
ASSEMBLY BILL NO. 427—ASSEMBLYMEN HETTRICK, KNECHT,
GIBBONS, ANGLE, BEERS, BROWN, GRADY, HARDY,
MABEY, MARVEL, SHERER AND WEBER

MARCH 17, 2003

Referred to Committee on Government Affairs

SUMMARY—Prohibits governmental entity, under certain circumstances, from conditioning approval of certain land use permits upon dedication of land, dedication of certain rights or contribution of other thing of value. (BDR 22-1050)

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 land use planning; prohibiting a governmental entity from requiring that a person dedicate land, an easement, a right-of-way or any other thing of value as a condition precedent to the approval or granting of certain land use permits; setting forth certain exceptions; and providing other matters properly relating thereto.

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

- 1 **Section 1.** Chapter 278 of NRS is hereby amended by adding
2 thereto a new section to read as follows:
3 ***1. Except as otherwise provided in subsection 2 and NRS***
4 ***268.578, 278.4787, 278.497 to 278.4987, inclusive, and 278B.240***
5 ***and any other applicable provision of law, no governmental entity***
6 ***may require that a person:***
7 ***(a) Dedicate land;***
8 ***(b) Dedicate an easement;***
9 ***(c) Dedicate a right-of-way; or***
10 ***(d) Contribute or donate any other thing of value,***



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1 *as a condition precedent to the governmental entity approving or*
2 *granting to that person a land use permit.*
3 2. *The provisions of subsection 1 do not prohibit:*
4 (a) *A governmental entity from charging a reasonable fee in*
5 *connection with the processing of an application for a land use*
6 *permit if that fee is otherwise authorized by law; or*
7 (b) *The establishment or operation of any program or system*
8 *of bankable or tradable development credits, including, without*
9 *limitation, the program of wetlands mitigation banking described*
10 *in NRS 244.388.*
11 3. *As used in this section:*
12 (a) *“Governmental entity” includes, without limitation:*
13 (1) *A governing body;*
14 (2) *A planning commission, whether local or regional;*
15 (3) *A planning coalition;*
16 (4) *A redevelopment agency, as that term is defined in NRS*
17 *268.811; and*
18 (5) *The State of Nevada or an agency of the State of*
19 *Nevada.*
20 (b) *“Land use permit” means:*
21 (1) *A building permit;*
22 (2) *A change in zoning;*
23 (3) *A conditional use permit;*
24 (4) *A special use permit;*
25 (5) *A variance;*
26 (6) *A waiver; and*
27 (7) *Any other approval for the use of land.*
28 **Sec. 2.** NRS 278.010 is hereby amended to read as follows:
29 278.010 As used in NRS 278.010 to 278.630, inclusive, *and*
30 *section 1 of this act*, unless the context otherwise requires, the
31 words and terms defined in NRS 278.0105 to 278.0195, inclusive,
32 have the meanings ascribed to them in those sections.
33 **Sec. 3.** This act becomes effective on July 1, 2003.

