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**Senate Bill 426  
(As Introduced)**

**SUGGESTED AMENDMENT**

**Proposed by CLARK COUNTY NEVADA**

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Explanation of Amendment

Clark County notes that many requirements of this bill mirror the requirements of the federal Telecommunications Act of 1996. That act grants state and local governments the right to impose some aesthetic restrictions on telecommunications facilities providing the restrictions do not have the effect of preventing the carrier from establishing its service. The ability of local governments to impose design criteria on telecommunications facilities is critical to ensuring that required facilities have a minimal negative impact on surrounding development, especially residential development. Clark County in particular has developed a regulatory system for these uses that make the location and approval of telecommunications towers and antennas that meet certain design and/or location criteria easy to obtain. In many situations, these approvals do not need a formal land use application approval, only a building permit. In other instances, an administrative application that is relatively simple and quickly processed can approve the facilities. Over the past five years that this system has been in place, there have been building permits for 239 communications facilities approved, only 65 of which required a public hearing process. The system has encouraged collocation, the location of antennas on existing buildings, and integrating antennas on common structures such as flagpoles and light poles. The overall effect has been to minimize land use conflicts while at the same time allowing the carriers to quickly and efficiently establish their service. The success of this system is contingent on Clark County's ability to regulate design. If the bill is adopted with the prohibition of the consideration of aesthetic design criteria, Clark County believes the foundation for its successful regulatory scheme will be eliminated and carriers will be able to require the approval of intrusive towers in residential areas without regard to the visual impact they will have on the residents of the area.

The amendment also deletes the expedited appeal process if an application is denied.

Amend section 12, page 4, by deleting lines 1 and 2 and inserting:

***"(4) Structural and design standards; and"***

Amend section 12, page 4, by deleting lines 14 and 15 and inserting:

***"2. A zoning authority shall not consider the environmental effects of radio frequency emissions"***

Amend section 12, page 4, by deleting lines 19 through 21.

Amend section 12, page 4, by deleting lines 43 through 45.

Amend section 12, page 5, line 1, by deleting "4." and inserting "3."