

ASSEMBLY BILL NO. 641—COMMITTEE ON GOVERNMENT AFFAIRS

(ON BEHALF OF EUREKA COUNTY)

MARCH 22, 1999

Referred to Committee on Government Affairs

SUMMARY—Authorizes certain cities and counties to represent themselves and bring certain actions with respect to certain matters involving use of federal land and authorizes certain counties to create areas for the preservation of species or subspecies of wildlife threatened with extinction. (BDR 22-526)

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

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

AN ACT relating to land use planning; authorizing certain cities and counties to represent themselves with respect to certain matters involving the use of federal land; authorizing certain cities and counties to bring and intervene in actions with respect to certain activities of federal agencies and instrumentalities; authorizing the board of county commissioners of Esmeralda, Lincoln or Nye County to create an area or zone for the preservation of a species or subspecies of wildlife that is threatened with extinction and to impose and collect a fee for that purpose; 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 and 3 of this act.
3 **Sec. 2.** *A city or county whose governing body has adopted a master*
4 *plan pursuant to NRS 278.220 may represent its own interests with*
5 *respect to land and appurtenant resources that are located within the city*
6 *or county and are affected by policies and activities involving the use of*
7 *federal land.*
8 **Sec. 3. 1.** *Except as otherwise provided in subsection 2, a city or*
9 *county whose governing body has adopted a master plan pursuant to*
10 *NRS 278.220 may:*

1 (a) On its own initiative bring and maintain an action; or
2 (b) Intervene on behalf of or bring and maintain an action on the
3 relation of, any person in any meritorious case,
4 in any court or before any federal agency, if an action or proposed action
5 by a federal agency or instrumentality with respect to the lands,
6 appurtenant resources or streets that are located within the city or county
7 impairs or tends to impair the traditional functions of the city or county
8 or the carrying out of the master plan.

9 2. A city or county may not:

10 (a) Bring and maintain an action pursuant to subsection 1 that would
11 request a court to grant relief that would violate a state statute; or

12 (b) Participate in any proceeding of a federal agency pursuant to
13 subsection 1 to request the federal agency to take any action that would
14 violate a state statute.

15 **Sec. 4.** NRS 278.010 is hereby amended to read as follows:

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

20 **Sec. 5.** NRS 321.735 is hereby amended to read as follows:

21 321.735 1. The state land use planning agency may represent the
22 interests of the state, its local or regional entities, or its citizens as these
23 interests are affected by policies and activities involving the use of federal
24 land.

25 2. **The provisions of this section do not preclude a city or county**
26 **whose governing body has adopted a master plan pursuant to NRS**
27 **278.220 from representing its own interests in accordance with section 2**
28 **of this act.**

29 **Sec. 6.** 1. The legislature hereby finds and declares that:

30 (a) Esmeralda, Lincoln and Nye counties contain species and subspecies
31 of wildlife that have been or are likely to be declared endangered or
32 threatened pursuant to the federal Endangered Species Act of 1973, as
33 amended;

34 (b) These counties are not authorized currently to carry out programs for
35 the preservation of endangered or threatened species or subspecies of
36 wildlife;

37 (c) The declaration of species and subspecies of wildlife in Esmeralda,
38 Lincoln and Nye counties as endangered or threatened will have a serious
39 adverse effect on the economy of those counties and on the lifestyles of
40 their residents; and

1 (d) Because a general law cannot be made applicable because of the
2 economic and geographical diversity of these rural counties, it is necessary
3 by special act to provide a means by which Esmeralda, Lincoln and Nye
4 counties may promote the protection of their natural resources while
5 simultaneously protecting their human and financial resources.

6 2. The board of county commissioners of Esmeralda, Lincoln or Nye
7 County, individually or jointly by interlocal agreement, may by ordinance
8 establish, control, manage and operate or provide money for the
9 establishment, control, management and operation of an area or zone for
10 the preservation of a species or subspecies of wildlife that has been
11 declared endangered or threatened pursuant to the federal Endangered
12 Species Act of 1973, as amended. In addition, the board of county
13 commissioners, in cooperation with the responsible state and federal
14 agencies, may encourage in any other manner the preservation of those
15 species or subspecies or any species or subspecies of wildlife in the county
16 which have been determined by the board of county commissioners to be
17 likely to have a significant impact upon the economy and lifestyles of the
18 residents of the county if listed as endangered or threatened, including,
19 without limitation, the expenditure for this purpose of money collected
20 pursuant to subsection 3 or the participation in an agreement made pursuant
21 to NRS 503.589. The board of county commissioners may purchase, sell,
22 exchange or lease real property, personal property, water rights, grazing
23 permits and other interests in such property for this purpose, pursuant to
24 such reasonable regulations as the board of county commissioners may
25 establish. If any such property, rights or other interests are purchased from
26 a nonprofit organization, the board of county commissioners may reimburse
27 the organization for its cost of acquisition, not to exceed its appraised
28 value, and any interest, carrying costs, direct expenses and reasonable
29 overhead charges.

30 3. The board of county commissioners may, by ordinance, impose a
31 reasonable fee of not more than \$550 per acre on the construction of a
32 structure or the grading of land in the unincorporated areas of the county
33 for the expense of carrying out the provisions of subsection 2. Except as
34 otherwise provided in this subsection, the fee must be collected at the same
35 time and in the same manner as the fee for the issuance of a building permit
36 collected pursuant to NRS 278.580. If a county does not issue building
37 permits in all areas of the county, the fee must be collected before the
38 construction of a structure or the grading of land in an area of the county in
39 which the county does not issue building permits.

40 4. If a fee is imposed pursuant to subsection 3, the board of county
41 commissioners shall create an enterprise fund exclusively for fees collected
42 pursuant to subsection 3. Any interest or other income earned on the money
43 in the fund, after deducting any applicable charges, must be credited to the

- 1 fund. The money in the fund may only be used to pay the actual direct costs
- 2 of the program or programs established pursuant to subsection 2.
- 3 **Sec. 7.** This act becomes effective upon passage and approval.

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