

Amendment No. 313

Assembly Amendment to Assembly Bill No. 211	(BDR 22-795)
<b>Proposed by:</b> Assembly Committee on Government Affairs	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

Adoption of this amendment will REMOVE the 2/3s majority vote requirement from A.B. 211.

ASSEMBLY ACTION				Initial and Date		SENATE ACTION				Initial and Date	
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____		Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____		Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) variations of green bold underlining is language proposed to be added in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) orange double underlining is deleted language in the original bill proposed to be retained in this amendment.

SLD/HAC



Date: 4/12/2021

A.B. No. 211—Establishes provisions relating to a plan to address impacts to wildlife. (BDR 22-795)





## ASSEMBLY BILL NO. 211—ASSEMBLYWOMAN JAUREGUI

MARCH 9, 2021

Referred to Committee on Government Affairs

SUMMARY—Establishes provisions relating to a plan to address impacts to wildlife. (BDR 22-795)

FISCAL NOTE: Effect on Local Government: No.  
Effect on the State: Yes.

~

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

AN ACT relating to wildlife; requiring ~~[, with certain exceptions, the Department of Wildlife to submit comments on the potential impacts to wildlife and wildlife habitat of a proposed subdivision of land;]~~ a copy of the tentative map of the design of a proposed subdivision of land to be forwarded to the Department of Wildlife for comment; revising the factors that are considered before taking final action on a tentative map; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

Existing law sets forth an approval process for the subdivision of land that requires a subdivider of land to submit a tentative map to the planning commission or governing body of a county or city, as applicable. (NRS 278.330) Existing law also requires the tentative map to be forwarded to certain state agencies and local governments for comment. ~~[and requires the planning commission or governing body to consider such comments when deciding whether to approve the tentative map. (NRS 278.335-278.3485)]~~ (NRS 278.335)

**Section 1.5** of this bill requires ~~[, with certain exceptions: (1) a]~~ the tentative map to be forwarded to the Department of Wildlife for comment on potential impacts to wildlife and wildlife habitat ~~[, and (2) the governing body or planning commission to consider such comments when deciding whether to approve the tentative map. Section 1 also authorizes the Department of Wildlife to impose a fee and adopt regulations relating to the Department's review of the tentative map.]~~ unless the governing body has adopted a habitat conservation plan for multiple species that includes a determination of the impact to wildlife and wildlife habitat and the habitat conservation plan was approved by the United States Fish and Wildlife Service.

Existing law requires a governing body or planning commission to consider certain factors before taking final action on a tentative map. (NRS 278.349) Section 2 of this bill [indicates the placement of section 1 in the Nevada Revised Statutes.] additionally requires the governing body or planning commission to consider the potential impact to wildlife and wildlife habitat before taking final action on a tentative map.

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

**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) The planning commission or its designated representative or, if there is no planning commission, the clerk or other designated representative of the governing body shall file a copy of the subdivider's tentative map with the Department of Wildlife.~~

~~(b) The Department of Wildlife shall within 30 days review and comment in writing upon the map regarding the potential impacts to wildlife and wildlife habitat and submit the comments to the planning commission or governing body, as applicable. The Department shall include in its comments, without limitation, a plan for how the subdivider may avoid, minimize or mitigate the potential impacts to wildlife and wildlife habitat.~~

~~(c) The planning commission or governing body, as applicable, shall take any such comments from the Department of Wildlife into consideration before approving the tentative map.~~

~~2. The provisions of subsection 1 do not apply if the planning commission or governing body, as applicable, has adopted a habitat conservation plan for multiple species of wildlife that evaluates the potential impacts to wildlife and wildlife habitats from the development of land, including, without limitation, any determination of impact to wildlife and wildlife habitat required pursuant to federal law, and the habitat conservation plan has been approved by the United States Fish and Wildlife Service.~~

~~3. The Department may charge the subdivider a fee of not more than \$5,000 for reviewing a tentative map pursuant to this section. The amount of any such fee must be based, without limitation, on the size of the proposed subdivision and the type of wildlife habitat that will be impacted by the proposed subdivision.~~

~~4. The Department of Wildlife may adopt any regulations necessary to carry out the provisions of this section.~~ **(Deleted by amendment.)**

**Sec. 1.5. NRS 278.335 is hereby amended to read as follows:**

278.335 1. A copy of the tentative map must be forwarded by the planning commission or its designated representative, or if there is no planning commission, the clerk or other designated representative of the governing body, for review to:

(a) The Division of Water Resources and the Division of Environmental Protection of the State Department of Conservation and Natural Resources. ~~[(a)]~~

(b) The district board of health acting for the Division of Environmental Protection pursuant to subsection 2. ~~[(b) and]~~

(c) If the subdivision is subject to the provisions of NRS 704.6672, the Public Utilities Commission of Nevada.

(d) Except as otherwise provided in this paragraph, the Department of Wildlife. This paragraph does not apply if the governing body has adopted a habitat conservation plan for multiple species of wildlife that evaluates the potential impacts to wildlife and wildlife habitats from the development of land, including, without limitation, any determination of impact to wildlife and wildlife habitat required pursuant to federal law, and the habitat conservation plan has been approved by the United States Fish and Wildlife Service.

2. In a county whose population is 100,000 or more, if the county and one or more incorporated cities in the county have established a district board of health, the authority of the Division of Environmental Protection to review and certify

1 proposed subdivisions and to conduct construction or installation inspections must  
2 be exercised by the district board of health.

3 3. A district board of health which conducts reviews and inspections under  
4 this section shall consider all the requirements of the law concerning sewage  
5 disposal, water pollution, water quality and water supply facilities. At least four  
6 times annually, the district board of health shall notify the Division of  
7 Environmental Protection which subdivisions met these requirements of law and  
8 have been certified by the district board of health.

9 4. The State is not chargeable with any expense incurred by a district board of  
10 health acting pursuant to this section.

11 5. Each reviewing agency shall, within 15 days after the receipt of the  
12 tentative map, file its written comments with the planning commission or the  
13 governing body recommending approval, conditional approval or disapproval and  
14 stating the reasons therefor.

15 **Sec. 2.** NRS 278.349 is hereby amended to read as follows:

16 278.349 1. Except as otherwise provided in subsection 2, the governing  
17 body, if it has not authorized the planning commission to take final action, shall, by  
18 an affirmative vote of a majority of all the members, approve, conditionally  
19 approve or disapprove a tentative map filed pursuant to NRS 278.330:

20 (a) In a county whose population is 700,000 or more, within 45 days; or

21 (b) In a county whose population is less than 700,000, within 60 days,

22 ➤ after receipt of the planning commission's recommendations.

23 2. If there is no planning commission, the governing body shall approve,  
24 conditionally approve or disapprove a tentative map:

25 (a) In a county whose population is 700,000 or more, within 45 days; or

26 (b) In a county whose population is less than 700,000, within 60 days,

27 ➤ after the map is filed with the clerk of the governing body.

28 3. The governing body, or planning commission if it is authorized to take  
29 final action on a tentative map, shall consider:

30 (a) Environmental and health laws and regulations concerning water and air  
31 pollution, the disposal of solid waste, facilities to supply water, community or  
32 public sewage disposal and, where applicable, individual systems for sewage  
33 disposal;

34 (b) The availability of water which meets applicable health standards and is  
35 sufficient in quantity for the reasonably foreseeable needs of the subdivision;

36 (c) The availability and accessibility of utilities;

37 (d) The availability and accessibility of public services such as schools, police  
38 protection, transportation, recreation and parks;

39 (e) Conformity with the zoning ordinances and master plan, except that if any  
40 existing zoning ordinance is inconsistent with the master plan, the zoning ordinance  
41 takes precedence;

42 (f) General conformity with the governing body's master plan of streets and  
43 highways;

44 (g) The effect of the proposed subdivision on existing public streets and the  
45 need for new streets or highways to serve the subdivision;

46 (h) Physical characteristics of the land such as floodplain, slope and soil;

47 (i) The recommendations and comments of those entities and persons  
48 reviewing the tentative map pursuant to NRS 278.330 to 278.3485, inclusive, ~~and~~ **and section 1 of this act;**

49 (j) The availability and accessibility of fire protection, including, but not  
50 limited to, the availability and accessibility of water and services for the prevention  
51 and containment of fires, including fires in wild lands; ~~land~~

52 (k) **The potential impacts to wildlife and wildlife habitat; and**

53

1       (U) The submission by the subdivider of an affidavit stating that the subdivider  
2 will make provision for payment of the tax imposed by chapter 375 of NRS and for  
3 compliance with the disclosure and recording requirements of subsection 5 of NRS  
4 598.0923, if applicable, by the subdivider or any successor in interest.

5       4. The governing body or planning commission shall, by an affirmative vote  
6 of a majority of all the members, make a final disposition of the tentative map. The  
7 governing body or planning commission shall not approve the tentative map unless  
8 the subdivider has submitted an affidavit stating that the subdivider will make  
9 provision for the payment of the tax imposed by chapter 375 of NRS and for  
10 compliance with the disclosure and recording requirements of subsection 5 of NRS  
11 598.0923, if applicable, by the subdivider or any successor in interest. Any  
12 disapproval or conditional approval must include a statement of the reason for that  
13 action.

14       **Sec. 3.** This act becomes effective on July 1, 2021.