

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 (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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