

SENATE BILL NO. 376—SENATOR HARDY

MARCH 19, 2007

Referred to Committee on Natural Resources

SUMMARY—Requires the State Land Use Planning Agency to prepare a statewide master plan for the recreational use of land in this State. (BDR 26-1009)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Contains Appropriation not included in Executive Budget.

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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; requiring the State Land Use Planning Agency to prepare a statewide master plan for the recreational use of land in this State; authorizing the Agency to carry out the provisions of the master plan under certain circumstances; making an appropriation; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Under existing law, planning for the use of land is primarily the responsibility of cities, counties and regional planning agencies. State participation in planning for the use of land is generally limited to coordinating information and data and providing assistance to local governmental entities. (NRS 321.640) Existing law designates the Division of State Lands of the State Department of Conservation and Natural Resources as the State Land Use Planning Agency. (NRS 321.700) As part of the statutory duties of the Agency, it is required to develop and make available to cities and counties information that is useful in planning for the use of land by cities and counties. (NRS 321.720)

Section 1 of this bill expands the duties of the Agency by requiring it to prepare a statewide master plan for the recreational use of land and for the identification, creation and maintenance of open spaces. The master plan must include provisions for trails for use by certain off-highway vehicles and must, to the greatest extent practicable, be coordinated with any similar provisions of a land use plan adopted by a city, county or planning agency. **Section 1** further authorizes the Agency to enter into an agreement for the construction and maintenance of trails for use by off-highway vehicles. **Section 5** of this bill appropriates \$2,500,000 to the Agency to carry out the provisions of the bill.



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

Section 1. Chapter 321 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The State Land Use Planning Agency shall prepare a statewide master plan for the recreational use of land in this State and the identification, creation and maintenance of open spaces. The master plan must include, without limitation, provisions for identifying, constructing and maintaining trails for use by an off-highway vehicle that is issued a certificate of operation pursuant to NRS 490.070 or for which a certificate of operation is not required pursuant to NRS 490.080.

2. In preparing a statewide master plan pursuant to this section, the State Land Use Planning Agency shall, to the greatest extent practicable, coordinate the provisions of the master plan with any similar provisions of a plan or part of a plan adopted by a city, county or regional planning agency. Any provision of the master plan that conflicts with the provisions of a plan or part of a plan adopted by a city, county or planning agency must be approved by the city, county or planning agency before the provision may be carried out pursuant to subsection 3.

3. After preparing a statewide master plan pursuant to this section, the State Land Use Planning Agency may, by contract or other agreement, carry out the master plan or any part of the master plan, including, without limitation, constructing and maintaining any trail for use by an off-highway vehicle as set forth in the master plan.

Sec. 2. NRS 321.640 is hereby amended to read as follows:

321.640 The Legislature hereby finds and declares that:

1. It is in the public interest to place the primary authority for the planning process with the local governments, which are closest to the people;

2. Unregulated growth and development of the State will result in harm to the public safety, health, comfort, convenience, resources and general welfare;

3. The cities of the State have a responsibility for guiding the development of areas within their respective boundaries for the common good, and the counties have similar responsibilities with respect to their unincorporated areas;

4. City, county, regional and other planning must be done in harmony to ensure the orderly growth and preservation of the State; and

5. ~~{State}~~ *Except as otherwise provided in section 1 of this act, state* participation in land use planning should be limited to



1 coordination of information and data, the acquisition and use of
2 federal lands within the State, providing land use planning
3 assistance in areas of critical environmental concern when directed
4 by the Governor or requested by local governments, and providing
5 assistance in resolving inconsistencies between the land use plans of
6 local governmental entities when requested to do so by one of the
7 entities.

8 **Sec. 3.** NRS 321.700 is hereby amended to read as follows:

9 321.700 In addition to any other functions assigned to it by
10 law, the Division is hereby designated as the State Land Use
11 Planning Agency for the purpose of carrying out the provisions of
12 NRS 321.640 to 321.770, inclusive, and *section 1 of this act, and*
13 fulfilling any land use planning requirements arising under federal
14 law.

15 **Sec. 4.** NRS 321.750 is hereby amended to read as follows:

16 321.750 The Land Use Planning Advisory Council shall:

17 1. Advise the Administrator on the development and
18 distribution to cities and counties of information useful to land use
19 planning.

20 2. Advise the State Land Use Planning Agency regarding ~~the~~
21 :

22 (a) *The development of plans and statements of policy pursuant*
23 *to subsection 1 of NRS 321.7355 ~~1~~; and*

24 (b) *The preparation of a statewide master plan pursuant to*
25 *section 1 of this act.*

26 **Sec. 5.** 1. There is hereby appropriated from the State
27 General Fund to the State Land Use Planning Agency the sum of
28 \$2,500,000 to carry out the provisions of this act.

29 2. Any remaining balance of the appropriation made by
30 subsection 1 must not be committed for expenditure after June 30,
31 2009, by the entity to which the appropriation is made or any entity
32 to which money from the appropriation is granted or otherwise
33 transferred in any manner, and any portion of the appropriated
34 money remaining must not be spent for any purpose after
35 September 18, 2009, by either the entity to which the money was
36 appropriated or the entity to which the money was subsequently
37 granted or transferred, and must be reverted to the State General
38 Fund on or before September 18, 2009.

39 **Sec. 6.** This act becomes effective on July 1, 2007.

