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ASSEMBLY BILL NO. 428—ASSEMBLYMEN HETTRICK, KNECHT,  
ANGLE, BEERS, BROWN, GOICOECHEA, GRADY, GRIFFIN,  
GUSTAVSON, HARDY, MABEY, MARVEL, SHERER AND  
WEBER

MARCH 17, 2003

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Referred to Committee on Government Affairs

SUMMARY—Imposes certain requirements relating to adoption or  
amendment of master plan of county or city.  
(BDR 22-1275)

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.

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AN ACT relating to land use planning; providing that certain  
findings must be included within or otherwise accompany  
the adoption or amendment by the governing body of a  
county or city of a master plan or part thereof; imposing  
related requirements with respect to city and county  
initiatives and referenda; requiring a city or county to  
hold a public meeting for presentation of such findings  
with respect to such initiatives and referenda; 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.** NRS 278.220 is hereby amended to read as follows:  
2     278.220 Except as otherwise provided in subsection 4 of  
3     NRS 278.150:  
4     1. Upon receipt of a certified copy of the master plan, or of any  
5     part thereof, as adopted by the planning commission, the governing  
6     body may adopt such parts thereof as may practicably be applied to  
7     the development of the city, county or region for a reasonable period  
8     of time next ensuing.



\* A B 4 2 8 \*

1 2. The parts must thereupon be endorsed and certified as  
2 master plans thus adopted for the territory covered, and are hereby  
3 declared to be established to conserve and promote the public  
4 health, safety and general welfare.

5 3. Before adopting any *master* plan or *any* part thereof, *or any*  
6 *amendment, extension or addition thereof*, the governing body  
7 shall ~~hold~~:

8 (a) *Hold* at least one public hearing thereon, notice of the time  
9 and place of which must be published at least once in a newspaper  
10 of general circulation in the city or counties at least 10 days before  
11 the day of hearing ~~H~~; and

12 (b) *Make findings setting forth the need for the adoption or*  
13 *amendment of the master plan or any part thereof. The findings*  
14 *must include, without limitation:*

15 (1) *An explanation of the manner in which the health,*  
16 *safety and welfare of the residents of the city or county, as*  
17 *applicable, will be promoted or enhanced by the adoption or*  
18 *amendment of the master plan or part thereof;*

19 (2) *The manner in which the financial and environmental*  
20 *resources that are available to the city or county, as applicable,*  
21 *will be affected by the adoption or amendment of the master plan*  
22 *or part thereof; and*

23 (3) *With respect to the adoption or amendment of a part of*  
24 *the master plan, the anticipated effect of the adoption or*  
25 *amendment on the objectives, policies and programs of the entire*  
26 *master plan.*

27 4. No change in or addition to the master plan or any part  
28 thereof, *or any amendment, extension or addition thereof*, as  
29 adopted by the planning commission, may be made by the  
30 governing body in adopting the same until the proposed change or  
31 addition has been referred to the planning commission for a report  
32 thereon and an attested copy of the report has been filed with the  
33 governing body. Failure of the planning commission so to report  
34 within 40 days, or such longer period as may be designated by the  
35 governing body, after such reference shall be deemed to be approval  
36 of the proposed change or addition.

37 **Sec. 2.** Chapter 295 of NRS is hereby amended by adding  
38 thereto the provisions set forth as sections 3 and 4 of this act.

39 **Sec. 3.** *If an initiative or referendum proposes to adopt or*  
40 *amend, in whole or in part, the master plan of a county, or would*  
41 *have the effect of changing a portion of the master plan, the board*  
42 *shall hold a public meeting at which the proponents of the*  
43 *initiative or referendum may present the findings required*  
44 *pursuant to subparagraph (2) of paragraph (d) of subsection 1 of*  
45 *NRS 295.095.*



1       **Sec. 4.** *If an initiative or referendum proposes to adopt or*  
2 *amend, in whole or in part, the master plan of a city, or would*  
3 *have the effect of changing a portion of the master plan, the*  
4 *council shall hold a public meeting at which the proponents of the*  
5 *initiative or referendum may present the findings required*  
6 *pursuant to subparagraph (2) of paragraph (d) of subsection 1 of*  
7 *NRS 295.205.*

8       **Sec. 5.** NRS 295.075 is hereby amended to read as follows:  
9       295.075 As used in NRS 295.075 to 295.125, inclusive, *and*  
10 *section 3 of this act*, unless the context otherwise requires, “board”  
11 means the board of county commissioners.

12       **Sec. 6.** NRS 295.095 is hereby amended to read as follows:  
13       295.095 1. Any five registered voters of the county may  
14 commence initiative or referendum proceedings by filing with the  
15 county clerk an affidavit ~~{stating}~~ :

16       (a) *Stating* they will constitute the petitioners’ committee and  
17 *will* be responsible for circulating the petition and filing it in proper  
18 form ~~{, stating}~~ ;

19       (b) *Stating* their names and addresses ~~{and specifying}~~ ;

20       (c) *Specifying* the address to which all notices to the committee  
21 are to be sent ~~{, and setting}~~ ; and

22       (d) *Setting* out in full ~~{the}~~ :

23       (1) *The* proposed initiative ordinance or citing the ordinance  
24 sought to be reconsidered ~~{}~~ ; and

25       (2) *If the initiative or referendum proposes to adopt or*  
26 *amend, in whole or in part, the master plan of the county, or*  
27 *would have the effect of changing a portion of the master plan, the*  
28 *findings described in paragraph (b) of subsection 3 of*  
29 *NRS 278.220.*

30       2. Initiative petitions must be signed by a number of registered  
31 voters of the county equal to 15 percent or more of the number of  
32 voters who voted at the last preceding general election in the county.

33       3. Referendum petitions must be signed by a number of  
34 registered voters of the county equal to 10 percent or more of the  
35 number of voters who voted at the last preceding general election in  
36 the county.

37       4. A petition must be submitted to the county clerk for  
38 verification, pursuant to NRS 295.250 to 295.290, inclusive, not  
39 later than:

40       (a) One hundred and eighty days after the date that the affidavit  
41 required by subsection 1 is filed with the county clerk; or

42       (b) One hundred and thirty days before the election,  
43 whichever is earlier.

44       5. A petition may consist of more than one document, but all  
45 documents of a petition must be uniform in size and style, numbered



1 and assembled as one instrument for submission. Each signature  
2 must be executed in ink or indelible pencil and followed by the  
3 address of the person signing and the date on which he signed  
4 the petition. All signatures on a petition must be obtained within the  
5 period specified in subsection 4. Each document must contain, or  
6 have attached thereto throughout its circulation, the full text of the  
7 ordinance proposed or sought to be reconsidered ~~[ ]~~ *and, if*  
8 *applicable, the findings required pursuant to subparagraph (2) of*  
9 *paragraph (d) of subsection 1.*

10 6. Each document of a petition must have attached to it when  
11 submitted an affidavit executed by the circulator thereof stating:

- 12 (a) That he personally circulated the document;
- 13 (b) The number of signatures thereon;
- 14 (c) That all the signatures were affixed in his presence;
- 15 (d) That he believes them to be genuine signatures of the  
16 persons whose names they purport to be; and
- 17 (e) That each signer had an opportunity before signing to read  
18 the full text of the ordinance proposed or sought to be reconsidered.

19 7. The county clerk shall issue a receipt to any person who  
20 submits a petition pursuant to this section. The receipt must set forth  
21 the number of:

- 22 (a) Documents included in the petition;
- 23 (b) Pages in each document; and
- 24 (c) Signatures that the person declares are included in the  
25 petition.

26 **Sec. 7.** NRS 295.195 is hereby amended to read as follows:  
27 295.195 As used in NRS 295.195 to 295.220, inclusive, *and*  
28 *section 4 of this act*, unless the context otherwise requires:

- 29 1. "City" means an incorporated city.
- 30 2. "Council" means the governing body of a city.

31 **Sec. 8.** NRS 295.205 is hereby amended to read as follows:  
32 295.205 1. Any five registered voters of the city may  
33 commence initiative or referendum proceedings by filing with the  
34 city clerk an affidavit:

- 35 (a) Stating they will constitute the petitioners' committee and  
36 *will* be responsible for circulating the petition and filing it in proper  
37 form;
- 38 (b) Stating their names and addresses;
- 39 (c) Specifying the address to which all notices to the committee  
40 are to be sent; and
- 41 (d) Setting out in full ~~[the]~~ :

42 (1) *The* proposed initiative ordinance or citing the ordinance  
43 sought to be reconsidered ~~[ ]~~; *and*

44 (2) *If the initiative or referendum proposes to adopt or*  
45 *amend, in whole or in part, the master plan of the city, or would*



1 *have the effect of changing a portion of the master plan, the*  
2 *findings described in paragraph (b) of subsection 3 of*  
3 *NRS 278.220.*

4 2. Initiative petitions must be signed by a number of registered  
5 voters of the city equal to 15 percent or more of the number of  
6 voters who voted at the last preceding city election.

7 3. Referendum petitions must be signed by a number of  
8 registered voters of the city equal to 10 percent or more of the  
9 number of voters who voted at the last preceding city election.

10 4. A petition must be submitted to the city clerk for  
11 verification, pursuant to NRS 295.250 to 295.290, inclusive, not  
12 later than:

13 (a) One hundred and eighty days after the date that the affidavit  
14 required by subsection 1 is filed with the city clerk; or

15 (b) One hundred and thirty days before the election,  
16 whichever is earlier.

17 5. A petition may consist of more than one document, but all  
18 documents of a petition must be uniform in size and style, numbered  
19 and assembled as one instrument for submission. Each signature  
20 must be executed in ink or indelible pencil and followed by the  
21 address of the person signing and the date on which he signed  
22 the petition. All signatures on a petition must be obtained within the  
23 period specified in subsection 4. Each document must contain, or  
24 have attached thereto throughout its circulation, the full text of the  
25 ordinance proposed or sought to be reconsidered ~~and~~ *and, if*  
26 *applicable, the findings required pursuant to subparagraph (2) of*  
27 *paragraph (d) of subsection 1.*

28 6. Each document of a petition must have attached to it when  
29 submitted an affidavit executed by the circulator thereof stating:

30 (a) That he personally circulated the document;

31 (b) The number of signatures thereon;

32 (c) That all the signatures were affixed in his presence;

33 (d) That he believes them to be genuine signatures of the  
34 persons whose names they purport to be; and

35 (e) That each signer had an opportunity before signing to read  
36 the full text of the ordinance proposed or sought to be reconsidered.

37 7. The city clerk shall issue a receipt to any person who  
38 submits a petition pursuant to this section. The receipt must set forth  
39 the number of:

40 (a) Documents included in the petition;

41 (b) Pages in each document; and

42 (c) Signatures that the person declares are included in the  
43 petition.



1     **Sec. 9.** This act becomes effective on July 1, 2003.

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