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PROPOSED AMENDMENT TO ASSEMBLY BILL NO. 427

Replace the existing section 1 in A.B. 427 with the following section:

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as otherwise provided in subsection 2, a governing body or its designated representative shall not, pursuant to NRS 268.578, 278.4787, 278.497 to 278.4987, inclusive, and 278B.240 or any other applicable provision of law, require that a person:

- (a) Dedicate land;*
- (b) Dedicate an easement;*
- (c) Dedicate a right-of-way; or*
- (d) Contribute or donate any other thing of value,*

as a condition precedent to the governing body or its designated representative approving or granting to that person a land use permit unless the governing body or its designated representative makes an individualized determination that there is an essential nexus between the dedication or contribution and a legitimate governmental interest and the dedication or contribution is roughly proportional both in nature and extent to the impact of the proposed use or development of the property for which the land use permit is requested.

2. The provisions of subsection 1 do not prohibit:

(a) A governing body from charging a reasonable fee in connection with the processing of an application for a land use permit if that fee is otherwise authorized by law; or

(b) The establishment or operation of any program or system of bankable or tradable development credits, including, without limitation, the program of wetlands mitigation banking described in NRS 244.388.

3. As used in this section, "land use permit" means:

- (a) A building permit;*
- (b) A change in zoning;*
- (c) A conditional use permit;*
- (d) A special use permit;*
- (e) A variance;*
- (f) A waiver; and*
- (g) Any other approval for the use of land.*