

Amendment No. 272

Senate Amendment to Senate Bill No. 349	(BDR 40-90)
<b>Proposed by:</b> Senate Committee on Natural Resources	
<b>Amends:</b> Summary: No Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes	

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.

NAS/ERS



Date: 4/19/2021

S.B. No. 349—Revises provisions relating to public health. (BDR 40-90)





## SENATE BILL NO. 349—SENATOR OHRENSCHALL

MARCH 24, 2021

Referred to Committee on Natural Resources

SUMMARY—Revises provisions relating to public health. (BDR 40-90)

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

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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 public health; ~~[excluding certain materials from the provisions governing the disposal of solid waste.]~~ providing that an ordinance for the licensing and regulating of farmers' markets may not prohibit the sale of unpackaged produce at a licensed farmers' market; providing that the State Board of Health or a local board of health may not adopt regulations that prohibit the sale of unpackaged produce at a licensed farmers' market; authorizing the governing body of a county or city to allow the use of certain land for community composting; authorizing a governing body of a county or city to establish an urban composting zone; providing that a master plan adopted by a planning commission or the governing body of a county or city may include an urban composting element; and providing other matters properly relating thereto.

**Legislative Counsel's Digest:**

~~Existing law requires a county, a city or a district board of health, if created, to develop a plan to provide for a solid waste management system that adequately provides for the management and disposal of solid waste within the area of the system. (NRS 444.510) Existing law sets forth penalties for a person who is found guilty of illegally disposing of solid waste. (NRS 444.630, 444.635) Existing law also provides restrictions on the rules adopted by an association in certain planned communities relating to the location of containers for the collection of solid waste or recyclable materials. (NRS 116.332) Section 1 of this bill excludes from the applicability of such provisions compostable materials that are: (1) inoculated with an effective microorganism and placed in sealed containers for a length of time sufficient for fermentation to occur under anaerobic conditions and promote acidification of the materials; and (2) delivered promptly to a person who holds a certificate as an actual producer of farm products issued by the State Department of Agriculture or who is approved to receive the materials by a person or governmental entity that has been accredited as a certifying agent pursuant to the National Organic Program of the United States Department of Agriculture. (7 C.F.R. Part 205)~~

~~Existing law authorizes counties and cities to grant exclusive franchises to any person or entity to provide services for the collection and disposal of garbage and other waste. (NRS 244.187, 244.188, 268.081) Sections 3, 4 and 6 of this bill clarify that such other waste does not include the compostable materials described in section 1.]~~

Existing law sets forth provisions governing the regulation of food establishments. (Chapter 446 of NRS) Existing law also requires that such provisions be enforced by the health authority, in accordance with regulations adopted by the State Board of Health or a local board of health. (NRS 446.940) Existing law defines "food establishment" to mean any place, structure, premises, vehicle or vessel in which any food intended for ultimate human consumption is manufactured or prepared, or in which any food is sold, offered or displayed. (NRS 446.020) Because a farmers' market is a place in which food is sold, existing law requires a farmers' market to comply with provisions of law governing food establishments. **Section 2** of this bill provides that the State Board of Health or a local board of health may ~~not~~ adopt regulations ~~that~~ for the sale of unpackaged produce at a licensed farmers' market, but such regulations may not prohibit the sale of unpackaged produce at a licensed farmers' market.

Existing law authorizes local governments, city councils or other governing bodies to provide by ordinance for the licensing and regulating of farmers' markets. (NRS 244.337, 268.092) **Sections 5 and 7** of this bill provide that such an ordinance : **(1)** may not prohibit the sale of unpackaged produce at a licensed farmers' market ~~it~~ ; **and (2)** may otherwise regulate the sale of unpackaged produce at a licensed farmers' market.

Existing law sets forth the powers and duties of a governing body of a city or county related to planning and zoning. (Chapter 278 of NRS) Section 7.1 of this bill authorizes a governing body of a city or county to establish an urban composting zone by ordinance. Sections 7.3-7.5 of this bill indicate the placement of section 7.1 in the Nevada Revised Statutes.

Sections 4.5 and 5.5 of this bill authorize a governing body of a city or county to establish by ordinance terms and conditions for the use of land owned by the city or county for the purpose of community composting. Section 7.8 of this bill makes a conforming change to indicate the placement of section 4.5 in the Nevada Revised Statutes.

Under existing law, a master plan may include certain elements as appropriate to a county, city or region, with the exception of certain cities and counties which must include all or a portion of certain elements in a master plan. (NRS 278.150-278.170) Section 7.7 of this bill provides that a master plan may also include an urban composting element. An urban composting element must include a plan to inventory any lands owned by the city or county to determine if such lands may be suitable for urban composting.

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

**Section 1.** ~~NRS 444.490 is hereby amended to read as follows:~~

~~444.490 1. "Solid waste" means all putrescible and nonputrescible refuse in solid or semisolid form, including, but not limited to, garbage, rubbish, junk vehicles, ashes or incinerator residue, street refuse, dead animals, demolition waste, construction waste, solid or semisolid commercial and industrial waste.~~

~~2. The term does not include:~~

~~(a) Hazardous waste managed pursuant to NRS 459.400 to 459.600, inclusive.~~

~~(b) A vehicle described in subparagraph (2) of paragraph (b) of subsection 1 of NRS 444.620.~~

~~(c) Compostable materials which are:~~

~~(1) Inoculated with an effective microorganism and placed in sealed containers for a length of time sufficient for fermentation to occur under anaerobic conditions and promote acidification of the materials; and~~

~~(2) Delivered promptly to a person who holds a certificate as an actual producer of farm products issued pursuant to NRS 576.128 or who is approved to receive the materials by a person or governmental entity that has been accredited as a certifying agent pursuant to 7 C.F.R. Part 205.] (Deleted by amendment.)~~

Sec. 2. NRS 446.940 is hereby amended to read as follows:

446.940 1. Except as provided in ~~[subsection]~~ *subsections 2 ~~[1]~~ and 3*, this chapter must be enforced by the health authority in accordance with regulations hereby authorized to be adopted by the State Board of Health to carry out the requirements of this chapter.

2. ~~[A]~~ *Except as otherwise provided in subsection 3, a* local board of health may adopt such regulations as it may deem necessary to carry out the requirements of this chapter. Such regulations:

(a) Become effective when approved by the State Board of Health;

(b) Must be enforced by the health authority; and

(c) Supersede the regulations adopted by the State Board of Health pursuant to subsection 1.

3. *The State Board of Health or a local board of health ~~[shall]~~ may adopt regulations for the sale of unpackaged produce at a farmers' market licensed pursuant to NRS 244.337 or 268.092. Such regulations must not ~~adopt regulations that~~ prohibit the sale of unpackaged produce at a farmers' market licensed pursuant to NRS 244.337 or 268.092.*

4. All sheriffs, constables, police officers, marshals and other peace officers shall render such services and assistance to the health authority in regard to enforcement as the health authority may request.

Sec. 3. ~~[NRS 244.187 is hereby amended to read as follows:~~

~~244.187 1. A board of county commissioners may, to provide adequate, economical and efficient services to the inhabitants of the county and to promote the general welfare of those inhabitants, displace or limit competition in any of the following areas:~~

~~[1.] (a) Ambulance service.~~

~~[2.] (b) Taxicabs and other public transportation, unless regulated in that county by an agency of the State.~~

~~[3.] (c) Collection and disposal of garbage and other waste.~~

~~[4.] (d) Operations at an airport, including, but not limited to, the leasing of motor vehicles and the licensing of concession stands, but excluding police protection and fire protection.~~

~~[5.] (e) Water and sewage treatment, unless regulated in that county by an agency of the State.~~

~~[6.] (f) Concessions on, over or under property owned or leased by the county.~~

~~[7.] (g) Operation of landfills.~~

~~[8.] (h) Except as otherwise provided in NRS 277A.330, construction and maintenance of benches and shelters for passengers of public mass transportation.~~

~~2. As used in this section, "waste" does not include compostable materials which are:~~

~~(a) Inoculated with an effective microorganism and placed in sealed containers for a length of time sufficient for fermentation to occur under anaerobic conditions and promote acidification of the materials; and~~

~~(b) Delivered promptly to a person who holds a certificate as an actual producer of farm products issued pursuant to NRS 576.128 or who is approved to receive the materials by a person or governmental entity that has been accredited as a certifying agent pursuant to 7 C.F.R. Part 205.] (Deleted by amendment.)~~

Sec. 4. ~~[NRS 244.188 is hereby amended to read as follows:~~

~~244.188 1. Except as otherwise provided in subsection 3 and NRS 269.128 and 269.129, a board of county commissioners may, outside the boundaries of incorporated cities and general improvement districts:~~

~~1. Provide those services set forth in NRS 244.187 on an exclusive basis or, by ordinance, adopt a regulatory scheme for controlling the provision of those services or controlling development in those areas on an exclusive basis; or~~

~~2. Grant an exclusive franchise to any person to provide those services.~~

~~2. If services for the collection and disposal of garbage are provided pursuant to subsection 1, the board of county commissioners may, except as otherwise provided in subsection 3, require owners of real property outside the boundaries of incorporated cities and general improvement districts to receive and pay for those services.~~

~~3. The board of county commissioners may exercise the authority provided in subsections 1 and 2 within the boundaries of a general improvement district if that district:~~

~~(a) Is not authorized to provide those services; and~~

~~(b) Includes any real property within 7 miles from the boundary of an incorporated city.~~

~~4. If an exclusive franchise is granted or a regulatory scheme is adopted for the mandatory collection and disposal of garbage and other waste, the initial boundaries of the collection area must be the same as the boundaries of an existing collection area under an exclusive franchise or regulatory scheme.~~

~~5. The board of county commissioners may expand the boundaries of a collection area established pursuant to subsection 4 after the board has:~~

~~(a) Conducted preliminary studies and determined that the proposed collection area is economically sound and feasible and promotes the health, safety and general welfare of the inhabitants of the county; and~~

~~(b) Held a public hearing on the proposed collection area after giving notice of the time and the place of the hearing in a newspaper of general circulation in that county. The notice must include the purpose of the hearing and describe the boundaries of the proposed collection area.~~

~~6. As used in this section, "waste" has the meaning ascribed to it in NRS 244.187.} (Deleted by amendment.)~~

Sec. 4.5. Chapter 244 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A board of county commissioners may, by ordinance, authorize the use of county land for the purpose of community composting under such terms and conditions established for the use of the county land as set forth by the ordinance  
The ordinance:

(a) May, without limitation:

(1) Establish fees for the use of the county land for a community composting location;

(2) Provide requirements for liability insurance; and

(3) Provide requirements for a deposit to use the county land for a community composting location, which may be refunded.

(b) Must require that promptly after any compostable materials have been sealed for a sufficient amount of time for fermentation to occur, the compostable materials must be delivered to:

(1) A holder of a certificate as an actual producer of farm products pursuant to NRS 576.128; or

(2) A person or operation certified pursuant to 7 C.F.R. Part 205.

2. As used in this section, "community composting location" means a location at which members of the public may dispose of compostable materials to be inoculated with an effective microorganism and placed in a sealed container for a period of time sufficient for fermentation to occur under anaerobic conditions to promote acidification of the materials.

Sec. 5. NRS 244.337 is hereby amended to read as follows:

244.337 1. The board of county commissioners of any county may provide by ordinance for the licensing and regulating of farmers' markets located outside of an incorporated city ~~or~~ including, without limitation, regulating the sale of unpackaged produce at a licensed farmers' market. Any such ordinance must not prohibit the sale of unpackaged produce at a licensed farmers' market.

2. Every person who establishes a farmers' market shall make application to the board of county commissioners of the county in which the farmers' market is to be located. The application must be in a form and manner prescribed by the board of county commissioners.

3. The board of county commissioners may:

(a) Fix, impose and collect license fees upon the market.

(b) Grant or deny applications for licenses or impose conditions, limitations and restrictions upon the license.

(c) Adopt, amend and repeal regulations relating to the licenses and licensees of farmers' markets.

Sec. 5.5. Chapter 268 of NRS is hereby amended by adding thereto a new section to read as follows:

1. The governing body of a city may, by ordinance, authorize the use of city land for the purpose of community composting under such terms and conditions established for the use of the city land as set forth by the ordinance. The ordinance:

(a) May, without limitation:

(1) Establish fees for the use of the city land for a community composting location;

(2) Provide requirements for liability insurance; and

(3) Provide requirements for a deposit to use the city land for a community composting location, which may be refunded.

(b) Must require that promptly after any compostable materials have been sealed for a sufficient amount of time for fermentation to occur, the compostable materials must be delivered to:

(1) A holder of a certificate as an actual producer of farm products pursuant to NRS 576.128; or

(2) A person or operation certified pursuant to 7 C.F.R. Part 205.

2. As used in this section, "community composting location" means a location at which members of the public may dispose of compostable materials to be inoculated with an effective microorganism and placed in a sealed container for a period of time sufficient for fermentation to occur under anaerobic conditions to promote acidification of the materials.

Sec. 6. ~~NRS 268.081 is hereby amended to read as follows:~~

~~268.081 1. The governing body of an incorporated city may, to provide adequate, economical and efficient services to the inhabitants of the city and to promote the general welfare of those inhabitants, displace or limit competition in any of the following areas:~~

~~[1.] (a) Ambulance service.~~

~~[2.] (b) Taxicabs and other public transportation, unless regulated in that city by an agency of the State.~~

~~[3.] (c) Collection and disposal of garbage and other waste.~~

~~[4.] (d) Operations at an airport, including, but not limited to, the leasing of motor vehicles and the licensing of concession stands, but excluding police protection and fire protection.~~

~~[5.] (e) Water and sewage treatment, unless regulated in that city by an agency of the State.~~

~~[6.] (f) Concessions on, over or under property owned or leased by the city.~~  
~~[7.] (g) Operation of landfills.~~  
~~[8.] (h) Search and rescue.~~  
~~[9.] (i) Inspection required by any city ordinance otherwise authorized by law.~~  
~~[10.] (j) Except as otherwise provided in NRS 277A.320, construction and maintenance of benches and shelters for passengers of public mass transportation.~~  
~~[11.] (k) Any other service demanded by the inhabitants of the city which the city itself is otherwise authorized by law to provide.~~

~~2. As used in this section, "waste" has the meaning ascribed to it in NRS 244.187.~~ **(Deleted by amendment.)**

**Sec. 7.** NRS 268.092 is hereby amended to read as follows:

268.092 1. The city council or other governing body of any incorporated city in the State of Nevada, whether organized under general law or special charter, may provide by ordinance for the licensing and regulating of farmers' markets ~~for~~ including, without limitation, regulating the sale of unpackaged produce at a licensed farmers' market. Any such ordinance must not prohibit the sale of unpackaged produce at a licensed farmers' market.

2. Every person who establishes a farmers' market shall make application to the city council or other governing body of the incorporated city in which the farmers' market is to be located. The application must be in a form and manner prescribed by the city council or other governing body.

3. The city council or other governing body may:

(a) Fix, impose and collect license fees upon the market.

(b) Grant or deny applications for licenses or impose conditions, limitations and restrictions upon the license.

(c) Adopt, amend and repeal regulations relating to the licenses and licensees of farmers' markets.

**Sec. 7.1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:**

1. A governing body of a city or county may, by ordinance, establish an urban composting zone within the boundaries of the city or county.

2. To establish an urban composting zone, the governing body must conduct at least one public hearing on the question of whether to establish the urban composting zone.

3. An ordinance adopted pursuant to this section:

(a) Must require that promptly after any compostable materials have been sealed for a sufficient amount of time for fermentation to occur, the compostable materials must be delivered to:

(1) A holder of a certificate as an actual producer of farm products pursuant to NRS 576.128; or

(2) A person or operation certified pursuant to 7 C.F.R. Part 205.

(b) Must not prohibit the use of structures that support composting activities, including, without limitation, toolsheds, instructional spaces and composting bins.

4. As used in this section, "composting" means a process by which compostable materials are inoculated with an effective microorganism and placed in a sealed container for a period of time sufficient for fermentation to occur under anaerobic conditions to promote acidification of the materials.

**Sec. 7.3. NRS 278.010 is hereby amended to read as follows:**

278.010 As used in NRS 278.010 to 278.630, inclusive, and section 7.1 of this act, unless the context otherwise requires, the words and terms defined in NRS 278.0103 to 278.0195, inclusive, have the meanings ascribed to them in those sections.

1       **Sec. 7.4. NRS 278.024 is hereby amended to read as follows:**

2       278.024 1. In the region of this State for which there has been created by  
3       NRS 278.780 to 278.828, inclusive, a regional planning agency, the powers  
4       conferred by NRS 278.010 to 278.630, inclusive, **and section 7.1 of this act** upon  
5       any other authority are subordinate to the powers of such regional planning agency,  
6       and may be exercised only to the extent that their exercise does not conflict with  
7       any ordinance or plan adopted by such regional planning agency. The powers  
8       conferred by NRS 278.010 to 278.630, inclusive, **and section 7.1 of this act** shall  
9       be exercised whenever appropriate in furtherance of a plan adopted by the regional  
10      planning agency.

11      2. Upon the adoption by a regional planning agency created by NRS 278.780  
12      to 278.828, inclusive, of any regional plan, any plan adopted pursuant to NRS  
13      278.010 to 278.630, inclusive, **and section 7.1 of this act** shall cease to be effective  
14      as to the territory embraced in such regional plan. Each planning commission and  
15      governing body whose previously adopted plan is so affected shall, within 90 days  
16      after the effective date of the regional plan, initiate any necessary procedure to  
17      revise its plan and any related zoning ordinances which affect adjacent territory.

18      **Sec. 7.5. NRS 278.025 is hereby amended to read as follows:**

19      278.025 1. In any region of this State for which there has been created by  
20      interstate compact a regional planning agency, the powers conferred by NRS  
21      278.010 to 278.630, inclusive, **and section 7.1 of this act** are subordinate to the  
22      powers of such regional planning agency, and may be exercised only to the extent  
23      that their exercise does not conflict with any ordinance or plan adopted by such  
24      regional planning agency. The powers conferred by NRS 278.010 to 278.630,  
25      inclusive, **and section 7.1 of this act** shall be exercised whenever appropriate in  
26      furtherance of a plan adopted by the regional planning agency.

27      2. Upon the adoption by a regional planning agency created by interstate  
28      compact of any regional plan or interim plan, any plan adopted pursuant to NRS  
29      278.010 to 278.630, inclusive, **and section 7.1 of this act** shall cease to be effective  
30      as to the territory embraced in such regional or interim plan. Each planning  
31      commission and governing body whose previously adopted plan is so affected shall,  
32      within 90 days after the effective date of the regional or interim plan, initiate any  
33      necessary procedure to revise its plan and any related zoning ordinances which  
34      affect adjacent territory.

35      **Sec. 7.7. NRS 278.160 is hereby amended to read as follows:**

36      278.160 1. Except as otherwise provided in this section and NRS 278.150  
37      and 278.170, the master plan, with the accompanying charts, drawings, diagrams,  
38      schedules and reports, may include such of the following elements or portions  
39      thereof as are appropriate to the city, county or region, and as may be made the  
40      basis for the physical development thereof:

41      (a) A conservation element, which must include:

42      (1) A conservation plan for the conservation, development and utilization  
43      of natural resources, including, without limitation, water and its hydraulic force,  
44      underground water, water supply, solar or wind energy, forests, soils, rivers and  
45      other waters, harbors, fisheries, wildlife, minerals and other natural resources. The  
46      conservation plan must also cover the reclamation of land and waters, flood control,  
47      prevention and control of the pollution of streams and other waters, regulation of  
48      the use of land in stream channels and other areas required for the accomplishment  
49      of the conservation plan, prevention, control and correction of the erosion of soils  
50      through proper clearing, grading and landscaping, beaches and shores, and  
51      protection of watersheds. The conservation plan must also indicate the maximum  
52      tolerable level of air pollution.

(2) A solid waste disposal plan showing general plans for the disposal of solid waste.

(b) A historic preservation element, which must include:

(1) A historic neighborhood preservation plan which:

(I) Must include, without limitation, a plan to inventory historic neighborhoods and a statement of goals and methods to encourage the preservation of historic neighborhoods.

(II) May include, without limitation, the creation of a commission to monitor and promote the preservation of historic neighborhoods.

(2) A historical properties preservation plan setting forth an inventory of significant historical, archaeological, paleontological and architectural properties as defined by a city, county or region, and a statement of methods to encourage the preservation of those properties.

(c) A housing element, which must include, without limitation:

(1) An inventory of housing conditions and needs, and plans and procedures for improving housing standards and providing adequate housing to individuals and families in the community, regardless of income level.

(2) An inventory of existing affordable housing in the community, including, without limitation, housing that is available to rent or own, housing that is subsidized either directly or indirectly by this State, an agency or political subdivision of this State, or the Federal Government or an agency of the Federal Government, and housing that is accessible to persons with disabilities.

(3) An analysis of projected growth and the demographic characteristics of the community.

(4) A determination of the present and prospective need for affordable housing in the community.

(5) An analysis of any impediments to the development of affordable housing and the development of policies to mitigate those impediments.

(6) An analysis of the characteristics of the land that is suitable for residential development. The analysis must include, without limitation:

(I) A determination of whether the existing infrastructure is sufficient to sustain the current needs and projected growth of the community; and

(II) An inventory of available parcels that are suitable for residential development and any zoning, environmental and other land-use planning restrictions that affect such parcels.

(7) An analysis of the needs and appropriate methods for the construction of affordable housing or the conversion or rehabilitation of existing housing to affordable housing.

(8) A plan for maintaining and developing affordable housing to meet the housing needs of the community for a period of at least 5 years.

(d) A land use element, which must include:

(1) Provisions concerning community design, including standards and principles governing the subdivision of land and suggestive patterns for community design and development.

(2) A land use plan, including an inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land. The land use plan:

(I) Must, if applicable, address mixed-use development, transit-oriented development, master-planned communities and gaming enterprise districts. The land use plan must also, if applicable, address the coordination and compatibility of land uses with any military installation in the city, county or region, taking into account the location, purpose and stated mission of the military installation.

1 (II) May include a provision concerning the acquisition and use of land  
2 that is under federal management within the city, county or region, including,  
3 without limitation, a plan or statement of policy prepared pursuant to NRS  
4 321.7355.

5 (3) In any county whose population is 700,000 or more, a rural  
6 neighborhoods preservation plan showing general plans to preserve the character  
7 and density of rural neighborhoods.

8 (e) A public facilities and services element, which must include:

9 (1) An economic plan showing recommended schedules for the allocation  
10 and expenditure of public money to provide for the economical and timely  
11 execution of the various components of the plan.

12 (2) A population plan setting forth an estimate of the total population  
13 which the natural resources of the city, county or region will support on a  
14 continuing basis without unreasonable impairment.

15 (3) An aboveground utility plan that shows corridors designated for the  
16 construction of aboveground utilities and complies with the provisions of NRS  
17 278.165.

18 (4) Provisions concerning public buildings showing the locations and  
19 arrangement of civic centers and all other public buildings, including the  
20 architecture thereof and the landscape treatment of the grounds thereof.

21 (5) Provisions concerning public services and facilities showing general  
22 plans for sewage, drainage and utilities, and rights-of-way, easements and facilities  
23 therefor, including, without limitation, any utility projects required to be reported  
24 pursuant to NRS 278.145. If a public utility which provides electric service notifies  
25 the planning commission that a new transmission line or substation will be required  
26 to support the master plan, those facilities must be included in the master plan. The  
27 utility is not required to obtain an easement for any such transmission line as a  
28 prerequisite to the inclusion of the transmission line in the master plan.

29 (6) A school facilities plan showing the general locations of current and  
30 future school facilities based upon information furnished by the appropriate county  
31 school district.

32 (f) A recreation and open space element, which must include a recreation plan  
33 showing a comprehensive system of recreation areas, including, without limitation,  
34 natural reservations, parks, parkways, trails, reserved riverbank strips, beaches,  
35 playgrounds and other recreation areas, including, when practicable, the locations  
36 and proposed development thereof.

37 (g) A safety element, which must include:

38 (1) In any county whose population is 700,000 or more, a safety plan  
39 identifying potential types of natural and man-made hazards, including, without  
40 limitation, hazards from floods, landslides or fires, or resulting from the  
41 manufacture, storage, transfer or use of bulk quantities of hazardous materials. The  
42 safety plan may set forth policies for avoiding or minimizing the risks from those  
43 hazards.

44 (2) A seismic safety plan consisting of an identification and appraisal of  
45 seismic hazards such as susceptibility to surface ruptures from faulting, to ground  
46 shaking or to ground failures.

47 (h) A transportation element, which must include:

48 (1) A streets and highways plan showing the general locations and widths  
49 of a comprehensive system of major traffic thoroughfares and other traffic ways  
50 and of streets and the recommended treatment thereof, building line setbacks, and a  
51 system of naming or numbering streets and numbering houses, with  
52 recommendations concerning proposed changes.

(2) A transit plan showing a proposed multimodal system of transit lines, including mass transit, streetcar, motorcoach and trolley coach lines, paths for bicycles and pedestrians, satellite parking and related facilities.

(3) A transportation plan showing a comprehensive transportation system, including, without limitation, locations of rights-of-way, terminals, viaducts and grade separations. The transportation plan may also include port, harbor, aviation and related facilities.

(i) An urban agricultural element, which must include a plan to inventory any vacant lands owned by the city or county and blighted land in the city or county to determine whether such lands are suitable for urban farming and gardening.

(j) An urban composting element, which must include a plan to inventory any lands owned by the city or county to determine whether such lands are suitable for urban composting.

2. The commission may prepare and adopt, as part of the master plan, other and additional plans and reports dealing with such other elements as may in its judgment relate to the physical development of the city, county or region, and nothing contained in NRS 278.010 to 278.630, inclusive, and section 7.1 of this act prohibits the preparation and adoption of any such element as a part of the master plan.

**Sec. 7.8. NRS 371.047 is hereby amended to read as follows:**

371.047 1. A county may use the proceeds of the tax imposed pursuant to NRS 371.043 or 371.045, or of bonds, notes or other obligations incurred to which the proceeds of those taxes are pledged to finance a project related to the construction of a highway with limited access, to:

(a) Purchase residential real property which shares a boundary with a highway with limited access or a project related to the construction of a highway with limited access, and which is adversely affected by the highway. Not more than 1 percent of the proceeds of the tax or of any bonds to which the proceeds of the tax are pledged may be used for this purpose.

(b) Pay for the cost of moving persons whose primary residences are condemned for a right-of-way for a highway with limited access and who qualify for such payments. The board of county commissioners shall, by ordinance, establish the qualifications for receiving payments for the cost of moving pursuant to this paragraph.

2. A county may, in accordance with NRS 244.265 to 244.296, inclusive, and section 4.5 of this act, dispose of any residential real property purchased pursuant to this section, and may reserve and except easements, rights or interests related thereto, including, but not limited to:

(a) Abutter's rights of light, view or air.

(b) Easements of access to and from abutting land.

(c) Covenants prohibiting the use of signs, structures or devices advertising activities not conducted, services not rendered or goods not produced or available on the real property.

3. Proceeds from the sale or lease of residential real property acquired pursuant to this section must be used for the purposes set forth in this section and in NRS 371.043 or 371.045, as applicable.

4. For the purposes of this section, residential real property is adversely affected by a highway with limited access if the construction or proposed use of the highway:

(a) Constitutes a taking of all or any part of the property, or interest therein;

(b) Lowers the value of the property; or

(c) Constitutes a nuisance.

5. As used in this section:

1 (a) "Highway with limited access" means a divided highway for through traffic  
2 with full control of access and with grade separations at intersections.

3 (b) "Primary residence" means a dwelling, whether owned or rented by the  
4 occupant, which is the sole principal place of residence of that occupant.

5 (c) "Residential real property" means a lot or parcel of not more than 1.5 acres  
6 upon which a single-family or multifamily dwelling is located.

7 **Sec. 8.** The amendatory provisions of sections ~~[2, 4 and 6]~~ 4.5, 5.5, 7.1 and  
8 7.7 of this act do not apply to any contract for the exclusive franchise to provide the  
9 services described in ~~[paragraph (e) of]~~ subsection ~~[H] 3~~ of NRS 244.187, ~~as~~  
10 ~~amended by section 3 of this act,~~ or ~~[paragraph (e) of]~~ subsection ~~[H] 3~~ of NRS  
11 268.081, ~~as amended by section 6 of this act, that is,~~ that is awarded before  
12 October 1, 2021, unless the contract is amended, extended or renewed on or after  
13 October 1, 2021.