

Transportation



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TRANSPORTATION

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SUMMARY OF RECOMMENDATIONS

Following is a summary of recommendations approved by the Legislative Commission's Subcommittee to Study Transportation Issues. The subcommittee:

1. Requests that the government of Clark County make an annual report to the Standing Legislative Committees on Taxation, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session, regarding revenues authorized by Senate Bill 112, Chapter 19, of the 1991 Session and the expenditure of those revenues.
2. Requests that the Regional Transportation Commissions of Clark and Washoe Counties report annually to the Standing Legislative Committees on Transportation, if the Legislature is in session, or to the Legislative Commission, if the Legislature is not in session, regarding the finances and quality of services offered by their mass transportation systems.
3. Recommends that the Legislature amend the statutes governing the Clark County Regional Flood Control District to clarify the circumstances under which flood control funds may be used to construct or improve transportation. The amendment should conform with the policy adopted by the Clark County Regional Flood Control District. (BDR 48-1363)
4. Recommends that the Legislature create an interim study to review all disclosure laws regarding sales of real property and recommend appropriate changes to the 1995 Session of the Nevada Legislature.
(BDR S-1362)

REPORT TO THE 67TH SESSION OF THE NEVADA LEGISLATURE
BY THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE
TO STUDY TRANSPORTATION ISSUES

I. INTRODUCTION

One of the principal duties of state government is to provide for the safe and efficient transportation of goods and people. In Nevada, the State is not only responsible for constructing and maintaining highways, but also regulating transportation by motor carriers and railroads. In addition, it authorizes local governments to construct and maintain roads and streets, operate airports and systems of mass transit and raise the revenues required for those purposes.

During the 1991 Session, the Legislature passed several important measures relating to transportation including:

- Senate Bill 112 (Chapter 19, *Statutes of Nevada 1991*, pages 25-46);
- Senate Bill 441 (Chapter 576, *Statutes of Nevada 1991*, pages 1898-1910); and
- Assembly Bill 812 (Chapter 612, *Statutes of Nevada 1991*, pages 2018-2025).

These bills authorize additional revenues for transportation and provide for the conversion of vehicle fleets to alternative fuels. In addition, a Federal enactment, the Intermodal Surface Transportation Efficiency Act of 1991 (ISTEA), had a substantial effect on State and local transportation programs in Nevada.

After considering the magnitude of the changes which were taking place in transportation programs at the Federal, State and local levels, the Legislative Commission concluded that it would be prudent to appoint a special subcommittee to monitor developments and report to the 67th Session of the Legislature. The following members were appointed to serve on this panel:

Senator John M. Vergiels, Chairman
Assemblyman Larry L. Spitler, Vice Chairman
Senator Nicholas J. Horn

Senator Leonard V. Nevin
Senator Ann O'Connell
Senator Dean A. Rhoads
Assemblyman Joseph E. Dini, Jr.
Assemblywoman Sandra Krenzer
Assemblyman Mike McGinness
Assemblyman Gene T. Porter
Assemblyman Robert E. Price

Assemblyman Dini subsequently declined to serve and was replaced by Assemblyman Bernie Anderson. Senator Thomas J. Hickey was appointed to replace Senator Horn. Following the 1992 General Election, Assemblyman Spitler was appointed by the Legislative Commission to serve as chairman of the subcommittee for its final meeting and to supervise the preparation of the report.

Legislative Counsel Bureau staff services were provided by:

Paul T. Mouritsen, Senior Research Analyst
Timothy M. Chandler, Principal Legislative Counsel
Jane H. Juve, Deputy Legislative Counsel
Philene E. O'Keefe, Senior Research Secretary

The subcommittee met three times. The first meeting was held in Las Vegas on October 30, 1991. At the second meeting, held on February 6, 1992 (also in Las Vegas), three special panels were appointed to study transportation issues in Clark and Washoe Counties and Rural Nevada.

■ *Clark County Subcommittee*

The members of the Clark County panel were:

Senator Ann O'Connell, Chairman
Assemblyman Robert E. Price
Assemblyman Larry L. Spitler

This group met on June 3, 1992 to hear testimony concerning the operations of the Regional Transportation Commission of Clark County (RTCCC), the implementation of S.B. 112, the proposed mass transit program for Clark County, and the construction of the Las Vegas Beltway. Another meeting was held on December 30, 1992, to hear additional testimony and approve proposals for presentation to the full subcommittee.

■ ***Rural Nevada Subcommittee***

The rural Nevada panel consisted of the following legislators:

Senator Dean A. Rhoads, Chairman
Senator Leonard V. Nevin
Assemblyman Mike McGinness

This group met in Winnemucca, Nevada, on March 25, 1992. Testimony was heard regarding the distribution of funds for road construction and repair in rural Nevada and a proposal for deregulating the transportation of raw agricultural products.

■ ***Washoe County Subcommittee***

The Washoe County panel consisted of the following legislators:

Senator Leonard V. Nevin, Chairman
Assemblyman Bernie Anderson

This group met on April 13, 1992, to tour the offices and mass transit facilities of the Regional Transportation Commission of Washoe County and to hear testimony regarding transportation issues in Washoe County.

A final meeting of the entire subcommittee was held on December 30, 1992. At that meeting, four recommendations were adopted. The following sections of this report discuss the findings and recommendations regarding transportation funding at the Federal, state and local levels; the implementation of legislation regarding alternative fuels; the use of flood control funds for transportation projects; and the need to study real estate disclosure laws.

II. LOCAL FUNDING FOR TRANSPORTATION

Over the past decade, Nevada's population has grown by almost 500,000 people. This increase, much of which has occurred in Clark County, has put a severe strain on streets, highways and other transportation facilities. During the 1991 Legislative Session, action was taken to provide adequate funding for the expansion and maintenance

of these facilities. One of the most significant bills enacted was S.B. 112.

Senate Bill 112 authorizes a board of county commissioners, after receiving approval from the voters at an election, to impose by ordinance:

- A tax of 1 percent of the gross receipts from the rental of transient lodging; and
- A tax on the privilege of new residential, commercial, industrial and other development within the boundaries of the county, not to exceed \$500 per single family dwelling unit, or 50 cents per square foot on other new development.

The taxes may be imposed only within transportation districts created pursuant to this act or may be imposed in the entire county. If the tax is to be imposed in transportation districts, only the approval of the people living within the districts is required. The bill provides that the proceeds of these taxes are to be used for improvements related to transportation and provides for the distribution of the money collected.

A board of county commissioners may create one or more transportation districts in the unincorporated areas of the county, and the governing body of a city may create one or more transportation districts in the incorporated area of the city. These bodies may establish the boundaries of the districts and alter those boundaries by ordinance. Any money received by a transportation district from the taxes imposed as a result of this bill must be used for projects related to the construction and maintenance of sidewalks, streets, avenues, boulevards, highways, and other public rights-of-way used primarily for vehicular traffic. These rights-of-way include, without limitation, overpass, street, and underpass projects. The money may also be used for the payment of principal and interest on notes, bonds, or other obligations issued for improvements to transportation. A county or city may pledge any money received from the proceeds of these taxes for the payment of general or special obligations issued, if the project for which the securities are issued could be directly funded with the taxes whose proceeds are pledged.

The bill also authorizes a board of county commissioners to impose:

- A tax of not more than 4 cents per gallon on fuel for jet or turbine-powered aircraft sold, distributed or used in the county; and
- A supplemental privilege tax of not more than 1 cent per \$1 of valuation on motor vehicles operated in the county.

The bill declares that the approval by the voters on November 6, 1990, of Question No. 10 on the 1990 General Election Ballot for Clark County constituted voter approval of the taxes authorized by the bill. That vote also constituted authorization for Clark County to impose a motor fuel tax of 5 cents per gallon and to increase the sales tax by one-fourth of 1 percent for transportation improvements.

At each of the meetings of the full subcommittee, the members heard testimony regarding the implementation of S.B. 112. At the time the measure was passed, proponents estimated that it would provide local governments in Clark County with an additional \$40 million per year for transportation improvements and the expansion of mass transit systems. The performance of these revenue sources has been mixed. Some have produced more revenue than was expected while others have fallen short. The subcommittee received regular updates concerning the revenues which have been collected pursuant to S.B. 112 and the ways in which those revenues will be expended. Because of the large amounts of money involved and the importance of the projects which have been undertaken, the subcommittee became convinced that there is a need for continuing legislative oversight. Therefore, the subcommittee:

Requests that the government of Clark County make an annual report to the Standing Legislative Committees on Taxation, if the Legislature is in session, or to the Legislative Commission if the Legislature is not in session, regarding revenues authorized by S.B. 112 of the 1991 Session and the expenditure of those revenues.

Requests that the Regional Transportation Commissions of Clark and Washoe Counties report annually to the Standing Committees on Transportation, if the Legislature is in session, or to the Legislative Commission if the Legislature is not in session,

regarding the finances and quality of services offered by their mass transit systems.

III. STATE REVENUES FOR TRANSPORTATION

In 1990, Nevada's Department of Transportation (NDOT) identified approximately \$4.6 billion in transportation needs. At the same time, it was estimated that existing Federal and state funds would provide only about \$1.5 to \$2.0 billion. In an effort to help close this funding gap, the Legislature, in 1991, passed S.B. 441.

Senate Bill 441 increases motor vehicle fuel taxes and certain vehicle licensing, registration and title fees; and makes other related statutory changes.

The bill authorizes Nevada's Department of Taxation to place a lien on the personal and real property of a person who has not paid taxes placed on fuels, including county fuel taxes. The measure allows the department to place the lien within 3 years after the amount is due. The lien continues for 5 years and may be extended.

Beginning October 1, 1991, S.B. 441 increases the excise tax on motor vehicle fuels, other than jet or aircraft fuel, from 12.65 to 15.15 cents per gallon. On October 1, 1992, the tax is increased to 17.65 cents per gallon.

Also effective October 1, 1991, S.B. 441 removes the option for county governments to impose or repeal an excise tax of 1 cent per gallon on motor vehicle fuel and makes the imposition of this tax mandatory.

Senate Bill 441 allows the Department of Taxation to establish the amount of bonds required of any fuel dealer at three times the estimated maximum monthly tax. Before this amendment, the department was required to fix the amount of bonds at twice the tax. If a person is habitually delinquent in the payment of fuel taxes due, the bill allows the department to increase the amount of the person's security to not more than five times the estimated maximum monthly tax.

The measure requires that, as of October 1, 1991, 2.5 cents of the taxes per gallon on motor vehicle fuels and special fuels be used exclusively for the construction and main-

tenance of public highways and may not be used to purchase equipment. Effective October 1, 1992, this amount is raised to 5 cents of the taxes per gallon.

Also on October 1, 1991, S.B. 441 increases the tax on the sale or use of special fuels from 22 to 24.5 cents per gallon. The tax on liquefied petroleum gas (LPG) is decreased from 22 to 20.5 cents per gallon because the bill removes LPG from the classification of "special fuel." The tax on compressed natural gas (CNG) is increased from 18 to 20.5 cents per gallon.

One year later, on October 1, 1992, these taxes are increased to 27 cents per gallon on the sale or use of special fuels and to 23 cents per gallon on the sale or use of LPG and CNG.

The bill removes the requirement that counties submit to the voters proposed fuel taxes which would result in a total tax of 4 cents per gallon or more. The measure now allows counties to place taxes of no more than 9 cents per gallon on fuel without submitting the proposed increases to the voters. County taxes are in addition to state-imposed fuel taxes.

Further, S.B. 441 requires NDOT to publish a report of its projects for the construction and maintenance of highways. The bill outlines the information to be contained in the report, including the cost and estimated starting dates of each project. The report must be updated every 6 months and made available for public inspection at NDOT's office during normal business hours. The department also is prohibited from purchasing any equipment for the construction and maintenance of highways which exceeds \$25,000, unless the purchase is first approved by NDOT's Board of Directors.

The measure specifies that the proceeds from drivers' license fees must be deposited in the State Highway Fund and used for the construction and maintenance of highways.

Effective January 1, 1992, the fees for certificates of titles and the registrations for most vehicles are each increased by \$10. Further, the registration fees for trailers are doubled, and a fee of \$10 is imposed on a certificate of dismantling. The fees for drivers' licenses also are increased.

In addition, S.B. 441 imposes fees on licenses for organizations and instructors that provide education on alcohol and substance abuse and traffic safety. Finally, the bill establishes a schedule of fees for identification cards. People who voluntarily surrender their drivers' licenses will not be charged for identification cards.

At its first meeting, the subcommittee was briefed regarding revenues resulting from the passage of S.B. 411.

IV. FEDERAL FUNDS FOR TRANSPORTATION

The interim period following the 1991 Legislative Session was marked by a major change in Federal transportation programs. On October 1, 1991, the existing Federal aid program expired. The subcommittee, at its meeting on October 30, 1991, discussed the various versions of the new program which were being considered by the United States Congress.

On December 18, 1991, former President George W. Bush signed the ISTEA. This measure significantly changed the way in which Federal funds for transportation are distributed to state and local governments, generally providing for greater flexibility in the use of those funds. For the previous two decades, Federal aid had been directed toward the construction and improvement of four systems: interstate, primary, secondary, and urban. Under the ISTEA, there are two Federal-aid systems: the National Highway System (NHS) and the Interstate System (IS). In addition, there is a block grant Surface Transportation Program (STP) covering certain other local roads and streets.

■ *National Highway System*

The NHS consists of interstate highways, principal urban and rural routes, and certain strategic roads. The State may choose to transfer up to 50 percent of the money allocated for this system to the STP.

■ *Interstate System*

Although interstate highways are a part of the NHS, the IS will receive separate funding under formulas which are similar to those in the previous law.

■ *Surface Transportation Program*

The STP is a new block grant which may be used for roads that are not local or minor collectors. States must set aside 10 percent of STP funds for safety construction activities, such as removing road hazards. An additional 10 percent must be set aside for transportation enhancements. Fifty percent must be distributed by population among areas of the state with a population of 200,000 or more. The remaining 30 percent may be spent in any area of the state.

In addition to its highway and road components, the ISTEA also includes important provisions regarding highway safety, mass transit, motor carriers, and air transportation.

The ISTEA authorizes the appropriation of about \$155 billion over the next 6 years. Nevada will receive an estimated \$1.33 cents for each \$1 in revenue contributed.

V. TRANSPORTATION AND FLOOD CONTROL

In 1985, the Legislature, responding to a disastrous flood in Clark County, revised the laws relating to flood control. Clark County was authorized to impose a one-fourth percent sales tax to raise funds for the construction of capital improvements needed to control flood waters. Since that time, there have been periodical controversies regarding the use of those funds for "off-site" improvements, including such items as curbs and gutters, landscaping, streetlights, and bridges, which, although associated with flood control projects, are not necessary to control storm runoff or to protect life and property.

Opponents of these "off-site" improvements note that the Board of Directors of the Clark County Regional Flood Control District (CCRFCDD) is selected by the governing bodies in the county. The same persons also serve on the RTCCC (see *Nevada Revised Statutes* [NRS] 373.040). For this reason, some believe that the CCRFCDD Board has been willing,

in certain cases, to use flood control funds for items which should properly be paid for from local public works budgets. Although the current board has adopted a policy which limits "off-site" improvements, that policy could change when new members are appointed. The subcommittee concluded that the current policy should be embodied in State statute to ensure that it will remain in effect in the future. Therefore, the subcommittee recommends that the Legislature:

Amend the statutes governing the Clark County Regional Flood Control District to clarify the circumstances under which flood control funds may be used to construct or improve transportation facilities. The amendment should conform with the current policy of the Clark County Regional Flood Control District.

VI. ALTERNATIVE FUELS

The passage of the Federal Clean Air Act in 1990 prompted the Legislature to take a new look at the problem of air pollution in urban areas. This act included sanctions which could reduce the amount of highway funds available to states which fail to meet clean air standards by 1995. One method for helping to meet those standards is to reduce emissions from vehicles which are a part of fleets owned by governments and the private sector. In response to these concerns, the Legislature passed A.B. 812, which was later codified as Chapter 486A of NRS.

Assembly Bill 812 requires studies by the State Environmental Commission of the use of alternative fuels; establishes requirements for the conversion of public fleets of vehicles to alternative fuels; requires emission control inspections for light, diesel-fueled vehicles in Clark and Washoe Counties; directs the adoption of a program similar to California's for the regulation of smoke and other emissions by inspection of heavy-duty motor vehicles that are powered by diesel fuel or gasoline; requires the adoption of fuel standards that are similar to California's; and reduces the tax on the sale or use of LPG from 22 to 18 cents per gallon. The intent of A.B. 812 is to initiate additional steps that are necessary to improve air quality in the metropolitan areas of Clark and Washoe Counties.

At the meeting held on February 6, 1992, Lewis H. Dodgion, Administrator of Nevada's Division of Environmental Protec-

tion, briefed the subcommittee on the implementation of A.B. 812 and the progress which had been made toward drafting and adopting regulations to govern the conversion to alternative fuels.

VII. REAL ESTATE DISCLOSURE LAWS

One of the major transportation projects currently underway in Nevada is the construction of the southern portion of the Las Vegas beltway. This freeway will facilitate access to McCarran International Airport and relieve traffic congestion on local streets.

The subcommittee discovered, during meetings held in Las Vegas, that this project has generated considerable controversy and has been opposed by some of the people living in neighborhoods which will be affected. One of the principal problems mentioned by opponents is that many homes have been constructed or sold since the project was planned. The majority of the people who purchased or built those homes were unaware that they would be living in the vicinity of a major freeway.

The subcommittee is of the opinion that similar controversies could be mitigated by strengthening laws regarding disclosures which sellers of real property must make to prospective buyers. These disclosures should include appropriate notice of any major transportation projects which may affect the neighborhood in which the property is located. Therefore, the subcommittee:

Recommends that the Legislature create an interim study committee to review all disclosure laws regarding sales of real property and recommend appropriate changes to the 1995 Session of the Nevada Legislature.

VIII. CONCLUSION

During the interim between the 1991 and 1993 Legislative Sessions, a number of significant changes occurred in Federal, State and local transportation programs. The subcommittee monitored the implementation of these changes to ensure adherence to legislative intent.

The recommendations included in this report are intended to remedy specific problems which were brought to the attention of the subcommittee during the course of its hearings.

IX. SUGGESTED LEGISLATION

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<u>Bill Draft Requests</u>	
S-1362	Establishes legislative committee to conduct interim study relating to disclosure of information in real estate transactions.....15
48-1363	Limits use of money by district for control of floods for certain off-site improvements.....19

SUMMARY--Establishes legislative committee to conduct interim study relating to disclosure of information in real estate transactions.
(BDR S-1362)

FISCAL NOTE: Effect on Local Government: No.
 Effect on the State or on Industrial Insurance: Yes.

AN ACT relating to the legislature; establishing a legislative committee to conduct an interim study of the laws relating to the disclosure of information in real estate transactions; and providing other matters properly relating thereto.

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

Section 1. 1. There is hereby established a legislative committee to study issues concerning the disclosure of information in real estate transactions. The committee consists of four members of the senate, appointed by the senate majority leader, and four members of the assembly, appointed by the speaker of the assembly.

2. The members of the committee shall select the chairman and vice chairman of the committee from among their members.

3. Any member of the committee who does not return to the legislature may continue to serve until the completion of the committee report.

4. Any vacancy on the committee must be filled by the authority entitled to appoint the member whose position is vacant. The member appointed to fill the vacancy must have the same general qualifications as his predecessor.

5. The members of the committee may meet no more than eight times during the 1993-94 biennium at the times and places and in the manner specified by a call of the chairman. Meetings may be held in person or by telephone conference or video telecast. The director of the legislative counsel bureau or a person he has designated shall act as the nonvoting recording secretary. Five members of the committee constitute a quorum, and a quorum may exercise all of the powers conferred on the committee.

6. Except during a special session of the legislature, members of the committee are entitled to receive the compensation provided for a majority of the members of the legislature during the first 60 days of the preceding regular session for each day or portion of a day during which he attends a meeting of the committee or is otherwise engaged in the business of the committee plus the per diem allowance provided for state officers and employees generally and the travel allowance provided pursuant to NRS 218.2207.

7. The committee shall:

(a) Review and evaluate the current laws of this state concerning the disclosure of information in real estate transactions.

(b) Review and evaluate the implementation of any laws concerning the disclosure of information in real estate transactions passed by the 67th session of the legislature.

(c) Prepare a report concerning its review and evaluation of those laws, including an analysis of the effectiveness of those laws in requiring that information concerning the planned or proposed routes of streets and highways be disclosed to a purchaser of real estate.

(d) Submit the report and any recommendations for proposed legislation to the 68th session of the legislature.

Sec. 2. This act becomes effective on July 1, 1993.

SUMMARY--Limits use of money by district for control of floods for certain off-site improvements. (BDR 48-1363)

FISCAL NOTE: Effect on Local Government: No.

Effect on the State or on Industrial Insurance: No.

AN ACT relating to the control of floods; limiting the use of money by a district for the control of floods for certain off-site improvements; and providing other matters properly relating thereto.

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

Section 1. NRS 543.360 is hereby amended to read as follows:

543.360 [The] *Except as otherwise provided in NRS 543.368, the board may:*

1. By the affirmative vote of two-thirds of its members, acquire, construct, improve, extend, maintain and operate:

(a) Projects and improvements for the control of flood and storm waters of the district and the flood and storm waters of streams which have their sources outside of the district but flow into the district. Such a project or improvement must not be acquired unless it is included in the master plan.

(b) Projects which mitigate the adverse effect of the acquired projects.

(c) Projects which are required as a result of the proposed alteration or diversion of a natural watercourse identified in the master plan for the control of drainage.

Unless unanimously approved by the board and the governing body of the local government in whose jurisdiction the project or improvement is located, a project or improvement must not be acquired unless it is first approved by an agreement among the county and all the cities all or part of whose territory is included in the hydrographic area which specifically identifies it, contains an estimate of its cost, and shows its relation to the master plan.

2. Conserve such waters for beneficial and useful purposes by spreading, storing, retaining and causing them to percolate into the soil within or without the district.

3. Save and conserve in any manner all or any of such waters and protect from floods or storm waters the watercourses, watersheds, public highways, life and property in the district.

4. Prevent waste of water or diminution of the water supply in, or the exportation of water from, the district.

5. Obtain, retain and reclaim drainage, storm, flood and other waters for beneficial use of the district.

Sec. 2. NRS 543.365 is hereby amended to read as follows:

543.365 [The] *Except as otherwise provided in NRS 543.368, the board may enhance any project of the district by providing recreational facilities, landscaping and similar amenities in order to increase the usefulness of the*

project to the community, provide aesthetic compatibility with the surrounding community and mitigate the adverse effect of the project on the environment.

Sec. 3. NRS 543.368 is hereby amended to read as follows:

543.368 [Any] *1. Except as otherwise provided in subsection 2, any improvement pursuant to NRS 543.170 to 543.830, inclusive, may be located, constructed and maintained in, along or across any public road or highway in the district in a manner that affords security for life and property. The board shall restore or cause to be restored the road or highway to its former condition as nearly as may be, in order not to impair its usefulness.*

2. The board shall not provide for the construction, operation, maintenance, extension or repair of a sidewalk, street light, curb, gutter, street or highway unless it is an essential part of a project.

Sec. 4. NRS 543.590 is hereby amended to read as follows:

543.590 1. After a district has been established, the board shall cause its chief engineer or qualified private engineers or consultants to make a survey of the problems of controlling floods in the district and to prepare a report setting forth:

(a) A description of existing facilities for the control of floods in the area.

(b) Recommendations as to cooperation between the district and the owner or owners of the facilities.

(c) Recommendations for the construction or other acquisition of facilities to carry out the purpose of the district, with a preliminary plan therefor.

(d) A description of the property proposed to be acquired or damaged in the performance of work.

(e) A map showing the boundaries of the district and location of the work proposed to be done.

(f) A map showing the hydrographic areas to be used by the district for planning and acquisition of projects and improvements.

(g) Such other facts and information as the board may request.

2. In the preparation of the report, the director of the state department of conservation and natural resources and the health division may assist in preliminary planning by:

(a) The assignment of technical, professional and administrative personnel.

(b) Providing information for engineering and other planning.

(c) Acting as coordinator and liaison between the district and participating local, state and federal agencies.

Money expended in preliminary planning may, upon application to the director of the state department of conservation and natural resources and to the health division, be refunded, if money for these purposes has been appropriated by the legislature.

3. The chief engineer for the district shall then prepare for each hydrographic area a master plan for the control of floods . [which] *The master plan* must set forth the most effective structural and regulatory means for correcting existing problems of flooding within the area and dealing with the probable effects of future development, taking into consideration the

recommendations submitted in the report. In preparing the master plan, he shall incorporate insofar as possible the planning completed or undertaken by the county, each city all or part of whose territory is included in the area, and any private engineer or developer for any part of the area. The master plan may include as separate elements the immediate needs, indicating their relative priority, and other future needs. The master plan may also include bridge structures that may become necessary as a result of the implementation of the master plan. *The master plan must minimize or avoid the need for the construction, operation, maintenance, extension or repair of sidewalks, street lights, curbs, gutters, streets and highways.*

4. When a master plan satisfactory to the board, and after review by the director of the state department of conservation and natural resources, is available, it must be tentatively adopted. A public hearing on the proposed work must be scheduled and notice of the hearing given by publication. After hearing and any adjournments thereof which may be ordered, the board may either require changes to be made in the master plan as the board considers desirable or the board may approve the tentative master plan as prepared. If changes are ordered a further hearing must be held pursuant to notice given by publication.

5. The county and each city all or part of whose territory is included within each hydrographic area shall then hold a public hearing to consider adopting the tentative master plan as a component of its master plan pursuant to chapter

278 of NRS. The master plan or its parts for that hydrographic area do not become final until adopted by the county and each city.