

SENATE BILL NO. 328—SENATOR AMODEI

MARCH 17, 2003

Referred to Committee on Government Affairs

SUMMARY—Provides for the establishment of regional development districts. (BDR 22-311)

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 regional development; providing for the establishment of regional development districts; designating the Western Nevada Development District as such a district; 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 277 of NRS is hereby amended by adding
2 thereto the provisions set forth as sections 2 to 20, inclusive, of this
3 act.

4 **Sec. 2. 1.** *The Legislature hereby finds that:*

5 *(a) Problems of development in urban and rural regions of the*
6 *State so transcend the boundary lines of governmental units that*
7 *no single unit can plan for their solution without affecting other*
8 *units in the region;*

9 *(b) Coordination of multijurisdictional activities is essential to*
10 *the development and implementation of effective policies and*
11 *programs; and*

12 *(c) Intergovernmental cooperation is an effective means of*
13 *pooling the resources of local government to approach common*
14 *problems and opportunities to make the most effective use of local,*
15 *state, federal and private programs in serving the citizens of such*
16 *urban and rural regions.*



* S B 3 2 8 R 1 *

1 2. *It is the purpose of sections 2 to 20, inclusive, of this act to*
2 *authorize the establishment of regional development districts to*
3 *work with and on behalf of governmental units to develop plans or*
4 *implement programs to address economic, social, physical and*
5 *governmental concerns of each region of the State.*
6 3. *A regional development district shall, as directed by its*
7 *board, serve as a regional resource center and shall provide*
8 *planning, community and economic development, and technical*
9 *assistance to local governments that are members of the district*
10 *and may provide assistance to industrial development*
11 *organizations, tourism promotion organizations, community*
12 *development groups and similar organizations upon request.*
13 **Sec. 3.** *For the purposes of sections 2 to 20, inclusive, of this*
14 *act, the words and terms defined in sections 4 to 8, inclusive, of*
15 *this act have the meanings ascribed to them in those sections.*
16 **Sec. 4.** *“Board” means the board of directors of a regional*
17 *development district.*
18 **Sec. 5.** *“Development region” or “region” means two or*
19 *more contiguous counties whose boundaries constitute the*
20 *geographic area of a regional development district.*
21 **Sec. 6.** *“Governmental unit” means a county, city, town or*
22 *other political subdivision of the State.*
23 **Sec. 7.** *“Regional development district” or “district” means a*
24 *district created pursuant to sections 2 to 20, inclusive, of this act.*
25 **Sec. 8.** *“Subregional” means pertaining to a portion of a*
26 *development region.*
27 **Sec. 9.** *1. Any combination of counties and cities*
28 *representing a majority of the population of the region for which a*
29 *district is proposed may petition the Governor by formal resolution*
30 *setting forth their desire to establish and the need for the*
31 *establishment of a regional development district. The proposed*
32 *district must consist of two or more contiguous counties. For the*
33 *purposes of this subsection, the population of a county does not*
34 *include the population of a city within the county.*
35 2. *Within 60 days after the receipt of a petition that satisfies*
36 *the requirements of subsection 1, the Governor shall establish a*
37 *regional development district and shall notify all governmental*
38 *units within the region for which the district is proposed.*
39 3. *Within 60 days after the establishment of a regional*
40 *development district by the Governor, each county and city in the*
41 *development region, except the counties and cities that petitioned*
42 *the Governor for formation of the district, may meet to determine*
43 *whether to become members of the district. The counties and cities*
44 *that petitioned for the formation of the district and those that elect*
45 *pursuant to this subsection to become members shall each appoint*



1 *one member of their governing bodies to organize the district*
2 *pursuant to section 10 of this act.*

3 **Sec. 10.** *1. The initial governing body of a regional*
4 *development district consists of the representatives of the counties*
5 *and cities appointed pursuant to section 9 of this act. The initial*
6 *governing body shall meet to determine the composition of the*
7 *board of directors of the district. The board must include:*

8 *(a) At least one representative of each county and city that has*
9 *elected to be a member of the district;*

10 *(b) At least one member from each economic development*
11 *authority in the development region that is recognized by the*
12 *Executive Director of the Commission on Economic Development;*

13 *(c) At least one member appointed by the native American*
14 *tribal councils located in the region; and*

15 *(d) Representatives of the general public in the development*
16 *region representing broad public interests within the region and a*
17 *diversity of membership based on factors such as age, gender and*
18 *race.*

19 *At least 51 percent of the members of the board must be elected*
20 *officers who represent counties and cities in the region.*

21 *2. After the initial governing body has established a board,*
22 *the board shall meet to adopt bylaws setting forth its procedures*
23 *and governing its operations. The bylaws must provide for the*
24 *terms of office and method of selection of members of the board,*
25 *and must establish a name for the organization.*

26 *3. The board shall annually establish an operating budget,*
27 *the amount of dues that must be paid by members of the district*
28 *and a schedule for payment of the dues.*

29 *4. Membership in a regional development district is*
30 *voluntary. Each county and city within the development region*
31 *shall determine annually whether to remain or become a member*
32 *of the regional development district. If a county or city determines*
33 *to become a member of the district, it shall pay the dues*
34 *established pursuant to subsection 3. A county or city that is not a*
35 *member of the district is not entitled to be represented on the*
36 *board.*

37 **Sec. 11.** *1. The chairman of the board must be a person*
38 *experienced in the field of government affairs. The chairman shall*
39 *preside at the meetings of the board and is responsible for*
40 *management of the board. The chairman must be elected from the*
41 *membership of the board according to procedures established in*
42 *its bylaws.*

43 *2. The board shall elect a secretary and such other officers as*
44 *it deems necessary for the conduct of its affairs. Times and places*
45 *of regular and special meetings must be fixed by the district and*



1 *may be provided in the bylaws. The board may establish*
2 *committees, divisions, departments and bureaus, and may employ*
3 *such staff as is necessary to carry out its duties. Officers and*
4 *employees of the district serve at the pleasure of the board.*

5 *3. The board shall appoint an executive director to serve as*
6 *the chief administrative officer of the district. The executive*
7 *director is responsible for carrying out all policy decisions of the*
8 *board, and must be selected on the basis of training and*
9 *experience in the field of government affairs.*

10 *4. The board may adopt a personnel system for its officers*
11 *and employees, including terms and conditions for employment,*
12 *compensation, classification, benefits, the filing of fidelity bonds*
13 *and such other policies of insurance as it deems advisable. The*
14 *district shall pay the premiums for any such insurance. The*
15 *employees of the district are public employees within the meaning*
16 *of chapters 281, 286 and 287 of NRS.*

17 *5. The board shall direct that independent audits be*
18 *conducted of the district as required pursuant to state or federal*
19 *law or as the board deems necessary or appropriate.*

20 *6. The board may contract for the services of consultants to*
21 *perform engineering, legal or other services of a professional*
22 *nature for peak workloads, continuing advice on program*
23 *direction, and for specialized and technical services.*

24 **Sec. 12. 1.** *A district has and may exercise all powers which*
25 *are necessary or convenient to enable it to perform and carry out*
26 *the duties and responsibilities of sections 2 to 20, inclusive, of this*
27 *act.*

28 *2. A district may prepare and submit for adoption, after*
29 *appropriate study and such public hearings as it deems necessary,*
30 *comprehensive economic development strategies and other plans*
31 *for governmental units, individually or collectively within the*
32 *region. Plans may consist of policy statements, goals, standards,*
33 *programs and maps prescribing guides for orderly development*
34 *within the jurisdiction subject to the plan. The plans must*
35 *recognize and incorporate planning principles which encompass*
36 *physical, social or economic needs of the region. In preparing*
37 *development plans, the district shall use, to the maximum extent*
38 *feasible, the resources, studies and data available from other*
39 *planning agencies within the region, including counties, cities,*
40 *special districts and subregional planning agencies, and the*
41 *resources of state agencies.*

42 *3. The creation of a regional development district does not*
43 *affect the right of counties or cities to conduct local or subregional*
44 *planning. It is the purpose of sections 2 to 20, inclusive, of this act*
45 *to encourage local and subregional planning. A regional*



1 *development district shall, as far as is practicable, use the data,*
2 *resources and input of local planning agencies.*

3 **Sec. 13.** 1. *A governmental unit may request that a*
4 *regional development district review, comment and provide*
5 *advisory recommendations on local plans or development*
6 *proposals.*

7 2. *A district may provide basic administrative, research and*
8 *planning services for other regional bodies within the boundaries*
9 *of the development district assisted by Federal or State*
10 *Government. Development districts may contract to obtain from or*
11 *to perform services for state agencies, for profit or nonprofit*
12 *entities, for subdistricts organized as the result of federal or state*
13 *programs, and with local governments.*

14 3. *A regional development district may be designated as a*
15 *regional data center providing data collection, storage, analysis*
16 *and dissemination to be used by it and other governmental and*
17 *private users, and may establish fees to provide this service.*

18 4. *A regional development district may study the feasibility of*
19 *programs relating to water, land use, economic development,*
20 *housing, demographics, cultural issues, governmental issues,*
21 *human services, natural resources, communication, technology,*
22 *transportation and other subjects of concern to the citizens of the*
23 *region. A district may institute demonstration projects in*
24 *connection with such studies, and may enter into contracts for*
25 *such purposes as otherwise authorized in sections 2 to 20,*
26 *inclusive, of this act.*

27 5. *Upon approval of the appropriate authority from local,*
28 *state and federal government agencies, a regional development*
29 *district may be deemed a general purpose unit of government to*
30 *receive funds and operate programs on a regional or subregional*
31 *basis.*

32 6. *A regional development district may buy, lease, acquire,*
33 *own, hold, improve, and use real or personal property or an*
34 *interest in property, wherever located in the State, for purposes of*
35 *housing the administrative office of the district and for such other*
36 *purposes as may be authorized, required or deemed necessary by*
37 *the board.*

38 7. *A regional development district may sell, convey, mortgage,*
39 *create a security interest in, lease, exchange, transfer, or dispose*
40 *of all or part of its real or personal property or an interest in*
41 *property, wherever located in the State.*

42 8. *A regional development district may contract with*
43 *governmental units to provide them with services and technical*
44 *assistance in the conduct of local planning and development*
45 *activities.*



1 **Sec. 14. 1.** *A regional development district may establish a*
2 *nonprofit corporation for any purpose for which the district is*
3 *authorized to act pursuant to sections 2 to 20, inclusive, of this act,*
4 *including increasing the supply of affordable housing and*
5 *improving opportunities for home ownership in a development*
6 *region. A nonprofit corporation formed pursuant to this section*
7 *may, among other things, acquire land and buildings, accept*
8 *private, state and federal grant and loan funds, construct and*
9 *rehabilitate housing units, and buy, sell or manage housing within*
10 *the boundaries of the development district.*

11 **2.** *A regional development district may receive and administer*
12 *private, state and federal affordable housing funds to increase the*
13 *supply of affordable housing and to improve opportunities for*
14 *home ownership within the boundaries of the district. The creation*
15 *of a regional development district does not affect the right of a*
16 *county or city to receive and administer affordable housing funds*
17 *or to develop and implement subregional affordable housing*
18 *programs.*

19 **Sec. 15. 1.** *A county may request modification of regional*
20 *boundaries and assignment to a development region other than*
21 *that to which it is assigned, or may request to be added to an*
22 *existing region if the county is not included within any region.*

23 **2.** *A county may not be assigned to a development region*
24 *unless the county is contiguous to the region.*

25 **3.** *Except as otherwise provided in subsection 4, a county may*
26 *not be added to a development region unless the request for*
27 *reassignment or addition is approved by the board of the district to*
28 *which the county would be added and, if the request is for*
29 *reassignment, the board of the district from which the county is*
30 *moving.*

31 **4.** *A county that has been denied approval to be added to a*
32 *region may appeal the decision to the Governor. The*
33 *determination of the Governor concerning the assignment of a*
34 *county to a region is final.*

35 **Sec. 16. 1.** *On or before June 1 of each year, a regional*
36 *development district shall prepare a report for the governmental*
37 *units and the public within the region, the Legislature and the*
38 *Governor. The report must include:*

39 **(a)** *A statement of the district's receipts and expenditures by*
40 *category since the preceding report;*

41 **(b)** *A detailed budget for the year in which the report is filed*
42 *and a tentative budget for the following year, including an outline*
43 *of its program for that period;*

44 **(c)** *A description of any plan adopted in whole or in part for*
45 *the region;*



- 1 (d) *Summaries of any studies and the recommendations*
- 2 *resulting therefrom made for the region;*
- 3 (e) *A summary of significant accomplishments;*
- 4 (f) *A listing of plans of governmental units submitted to the*
- 5 *district pursuant to section 13 of this act, and actions taken in*
- 6 *relationship thereto;*
- 7 (g) *Recommendations of the district regarding federal and*
- 8 *state programs, cooperation, funding and legislative needs; and*
- 9 (h) *A summary of any audit report made during the previous*
- 10 *fiscal year relative to the district.*

11 2. *At least every 5 years, a regional development district shall*
12 *review its activities and issue a report assessing its performance in*
13 *fulfilling the purposes of sections 2 to 20, inclusive, of this act.*
14 *The report must address whether the existence of the district is in*
15 *the public welfare and interest.*

16 **Sec. 17.** *A regional development district may appoint*
17 *advisory committees of interested and affected citizens and elected*
18 *officers to assist in the review of plans, programs and other*
19 *matters referred for review by the district. Whenever a special*
20 *advisory committee is required by any federal or state regional*
21 *program, the district shall, as far as is practicable, appoint such*
22 *committees as advisory groups to the district. Members of the*
23 *advisory committees serve without compensation, but may be*
24 *reimbursed for their reasonable expenses as determined by the*
25 *board.*

26 **Sec. 18.** 1. *All state departments and agencies shall*
27 *cooperate with regional development districts established under*
28 *sections 2 to 20, inclusive, of this act, and shall make available to*
29 *them studies, reports, data, and other informational and technical*
30 *assistance within financial and personnel limitations.*

31 2. *The Governor shall, to the maximum extent possible,*
32 *develop working agreements with state and federal departments*
33 *and agencies to ensure conformance with established development*
34 *regions and to avoid unnecessary duplication of services.*

35 **Sec. 19.** 1. *The Governor shall designate a state agency to*
36 *be responsible for making grants to regional development districts*
37 *created under sections 2 to 20, inclusive, of this act from*
38 *appropriations made available for this purpose. Financial*
39 *assistance provided from the State General Fund must be*
40 *distributed in the following manner:*

41 (a) *Fifty percent of the total amount allocated must be divided*
42 *equally among the regional development districts.*

43 (b) *Twenty percent of the total amount allocated must be*
44 *divided among the regional development districts in the proportion*



1 *that the population of a district bears to the population of all*
2 *districts in the State.*

3 *(c) Thirty percent of the total amount allocated must be divided*
4 *among the regional development districts in the proportion that*
5 *the total population of the counties and cities who are members of*
6 *a district bears to the total population of all cities and counties that*
7 *are members of all districts in the State. For purposes of this*
8 *subsection, the population of a county does not include the*
9 *population of a city within the county.*

10 *2. Financial assistance to previously established districts*
11 *must not be reduced during a biennium to allocate money to a*
12 *newly created regional development district.*

13 *3. A regional development district may accept gifts, apply for*
14 *and use grants or loans of money or other property from the*
15 *United States, the State, or any person, local governmental body or*
16 *other entity for any purpose authorized pursuant to sections 2 to*
17 *20, inclusive, of this act, and may enter into agreements required*
18 *in connection therewith and may hold, use, and dispose of such*
19 *money or property in accordance with the terms of the gift, grant,*
20 *loan, agreement or contract relating thereto. For purposes of*
21 *receipt of state and federal funds for community or economic*
22 *development, regional districts shall be deemed to be general*
23 *purpose units of government and instrumentalities of the State.*

24 *4. A regional development district shall, from time to time,*
25 *designate one or more official depositories for money of the*
26 *district. The designation must be in writing and must set forth all*
27 *the terms and conditions upon which the deposits are made, and*
28 *must be signed by the chairman and secretary, and made a part of*
29 *the official minutes of the board.*

30 **Sec. 20.** *For the purposes of sections 2 to 20, inclusive, of*
31 *this act, the population of a county or city is the population*
32 *certified by the Governor pursuant to NRS 360.285.*

33 **Sec. 21.** 1. The Western Nevada Development District is
34 hereby designated a regional development district for the
35 development region for the purposes of sections 2 to 20, inclusive,
36 of this act, comprised of Carson City and Churchill, Douglas, Lyon,
37 Mineral, Pershing and Storey Counties.

38 2. The Western Nevada Development District is entitled to
39 receive and administer private, state and federal affordable housing
40 funds to increase the supply of affordable housing and to improve
41 opportunities for home ownership within the boundaries of the
42 district pursuant to section 14 of this act.

