

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, 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*

(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.

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 ~~7~~, **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.

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