S.B. 394. Mr. Harper stressed Washoe County is comfortable with and confident in its current process. He added the county did not anticipate being drawn into a process that might be more oriented toward Clark County.

Ms. Fretwell addressed S.B. 393, asserting the City of Henderson is very supportive of smart growth. She pointed out that city has been recognized for its progressive planning efforts. However, Ms. Fretwell testified, Henderson has some concerns regarding the process outlined in S.B. 393. She clarified the city does not oppose the concepts or policies contained in the bill.

Ms. Fretwell commented cities would not be involved in the designation of priority-funding areas under S.B. 393, and she suggested perhaps Senator Titus could clarify that issue. Ms. Fretwell contended every local government needs to participate in identifying priority-funding areas. Due to that concern, Ms.

Fretwell added, the City of Henderson is also opposed to sections 6 and 7 of S.B. 393, in their current form.

Ms. Fretwell raised further concerns regarding the impacts of sections 8 through 11 of S.B. 393 on Henderson's current processes. She elaborated the bill proposes a philosophical change in the interaction between zoning processes and the master plan. She maintained Henderson would have to "retool quite a bit" to accommodate the provisions of sections 8 through 11. Thus, Ms. Fretwell expressed, it would take some time before the city could implement the proposed procedures.

Ms. Fretwell indicated she has discussed some of her concerns with Senator Titus. Ms. Fretwell further stated section 11 of S.B. 393, which addresses amendment of the master plan, presents a significant area of concern for Henderson. She mentioned the master plan should drive zoning decisions, but she asserted that goal is difficult when dealing with "huge tracts" of undeveloped land. She noted Henderson has an interlocal agreement with Clark County regarding an area of several thousand acres which the city plans to annex. Ms. Fretwell commented:

I would guess that if you were stretching a little bit, that would be considered Henderson's "sphere of influence." It would probably be one of our priority-funding areas, if we were given the opportunity to designate something of that magnitude. But for us to put pen to paper; ... not even knowing, yet, who the owner of the land will be [or] how it will be subdivided; we're [we are] kind of putting our best guess on a master plan of what we think should happen there. And we're [we are] more than willing to do that. However, when the plan actually comes to fruition, and the zoning is in place, and the annexation agreements are in place, we're [we are] going to need a little flexibility in that master plan to accommodate that development. That doesn't [does not] mean that we're [we are] not sticking to our plan, in concept, maybe keeping the ratios exactly the same, but in a little different format, we still are going to have to amend that plan. We're [We are] not really sure how this bill [S.B. 393] allows to do that, except to wait, maybe, 6 months.

Ms. Fretwell recalled Senator Titus testified that twice per year may be too infrequent for amending a master plan. Ms. Fretwell mentioned Florida allows master plans to be amended only once per year. Especially considering the growth in Henderson, she maintained, amending the plan only once or twice per year would not help the city be flexible in accommodating new development. Ms. Fretwell explained the city will have to develop its communities in such a way as to provide housing for new residents, if growth continues.

Ms. Fretwell offered to work with the committee on S.B. 393, but she noted many changes would have to be made in order to make the bill "work" for the City of Henderson. She commented the city does not have specific amendments for the bill yet. She emphasized Henderson supports the concepts of smart growth, and she asserted the city already strives to achieve that goal.

Senator Titus asked Ms. Fretwell if once per quarter would be too infrequent for amending master plans. Ms. Fretwell replied, "I think that that would be a little easier for us." She added Henderson would need some time to organize its plans in order to accommodate such an amendment schedule. She stated the city currently has land-use plans which guide infrastructure and development patterns. However, Ms. Fretwell pointed out, those plans are not always consistent with the end results. She indicated Henderson currently changes its master plan "fairly regularly" because of the amount of growth that is occurring in the area.

Senator Titus asked if changes to Henderson's master plan are based on initiatives of the city or on proposals for development. Ms. Fretwell answered changes are usually made in reaction to development proposals. Senator Titus asked, "How can you really call it a plan, if you change it that often, just in response?" Ms. Fretwell responded the City of Henderson comes up with an initial plan. As the area then becomes ready for development, she explained, a "reconciliation process" occurs between the initial plan and the actual development, based on the wishes of the relevant property owner. Ms. Fretwell concluded the city attempts to "merge" its policies with the property owner's ideas for development. She suggested, "Sometimes the lines just don't [do not] line up exactly right when we do that, particularly when you're [you are] talking about some areas that just don't [do not] have anything on them."

Ms. Fretwell maintained Henderson could work on the timing of amendments to the master plan. She asserted, "I know that there are some other local

governments in southern Nevada that have already embarked on this. It would be interesting to find out how successful that's [that has] been for them, and to hear from the development community about the impact of that for them." Ms. Fretwell expressed that information could help gauge whether or not four times per year would be sufficient for amending master plans. She commented, "I would venture to guess that it would be a big step for us if we did it 12 times a year, right now." She explained Henderson adheres to the "big-picture" standards it has set when it adjusts the master plan, and she stressed the city needs flexibility on this issue.

Ms. Fretwell moved on to address S.B. 394, asserting the City of Henderson "likes" that bill. However, she raised a few concerns. For example, she contended, section 3 of the bill would probably require a technical amendment. She elaborated that section refers to the four largest cities in Clark County, but those entities are not the ones involved in the relevant interlocal agreement.

Ms. Fretwell continued subsection 1, section 5, of S.B. 394 references the regional planning coalition established by interlocal agreement. Further, she pointed out subsection 2 of that section refers to NRS 278.090. Ms. Fretwell questioned what would happen if the county commission created a regional planning commission and the regional planning coalition also existed. She recommended that a group established through interlocal agreement should supercede one created under NRS 278.090. She explained such a provision would eliminate the possibility that two bodies could exist to address the same issues.

Ms. Fretwell stated some plans referenced in sections 6, 8, and 10 of S.B. 394 are already being provided to the regional planning coalition in southern Nevada. She suggested the language in those sections could be consolidated and streamlined. She further indicated the regional planning coalition could be directed to coordinate and review the relevant plans. Ms. Fretwell added the compilation of plans and policies into a volume might be a function of the regional planning coalition, and efforts in that area should not be duplicated. She agreed to prepare some proposed amendments to address her concerns.

Robert F. Joiner, Lobbyist, Nevada Chapter of American Planning Association, indicated he would also be representing Carson City. He stated, "I would also like to represent some of the smaller governments that I haven't [have not] seen

represented today, that have, obviously, planning commissions and professional planners."

Mr. Joiner pointed out Carson City adopted a new land-use master plan in 1996. He asserted the plan had not been updated for 15 years before that. He expressed the new master plan sets forth an urban-service boundary, as well as incentives for developing within that boundary and "disincentives" for developing outside of it. Mr. Joiner further noted an open-space acquisition bill was passed during the last Carson City election. He contended the city is "being very active" in acquiring open space, and he commented managers of Douglas County, Lyon County, and Carson City meet frequently to discuss regional issues, though they are not required to do so. Mr. Joiner stated Carson City was the first government in Nevada to pass a growth-management ordinance.

Mr. Joiner continued each local government in Nevada is different. He suggested local-government concerns should be addressed by the appropriate county commission; then addressed by the Legislature for policy establishment, if necessary. Mr. Joiner expressed many bills regarding NRS chapter 278 are being considered during the Seventieth Legislative Session, and these bills contain contradictions and overlapping provisions. He maintained that if some of the bills do not pass, and if some "overriding" issues remain, the Nevada Chapter of the American Planning Association would be willing to work on a "total rewrite" of NRS chapter 278. He emphasized that association would like to see all of the local governments in Nevada represented.

Mr. Joiner said Assembly Bill (A.B.) 388 would provide that master plans be amended no more than four times per year.

ASSEMBLY BILL 388: Makes various changes to process of land use planning in certain counties. (BDR 22-507)

Mr. Joiner continued A.B. 349 addresses similar issues.

ASSEMBLY BILL 349: Makes changes to provisions governing notice of certain amendments to master plan or zoning regulation. (BDR 22-1339)

Mr. Joiner commented Carson City currently amends its master plan twice per year. However, he mentioned, "We have areas where we can do it more frequently." Mr. Joiner contended:

We notice the community ... very well, and we don't [do not] think that's [that is] an issue We don't [do not] feel that's [that is] something that we need to amend, and, obviously, we could simply ask you to leave us out of it, by population. But again, that's [that is] not good planning, if it's [it is] a state policy.

Mr. Joiner indicated he previously worked in California, where governments are required to make their zoning conform with the master plan within a year. He explained that process forces governments to amend their master plans frequently.

Mr. Joiner asserted many smaller local governments in Nevada are economically depressed and might be in a "pro-growth mode." He noted those governments face different issues than those faced by Carson City, Clark County, and Washoe County. He suggested the situations of all local governments should be considered, since some provisions of the relevant bills, including section 8 of S.B. 393, would affect all local governments. Regarding that section, Mr. Joiner argued:

If that means conformity as in exact conformity with the zoning, then, probably, more of us would be forced to do like Washoe County, which I'm [I am] not saying is a bad thing, but it would change the way we do business today. And we would have one plan. We would not have a master plan.

Mr. Joiner elaborated Carson City uses its master plan for long-range planning, and the city has to be "ripe" for zone changes at any time. He mentioned, "As recently as last week, before our board, a zone change was denied which, in 1996, was master planned for a more intense land use." He explained the change was denied because members of the community indicated they did not believe it was the right time to change the zoning. Mr. Joiner noted:

It was changed in thinking that, when the bypass comes through Carson City, it's [it is] going to affect the land uses around that

bypass. And so we had done a long-range plan, which we would probably update every 5 years. But in the short term, we don't [do not] feel that we should change the zoning to reflect that master plan, at this time. And this would take that away from us and away from the community. And that neighborhood had felt very strongly that we should not be changing the zoning to conform with the master plan.

Mr. Joiner continued Carson City could "live with" a provision allowing the master plan to be changed only four times per year. However, he stated, "As a planner, my bias is to the land-use element [of a master plan];" so he asserted he could not speak for departments that deal with other plan elements.

Mr. Rosenquist submitted prepared testimony (Exhibit D) and stressed the Clark County Department of Comprehensive Planning is opposed to S.B. 393. He indicated that county is already doing some of the things proposed in the bill, and he further maintained the bill would preclude the county from accomplishing some of its goals. Mr. Rosenquist contended the Clark County Board of Commissioners should not be responsible for designating priority-funding areas within incorporated areas of the county.

Mr. Rosenquist continued various studies and legislation attempt to encourage "infill" through faster processing, redevelopment agencies using eminent domain, and so forth. He noted paragraph (j), subsection 1, section 4, of S.B. 393 "is the closest thing that ... comes to really address the root cause of infill, and that is tax structure." He indicated S.B. 393 would allow local governments to negotiate different allocations of tax formulas in order to provide incentives for infill. However, Mr. Rosenquist expressed, that scenario is not realistic, given current budgets and the current focus on using money from the General Fund for public-safety issues.

Mr. Rosenquist asserted the greatest concern of the Clark County Department of Comprehensive Planning, with regard to S.B. 393, involves master plan amendments. He commented NRS currently lists 15 master-plan elements, 3 of which are mandatory. He pointed out S.B. 393 would make two more elements mandatory to master plans, and other pending legislation would require additional elements. Mr. Rosenquist mentioned the 15 elements currently listed in NRS include a land-use plan. He explained Clark County has individual land-use plans for 13 different planning areas, and most of the county's

unincorporated towns have a land-use plan. Mr. Rosenquist further stated those plans are adopted and amended individually, rather than amending the whole master plan at once. He asserted many of the relevant issues are "highly controversial" and "highly complex," so they require public debate and citizen participation. Thus, he concluded, plans are addressed one at a time.

Mr. Rosenquist contended a limit on master-plan amendments would not work for Clark County, given the number of elements involved. He noted previous testimony suggested allowing master plans to be amended four times per year. He commented, "I believe that the number 'four' was put in place, and that number would apply to land-use plan amendments and not prevent us from updating and bringing other aspects of the master plan to bear, that that may be something that would require us to look at a little more, ... but could be feasible."

Mr. Rosenquist noted section 8 of S.B. 393 would require that local ordinances be brought into compliance with the master plan within 1 year. He stated, "Our concern with that is, again, once you get within the elements of the master plan that are outside of a land-use plan, ... when you start trying to determine which items of an ordinance are consistent with more of a broad-reaching policy document, there's [there is] a lot of room for wide ranges of interpretation." He contended "interpretive calls" would have to be worked out, even if the provisions of section 8 of S.B. 393 were restricted to the land-use plan.

Mr. Rosenquist mentioned the Southern Nevada Regional Planning Coalition considered S.B. 393 on March 26, 1999, and the coalition adopted a motion to oppose the bill at that time.

Mr. Rosenquist submitted prepared testimony regarding S.B. 394 (Exhibit E), and he asserted Clark County "strongly supports" the bill. He pointed out the Clark County Board of Commissioners adopted a smart-growth program in January 1988; and one element of that program involves establishing better linkages between land-use, air-quality, and transportation planning. Mr. Rosenquist expressed it is difficult to establish such linkages, and the county has been working to develop a database for that purpose since June 1998. He explained the county needs a database and a computer model of the southern Nevada transportation system, which could then be linked to the county's air-quality dispersion models. With that system, Mr. Rosenquist contended, Clark County could test different scenarios when considering new land-use plans.

Mr. Rosenquist suggested amending the provisions of S.B. 394 regarding the annual publication of the plans, policies, and programs of the regional coordinating entity, the air-pollution control board, and the Regional Transportation Commission. He indicated the regional entities deal with many things in addition to land-use and air-quality planning. He further commented, "But I think we understand the intent of the bill, and that is, if we could focus on any sort of ... coordinated plan that comes out of the regional ... coordination entity, make that the focal point." Mr. Rosenquist noted his prepared testimony offers amendments to accomplish that intention (Exhibit E). He reiterated the Clark County Department of Comprehensive Planning supports S.B. 394, with those minor amendments.

Mr. Rosenquist concluded the Southern Nevada Regional Planning Coalition recommended support for S.B. 394, with the aforementioned amendments. He added the coalition would also prefer the bill to be worded in an enabling manner, rather than a prescriptive one.

Senator Titus explained the intent of the sections Mr. Rosenquist proposes to amend is to create one volume which would be a "summary" of the coordinated efforts of the relevant groups. She indicated she is open to suggestions for other approaches to creating such a volume, and she commented, "I don't [do not] want a book that everybody puts all their plans in [and] staples together. ... I don't [do not] want to duplicate efforts where the three different bodies have to do it. We wanted one ... summary of what the coordinated effort has produced, and so that would be in keeping with the suggestions."

Pamela B. Wilcox, Administrator and State Land Registrar, Division of State Lands, State Department of Conservation and Natural Resources, testified section 14 of S.B. 394 would set forth a provision involving that division, the Division of Environmental Protection, and the Nevada Department of Transportation. She indicated those agencies are unsure what the state's role should be in the matter, and she questioned the state's intended role in S.B. 394. Ms. Wilcox noted she has discussed the issue briefly with Senator Titus, but more time is needed to clarify the issue. Ms. Wilcox asserted a fiscal note would be completed after such clarification.

Chairman O'Connell closed the hearing on S.B. 393 and S.B. 394 and opened the hearing on S.B. 542.



Corporation for Solar Technology and Renewable Resources

Rose McKinney-James
President & CEO

6863 W. Charleston Blvd.
Las Vegas, Nevada 89117
(702) 869-3610
Fax (702) 869-3614

Corporate Officers:
Honorable Richard H. Bryan
Chairman
Peter M. Thomas
Secretary / Treasurer

March 29, 1999

The Honorable Dina Titus
Minority Leader
Nevada State Senate
Legislative Building
Capitol Complex
Carson City, Nevada 89701-4747

Dear Senator Titus:

I regret that I cannot appear in person to express my support of S.B. 394 due to previous out of state commitments. I appreciate the opportunity to offer comments in support of S.B. 394.

Consistent with the discussions undertaken by the CSTRR Board of Directors, we strongly support the creation of a system of credits to assist with both mitigation and reduction of emissions which contribute to poor air quality. During the past few years, southern Nevada has experienced a significant increase in air quality issues. While the principal contributors to our air quality concerns relate to carbon monoxide emissions and particulates, other hazards also exist. The use of solar technology to address these issues is certainly one option worthy of consideration.

As you know, the Corporation for Solar Technology & Renewable Resources (CSTRR) is a non-profit organization funded by a grant from the United States Department of Energy. CSTRR is committed to advancing the commercial application of solar technologies throughout the state of Nevada. We view S.B. 394 as complementing overall efforts to strengthen the quality of life we enjoy in our state. As such, we strongly support the concept which is outlined in S.B. 394, particularly as it relates to the need to protect our environment by ensuring that necessary steps are taken to maintain healthy air quality.

The broader use of solar and other renewable energy resources can assist in addressing this important public concern. It is essential that this effort be well planned and coordinated and inclusive of all policy makers. The conservation of the "economic, financial and natural resources of the region" is an extremely important goal.

CSTRR stands ready to assist you as appropriate. I look forward to working with you and other policy makers in crafting a cost-effective methodology for using solar technology in combatting our air quality concerns. Thank you for the opportunity to comment.

Sincerely,


Rose McKinney-James
President & CEO



**Corporation for Solar Technology and Renewable Resources
Board of Directors**

Interim Chairman

Honorable Richard H. Bryan
United States Senate

President/CEO

Rose McKinney-James
CSTRR

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Nick Aquilina
Former Director
Department of Energy-NV Operations

Governor Kenny Guinn
State of Nevada

JoAnn Crowley Kelly
Former Commissioner
Nevada Public Service Commission

Scott Sklar
Executive Director
Solar Energy Industry Association

SB 393: Testimony for the March 29, 1999 Meeting of the Assembly Committee on Government Affairs.

Madam Chairman and members of the Committee. Good afternoon and thank you for the opportunity to address the Senate Committee on Government Affairs and share the Clark County Department of Comprehensive Planning's perspectives and concerns in regard to SB 393. My name is Phil Rosenquist and I am the Assistant Planning Manager for Regional Planning with the Department.

To begin, we are compelled to oppose this bill. Some provisions of the bill are already being accomplished while other provisions would restrict or limit what we are trying to accomplish. First, we do not believe that the Board of County Commissioners should be responsible for designating priority infrastructure funding areas for the entire county, including incorporated cities.

There are a variety of bills and studies that advocate infill development through a variety of means including faster processing, subsidies, programs intended to limit NIMBYism, use of eminent domain through redevelopment agencies and other methods. Section 4.1 (j) is interesting in that local governments could consider alternative tax distribution formulas to provide incentives for infill development. SB 393 gets closer to the root cause that precludes infill - tax structure. However, SB 393 would rely upon local governments to allocate funds from other programs to provide the infill incentives. With the vast majority of general funds allocated to public safety and other demands, finding a funding source for infill incentives will not be easy.

Our greatest concern with SB 393 relates to the master plan provisions. The Clark County Master Plan consists of a series of plan elements including a number of the 15 elements that are enabled in NRS 278.160. We try to adopt these elements on an individual basis rather than as one entire master plan document. Each element involves a wide range of complex and often controversial issues. Individual consideration allows greater opportunity for citizen input and public debate. Examples include a housing element, public lands element, the Community District element and land use plans for 13 separate planning areas among others. Because of our rapid growth we need to retain an ability to respond to a dynamic environment and keep plans up to date.

SB 393 would require land use decisions to conform to the master plan and limit the number of annual master plan amendments to two per year while adding two (land use and transportation) to the three other mandatory plan elements. These provisions would severely limit our ability to bring new plan elements on line and keep land use plans for the various planning areas up to date.

In our opinion, SB 393 would lead, much like the Washington State Growth Management Act, to unintended consequences. If local jurisdictions are severely limited in regard to master plan amendments, an evolution to generalized plans can be expected. Plans that lack specificity where a broad range of conformities are available will result in lesser degrees of neighborhood protection.

Lastly, we are also concerned with the Section 8 requirement that, within one year after adoption

of a master plan amendment, existing ordinances would have to be brought into conformity. In the cases of master plan elements other than land use, this provision could have a wide range of interpretations and impacts.

Note: On March 26, 1999 the Southern Nevada Regional Planning Coalition unanimously approved a motion to oppose SB 393.

Thank you for the opportunity to address the Committee this afternoon. If you have any questions, I will try to answer.

SB 394: Testimony for the March 29, 1999 Meeting of the Assembly Committee on Government Affairs.

Madam Chairman and members of the Committee. Good afternoon and thank you for the opportunity to address the Senate Committee on Government Affairs and share the Clark County Department of Comprehensive Planning's perspectives and concerns in regard to SB 394. My name is Phil Rosenquist and I am the Assistant Planning Manager for Regional Planning with the Department.

We support the intent of this bill to establish better linkages between land use, air quality and transportation planning. This is a key element of the Clark County Smart Growth Program adopted in January, 1998. One of the programs our department has been working on for the past year is to develop a data base that can be used to understand and promote these linkages. This involves development of a Las Vegas Valley transportation system model with linkages to air quality pollutant dispersion models. The models will allow for alternative land use scenarios to be assessed in regard to impacts to the transportation system and air quality compliance plans.

We propose amendments to SB 394 that are related to one concern and that we believe are consistent with the intent of the bill. These relate to the requirement to jointly compile and publish annually a single volume that contains all the plans, policies and programs adopted by the regional land use coordinating entity, the local air pollution control board and the regional transportation commission. From a practical perspective all of these documents would be of a mass that could not be managed. We believe that the intent can be accomplished by having the proposed RPC function as a focal point with the plans, policies and programs adopted by the regional land use coordinating entity being published annually. This would entail the following amendments:

1. Section 6.1(c) delete "the local air pollution control board and the regional transportation commission."
2. Section 8.1 (c) delete.
3. Section 10.1(c) delete.

With these amendments, the Clark County Department of Comprehensive Planning supports SB 394 and would also support adding the appropriate language from SB 394 as an amendment to another Regional Planning Coalition bill we also support, SB 436.

Note: On March 26, 1999 the Southern Nevada Regional Planning Coalition considered SB 394. The coalition supported the intent of the bill with modifications to make it enabling rather than prescriptive and with amendments similar to those noted above.

Thank you for the opportunity to address the Committee this afternoon. If you have any questions, I will try to answer.

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**MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventieth Session
April 8, 1999**

The Senate Committee on Government Affairs was called to order by Chairman Ann O'Connell, at 6:45 p.m., on Thursday, April 8, 1999, in Room 2135 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Ann O'Connell, Chairman
Senator William R. O'Donnell
Senator Jon C. Porter
Senator Joseph M. Neal, Jr.
Senator Dina Titus
Senator Terry Care

COMMITTEE MEMBERS ABSENT:

Senator William J. Raggio, Vice Chairman

STAFF MEMBERS PRESENT:

Kim Marsh Guinasso, Committee Counsel
Juliann Jenson, Committee Policy Analyst
Julie Burdette, Committee Secretary

OTHERS PRESENT:

Carole A. Vilaro, Lobbyist, Nevada Taxpayers Association
Irene Porter, Lobbyist, Executive Director, Southern Nevada Home Builders Association
Marvin A. Leavitt, Lobbyist, City of Las Vegas
Ivan R. Ashleman II, Lobbyist, Clark County
Cheryl C. Blomstrom, Lobbyist, Nevada Chapter of Associated General Contractors
Steve G. Holloway, Lobbyist, Associated General Contractors, Las Vegas Chapter

THE MOTION CARRIED. (SENATORS RAGGIO, O'DONNELL AND CARE WERE ABSENT FOR THE VOTE.)

Senator Porter requested S.B. 436 and S.B. 394 be addressed.

SENATE BILL 436: Creates Southern Nevada Regional Planning Coalition. (BDR S-1588)

SENATE BILL 394: Provides for coordination of planning among various governmental entities in certain counties with respect to air pollution, land use and transportation. (BDR 22-99)

The committee referred to the work session document (Exhibit C).

SENATOR PORTER MOVED TO AMEND AND DO PASS S.B. 436.

Senator Porter explained the bill currently provides for membership of elected and private sector individuals on the Southern Nevada Regional Planning Coalition. However, he noted, the testimony in the initial hearing requested all members of the coalition be elected, with supplemental committees consisting of appointed members. Senator Porter noted this would require the deletion of section 6, subsection 2, paragraph (f) of the bill.

SENATOR NEAL SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS RAGGIO, O'DONNELL AND CARE WERE ABSENT FOR THE VOTE.)

Chairman O'Connell called attention to S.B. 422.

SENATE BILL 422: Requires governing bodies of certain local governments to participate in competitive bidding process to provide certain public services. (BDR 20-1236)

The chairman indicated the bill was never heard and had been withdrawn by the sponsor of the measure.

SENATOR NEAL MOVED TO INDEFINITELY POSTPONE S.B. 422.

THE MOTION CARRIED. (SENATORS RAGGIO, O'DONNELL AND CARE WERE ABSENT FOR THE VOTE.)

* Chairman O'Connell drew attention to S.B. 394 at the request of Senator Porter.

SENATE BILL 394: Provides for coordination of planning among various governmental entities in certain counties with respect to air pollution, land use and transportation. (BDR 22-99)

Senator Titus noted the amendments (Exhibit C) had been proposed by the City of Henderson and Clark County. She explained the amendments clarify the regional authority that would be performing the functions set forth in the measure. Rather than preparing separate reports, she noted one report would be issued, and she pointed out the state public lands office will become a repository for receipt of the report every 2 years in lieu of their previous responsibility of creating guidelines.

SENATOR TITUS MOVED TO AMEND AND DO PASS S.B. 394.

SENATOR PORTER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS RAGGIO, O'DONNELL AND CARE WERE ABSENT FOR THE VOTE.)

Chairman O'Connell directed the committee members to review S.B. 409, suggesting the bill was no longer necessary as a proposal before the Senate Committee on Commerce and Labor aims to address the issue in a more complete way.

SENATE BILL 409: Establishes provisions governing submission of design document to governmental entity. (BDR 22-871)

Ms. Blomstrom stated, "I think that a lot of what is being done in the commerce and labor committee is aimed at residential contractors. However,

SENATE GOVERNMENT AFFAIRS

WORK SESSION DOCUMENT

APRIL 8, 1999

SENATE BILL 144 - Makes various changes concerning payments to contractors, subcontractors and suppliers for public works projects. (Requested by the Committee on Government Affairs.) Heard on February 24 and further discussed at a number of work sessions.

On March 31, the committee requested that a formal amendment be drafted, based on the cooperative work of the interested/opposing parties. At the work session on April 7, the involved parties reported that they still had not reached consensus on a number of issues.

As a result, the parties were instructed to work with Legal Counsel in an effort to reach an agreed upon amendment. The committee is to review the amendment for action or further discussion. (TAB A)

SENATE BILL 216 - Revises provisions governing issuance of building permits to require political subdivisions in certain counties to pay fee for issuance of such permits. (Requested on behalf of Clark County.) Heard on April 7.

Representatives from Clark County explained that this bill pertains to fees for the issuance of building permits and allows for various governmental entities to collect fees. Specifically, this bill is in response to a contracting incidence where a contractor underbid for a project by not including the permit fees. The contractor was awarded the bid and claimed later that they did not need to pay for the permits. In short, this bill codifies that permit fees are part of the bidding process and are to be collected and charged.

Proposed Amendment

Clark County proposed an amendment to the bill that makes it applicable to all counties (as opposed to only Clark County). The amendment also provides an exemption for school district and university systems, but allows for these entities to enter into such construction/permit relationships as a matter of consent. (TAB B)

Representatives from Washoe County supported the concept of smart growth, but expressed many reservations about the process outlined in the bill. They reported that Washoe County has been following a regional plan for the past ten years, and this bill would require conflicting or burdensome requirements. Concerns were also stated about the number of times a master plan can be changed. A representative from Clark County and Henderson expressed similar concerns.

SENATE BILL 394 – Provides for coordination of planning among various governmental entities in certain counties with respect to air pollution, land use, and transportation. (Requested by Senator Titus.) Heard on March 29.

Senator Titus explained the concept of LUTRAQ, where land use, transportation, and air quality issues are considered in relation to each other for planning purposes. Current practices in Nevada are not coordinated to this end. Senator Titus emphasized that this bill essentially encourages local entities, as described above, to communicate.

Clark County and the City of Henderson supported the intent of the bill but raised concerns about reporting requirements and other procedural issues.

Washoe County representatives expressed concern that this bill is duplicative of what is already being done in the county.

Proposed Amendments

The City of Henderson and Clark County (TAB D) offered amendments to the bill.

SENATE BILL 409 – Establishes provisions governing submission of a design document to governmental entity. (Requested by the Senate Committee on Government Affairs.) Heard on March 25, 1999, and considered at the work session on March 29.

This bill was reported to be the product of a joint effort between the State Board of Professional Engineers and Land Surveyors, the State Contractors' Board, and various other building officials. The measure intends to bring the concept of reasonable uniformity in submission of design documents. Further, the bill requires those individuals who submit design documents to governmental agencies and who are not regulated with regard to their competence to perform that design be held to an acceptable minimum standard.

A private contractor and a representative of Associated General Contractors (AGC) opposed the measure. They claimed that the bill is redundant and that sufficient codes and standards are already in place to monitor the submission of design documents.

SB 394 Amendments
4/1/99

- Section 3 Line 6 insert: "and at least the city council of each of the [four] three largest....."
- Section 5 (2) delete entirely
- Section 6 (1) c delete
- Section 8 (1) c delete
- Section 10 (1) c delete
- Section 14 delete and insert:

Not more than every two years, the "regional land use coordinating entity" must prepare a report summarizing the policies identified in Section 6, Section 8 and Section 10 of this act. The report must be filed with the County Clerk and made available to the state divisions of environmental protection and state lands of the state department of conservation and natural resources and the state department of transportation.

SB 394: Testimony for the March 29, 1999 Meeting of the Assembly Committee on Government Affairs.

Madam Chairman and members of the Committee. Good afternoon and thank you for the opportunity to address the Senate Committee on Government Affairs and share the Clark County Department of Comprehensive Planning's perspectives and concerns in regard to SB 394. My name is Phil Rosenquist and I am the Assistant Planning Manager for Regional Planning with the Department.

We support the intent of this bill to establish better linkages between land use, air quality and transportation planning. This is a key element of the Clark County Smart Growth Program adopted in January, 1998. One of the programs our department has been working on for the past year is to develop a data base that can be used to understand and promote these linkages. This involves development of a Las Vegas Valley transportation system model with linkages to air quality pollutant dispersion models. The models will allow for alternative land use scenarios to be assessed in regard to impacts to the transportation system and air quality compliance plans.

We propose amendments to SB 394 that are related to one concern and that we believe are consistent with the intent of the bill. These relate to the requirement to jointly compile and publish annually a single volume that contains all the plans, policies and programs adopted by the regional land use coordinating entity, the local air pollution control board and the regional transportation commission. From a practical perspective all of these documents would be of a mass that could not be managed. We believe that the intent can be accomplished by having the proposed RPC function as a focal point with the plans, policies and programs adopted by the regional land use coordinating entity being published annually. This would entail the following amendments:

1. Section 6.1(c) delete "the local air pollution control board and the regional transportation commission."
2. Section 8.1 (c) delete.
3. Section 10.1(c) delete.

With these amendments, the Clark County Department of Comprehensive Planning supports SB 394 and would also support adding the appropriate language from SB 394 as an amendment to another Regional Planning Coalition bill we also support, SB 436.

Note: On March 26, 1999 the Southern Nevada Regional Planning Coalition considered SB 394. The coalition supported the intent of the bill with modifications to make it enabling rather than prescriptive and with amendments similar to those noted above.

Thank you for the opportunity to address the Committee this afternoon. If you have any questions, I will try to answer.

**MINUTES OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventieth Session
May 6, 1999**

The Committee on Government Affairs was called to order at 8:20 a.m., on Thursday, May 6, 1999. Chairman Douglas Bache presided in Room 3143 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Guest List. All Exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mr. Douglas Bache, Chairman
Mr. John Jay Lee, Vice Chairman
Ms. Merle Berman
Mrs. Vivian Freeman
Ms. Dawn Gibbons
Mr. David Humke
Mr. Harry Mortenson
Mr. Roy Neighbors
Ms. Bonnie Parnell
Ms. Gene Segerblom
Mr. Kelly Thomas
Ms. Sandra Tiffany
Ms. Kathy Von Tobel
Mr. Wendell Williams

GUEST LEGISLATORS PRESENT:

Senator Constandina Titus, Senatorial District 7
Senator Jon C. Porter, Sr., Senatorial District 1

STAFF MEMBERS PRESENT:

Eileen O'Grady, Committee Counsel
Dave Ziegler, Committee Policy Analyst
Sara Kaufman, Committee Secretary

OTHERS PRESENT:

too much authority because there were currently many strong individuals on SNRPC's board who would continue to be members of the board in the future.

Marvin A. Leavitt, representing the city of Las Vegas, testified. He indicated most of what he had to say was contained in Ms. Vilaro's testimony. He pointed out the differences in the composition of the board of the debt management commission as established by S.B. 436 and as established by S.B. 470.

Chairman Bache offered to work with Senator Porter to resolve the conflict between S.B. 436 and S.B. 470 with respect to the debt management commission.

Chairman Bache closed the hearing on S.B. 436.

Senate Bill 394: Provides for coordination of planning among various governmental entities in certain counties with respect to air pollution, land use and transportation. (BDR 22-99)

Chairman Bache announced due to lack of a quorum, the committee was sitting as a subcommittee.

Lesa Coder, Assistant Director, Current Planning Division, Comprehensive Planning, Clark County, Nevada, testified. She said S.B. 394, as amended in the senate, called for Southern Nevada Regional Planning Coalition, Clark County Regional Transportation Commission, and Clark County Health District to coordinate their efforts and would increase understanding and cooperation with respect to the important issue of air quality control. She asserted Clark County strongly supported the bill.

Chairman Bache announced the committee was once again sitting as a full committee rather than a subcommittee.

Daniel C. Musgrove, representing the city of Las Vegas, testified. He said S.B. 394 was consistent with Las Vegas' city council's recommendations for a "livable Las Vegas" and urged the committee to support the bill.

Mr. Lee referred to section 6, subsection 4, of S.B. 394 and suggested it might be prudent to distribute a copy of the report discussed in that section to the two largest newspapers in Las Vegas so residents of Las Vegas could know what was happening with regard to SNRPC.

Mr. Musgrove pointed out any items requiring action by the coalition would be placed on a publicized agenda, which would meet all notification requirements established by law.

Mr. Lee said perhaps like he, most people did not read agendas of prospective meetings, and perhaps every 2 years SNRPC should publish a report of its activities so people could read about and understand them.

Mr. Musgrove pointed out in each section of S.B. 394, particularly sections 6 and 7, provisions were included which discussed conducting hearings to solicit public comment.

Senator Constandina Titus, Senatorial District 7, testified. She explained S.B. 394 related to what was known in planning literature by the acronym LUTRAQ, which stood for "land use, transportation, and air quality." Use of the acronym constituted recognition by scholars and practitioners in the field of planning of the need to consider those three elements in conjunction with one another in order to effect good planning. The purpose of S.B. 394 was to bring those elements together to provide for better coordination and planning.

Senator Titus pointed out as written, S.B. 394 pertained to the urban areas of both northern and southern Nevada. However, the purpose of the bill was currently addressed in Washoe County through the county's regional planning system, and Washoe County would like to be excluded from the bill's applicability. Therefore, discussions of S.B. 394 would be held primarily from the standpoint of southern Nevada.

Chairman Bache asked whether Senator Titus wanted to delete section 4 of S.B. 394. Senator Titus replied Washoe County prepared a proposed amendment specifying the portions of the bill to be deleted, which consisted primarily of section 4 but included a few other minor references.

Senator Titus explained in southern Nevada's urban area, long range plans for land use, transportation, and air pollution control were prepared by different agencies for different purposes pursuant to different federal, state, and local laws, regulations, and time parameters. S.B. 394 addressed the lack of coordination in the preparation of those plans and promoted cooperation among the various agencies who prepared those plans, thereby making it easier to promote vigorous economic development, transportation access and mobility, and a clean, healthy environment.

Senator Titus pointed out S.B. 394 recognized existing, relevant agencies and created no new agencies. Section 6 of the bill established how coordination

would be affected and required the three agencies involved to cooperate to accomplish various things. Section 2 required before adopting or changing any plan, the agencies both consult with one another and conduct public hearings. The purpose of that requirement was to determine whether the plan one agency planned to either adopt or change was consistent with the plans of the other two agencies and with capital improvement plans already in progress. Every 2 years, a document would be prepared and submitted to the legislature, the state planning body, and other agencies with a need to know so " . . . we can have all of these in a coordinated, one place kind of clearing house for the public to see where these plans are going."

Senator Titus explained the remaining sections of the bill merely repeated identical provisions with respect to each of the three agencies involved. She emphasized no decisions would be mandated by the state. Local governments, acting through existing regional entities, were merely required to communicate, cooperate, and coordinate their planning efforts with respect to the three policy elements so essential to smart growth, land use, transportation, and air quality.

Senator Titus said two sections of S.B. 394, which dealt with air quality, had just been added to the bill, and no disagreement was expressed with regard to those sections. She pointed out a person could not "double-dip" credits for reducing contaminant levels if the reduction was mandated as mitigation for a violation. Also, a person could obtain credit for reducing air pollution through use of solar energy.

Mr. Lee asked whether credits were currently sold or traded. Senator Titus replied there was a system currently in place through which a person could earn and sell credits. What was being said, through S.B. 394, was if someone performed an act he was required to perform as mitigation for a violation, he should not receive credits for doing so.

Joan Lambert, representing Washoe County, testified. She explained through its regional planning efforts, Washoe County had, for the past 10 years, effected coordination between its district board of health, which was responsible for air quality, Washoe County Regional Transportation Commission, and Washoe County Regional Planning Commission's governing board. Therefore, Washoe County proposed an amendment to S.B. 394 (Exhibit G) which caused the bill not to apply to Washoe County.

Chairman Bache closed the hearing on S.B. 394.

Senate Bill 191: Establishes requirements relating to projects of significant impact in Las Vegas urban growth zone. (BDR 22-34)

PROPOSED AMENDMENTS TO S.B. 394

Delete Section 4 in its entirety.

Amend Section 5 to read as follows:

In a county whose population is 400,000 or more, [the board of county commissioners shall designate] the regional planning coalition established pursuant to section 3 of this act [to] **shall** serve as the regional land use coordinating entity.

Amend paragraph 5 of Section 6 to read as follows:

5. As used in this section:

(a) "Local air pollution control board" means a board that establishes a program for the control of air pollution pursuant to NRS 445B.500 **in a county whose population is 400,000 or more.**

(b) "Regional transportation commission" means a regional transportation commission created and organized in accordance with chapter 373 of NRS **in a county whose population is 400,000 or more.**

Amend Section 13, line 37, to read as follows:

Sec. 13. 1. In a county whose population is [100,000] **400,000** or more or a.....

The proposed amendment is intended to exclude Washoe County from the bill provisions.

**MINUTES OF THE
ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventieth Session
May 11, 1999**

The Committee on Government Affairs was called to order at 8:30 a.m., on Tuesday, May 11, 1999. Chairman Douglas Bache presided in Room 3143 of the Legislative Building, Carson City, Nevada. Exhibit A is the Agenda. Exhibit B is the Guest List. All Exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mr. Douglas Bache, Chairman
Mr. John Jay Lee, Vice Chairman
Ms. Merle Berman
Mrs. Vivian Freeman
Ms. Dawn Gibbons
Mr. David Humke
Mr. Harry Mortenson
Mr. Roy Neighbors
Ms. Bonnie Parnell
Ms. Gene Segerblom
Mr. Kelly Thomas
Ms. Sandra Tiffany
Ms. Kathy Von Tobel

COMMITTEE MEMBERS EXCUSED:

Mr. Wendell Williams

STAFF MEMBERS PRESENT:

Eileen O'Grady, Committee Counsel
Dave Ziegler, Committee Policy Analyst
Rachel Baker, Committee Secretary

Senate Bill 394: Provides for coordination of planning among various governmental entities in certain counties with respect to air pollution, land use and transportation. (BDR 22-99)

Chairman Bache informed the committee S.B. 394 had been proposed by Senator Dina Titus, and there had been no opposition to the bill.

Senator Titus had agreed to an amendment proposed by Joan Lambert, representing Washoe County, deleting Washoe County from the bill. The amendment offered would eliminate section 4 in its entirety and amend section 5 to read "the county whose population is 400,000 or more...", and in paragraph 5 of section 6, amend the definitions of local air pollution control board and regional transportation commission in order to clarify those references to a county with a population of 400,000 or more. Section 13 would also be amended from 100,000 to 400,000 or more, thereby excluding Washoe County entirely from S.B. 394.

Chairman Bache asked if section 13 was current law, to which Ms. Lambert replied she believed section 13 was transitory statutory law, which was the reason it was not in italics. Section 13 dealt with a report required to be provided to the next legislative session.

Chairman Bache informed the committee he would accept a motion on S.B. 394.

ASSEMBLYWOMAN SEGERBLOM MOVED TO AMEND AND DO PASS S.B. 394 WITH THE PROPOSED AMENDMENTS.

ASSEMBLYMAN LEE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY (ASSEMBLYMAN WILLIAMS AND ASSEMBLYWOMAN BERMAN AND TIFFANY WERE ABSENT.)

Senate Bill 404: Revises provisions governing benefits of surviving family members of certain police officers and firemen. (BDR 23-1416)

Chairman Bache reviewed previous testimony related to S.B. 404, and informed the committee he would accept a motion.

ASSEMBLYMAN MORTENSON MOVED TO AMEND AND DO PASS S.B. 404 WITH THE PROPOSED AMENDMENT (EXHIBIT Q).

**MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventieth Session
May 21, 1999**

The Senate Committee on Government Affairs was called to order by Chairman Ann O'Connell, at 12:16 p.m., on Friday, May 21, 1999, on the Senate Floor in the Legislative Building, Carson City, Nevada. There was no Agenda. There was no Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator Ann O'Connell, Chairman
Senator William J. Raggio, Vice Chairman
Senator Jon C. Porter
Senator Joseph M. Neal, Jr.
Senator Dina Titus
Senator Terry Care

COMMITTEE MEMBERS ABSENT:

Senator William R. O'Donnell

STAFF MEMBERS PRESENT:

Juliann Jenson, Committee Policy Analyst
Patricia Di Domenico, Committee Secretary

Chairman O'Connell opened discussion on Assembly Bill (A.B.) 493.

ASSEMBLY BILL 493: Makes various changes concerning regional planning.
(BDR 22-282)

SENATOR PORTER MOVED TO RESCIND THE COMMITTEE'S PREVIOUS ACTION TO AMEND AND DO PASS A.B. 493. HE FURTHER MOVED TO DO PASS A.B. 493.

SENATOR TITUS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS NEAL AND O'DONNELL WERE ABSENT FOR THE VOTE.)

SENATOR PORTER MOVED TO CONCUR WITH AMENDMENT NO. 922
TO SENATE BILL (S.B.) 215.

SENATE BILL 215: Makes various changes to charter of City of Sparks.
(BDR S-349)

SENATOR RAGGIO SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR O'DONNELL WAS ABSENT FOR THE
VOTE.)

SENATOR PORTER MOVED TO CONCUR WITH AMENDMENT NO. 870
TO S.B. 394.

SENATE BILL 394: Provides for coordination of planning among various
governmental entities in certain counties with respect to air pollution, land
use and transportation. (BDR 22-99)

SENATOR RAGGIO SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR O'DONNELL WAS ABSENT FOR THE
VOTE.)

SENATOR PORTER MOVED TO CONCUR WITH AMENDMENT NO. 919
TO S.B. 144.

SENATE BILL 144: Makes various changes concerning payments to contractors,
subcontractors and suppliers for public works projects. (BDR 28-128)

SENATOR RAGGIO SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR O'DONNELL WAS ABSENT FOR THE
VOTE.)

BILLS

SENATE BILL NO. 394—SENATOR TITUS

MARCH 12, 1999

Referred to Committee on Government Affairs

SUMMARY—Provides for coordination of planning among various governmental entities in certain counties with respect to air pollution, land use and transportation. (BDR 22-99)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: 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 regional planning; providing in skeleton form for the coordination of planning among various governmental entities in certain counties with respect to air pollution, land use and transportation; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 278 of NRS is hereby amended by adding thereto
- 2 the provisions set forth as sections 2 to 6, inclusive, of this act.
- 3 **Sec. 2.** “*Regional land use coordinating entity*” means the entity so
- 4 designated pursuant to section 4 or 5 of this act.
- 5 **Sec. 3.** *In a county whose population is 400,000 or more, the board*
- 6 *of county commissioners and the city council of each of the four largest*
- 7 *cities in the county shall establish a regional planning coalition by*
- 8 *cooperative agreement pursuant to chapter 277 of NRS. The regional*
- 9 *planning coalition may:*
- 10 1. *Develop policies for the region, including, without limitation, the*
- 11 *promotion of orderly development, coordinated land use planning and*
- 12 *the efficient provision of services to urban areas, including, without*
- 13 *limitation, roads, water and sewer service and police and fire protection,*
- 14 *mass transit, libraries and parks;*
- 15 2. *Coordinate sources of information;*
- 16 3. *Establish standardized projections for population;*

1 **4. Recommend measures to increase the efficiency of governmental**
2 **entities and services;**

3 **5. Make recommendations regarding the disposal of federal land;**

4 **6. Establish methods for resolving disputes regarding annexation**
5 **and other matters that arise between jurisdictions; and**

6 **7. Not more than once every 2 years, review:**

7 **(a) Master plans adopted by the governing body of the county and**
8 **each city; and**

9 **(b) The annual plan for capital improvements prepared by the**
10 **governing body of each local government in the county pursuant to NRS**
11 **278.0226.**

12 **Sec. 4. In a county whose population is 100,000 or more but less**
13 **than 400,000, the governing board for regional planning, created**
14 **pursuant to NRS 278.0264, shall serve as the regional land use**
15 **coordinating entity.**

16 **Sec. 5. 1. Except as otherwise provided in subsection 2, in a county**
17 **whose population is 400,000 or more, the board of county commissioners**
18 **shall designate the regional planning coalition established pursuant to**
19 **section 3 of this act to serve as the regional land use coordinating entity.**

20 **2. If the board of county commissioners establishes a regional**
21 **planning commission pursuant to NRS 278.090, the board shall**
22 **designate the commission to serve as the regional land use coordinating**
23 **entity.**

24 **Sec. 6. 1. A regional land use coordinating entity shall cooperate**
25 **with the local air pollution control board and the regional transportation**
26 **commission in the county in which it is located to:**

27 **(a) Ensure that the plans, policies and programs adopted by each of**
28 **them are consistent to the greatest extent practicable.**

29 **(b) Establish and carry out a program of integrated, long-range**
30 **planning that conserves the economic, financial and natural resources of**
31 **the region and supports a common vision of desired future conditions.**

32 **(c) Jointly compile and publish annually a single volume that contains**
33 **all the plans, policies and programs adopted by the regional land use**
34 **coordinating entity, the local air pollution control board and the regional**
35 **transportation commission. Such a volume must be made available to the**
36 **public at cost. If the regional land use coordinating entity adopts a new**
37 **plan, policy or program or amends an existing plan, policy or program,**
38 **the regional land use coordinating entity shall prepare and make**
39 **available supplementary pages for the volume within 90 days after the**
40 **date on which the regional land use coordinating entity adopted or**
41 **amended the plan, policy or program.**

1 **2. Before adopting or amending a plan, policy or program, a**
2 **regional land use coordinating entity shall:**

3 **(a) Consult with the local air pollution control board and the regional**
4 **transportation commission; and**

5 **(b) Conduct hearings to solicit public comment on the consistency of**
6 **the plan, policy or program with:**

7 **(1) The plans, policies and programs adopted or proposed to be**
8 **adopted by the local air pollution control board and the regional**
9 **transportation commission; and**

10 **(2) Plans for capital improvements that have been prepared**
11 **pursuant to NRS 278.0226.**

12 **3. If the program for control of air pollution established and**
13 **administered by the local air pollution control board includes measures**
14 **for the control of traffic or transportation, the regional land use**
15 **coordinating entity shall consider recommending the use of alternative**
16 **land use designations, densities and design standards to meet local and**
17 **regional needs with respect to transportation.**

18 **4. As used in this section:**

19 **(a) "Local air pollution control board" means a board that establishes**
20 **a program for the control of air pollution pursuant to NRS 445B.500.**

21 **(b) "Regional transportation commission" means a regional**
22 **transportation commission created and organized in accordance with**
23 **chapter 373 of NRS.**

24 **Sec. 7.** NRS 278.010 is hereby amended to read as follows:

25 278.010 As used in NRS 278.010 to 278.630, inclusive, **and sections 2**
26 **to 6, inclusive, of this act**, unless the context otherwise requires, the words
27 and terms defined in NRS 278.0105 to 278.0195, inclusive, **and section 2**
28 **of this act** have the meanings ascribed to them in those sections.

29 **Sec. 8.** Chapter 373 of NRS is hereby amended by adding thereto a
30 new section to read as follows:

31 **1. A commission shall cooperate with the local air pollution control**
32 **board and the regional land use coordinating entity in the county in**
33 **which it is located to:**

34 **(a) Ensure that the plans, policies and programs adopted by each of**
35 **them are consistent to the greatest extent practicable.**

36 **(b) Establish and carry out a program of integrated, long-range**
37 **planning that conserves the economic, financial and natural resources of**
38 **the region and supports a common vision of desired future conditions.**

39 **(c) Jointly compile and publish annually a single volume that contains**
40 **all the plans, policies and programs adopted by the commission, the local**
41 **air pollution control board and the regional land use coordinating entity.**
42 **Such a volume must be made available to the public at cost. If the**
43 **commission adopts a new plan, policy or program or amends an existing**

1 *plan, policy or program, the commission shall prepare and make*
2 *available supplementary pages for the volume within 90 days after the*
3 *date on which the commission adopted or amended the plan, policy or*
4 *program.*

5 *2. Before adopting or amending a plan, policy or program, a*
6 *commission shall:*

7 *(a) Consult with the local air pollution control board and the regional*
8 *land use coordinating entity; and*

9 *(b) Conduct hearings to solicit public comment on the consistency of*
10 *the plan, policy or program with:*

11 *(1) The plans, policies and programs adopted or proposed to be*
12 *adopted by the local air pollution control board and the regional land use*
13 *coordinating entity; and*

14 *(2) Plans for capital improvements that have been prepared*
15 *pursuant to NRS 278.0226.*

16 *3. As used in this section:*

17 *(a) "Local air pollution control board" means a board that establishes*
18 *a program for the control of air pollution pursuant to NRS 445B.500.*

19 *(b) "Regional land use coordinating entity" has the meaning ascribed*
20 *to it in section 2 of this act.*

21 **Sec. 9.** Chapter 445B of NRS is hereby amended by adding thereto the
22 provisions set forth as sections 10 and 11 of this act.

23 **Sec. 10. 1.** *In addition to the duties set forth in NRS 445B.500, a*
24 *local air pollution control board shall cooperate with the regional land*
25 *use coordinating entity and the regional transportation commission in*
26 *the county in which it is located to:*

27 *(a) Ensure that the plans, policies and programs adopted by each of*
28 *them are consistent to the greatest extent practicable.*

29 *(b) Establish and carry out a program of integrated, long-range*
30 *planning that conserves the economic, financial and natural resources of*
31 *the region and supports a common vision of desired future conditions.*

32 *(c) Jointly compile and publish annually a single volume that contains*
33 *all the plans, policies and programs adopted by the local air pollution*
34 *control board, the regional land use coordinating entity and the regional*
35 *transportation commission. Such a volume must be made available to the*
36 *public at cost. If the local air pollution control board adopts a new plan,*
37 *policy or program or amends an existing plan, policy or program, the*
38 *board shall prepare and make available supplementary pages for the*
39 *volume within 90 days after the date on which the board adopted or*
40 *amended the plan, policy or program.*

1 **2. Before adopting or amending a plan, policy or program, a local**
2 **air pollution control board shall:**

3 **(a) Consult with the regional land use coordinating entity and the**
4 **regional transportation commission; and**

5 **(b) Conduct hearings to solicit public comment on the consistency of**
6 **the plan, policy or program with:**

7 **(1) The plans, policies and programs adopted or proposed to be**
8 **adopted by the regional land use coordinating entity and the regional**
9 **transportation commission; and**

10 **(2) Plans for capital improvements that have been prepared**
11 **pursuant to NRS 278.0226.**

12 **3. As used in this section:**

13 **(a) "Local air pollution control board" means a board that establishes**
14 **a program for the control of air pollution pursuant to NRS 445B.500.**

15 **(b) "Regional land use coordinating entity" has the meaning ascribed**
16 **to it in section 2 of this act.**

17 **(c) "Regional transportation commission" means a regional**
18 **transportation commission created and organized in accordance with**
19 **chapter 373 of NRS.**

20 **Sec. 11. 1. If a county operates a program in which a person**
21 **operating or responsible for the existence of a source of air contaminant**
22 **may earn credits for maintaining or reducing the level of air**
23 **contaminant emitted from the source, such a program:**

24 **(a) Must allow the person to earn credits for reducing the level of air**
25 **contaminant emitted from that source through the use of solar energy;**
26 **and**

27 **(b) Must not allow the person to earn credits for reducing the level of**
28 **air contaminant emitted from that source if such a reduction is required**
29 **as a component of a penalty imposed against the person.**

30 **2. As used in this section, "credit" means an administratively created**
31 **right that:**

32 **(a) Entitles a person operating or responsible for the existence of a**
33 **source of air contaminant to allow the source to emit a certain level of**
34 **air contaminant; and**

35 **(b) May be traded or sold to another person.**

36 **Sec. 12. NRS 445B.500 is hereby amended to read as follows:**

37 **445B.500 1. Except as otherwise provided in this section and in NRS**
38 **445B.310:**

39 **(a) The district board of health, county board of health or board of**
40 **county commissioners in each county whose population is 100,000 or more**
41 **shall establish a program for the control of air pollution and administer the**
42 **program within its jurisdiction unless superseded.**

43 **(b) The _____ program _____ must:**

1 (1) Include standards for the control of emissions, emergency
2 procedures and variance procedures established by ordinance or local
3 regulation which are equivalent to or stricter than those established by
4 statute or state regulation; and

5 (2) Provide for adequate administration, enforcement, financing and
6 staff.

7 (c) The district board of health, county board of health or board of
8 county commissioners is designated as the air pollution control agency of
9 the county for the purposes of NRS 445B.100 to 445B.640, inclusive, and
10 the federal act insofar as it pertains to local programs, and that agency is
11 authorized to take all action necessary to secure for the county the benefits
12 of the federal act.

13 (d) Powers and responsibilities provided for in NRS 445B.210,
14 445B.240 to 445B.450, inclusive, 445B.560, 445B.570, 445B.580 and
15 445B.640 are binding upon and inure to the benefit of local air pollution
16 control authorities within their jurisdiction.

17 2. The local air pollution control board shall carry out all provisions of
18 NRS 445B.215 with the exception that notices of public hearings must be
19 given in any newspaper, qualified pursuant to the provisions of chapter 238
20 of NRS, once a week for 3 weeks. The notice must specify with
21 particularity the reasons for the proposed regulations and provide other
22 informative details. NRS 445B.215 does not apply to the adoption of
23 existing regulations upon transfer of authority as provided in NRS
24 445B.610.

25 3. In a county whose population is 400,000 or more, the local air
26 pollution control board may delegate to an independent hearing officer or
27 hearing board its authority to determine violations and levy administrative
28 penalties for violations of the provisions of NRS 445B.100 to 445B.450,
29 inclusive, and 445B.500 to 445B.640, inclusive, *and sections 10 and 11 of*
30 *this act*, or any regulation adopted pursuant to those sections. If such a
31 delegation is made, 17.5 percent of any penalty collected must be deposited
32 in the county treasury in an account to be administered by the local air
33 pollution control board to a maximum of \$17,500 per year. The money in
34 the account may only be used to defray the administrative expenses
35 incurred by the local air pollution control board in enforcing the provisions
36 of NRS 445B.100 to 445B.640, inclusive ~~+~~, *and sections 10 and 11 of*
37 *this act*. The remainder of the penalty must be deposited in the county
38 school district fund of the county where the violation occurred.

39 4. Any county whose population is less than 100,000 or any city may
40 meet the requirements of this section for administration and enforcement
41 through cooperative or interlocal agreement with one or more other
42 counties, or through agreement with the state, or may establish its own

1 program for the control of air pollution. If the county establishes such a
2 program, it is subject to the approval of the commission.

3 5. No district board of health, county board of health or board of
4 county commissioners may adopt any regulation or establish a compliance
5 schedule, variance order or other enforcement action relating to the control
6 of emissions from plants which generate electricity by using steam
7 produced by the burning of fossil fuel.

8 6. For the purposes of this section, "plants which generate electricity
9 by using steam produced by the burning of fossil fuel" means plants that
10 burn fossil fuels in a boiler to produce steam for the production of
11 electricity. The term does not include any plant which uses technology for a
12 simple or combined cycle combustion turbine, regardless of whether the
13 plant includes duct burners.

14 **Sec. 13.** 1. In a county whose population is 100,000 or more or a
15 city within such a county, each planning commission, including, without
16 limitation, a local air pollution control board, a regional land use
17 coordinating entity and a regional transportation commission, shall, on or
18 before October 1, 2000, submit the statement of the effects on air quality by
19 complex sources that is required by subsection 3 of NRS 445B.595 to the
20 administrator of the division of environmental protection of the state
21 department of conservation and natural resources for transmittal to the
22 legislative commission.

23 2. As used in this section:

24 (a) "Local air pollution control board" means a board that establishes a
25 program for the control of air pollution pursuant to NRS 445B.500.

26 (b) "Regional land use coordinating entity" has the meaning ascribed to
27 it in section 2 of this act.

28 (c) "Regional transportation commission" means a regional
29 transportation commission created and organized in accordance with
30 chapter 373 of NRS.

31 **Sec. 14.** The divisions of environmental protection and state lands of
32 the state department of conservation and natural resources, and the state
33 department of transportation shall, on or before June 30, 2001, meet with
34 interested parties from the public and private sectors to prepare guidelines
35 for the coordination of plans, policies and programs with respect to air
36 pollution, land use and transportation, to conserve the economic, financial
37 and natural resources of urban areas in Nevada. The division of state lands
38 of the state department of conservation and natural resources shall provide
39 administrative support for and facilitate the carrying out of activities
40 required pursuant to this section.

- 1 **Sec. 15.** 1. This section and sections 13 and 14 of this act become
- 2 effective upon passage and approval.
- 3 2. Sections 1 to 5, inclusive, 7, 9, 11 and 12 of this act become
- 4 effective on October 1, 1999.
- 5 3. Sections 6, 8 and 10 of this act become effective on July 1, 2001.

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SENATE BILL NO. 394—SENATOR TITUS

MARCH 12, 1999

Referred to Committee on Government Affairs

SUMMARY—Provides for coordination of planning among various governmental entities in certain counties with respect to air pollution, land use and transportation. (BDR 22-99)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: 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 regional planning; providing for the coordination of planning among various governmental entities in certain counties with respect to air pollution, land use and transportation; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 278 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2 to 6, inclusive, of this act.
3 **Sec. 2.** *“Regional land use coordinating entity” means the entity so*
4 *designated pursuant to section 4 or 5 of this act.*
5 **Sec. 3.** *In a county whose population is 400,000 or more, the board*
6 *of county commissioners and the city council of each of at least the three*
7 *largest cities in the county shall establish a regional planning coalition*
8 *by cooperative agreement pursuant to chapter 277 of NRS. The regional*
9 *planning coalition may:*
10 1. *Develop policies for the region, including, without limitation, the*
11 *promotion of orderly development, coordinated land use planning and*
12 *the efficient provision of services to urban areas, including, without*
13 *limitation, roads, water and sewer service and police and fire protection,*
14 *mass transit, libraries and parks;*
15 2. *Coordinate sources of information;*
16 3. *Establish standardized projections for population;*

1 **4. Recommend measures to increase the efficiency of governmental**
2 **entities and services;**

3 **5. Make recommendations regarding the disposal of federal land;**

4 **6. Establish methods for resolving disputes regarding annexation**
5 **and other matters that arise between jurisdictions; and**

6 **7. Not more than once every 2 years, review:**

7 **(a) Master plans adopted by the governing body of the county and**
8 **each city; and**

9 **(b) The annual plan for capital improvements prepared by the**
10 **governing body of each local government in the county pursuant to NRS**
11 **278.0226.**

12 **Sec. 4. In a county whose population is 100,000 or more but less**
13 **than 400,000, the governing board for regional planning, created**
14 **pursuant to NRS 278.0264, shall serve as the regional land use**
15 **coordinating entity.**

16 **Sec. 5. In a county whose population is 400,000 or more, the board**
17 **of county commissioners shall designate the regional planning coalition**
18 **established pursuant to section 3 of this act to serve as the regional land**
19 **use coordinating entity.**

20 **Sec. 6. 1. A regional land use coordinating entity shall cooperate**
21 **with the local air pollution control board and the regional transportation**
22 **commission in the county in which it is located to:**

23 **(a) Ensure that the plans, policies and programs adopted by each of**
24 **them are consistent to the greatest extent practicable.**

25 **(b) Establish and carry out a program of integrated, long-range**
26 **planning that conserves the economic, financial and natural resources of**
27 **the region and supports a common vision of desired future conditions.**

28 **2. Before adopting or amending a plan, policy or program, a**
29 **regional land use coordinating entity shall:**

30 **(a) Consult with the local air pollution control board and the regional**
31 **transportation commission; and**

32 **(b) Conduct hearings to solicit public comment on the consistency of**
33 **the plan, policy or program with:**

34 **(1) The plans, policies and programs adopted or proposed to be**
35 **adopted by the local air pollution control board and the regional**
36 **transportation commission; and**

37 **(2) Plans for capital improvements that have been prepared**
38 **pursuant to NRS 278.0226.**

39 **3. If the program for control of air pollution established and**
40 **administered by the local air pollution control board includes measures**
41 **for the control of traffic or transportation, the regional land use**
42 **coordinating entity shall consider recommending the use of alternative**

1 *land use designations, densities and design standards to meet local and*
2 *regional needs with respect to transportation.*

3 *4. Not more than once every 2 years, the regional land use*
4 *coordinating entity shall:*

5 *(a) Prepare a report that summarizes the policies related to land use,*
6 *transportation and air quality which it has adopted and which the local*
7 *air pollution control board and the regional transportation commission*
8 *have adopted; and*

9 *(b) Submit a copy of the report to the:*

10 *(1) County clerk of the appropriate county;*

11 *(2) Division of environmental protection of the state department of*
12 *conservation and natural resources;*

13 *(3) Division of state lands of the state department of conservation*
14 *and natural resources; and*

15 *(4) Department of transportation.*

16 *5. As used in this section:*

17 *(a) "Local air pollution control board" means a board that establishes*
18 *a program for the control of air pollution pursuant to NRS 445B.500.*

19 *(b) "Regional transportation commission" means a regional*
20 *transportation commission created and organized in accordance with*
21 *chapter 373 of NRS.*

22 **Sec. 7.** NRS 278.010 is hereby amended to read as follows:

23 278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections 2*
24 *to 6, inclusive, of this act*, unless the context otherwise requires, the words
25 and terms defined in NRS 278.0105 to 278.0195, inclusive, *and section 2*
26 *of this act* have the meanings ascribed to them in those sections.

27 **Sec. 8.** Chapter 373 of NRS is hereby amended by adding thereto a
28 new section to read as follows:

29 *1. A commission shall cooperate with the local air pollution control*
30 *board and the regional land use coordinating entity in the county in*
31 *which it is located to:*

32 *(a) Ensure that the plans, policies and programs adopted by each of*
33 *them are consistent to the greatest extent practicable.*

34 *(b) Establish and carry out a program of integrated, long-range*
35 *planning that conserves the economic, financial and natural resources of*
36 *the region and supports a common vision of desired future conditions.*

37 *2. Before adopting or amending a plan, policy or program, a*
38 *commission shall:*

39 *(a) Consult with the local air pollution control board and the regional*
40 *land use coordinating entity; and*

41 *(b) Conduct hearings to solicit public comment on the consistency of*
42 *the plan, policy or program with:*

1 ***(1) The plans, policies and programs adopted or proposed to be***
2 ***adopted by the local air pollution control board and the regional land use***
3 ***coordinating entity; and***

4 ***(2) Plans for capital improvements that have been prepared***
5 ***pursuant to NRS 278.0226.***

6 ***3. As used in this section:***

7 ***(a) "Local air pollution control board" means a board that establishes***
8 ***a program for the control of air pollution pursuant to NRS 445B.500.***

9 ***(b) "Regional land use coordinating entity" has the meaning ascribed***
10 ***to it in section 2 of this act.***

11 ***Sec. 9.*** Chapter 445B of NRS is hereby amended by adding thereto the
12 provisions set forth as sections 10 and 11 of this act.

13 ***Sec. 10. 1. In addition to the duties set forth in NRS 445B.500, a***
14 ***local air pollution control board shall cooperate with the regional land***
15 ***use coordinating entity and the regional transportation commission in***
16 ***the county in which it is located to:***

17 ***(a) Ensure that the plans, policies and programs adopted by each of***
18 ***them are consistent to the greatest extent practicable.***

19 ***(b) Establish and carry out a program of integrated, long-range***
20 ***planning that conserves the economic, financial and natural resources of***
21 ***the region and supports a common vision of desired future conditions.***

22 ***2. Before adopting or amending a plan, policy or program, a local***
23 ***air pollution control board shall:***

24 ***(a) Consult with the regional land use coordinating entity and the***
25 ***regional transportation commission; and***

26 ***(b) Conduct hearings to solicit public comment on the consistency of***
27 ***the plan, policy or program with:***

28 ***(1) The plans, policies and programs adopted or proposed to be***
29 ***adopted by the regional land use coordinating entity and the regional***
30 ***transportation commission; and***

31 ***(2) Plans for capital improvements that have been prepared***
32 ***pursuant to NRS 278.0226.***

33 ***3. As used in this section:***

34 ***(a) "Local air pollution control board" means a board that establishes***
35 ***a program for the control of air pollution pursuant to NRS 445B.500.***

36 ***(b) "Regional land use coordinating entity" has the meaning ascribed***
37 ***to it in section 2 of this act.***

38 ***(c) "Regional transportation commission" means a regional***
39 ***transportation commission created and organized in accordance with***
40 ***chapter 373 of NRS.***

1 **Sec. 11. 1. If a county operates a program in which a person**
2 **operating or responsible for the existence of a source of air contaminant**
3 **may earn credits for maintaining or reducing the level of air**
4 **contaminant emitted from the source, such a program:**

5 **(a) Must allow the person to earn credits for reducing the level of air**
6 **contaminant emitted from that source through the use of solar energy;**
7 **and**

8 **(b) Must not allow the person to earn credits for reducing the level of**
9 **air contaminant emitted from that source if such a reduction is required**
10 **as a component of a penalty imposed against the person.**

11 **2. As used in this section, "credit" means an administratively created**
12 **right that:**

13 **(a) Entitles a person operating or responsible for the existence of a**
14 **source of air contaminant to allow the source to emit a certain level of**
15 **air contaminant; and**

16 **(b) May be traded or sold to another person.**

17 **Sec. 12. NRS 445B.500 is hereby amended to read as follows:**

18 **445B.500 1. Except as otherwise provided in this section and in NRS**
19 **445B.310:**

20 **(a) The district board of health, county board of health or board of**
21 **county commissioners in each county whose population is 100,000 or more**
22 **shall establish a program for the control of air pollution and administer the**
23 **program within its jurisdiction unless superseded.**

24 **(b) The program must:**

25 **(1) Include standards for the control of emissions, emergency**
26 **procedures and variance procedures established by ordinance or local**
27 **regulation which are equivalent to or stricter than those established by**
28 **statute or state regulation; and**

29 **(2) Provide for adequate administration, enforcement, financing and**
30 **staff.**

31 **(c) The district board of health, county board of health or board of**
32 **county commissioners is designated as the air pollution control agency of**
33 **the county for the purposes of NRS 445B.100 to 445B.640, inclusive, and**
34 **the federal act insofar as it pertains to local programs, and that agency is**
35 **authorized to take all action necessary to secure for the county the benefits**
36 **of the federal act.**

37 **(d) Powers and responsibilities provided for in NRS 445B.210,**
38 **445B.240 to 445B.450, inclusive, 445B.560, 445B.570, 445B.580 and**
39 **445B.640 are binding upon and inure to the benefit of local air pollution**
40 **control authorities within their jurisdiction.**

41 **2. The local air pollution control board shall carry out all provisions of**
42 **NRS 445B.215 with the exception that notices of public hearings must be**
43 **given in any newspaper, qualified pursuant to the provisions of chapter 238**

1 of NRS, once a week for 3 weeks. The notice must specify with
2 particularity the reasons for the proposed regulations and provide other
3 informative details. NRS 445B.215 does not apply to the adoption of
4 existing regulations upon transfer of authority as provided in NRS
5 445B.610.

6 3. In a county whose population is 400,000 or more, the local air
7 pollution control board may delegate to an independent hearing officer or
8 hearing board its authority to determine violations and levy administrative
9 penalties for violations of the provisions of NRS 445B.100 to 445B.450,
10 inclusive, and 445B.500 to 445B.640, inclusive, *and sections 10 and 11 of*
11 *this act*, or any regulation adopted pursuant to those sections. If such a
12 delegation is made, 17.5 percent of any penalty collected must be deposited
13 in the county treasury in an account to be administered by the local air
14 pollution control board to a maximum of \$17,500 per year. The money in
15 the account may only be used to defray the administrative expenses
16 incurred by the local air pollution control board in enforcing the provisions
17 of NRS 445B.100 to 445B.640, inclusive ~~†~~, *and sections 10 and 11 of*
18 *this act*. The remainder of the penalty must be deposited in the county
19 school district fund of the county where the violation occurred.

20 4. Any county whose population is less than 100,000 or any city may
21 meet the requirements of this section for administration and enforcement
22 through cooperative or interlocal agreement with one or more other
23 counties, or through agreement with the state, or may establish its own
24 program for the control of air pollution. If the county establishes such a
25 program, it is subject to the approval of the commission.

26 5. No district board of health, county board of health or board of
27 county commissioners may adopt any regulation or establish a compliance
28 schedule, variance order or other enforcement action relating to the control
29 of emissions from plants which generate electricity by using steam
30 produced by the burning of fossil fuel.

31 6. For the purposes of this section, "plants which generate electricity
32 by using steam produced by the burning of fossil fuel" means plants that
33 burn fossil fuels in a boiler to produce steam for the production of
34 electricity. The term does not include any plant which uses technology for a
35 simple or combined cycle combustion turbine, regardless of whether the
36 plant includes duct burners.

37 **Sec. 13.** 1. In a county whose population is 100,000 or more or a
38 city within such a county, each planning commission, including, without
39 limitation, a local air pollution control board, a regional land use
40 coordinating entity and a regional transportation commission, shall, on or
41 before October 1, 2000, submit the statement of the effects on air quality by
42 complex sources that is required by subsection 3 of NRS 445B.595 to the
43 administrator of the division of environmental protection of the state

1 department of conservation and natural resources for transmittal to the
2 legislative commission.

3 2. As used in this section:

4 (a) "Local air pollution control board" means a board that establishes a
5 program for the control of air pollution pursuant to NRS 445B.500.

6 (b) "Regional land use coordinating entity" has the meaning ascribed to
7 it in section 2 of this act.

8 (c) "Regional transportation commission" means a regional
9 transportation commission created and organized in accordance with
10 chapter 373 of NRS.

11 **Sec. 14.** 1. This section and section 13 of this act become effective
12 upon passage and approval.

13 2. Sections 1 to 5, inclusive, 7, 9, 11 and 12 of this act become
14 effective on October 1, 1999.

15 3. Sections 6, 8 and 10 of this act become effective on July 1, 2001.

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SENATE BILL NO. 394—SENATOR TITUS

MARCH 12, 1999

Referred to Committee on Government Affairs

SUMMARY—Provides for coordination of planning among various governmental entities in certain counties with respect to air pollution, land use and transportation. (BDR 22-99)

FISCAL NOTE: Effect on Local Government: Yes.
Effect on the State or on Industrial Insurance: Yes.

~

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

AN ACT relating to regional planning; providing for the coordination of planning among various governmental entities in certain counties with respect to air pollution, land use and transportation; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 278 of NRS is hereby amended by adding thereto
2 the provisions set forth as sections 2, 3 and 4 of this act.
3 **Sec. 2.** *“Regional planning coalition” means the regional planning*
4 *coalition described in section 3 of this act.*
5 **Sec. 3.** *In a county whose population is 400,000 or more, the board*
6 *of county commissioners and the city council of each of at least the three*
7 *largest cities in the county shall establish a regional planning coalition*
8 *by cooperative agreement pursuant to chapter 277 of NRS. The regional*
9 *planning coalition may:*
10 1. *Develop policies for the region, including, without limitation, the*
11 *promotion of orderly development, coordinated land use planning and*
12 *the efficient provision of services to urban areas, including, without*
13 *limitation, roads, water and sewer service and police and fire protection,*
14 *mass transit, libraries and parks;*
15 2. *Coordinate sources of information;*
16 3. *Establish standardized projections for population;*

1 **4. Recommend measures to increase the efficiency of governmental**
2 **entities and services;**

3 **5. Make recommendations regarding the disposal of federal land;**

4 **6. Establish methods for resolving disputes regarding annexation**
5 **and other matters that arise between jurisdictions; and**

6 **7. Not more than once every 2 years, review:**

7 **(a) Master plans adopted by the governing body of the county and**
8 **each city; and**

9 **(b) The annual plan for capital improvements prepared by the**
10 **governing body of each local government in the county pursuant to NRS**
11 **278.0226.**

12 **Sec. 4. 1. In a county whose population is 400,000 or more, the**
13 **regional planning coalition shall cooperate with the local air pollution**
14 **control board and the regional transportation commission in the county**
15 **in which it is located to:**

16 **(a) Ensure that the plans, policies and programs adopted by each of**
17 **them are consistent to the greatest extent practicable.**

18 **(b) Establish and carry out a program of integrated, long-range**
19 **planning that conserves the economic, financial and natural resources of**
20 **the region and supports a common vision of desired future conditions.**

21 **2. Before adopting or amending a plan, policy or program, the**
22 **regional planning coalition shall:**

23 **(a) Consult with the local air pollution control board and the regional**
24 **transportation commission; and**

25 **(b) Conduct hearings to solicit public comment on the consistency of**
26 **the plan, policy or program with:**

27 **(1) The plans, policies and programs adopted or proposed to be**
28 **adopted by the local air pollution control board and the regional**
29 **transportation commission; and**

30 **(2) Plans for capital improvements that have been prepared**
31 **pursuant to NRS 278.0226.**

32 **3. If the program for control of air pollution established and**
33 **administered by the local air pollution control board includes measures**
34 **for the control of traffic or transportation, the regional planning**
35 **coalition shall consider recommending the use of alternative land use**
36 **designations, densities and design standards to meet local and regional**
37 **needs with respect to transportation.**

38 **4. Not more than once every 2 years, the regional planning coalition**
39 **shall:**

40 **(a) Prepare a report that summarizes the policies related to land use,**
41 **transportation and air quality which it has adopted and which the local**
42 **air pollution control board and the regional transportation commission**
43 **have adopted; and**

1 *(b) Submit a copy of the report to the:*

2 *(1) County clerk of the appropriate county;*

3 *(2) Division of environmental protection of the state department of*
4 *conservation and natural resources;*

5 *(3) Division of state lands of the state department of conservation*
6 *and natural resources; and*

7 *(4) Department of transportation.*

8 *5. As used in this section:*

9 *(a) "Local air pollution control board" means a board that establishes*
10 *a program for the control of air pollution pursuant to NRS 445B.500.*

11 *(b) "Regional transportation commission" means a regional*
12 *transportation commission created and organized in accordance with*
13 *chapter 373 of NRS.*

14 **Sec. 5.** NRS 278.010 is hereby amended to read as follows:

15 278.010 As used in NRS 278.010 to 278.630, inclusive, *and sections*
16 *2, 3 and 4 of this act*, unless the context otherwise requires, the words and
17 terms defined in NRS 278.0105 to 278.0195, inclusive, *and section 2 of*
18 *this act* have the meanings ascribed to them in those sections.

19 **Sec. 6.** Chapter 373 of NRS is hereby amended by adding thereto a
20 new section to read as follows:

21 *1. In a county whose population is 400,000 or more, the commission*
22 *shall cooperate with the local air pollution control board and the*
23 *regional planning coalition in the county in which it is located to:*

24 *(a) Ensure that the plans, policies and programs adopted by each of*
25 *them are consistent to the greatest extent practicable.*

26 *(b) Establish and carry out a program of integrated, long-range*
27 *planning that conserves the economic, financial and natural resources of*
28 *the region and supports a common vision of desired future conditions.*

29 *2. Before adopting or amending a plan, policy or program, a*
30 *commission shall:*

31 *(a) Consult with the local air pollution control board and the regional*
32 *planning coalition; and*

33 *(b) Conduct hearings to solicit public comment on the consistency of*
34 *the plan, policy or program with:*

35 *(1) The plans, policies and programs adopted or proposed to be*
36 *adopted by the local air pollution control board and the regional*
37 *planning coalition; and*

38 *(2) Plans for capital improvements that have been prepared*
39 *pursuant to NRS 278.0226.*

40 *3. As used in this section:*

41 *(a) "Local air pollution control board" means a board that establishes*
42 *a program for the control of air pollution pursuant to NRS 445B.500.*

1 ***(b) “Regional planning coalition” has the meaning ascribed to it in***
2 ***section 2 of this act.***

3 **Sec. 7.** Chapter 445B of NRS is hereby amended by adding thereto the
4 provisions set forth as sections 8 and 9 of this act.

5 **Sec. 8. 1.** ***In addition to the duties set forth in NRS 445B.500, the***
6 ***local air pollution control board in a county whose population is 400,000***
7 ***or more shall cooperate with the regional planning coalition and the***
8 ***regional transportation commission in the county in which it is located***
9 ***to:***

10 ***(a) Ensure that the plans, policies and programs adopted by each of***
11 ***them are consistent to the greatest extent practicable.***

12 ***(b) Establish and carry out a program of integrated, long-range***
13 ***planning that conserves the economic, financial and natural resources of***
14 ***the region and supports a common vision of desired future conditions.***

15 **2.** ***Before adopting or amending a plan, policy or program, a local***
16 ***air pollution control board shall:***

17 ***(a) Consult with the regional planning coalition and the regional***
18 ***transportation commission; and***

19 ***(b) Conduct hearings to solicit public comment on the consistency of***
20 ***the plan, policy or program with:***

21 ***(1) The plans, policies and programs adopted or proposed to be***
22 ***adopted by the regional planning coalition and the regional***
23 ***transportation commission; and***

24 ***(2) Plans for capital improvements that have been prepared***
25 ***pursuant to NRS 278.0226.***

26 **3.** ***As used in this section:***

27 ***(a) “Local air pollution control board” means a board that establishes***
28 ***a program for the control of air pollution pursuant to NRS 445B.500.***

29 ***(b) “Regional planning coalition” has the meaning ascribed to it in***
30 ***section 2 of this act.***

31 ***(c) “Regional transportation commission” means a regional***
32 ***transportation commission created and organized in accordance with***
33 ***chapter 373 of NRS.***

34 **Sec. 9. 1.** ***If a county operates a program in which a person***
35 ***operating or responsible for the existence of a source of air contaminant***
36 ***may earn credits for maintaining or reducing the level of air***
37 ***contaminant emitted from the source, such a program:***

38 ***(a) Must allow the person to earn credits for reducing the level of air***
39 ***contaminant emitted from that source through the use of solar energy;***
40 ***and***

41 ***(b) Must not allow the person to earn credits for reducing the level of***
42 ***air contaminant emitted from that source if such a reduction is required***
43 ***as a component of a penalty imposed against the person.***

1 **2. As used in this section, "credit" means an administratively created**
2 **right that:**

3 **(a) Entitles a person operating or responsible for the existence of a**
4 **source of air contaminant to allow the source to emit a certain level of**
5 **air contaminant; and**

6 **(b) May be traded or sold to another person.**

7 **Sec. 10.** NRS 445B.500 is hereby amended to read as follows:

8 445B.500 1. Except as otherwise provided in this section and in NRS
9 445B.310:

10 (a) The district board of health, county board of health or board of
11 county commissioners in each county whose population is 100,000 or more
12 shall establish a program for the control of air pollution and administer the
13 program within its jurisdiction unless superseded.

14 (b) The program must:

15 (1) Include standards for the control of emissions, emergency
16 procedures and variance procedures established by ordinance or local
17 regulation which are equivalent to or stricter than those established by
18 statute or state regulation; and

19 (2) Provide for adequate administration, enforcement, financing and
20 staff.

21 (c) The district board of health, county board of health or board of
22 county commissioners is designated as the air pollution control agency of
23 the county for the purposes of NRS 445B.100 to 445B.640, inclusive, and
24 the federal act insofar as it pertains to local programs, and that agency is
25 authorized to take all action necessary to secure for the county the benefits
26 of the federal act.

27 (d) Powers and responsibilities provided for in NRS 445B.210,
28 445B.240 to 445B.450, inclusive, 445B.560, 445B.570, 445B.580 and
29 445B.640 are binding upon and inure to the benefit of local air pollution
30 control authorities within their jurisdiction.

31 2. The local air pollution control board shall carry out all provisions of
32 NRS 445B.215 with the exception that notices of public hearings must be
33 given in any newspaper, qualified pursuant to the provisions of chapter 238
34 of NRS, once a week for 3 weeks. The notice must specify with
35 particularity the reasons for the proposed regulations and provide other
36 informative details. NRS 445B.215 does not apply to the adoption of
37 existing regulations upon transfer of authority as provided in NRS
38 445B.610.

39 3. In a county whose population is 400,000 or more, the local air
40 pollution control board may delegate to an independent hearing officer or
41 hearing board its authority to determine violations and levy administrative
42 penalties for violations of the provisions of NRS 445B.100 to 445B.450,
43 inclusive, and 445B.500 to 445B.640, inclusive, **and sections 8 and 9 of**

1 *this act*, or any regulation adopted pursuant to those sections. If such a
2 delegation is made, 17.5 percent of any penalty collected must be deposited
3 in the county treasury in an account to be administered by the local air
4 pollution control board to a maximum of \$17,500 per year. The money in
5 the account may only be used to defray the administrative expenses
6 incurred by the local air pollution control board in enforcing the provisions
7 of NRS 445B.100 to 445B.640, inclusive ~~††~~, *and sections 8 and 9 of this*
8 *act*. The remainder of the penalty must be deposited in the county school
9 district fund of the county where the violation occurred.

10 4. Any county whose population is less than 100,000 or any city may
11 meet the requirements of this section for administration and enforcement
12 through cooperative or interlocal agreement with one or more other
13 counties, or through agreement with the state, or may establish its own
14 program for the control of air pollution. If the county establishes such a
15 program, it is subject to the approval of the commission.

16 5. No district board of health, county board of health or board of
17 county commissioners may adopt any regulation or establish a compliance
18 schedule, variance order or other enforcement action relating to the control
19 of emissions from plants which generate electricity by using steam
20 produced by the burning of fossil fuel.

21 6. For the purposes of this section, "plants which generate electricity
22 by using steam produced by the burning of fossil fuel" means plants that
23 burn fossil fuels in a boiler to produce steam for the production of
24 electricity. The term does not include any plant which uses technology for a
25 simple or combined cycle combustion turbine, regardless of whether the
26 plant includes duct burners.

27 **Sec. 11.** 1. In a county whose population is 400,000 or more or a
28 city within such a county, each planning commission, as required pursuant
29 to subsection 3 of NRS 445B.595, and the local air pollution control board,
30 regional planning coalition and regional transportation commission within
31 the county shall, on or before October 1, 2000, submit a concise statement
32 of the effects on air quality by complex sources to the administrator of the
33 division of environmental protection of the state department of
34 conservation and natural resources for transmittal to the legislative
35 commission.

36 2. As used in this section:

37 (a) "Local air pollution control board" means a board that establishes a
38 program for the control of air pollution pursuant to NRS 445B.500.

39 (b) "Regional planning coalition" has the meaning ascribed to it in
40 section 2 of this act.

41 (c) "Regional transportation commission" means a regional
42 transportation commission created and organized in accordance with
43 chapter 373 of NRS.

- 1 **Sec. 12.** 1. This section and section 11 of this act become effective
2 upon passage and approval.
3 2. Sections 1, 2, 3, 5, 7, 9 and 10 of this act become effective on
4 October 1, 1999.
5 3. Sections 4, 6 and 8 of this act become effective on July 1, 2001.

~

Senate Bill No. 546—Committee on Finance

CHAPTER 424

AN ACT making a supplemental appropriation to the Commission on Ethics for an anticipated shortfall in operational expenses; and providing other matters properly relating thereto.

[Approved May 29, 1999]

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

Section 1. There is hereby appropriated from the state general fund to the Commission on Ethics the sum of \$15,600 for an anticipated shortfall in operational expenses. This appropriation is supplemental to that made by section 1 of chapter 247, Statutes of Nevada 1997, at page 876.

Sec. 2. This act becomes effective upon passage and approval.

Senate Bill No. 394—Senator Titus

CHAPTER 425

AN ACT relating to regional planning; providing for the coordination of planning among various governmental entities in certain counties with respect to air pollution, land use and transportation; and providing other matters properly relating thereto.

[Approved May 29, 1999]

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

Section 1. Chapter 278 of NRS is hereby amended by adding thereto the provisions set forth as sections 2, 3 and 4 of this act.

Sec. 2. *“Regional planning coalition” means the regional planning coalition described in section 3 of this act.*

Sec. 3. *In a county whose population is 400,000 or more, the board of county commissioners and the city council of each of at least the three largest cities in the county shall establish a regional planning coalition by cooperative agreement pursuant to chapter 277 of NRS. The regional planning coalition may:*

1. Develop policies for the region, including, without limitation, the promotion of orderly development, coordinated land use planning and the efficient provision of services to urban areas, including, without limitation, roads, water and sewer service and police and fire protection, mass transit, libraries and parks;

2. Coordinate sources of information;

3. Establish standardized projections for population;

4. Recommend measures to increase the efficiency of governmental entities and services;

5. Make recommendations regarding the disposal of federal land;

6. Establish methods for resolving disputes regarding annexation and other matters that arise between jurisdictions; and

7. Not more than once every 2 years, review:

(a) Master plans adopted by the governing body of the county and each city; and

(b) The annual plan for capital improvements prepared by the governing body of each local government in the county pursuant to NRS 278.0226.

Sec. 4. 1. In a county whose population is 400,000 or more, the regional planning coalition shall cooperate with the local air pollution control board and the regional transportation commission in the county in which it is located to:

(a) Ensure that the plans, policies and programs adopted by each of them are consistent to the greatest extent practicable.

(b) Establish and carry out a program of integrated, long-range planning that conserves the economic, financial and natural resources of the region and supports a common vision of desired future conditions.

2. Before adopting or amending a plan, policy or program, the regional planning coalition shall:

(a) Consult with the local air pollution control board and the regional transportation commission; and

(b) Conduct hearings to solicit public comment on the consistency of the plan, policy or program with:

(1) The plans, policies and programs adopted or proposed to be adopted by the local air pollution control board and the regional transportation commission; and

(2) Plans for capital improvements that have been prepared pursuant to NRS 278.0226.

3. If the program for control of air pollution established and administered by the local air pollution control board includes measures for the control of traffic or transportation, the regional planning coalition shall consider recommending the use of alternative land use designations, densities and design standards to meet local and regional needs with respect to transportation.

4. Not more than once every 2 years, the regional planning coalition shall:

(a) Prepare a report that summarizes the policies related to land use, transportation and air quality which it has adopted and which the local air pollution control board and the regional transportation commission have adopted; and

(b) Submit a copy of the report to the:

(1) County clerk of the appropriate county;

(2) Division of environmental protection of the state department of conservation and natural resources;

(3) Division of state lands of the state department of conservation and natural resources; and

(4) Department of transportation.

5. As used in this section:

(a) "Local air pollution control board" means a board that establishes a program for the control of air pollution pursuant to NRS 445B.500.

(b) "Regional transportation commission" means a regional transportation commission created and organized in accordance with chapter 373 of NRS.

Sec. 5. NRS 278.010 is hereby amended to read as follows:

278.010 As used in NRS 278.010 to 278.630, inclusive, **and sections 2, 3 and 4 of this act**, unless the context otherwise requires, the words and terms defined in NRS 278.0105 to 278.0195, inclusive, **and section 2 of this act** have the meanings ascribed to them in those sections.

Sec. 6. Chapter 373 of NRS is hereby amended by adding thereto a new section to read as follows:

1. In a county whose population is 400,000 or more, the commission shall cooperate with the local air pollution control board and the regional planning coalition in the county in which it is located to:

(a) Ensure that the plans, policies and programs adopted by each of them are consistent to the greatest extent practicable.

(b) Establish and carry out a program of integrated, long-range planning that conserves the economic, financial and natural resources of the region and supports a common vision of desired future conditions.

2. Before adopting or amending a plan, policy or program, a commission shall:

(a) Consult with the local air pollution control board and the regional planning coalition; and

(b) Conduct hearings to solicit public comment on the consistency of the plan, policy or program with:

(1) The plans, policies and programs adopted or proposed to be adopted by the local air pollution control board and the regional planning coalition; and

(2) Plans for capital improvements that have been prepared pursuant to NRS 278.0226.

3. As used in this section:

(a) "Local air pollution control board" means a board that establishes a program for the control of air pollution pursuant to NRS 445B.500.

(b) "Regional planning coalition" has the meaning ascribed to it in section 2 of this act.

Sec. 7. Chapter 445B of NRS is hereby amended by adding thereto the provisions set forth as sections 8 and 9 of this act.

Sec. 8. 1. In addition to the duties set forth in NRS 445B.500, the local air pollution control board in a county whose population is 400,000 or more shall cooperate with the regional planning coalition and the regional transportation commission in the county in which it is located to:

(a) Ensure that the plans, policies and programs adopted by each of them are consistent to the greatest extent practicable.

(b) Establish and carry out a program of integrated, long-range planning that conserves the economic, financial and natural resources of the region and supports a common vision of desired future conditions.

2. Before adopting or amending a plan, policy or program, a local air pollution control board shall:

(a) Consult with the regional planning coalition and the regional transportation commission; and

(b) Conduct hearings to solicit public comment on the consistency of the plan, policy or program with:

(1) The plans, policies and programs adopted or proposed to be adopted by the regional planning coalition and the regional transportation commission; and

(2) Plans for capital improvements that have been prepared pursuant to NRS 278.0226.

3. As used in this section:

(a) "Local air pollution control board" means a board that establishes a program for the control of air pollution pursuant to NRS 445B.500.

(b) "Regional planning coalition" has the meaning ascribed to it in section 2 of this act.

(c) "Regional transportation commission" means a regional transportation commission created and organized in accordance with chapter 373 of NRS.

Sec. 9. 1. If a county operates a program in which a person operating or responsible for the existence of a source of air contaminant may earn credits for maintaining or reducing the level of air contaminant emitted from the source, such a program:

(a) Must allow the person to earn credits for reducing the level of air contaminant emitted from that source through the use of solar energy; and

(b) Must not allow the person to earn credits for reducing the level of air contaminant emitted from that source if such a reduction is required as a component of a penalty imposed against the person.

2. As used in this section, "credit" means an administratively created right that:

(a) Entitles a person operating or responsible for the existence of a source of air contaminant to allow the source to emit a certain level of air contaminant; and

(b) May be traded or sold to another person.

Sec. 10. NRS 445B.500 is hereby amended to read as follows:

445B.500 1. Except as otherwise provided in this section and in NRS 445B.310:

(a) The district board of health, county board of health or board of county commissioners in each county whose population is 100,000 or more shall establish a program for the control of air pollution and administer the program within its jurisdiction unless superseded.

(b) The program must:

(1) Include standards for the control of emissions, emergency procedures and variance procedures established by ordinance or local regulation which are equivalent to or stricter than those established by statute or state regulation; and

(2) Provide for adequate administration, enforcement, financing and staff.

(c) The district board of health, county board of health or board of county commissioners is designated as the air pollution control agency of the county for the purposes of NRS 445B.100 to 445B.640, inclusive, and the federal act insofar as it pertains to local programs, and that agency is authorized to

take all action necessary to secure for the county the benefits of the federal act.

(d) Powers and responsibilities provided for in NRS 445B.210, 445B.240 to 445B.450, inclusive, 445B.560, 445B.570, 445B.580 and 445B.640 are binding upon and inure to the benefit of local air pollution control authorities within their jurisdiction.

2. The local air pollution control board shall carry out all provisions of NRS 445B.215 with the exception that notices of public hearings must be given in any newspaper, qualified pursuant to the provisions of chapter 238 of NRS, once a week for 3 weeks. The notice must specify with particularity the reasons for the proposed regulations and provide other informative details. NRS 445B.215 does not apply to the adoption of existing regulations upon transfer of authority as provided in NRS 445B.610.

3. In a county whose population is 400,000 or more, the local air pollution control board may delegate to an independent hearing officer or hearing board its authority to determine violations and levy administrative penalties for violations of the provisions of NRS 445B.100 to 445B.450, inclusive, and 445B.500 to 445B.640, inclusive, *and sections 8 and 9 of this act*, or any regulation adopted pursuant to those sections. If such a delegation is made, 17.5 percent of any penalty collected must be deposited in the county treasury in an account to be administered by the local air pollution control board to a maximum of \$17,500 per year. The money in the account may only be used to defray the administrative expenses incurred by the local air pollution control board in enforcing the provisions of NRS 445B.100 to 445B.640, inclusive ~~and~~, *and sections 8 and 9 of this act*. The remainder of the penalty must be deposited in the county school district fund of the county where the violation occurred.

4. Any county whose population is less than 100,000 or any city may meet the requirements of this section for administration and enforcement through cooperative or interlocal agreement with one or more other counties, or through agreement with the state, or may establish its own program for the control of air pollution. If the county establishes such a program, it is subject to the approval of the commission.

5. No district board of health, county board of health or board of county commissioners may adopt any regulation or establish a compliance schedule, variance order or other enforcement action relating to the control of emissions from plants which generate electricity by using steam produced by the burning of fossil fuel.

6. For the purposes of this section, "plants which generate electricity by using steam produced by the burning of fossil fuel" means plants that burn fossil fuels in a boiler to produce steam for the production of electricity. The term does not include any plant which uses technology for a simple or combined cycle combustion turbine, regardless of whether the plant includes duct burners.

Sec. 11. 1. In a county whose population is 400,000 or more or a city within such a county, each planning commission, as required pursuant to subsection 3 of NRS 445B.595, and the local air pollution control board, regional planning coalition and regional transportation commission within the county shall, on or before October 1, 2000, submit a concise statement of the

effects on air quality by complex sources to the administrator of the division of environmental protection of the state department of conservation and natural resources for transmittal to the legislative commission.

2. As used in this section:

(a) "Local air pollution control board" means a board that establishes a program for the control of air pollution pursuant to NRS 445B.500.

(b) "Regional planning coalition" has the meaning ascribed to it in section 2 of this act.

(c) "Regional transportation commission" means a regional transportation commission created and organized in accordance with chapter 373 of NRS.

Sec. 12. 1. This section and section 11 of this act become effective upon passage and approval.

2. Sections 1, 2, 3, 5, 7, 9 and 10 of this act become effective on October 1, 1999.

3. Sections 4, 6 and 8 of this act become effective on July 1, 2001.

Senate Bill No. 292—Senator Rhoads

CHAPTER 426

AN ACT relating to the state militia; authorizing an increase in the reimbursement for certain educational expenses of the members of the active Nevada National Guard; and providing other matters properly relating thereto.

[Approved May 29, 1999]

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

Section 1. NRS 412.143 is hereby amended to read as follows:

412.143 1. The adjutant general may authorize the payment of no more than ~~{50}~~ 100 percent of the consolidated fee each semester for each member of the active Nevada National Guard who attends one of the universities within the University and Community College System of Nevada as a full-time or part-time student from money appropriated for this purpose.

2. The adjutant general may authorize the payment of no more than ~~{50}~~ 100 percent of the credit-hour cost each semester for each member of the active Nevada National Guard who attends one of the community colleges within the University and Community College System of Nevada as a full-time or part-time student from money appropriated for this purpose.

3. To be eligible to receive benefits, a person must be a member in good standing of the active Nevada National Guard at the beginning of and throughout the entire semester for which benefits are received.

Sec. 2. This act becomes effective upon passage and approval.

FLOOR ACTIONS

AMENDMENTS ON SECOND READING

FLOOR VOTES AND STATEMENTS

OTHER ACTIONS

Senate Bill No. 394.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 518.

Amend sec. 3, page 1, line 6, by deleting "*the four*" and inserting: "*at least the three*".

Amend sec. 5, page 2, line 16, by deleting:

"1. *Except as otherwise provided in subsection 2, in*" and inserting "*In*".

Amend sec. 5, page 2, by deleting lines 20 through 23.

Amend sec. 6, page 2, by deleting lines 32 through 41.

Amend sec. 6, page 3, line 18, after "4." by inserting: "*Not more than once every 2 years, the regional land use coordinating entity shall:*

(a) *Prepare a report that summarizes the policies related to land use, transportation and air quality which it has adopted and which the local air pollution control board and the regional transportation commission have adopted; and*

(b) *Submit a copy of the report to the:*

(1) *County clerk of the appropriate county;*

(2) *Division of environmental protection of the state department of conservation and natural resources;*

(3) *Division of state lands of the state department of conservation and natural resources; and*

(4) *Department of transportation.*

5."

Amend sec. 8, pages 3 and 4, by deleting lines 39 through 43 on page 3 and lines 1 through 4 on page 4.

Amend sec. 10, page 4, by deleting lines 32 through 40.

Amend the bill as a whole by deleting sec. 14 and renumbering sec. 15 as sec. 14.

Amend sec. 15, page 8, line 1, by deleting: "sections 13 and 14" and inserting "section 13".

Amend the title of the bill, first line, by deleting: "in skeleton form".

Senator Titus moved the adoption of the amendment.

Remarks by Senator Titus.

Amendment adopted.

Bill ordered reprinted, engrossed and to third reading.

Senate Bill No. 423.

Bill read second time.

The following amendment was proposed by the Committee on Commerce and Labor:

Amendment No. 482.

Amend the bill as a whole by deleting section 1 and adding new sections designated sections 1 through 17, following the enacting clause, to read as follows:

Senate Bill No. 394.

Bill read third time.

Roll call on Senate Bill No. 394:

YEAS—15.

NAYS—O'Connell, Raggio, Rawson, Rhoads, Schneider, Shaffer—6.

Senate Bill No. 394 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senate Bill No. 211.

Bill read third time.

Roll call on Senate Bill No. 211:

YEAS—21.

NAYS—None.

Senate Bill No. 211 having received a constitutional majority, Madam President declared it passed, as amended.

Bill ordered transmitted to the Assembly.

Senator Raggio moved that the Senate recess until 6:45 p.m.

Motion carried.

Senate in recess at 6:01 p.m.

SENATE IN SESSION

At 6:48 p.m.

President Hunt presiding.

Quorum present.

GENERAL FILE AND THIRD READING

Senate Bill No. 444.

Bill read third time.

The following amendment was proposed by Senator O'Donnell:

Amendment No. 707.

Amend the bill as a whole by renumbering sec. 2 as sec. 3 and adding a new section designated sec. 2, following section 1, to read as follows:

“Sec. 2. 1. There is hereby appropriated from the state general fund to the department of taxation the sum of \$5,000 to carry out the amendatory provisions of this act.

2. Any remaining balance of the appropriation made by subsection 1 must not be committed for expenditure after June 30, 2001, and reverts to the state general fund as soon as all payments of money committed have been made.”.

Senator Raggio moved the adoption of the amendment.

Remarks by Senators Raggio and Titus.

Amendment adopted.

Senator Raggio moved that Senate Bill No. 444 be re-referred to the Committee on Finance upon return from reprint.

Remarks by Senator Raggio.

(a) *Between a governing body and a person who has a legal or equitable interest in land that is entered into upon the application of the person who wishes to develop that land;*

(b) *To enable the governing body to distribute equitably the costs to develop infrastructure for an area of land that is largely undeveloped; and*

(c) *That is based on an analysis of the need for infrastructure that is prepared pursuant to section 11 of this act.”.*

Amend the bill as a whole by deleting sec. 14 and renumbering sections 15 through 18 as sections 13 through 16.

Amend sec. 15, page 4, line 35, by deleting “14,” and inserting “12,”.

Amend sec. 15, page 4, line 37, by deleting “8,” and inserting “7,”.

Amend sec. 18, page 8, line 1, by deleting “9” and inserting “8”.

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Assemblyman Bache moved that upon return from reprint, Assembly Bill No. 391 be placed on the Chief Clerk’s desk.

Bill ordered reprinted, re-engrossed and to the Chief Clerk’s desk.

Senate Bill No. 394.

Bill read second time.

The following amendment was proposed by the Committee on Government Affairs:

Amendment No. 870.

Amend section 1, page 1, line 2, by deleting: “2 to 6, inclusive,” and inserting: “2, 3 and 4”.

Amend sec. 2, page 1, by deleting lines 3 and 4 and inserting:

“Sec. 2. *“Regional planning coalition” means the regional planning coalition described in section 3 of this act.”.*

Amend the bill as a whole by deleting sections 4 and 5 and renumbering sections 6 through 14 as sections 4 through 12.

Amend sec. 6, page 2, by deleting line 20 and inserting:

“Sec. 4. 1. *In a county whose population is 400,000 or more, the regional planning coalition shall cooperate”.*

Amend sec. 6, page 2, lines 28 and 29, by deleting: “*a regional land use coordinating entity*” and inserting: “*the regional planning coalition*”.

Amend sec. 6, page 2, lines 41 and 42, by deleting: “*land use coordinating entity*” and inserting “*planning coalition*”.

Amend sec. 6, page 3, lines 3 and 4, by deleting: “*land use coordinating entity*” and inserting “*planning coalition*”.

Amend sec. 7, page 3, lines 23 and 24, by deleting: “2 to 6, inclusive,” and inserting: “2, 3 and 4”.

Amend sec. 8, page 3, by deleting lines 29 and 30 and inserting:

“1. *In a county whose population is 400,000 or more, the commission shall cooperate with the local air pollution control board and the regional planning coalition in the county in”.*

Amend sec. 8, page 3, line 40, by deleting: "*land use coordinating entity*;" and inserting "*planning coalition*;".

Amend sec. 8, page 4, lines 2 and 3, by deleting: "*land use coordinating entity*;" and inserting "*planning coalition*;".

Amend sec. 8, page 4, line 9, by deleting: "*land use coordinating entity*" and inserting "*planning coalition*".

Amend sec. 9, page 4, line 12, by deleting: "10 and 11" and inserting: "8 and 9".

Amend sec. 10, page 4, line 13, by deleting "*a*" and inserting "*the*".

Amend sec. 10, page 4, by deleting lines 14 and 15 and inserting: "*local air pollution control board in a county whose population is 400,000 or more shall cooperate with the regional planning coalition and the regional transportation commission in*".

Amend sec. 10, page 4, line 24, by deleting: "*land use coordinating entity*" and inserting "*planning coalition*".

Amend sec. 10, page 4, line 29, by deleting: "*land use coordinating entity*" and inserting "*planning coalition*".

Amend sec. 10, page 4, line 36, by deleting: "*land use coordinating entity*" and inserting "*planning coalition*".

Amend sec. 12, page 6, line 10, by deleting: "10 and 11" and inserting: "8 and 9".

Amend sec. 12, page 6, line 17, by deleting: "10 and 11" and inserting: "8 and 9".

Amend sec. 13, page 6, line 37, by deleting "100,000" and inserting "400,000".

Amend sec. 13, page 6, by deleting lines 38 through 42 and inserting: "city within such a county, each planning commission, as required pursuant to subsection 3 of NRS 445B.595, and the local air pollution control board, regional planning coalition and regional transportation commission within the county shall, on or before October 1, 2000, submit a concise statement of the effects on air quality by complex sources to the".

Amend sec. 13, page 7, line 6, by deleting: "*land use coordinating entity*" and inserting "*planning coalition*".

Amend sec. 14, page 7, by deleting lines 11 through 15 and inserting:

"Sec. 12. 1. This section and section 11 of this act become effective upon passage and approval.

2. Sections 1, 2, 3, 5, 7, 9 and 10 of this act become effective on October 1, 1999.

3. Sections 4, 6 and 8 of this act become effective on July 1, 2001."

Assemblyman Bache moved the adoption of the amendment.

Remarks by Assemblyman Bache.

Amendment adopted.

Bill ordered reprinted, re-engrossed and to third reading.

Senate Bill No. 435.

Bill read second time.

Senate Bill No. 289 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 300.

Bill read third time.

Remarks by Assemblywoman Ohrenschall.

Roll call on Senate Bill No. 300:

YEAS—39.

NAYS—Anderson, Arberry—2.

EXCUSED—Evans.

Senate Bill No. 300 having received a constitutional majority, Mr. Speaker declared it passed.

Bill ordered transmitted to the Senate.

Senate Bill No. 310.

Bill read third time.

Remarks by Assemblyman Marvel.

Roll call on Senate Bill No. 310:

YEAS—37.

NAYS—Buckley, Gustavson—2.

NOT VOTING—Angle, Neighbors—2.

EXCUSED—Evans.

Senate Bill No. 310 having received a two-thirds majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 381.

Bill read third time.

Remarks by Assemblywoman Chowning.

Roll call on Senate Bill No. 381:

YEAS—41.

NAYS—None.

EXCUSED—Evans.

Senate Bill No. 381 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.

Senate Bill No. 394.

Bill read third time.

Remarks by Assemblyman Bache.

Roll call on Senate Bill No. 394:

YEAS—40.

NAYS—Gibbons.

EXCUSED—Evans.

Senate Bill No. 394 having received a constitutional majority, Mr. Speaker declared it passed, as amended.

Bill ordered transmitted to the Senate.