

COMMITTEE ON FEDERAL, STATE AND LOCAL GOVERNMENT

Minutes of Meeting -- March 20, 1969

The twenty-ninth meeting of the Committee on Federal, State and Local Government met on the 20th day of March, 1969, at 3:30 P.M.

Committee members present: Chairman James Gibson
Warren L. Monroe
Marvin White
Carl F. Dodge
Vernon Bunker
Chic Hecht
F. W. Farr

Others present:

| | |
|--------------------|-----------------------------------|
| Joseph P. Grodin | Attorney, State AFL-CIO |
| Lou Paley | Exec. Sec., State AFL-CIO |
| Rudy Lak | Reno Police Department |
| Keith J. Henrikson | Federated Fire Fighters of Nevada |
| Jean Howard | School Teacher |
| J. Sloan Olin | Washoe County Personnel Officer |
| I. R. Ashleman | Attorney at Law |
| Frank Daykin | Legislative Counsel Bureau |
| Clark Guild, Jr. | Attorney, Union Pacific Railroad |
| Mayor Gragson | Mayor, Las Vegas |

Press representatives.

Chairman Gibson called the meeting to order. Several bills were under consideration.

SB-87 Proposed by Senator Dodge.
Regulates relations between local governments and employees and prohibits strikes in public employment.

Mr. Ashleman gave a short statement in regard to SB-87 and presented a sheet he had prepared showing suggested amendments to this bill. (See attached.) Chairman Gibson stated that if any action were taken it would be based on Senator Dodge's bill, SB-87. Senator Monroe asked Mr. Ashleman if they would hire a group for mediation rather than going to a state agency. Mr. Ashleman explained that this was true -- they would go to a fact finding panel as is designated in this bill. Chairman Gibson said that in talking with some of the legislators it was found that "binding arbitration" would not meet with much success.

Mr. Grodin, representing attorney for the AFL-CIO, stated that they had some reservations concerning this bill: The bill is overly restrictive with respect to matters that can be subject to negotiations, and by declaring certain matters to be management rights the bill precludes

negotiation on matters which are normally matters of negotiations between unions and employers. He felt that in particular cases where civil service regulations are in effect, the scope of bargaining would necessitate it be narrower in the public sector than in the private sector -- this could be accomplished by saying that bargaining would not be required on matters which are otherwise covered by applicable law, rather than to spell out specific areas which are totally exempt from negotiation.

Mr. Grodin referred to Executive Order 10988, and Senator Dodge pointed out to him that the wording in this bill is exactly the same as is in that Order with the exception of one word. Mr. Grodin added that he felt with respect to the strike issue that some distinction should be made between those services that would result in serious threat to public health or safety and those services which are not. In reply to this Senator Dodge said that he had looked into this and felt it was impossible to define degrees of essentiality -- of what were essential services and what were not.

SB-367 Proposed by Committee on Federal, State and Local Governments.
Excludes division of certain land zoned for industrial, commercial development from definition of "subdivision."

Mr. Clark Guild, attorney representing the Union Pacific Railroad, then referred to a letter addressed to him from Mr. Kennedy of the Union Pacific Railroad Company. (See attached.) Mr. Guild stated that the problem right now is that the Act requires that each lot be numbered and each block be numbered or lettered under the Subdivision Map Act, and he didn't feel that this could be done. Mr. Guild also referred to California law on this same subject and pointed out various provisions contained therein. He then read a suggested amendment to this bill on page 2, line 7, to be added after the word "widths," and it was pointed out that this then would bring it in line with California.

Senator Dodge suggested that they draft some language that would outline removing the requirement with regard to the lot plat -- that a map could be filed rather than a lot plat. Senator Dodge said that he felt they should not remove the industrial or commercial development from the other requirements as far as the installation of the utilities; therefore, he wondered if they could include some sort of a variance form when they file a map. This was concurred in by Mr. Daykin.

Senator Dodge moved Amend (incorporating these suggestions), seconded by Senator Monroe. Vote for this action was unanimous.

AB-52 Proposed by Mr. Close.
Provides for the observance of certain legal holidays on Mondays.

Senator Farr noted that the national chairman for the movement of this holiday program comes from Nevada. He referred to a letter from Mr. Thomas Miller of Reno (American Legion) urging support of this bill, and including a "box score" of 33 other states in this matter.

Senator Monroe moved Approve (with the exception that it amend Veteran's Day back to November 11), seconded by Senator Farr. Vote for this action was unanimous.

SB-359 Proposed by Clark County Delegation.
Amends Las Vegas city charter to make certain additions to persons excluded from the civil service system.

Mayor Gragson spoke briefly about this bill. He pointed out that the proposed amendment is not designed to circumvent the civil service, and, in fact, pertains only to the Police Department and the attorney's office. Senator Dodge raised the question that perhaps the language might be too broad and Mayor Gragson replied that he didn't think that it was. He also emphasized that the bill applies only to Las Vegas. Senator Farr felt that qualifications would have to be written into the language, and Mayor Gragson replied to this that, of course, they wouldn't hire anybody who wasn't qualified. He also noted, that while it was unpleasant, it was sometimes necessary to reduce people in rank or salary for various infractions. This bill would provide that control. Senator Dodge said he felt that should be no objection if there is no opposition from the civil service. There was brief further discussion and the bill was put aside at this time.

There being no further business, the meeting was adjourned.

Respectfully submitted,

Patricia F. Burke

Patricia F. Burke,
Committee Secretary

Page 2 Line 6 to read; "(c) Absence from work upon any pretext or excuse, such as illness,"

Page 2 line 25 to read; "representatives of its own choosing concerning wages, hours and con-

Page 3 line 21 to read; "management department head who has executive responsibility for carrying out the"

Page 3 lines 24 thru 26 inclusive to read; "tion."

Page 4 line 19 to read; "is entitled to receive reasonable compensation. The local government"

Page 4 insert between lines 26 and 27 new subsections to read as follows;

4. The parties may by mutual agreement stipulate as to any issue or issues that the recommendations of the factfinding panel shall be binding upon the parties.

5. If at the expiration of 100 days from the date of service of the notice required by section 13 of this act, the parties have not reached agreement the board may on 5 days notice to the parties conduct a hearing to determine whether or not such failure to reach agreement endangers the health, safety or welfare of the local government employer or the State of Nevada. If the board finds that such failure to agree does affect the health, safety or welfare of the local government employer or the State of Nevada the board may require that the parties implement such recommendations of the fact finding panel as in the board's judgment will resolve the disputes.

6. The factfinding panel shall consider the following criterion in issuing any recommendation:

- a. The financial ability of the local government employer.
- b. The morale and efficiency of the bargaining unit as effected by the issue or issues submitted to the panel.
- c. Whether or not the parties have been bargaining in good faith to effectuate the purposes of this act.

Page 7 line 25 to read; "violation by a fine of not more than \$1,000.00 against each organization for"

Page 7 line 28 to read; "partly responsible for such violation by a fine of not more than \$100.00"

Page 7 - Strike lines 34 thru 38 inclusive.

UNION PACIFIC RAILROAD COMPANY

LAW DEPARTMENT

130

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March 17, 1969

Mr. Clark J. Guild, Jr.
Guild, Guild & Cunningham
Attorneys at Law
102 Roff Way
Reno, Nevada 89501

Dear Clark:

This is in reply to your letter of March 14, 1969, asking that I detail the reasons for sponsoring Senate Bill 367, which, if enacted, would exempt industrial and commercial developments from the operation of the Nevada Subdivision Map Act.

There are two basic reasons for exempting industrial and commercial developments. First, from the standpoint of the consumer or buyer, the real need for the regulation afforded by laws such as the Subdivision Map Act is with respect to residential developments. With residential developments, offerings are made to the general public. Members of the public at large are often not sophisticated in real property dealings, whereas with respect to industrial and commercial developments, the buyers ordinarily are business entities who are dealing on a par with the sellers. Thus, the protection needed in residential subdivisions is not necessary in industrial and commercial subdivisions.

The second and more important reason for exemption of industrial and commercial subdivisions is that by their very nature industrial and commercial subdivisions can not be made to fit within the terms of the Subdivision Map Act. An area being developed residentially typically is divided all at one time into lots which, after development is completed, are then offered for sale. On the other hand, an industrial developer requires flexibility not called for in residential subdivisions. Typically, an industrial developer will acquire a large parcel of land and will subdivide it progressively over a long period of time into parcels varying in shape and size to fit the requirements of each industrial buyer. Specifically, the first buyer may require a 20-acre parcel, whereas the next buyer may require only five acres or even one acre or less. Such is not the case with a residential development where all lots within any particular development are generally of substantially the same size and are marketable in this state of having a fixed size. The industrial developer, on the other hand, requires flexibility for progressive development of the over-all tract.

Mr. Clark J. Guild, Jr.

March 17, 1969

To illustrate the inappropriateness of the law to industrial subdivisions, your attention is called to NRS 278.410, which sets forth the requirements and contents of the final map required by the Nevada Subdivision Map Act. Paragraph 6 of Section 278.410 requires that "each lot shall be numbered, and each block may be numbered or lettered," and, of course, it is a misdemeanor for anyone to offer to sell any property until the final map has been duly recorded. NRS 278.590. I enclose xerox copies of Sections 11567 and 11538 of the California Business and Professions Code which, respectively, are the sections equivalent to NRS 278.410 and 278.590.

Over all, a Subdivision Map Act, at its very core, contemplates dividing a larger parcel into four or more parcels with fixed and predetermined boundaries. In industrial and commercial subdivisions, fixed and predetermined boundaries make development virtually impossible because of the widely varying requirements of industrial purchasers.

Senate Bill 367 would amend the definition of "subdivision" contained in NRS 278.320 to exclude the division of land zoned for industrial or commercial development where the governing body has given its approval of street alignments and widths. This proposed exemption is very similar to the exemption in California, which is set forth in Section 11535(c)(3) of the Business and Professions Code. A xerox copy of Section 11535 is enclosed. You will note that the exemption affords the cities and counties safeguards, and that the exemption primarily is only available in areas zoned by the cities or counties for industrial or commercial development. In addition to this, the appropriate city or county must give its approval of street alignment and widths, thus assuring conformity and continuity with the other streets of the city or county involved.

In your letter of March 14th, you mentioned that there is some concern that once a subdivision is approved for industrial purposes it could thereafter be changed to residential use. Provision of such a change is a function of the zoning laws under the control of the appropriate city or county, and has nothing really to do with exempting an industrial subdivision from the Subdivision Map Act.

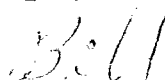
Finally, it should be kept in mind, of course, that all construction within an industrial development would have to comply with the Building Code of the appropriate city or county. To summarize, the city or county has safeguards by way of zoning laws, building codes, and the provision in the proposed exemption of Senate Bill 367 itself giving the city or county approval of street alignments and widths. All really that would be lost to government

Mr. Clark J. Guild, Jr.

March 17, 1969

by the enactment of Senate Bill 367 is the right to have fixed and predetermined boundaries in industrial subdivisions. As outlined earlier, such predetermined boundaries are totally inconsistent with the requirements of industrial buyers that the industrial sellers and, in particular, the Railroads hope to acquire.

Yours very truly,



Wm. Irl Kennedy

WIK:PS

cc Mr. T. E. Hammill

the payment of the cost of setting the monuments, all as provided by Section 11592. (Added Stats.1943, c. 128, p. 870, § 1, as amended Stats.1961, c. 1421, p. 3223, § 1; Stats.1963, c. 1803, p. —, § 1.)

Library references: Counties ↻18; Municipal Corporations ↻43; C.J.S. Counties § 41; C.J.S. Municipal Corporations §§ 83, 84.

Historical Note

As added in 1943, the section read: "The survey and final map shall be made by a registered civil engineer or licensed surveyor who shall set sufficient durable monuments so that another engineer or surveyor may readily retrace the survey. Monuments need not be set at the time the survey is made if a satisfactory assurance is given of their being set later."

In 1961, the former second sentence was omitted and two new sentences were added reading: "He shall also set such additional monuments as may be required by local ordinance. Monuments need not be set at the time the map is recorded, if

the engineer or surveyor certifies on the map that the monuments will be set on or before a specified later date, and if the subdivider furnishes to the governing body a bond or cash deposit guaranteeing the payment of the cost of setting the monuments, all as provided by Section 11592."

The 1963 amendment, in the first sentence, inserted the requirement of conformity to standards; added the third sentence; and inserted the word "Interior" at the beginning of the fourth sentence.

Derivation: Stats.1937, c. 670, p. 1868, § 12.

Cross References

Engineer's or surveyor's certificate that monuments will be set, see § 11592.
Surveying practice, see §§ 8771, 8772.

§ 11567. Form and contents. The final map shall conform to all of the following provisions:

(a) It shall be a map legibly drawn, printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film, including affidavits, certificates and acknowledgments, except that such certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink when recommended by the county recorder and authorized by the local governing body by ordinance. If ink is used on polyester base film, the ink surface shall be coated with a suitable substance to assure permanent legibility.

(b) The size of each sheet shall be 18 by 26 inches. A marginal line shall be drawn completely around each sheet, leaving an entirely blank margin of one inch. The scale of the map shall be large enough to show all details clearly and enough sheets shall be used to accomplish this end. The particular number of the sheet and the total number of sheets comprising the map shall be stated on each of the sheets, and its relation to each adjoining sheet shall be clearly shown.

(c) It shall show all survey and mathematical information and data necessary to locate all monuments and to locate and retrace any and all interior and exterior boundary lines appearing thereon, including bearings and distances of straight lines, and radii and arc length or chord bearings and length for all curves, and such informa-

§ 11567

REAL ESTATE

Div. 4

tion as may be necessary to determine the location of the centers of curves.

(d) Each lot shall be numbered and each block may be numbered or lettered. Each street shall be named.

(e) The exterior boundary of the land included within the subdivision shall be indicated by colored border. The map shall show the definite location of the subdivision, and particularly its relation to surrounding surveys.

(f) It shall also satisfy any additional survey and map requirements of the local ordinance. (Added Stats.1943, c. 128, p. 870, § 1, as amended Stats.1953, c. 1444, p. 3035, § 1; Stats.1959, c. 219, p. 2126, § 1; Stats.1961, c. 377, p. 1431, § 1.)

Historical Note

The 1953 amendment changed the portion of subd. (a) which had read "but affidavits, certificates and acknowledgments may be legibly stamped or printed upon the map with opaque ink" to read "including affidavits, certificates and acknowledgments, except that such certificates, affidavits and acknowledgments may be legibly stamped or printed upon the map with opaque ink when recommended by the county recorder and authorized by the local governing body by ordinance."

The 1959 amendment, in subd. (c), inserted the alternative requirement for "chord bearings and length" for curves.

The 1961 amendment, in subd. (a), following the words "legibly drawn," substituted "printed, or reproduced by a process guaranteeing a permanent record in black on tracing cloth or polyester base film" for "in black waterproof india ink upon good tracing cloth", and it added sentence dealing with ink used on polyester film.

Derivation: Stats.1937, c. 670, p. 1808, § 12.

Cross References

Amended map, compliance with this section, see § 11594.
 Certificates and acknowledgments, see § 11585 et seq.
 Conveyance by lot and block number, see § 11539.
 Local ordinance, see § 11506.
 Statement of monuments, see § 11592.
 Subdivision, see §§ 11507, 11535.

Notes of Decisions**Library references**

Counties ⇨ 18.
 Municipal Corporations ⇨ 43.
 C.J.S. Counties § 41.
 C.J.S. Municipal Corporations §§ 83, 84.

1. Description by reference to map

Generally, a deed will be sustained if it is possible from the whole description to ascertain and identify the land intended to be conveyed with reasonable certainty, either by the calls of the instrument as applied to the land or by the descriptive

features of the grant. *Denbo v. S. ...* (1953) 262 P.2d 31, 120 C.A.2d 863.

Option for purchase of land described as two acres of tip of designated lot on certain tract of given city facing on two named streets sufficiently identified the land as being the two acres at the point or apex of the triangle between the two streets, in view of fact that location and dimensions of lot were made certain by number of tract which was, in effect, reference to a recorded subdivision map. *Id.*

sections of any act requiring the filing of licensed surveyor's or registered civil engineer's records of surveys."

The 1963 amendment rewrote subd. (b) which previously had read: "(b) A final map may be recorded under the provisions of this chapter for the purpose of showing an acreage land previously subdivided into parcels or lots or blocks, and a map may likewise be recorded if it does not di-

vide into two or more taxable parcels any parcel of land which is described as a unit on the latest adopted county tax roll. In either of the cases mentioned in this subsection, if sufficient recorded data exists from which an accurate map may be compiled, there need not be a certificate by a surveyor or engineer."

Derivation: Stats.1937, c. 670, p. 1873, § 24.

Cross References

Acceptance by county recorder of final map under this section, see § 11626.

§ 11538. Sale or lease prohibited before recordation of map; exceptions. (a) It is unlawful for any person to offer to sell or lease, to contract to sell or lease, or to sell or lease any subdivision or any part thereof until a final map thereof in full compliance with the provisions of this chapter and any local ordinance has been duly recorded or filed in the office of the recorder of the county in which any portion of the subdivision is located.

(b) Subsection (a) does not apply to any parcel or parcels of a subdivision offered for sale or lease, contracted for sale or lease, or sold or leased in compliance with or exempt from any law (including a local ordinance), regulating the design and improvement of subdivisions in effect at the time the subdivision was established. (Added Stats. 1943, c. 128, p. 868, § 1, as amended Stats.1955, c. 1593, p. 2889, § 7.)

Historical Note

The 1955 amendment inserted the references to "lease" and "leased" throughout the section.

Derivation: Stats.1937, c. 670, p. 1865, § 4.

Cross References

Local ordinance, see § 11506.
Recordation, see § 11625 et seq.
Subdivision, see § 11507.
Violation, see § 11541.

Law Review Commentaries

Compulsory dedication of land. Clarence Taylor (1962) 13 *Hast.L.J.* 350.

Notes of Decisions

In general 1
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Library references
Vendor and Purchaser § 39.
C.J.S. Vendor and Purchaser § 72.

1. In general

Licensed civil engineer, who surveyed, planned, prepared subdivision map for recording, and erected permanent markers and monuments upon property, made improvements upon the property for which

BUSINESS AND PROFESSIONS CODE § 11535

ARTICLE 3. SCOPE OF REGULATION

Sec.

11546. Dedication of land or payment of fees in lieu thereof for park or recreational purpose as condition precedent to approval of final map [New].

§ 11535. Subdivision; inclusion and exclusion

(a) Subdivision; financing; leasing

(a) "Subdivision" refers to any real property, improved or unimproved, or portion thereof shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, by any subdivider into five or more parcels; provided, that this chapter shall not apply to the financing or leasing of apartments, offices, stores, or similar space within an apartment building, industrial building, commercial building, or trailer park, nor shall this chapter apply to mineral, oil or gas leases.

(b) Exclusions.

(b) Subdivision does not include any parcel or parcels of land which is divided into four or less parcels. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.

(c) Subdivision does not include the division of any real property improved or unimproved or a portion thereof shown on the latest adopted county tax roll as a unit or as contiguous units, which is divided for the purpose of sale, lease, or financing, whether immediate or future, if any of the following conditions prevail:

(1) The whole parcel before division contains less than five acres, each parcel created by the division abuts upon a public street or highway and no dedications or improvements are required by the governing body.

(2) Any parcel or parcels divided into lots or parcels, each of a gross area of 20 acres or more, and each of which has an approved access to a maintained public street or highway.

(3) Any parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development, and which has the approval of the governing body as to street alignments and widths.

(4) Any parcel or parcels of land divided into lots or parcels, each of a gross area of forty (40) acres or more or each of which is a quarter-quarter section or larger.

(d) Submission of tentative map; parcel map.

(d) In any case provided in subdivisions (c) (1), (c) (2), and (c) (3), and in the case of subdivision (b) when requested by local ordinance, a tentative map shall be submitted to the governing body or advisory agency (in the same manner as provided in this chapter for subdivisions) for approval as to area and lot design and as to all requirements of this section. Within one year after approval of the tentative map, a parcel map showing each new parcel or parcels may be filed with the recorder of the county concerned. This map shall be filed prior to sale, lease, or financing of such parcels. Conveyances may be made of parcels shown on such map by number or other such designation. Upon application an extension of the approval of the tentative map, not to exceed one year, may be granted by the governing body or advisory agency.

Dedications.

The governing body may require dedications or an offer of dedication by separate instrument for street opening or widening or easements. If dedications or offers of dedications are required, such dedications shall be completed prior to filing of the parcel map. An offer of dedication shall be in such terms as to be binding on the owner, his heirs, assigns or successors in interest, and shall continue until the governing body accepts or rejects such offer.

Asterisks * * * indicate deletions by amendment

§ 11535 BUSINESS AND PROFESSIONS CODE

Improvement of streets; etc.

In the case of * * * subdivision (c) (3), and in the case of subdivision (b) when local ordinance provides, the governing body may require the improvement of public or private streets, highways, ways, or easements as may be necessary for local traffic, drainage and sanitary needs.

(e) Cemetery land.

(e) Nothing contained in this chapter shall apply to land dedicated for cemetery purposes under the Health and Safety Code of the State of California.

(f) Construction.

(f) Nothing contained in this section shall in any way modify or affect any of the provisions of Section 11000 of this code.

(Amended by Stats.1963, c. 1551, p. 3136, § 1; Stats.1965, c. 1180, p. 2981, § 7; Stats. 1967, c. 727, p. 2098, § 3; Stats.1967, c. 856, p. 2293, § 1; Stats.1968, c. 269, p. —, § 2; Stats.1968, c. 331, p. —, § 4; Stats.1968, c. 520, p. —, § 4.)

Section 3 of Stats.1968, c. 269, p. —, provided: "Section 2 of this act shall become operative only if Senate Bill No. 435 is enacted by the Legislature at the 1968 Regular Session [Stats.1968, c. 331, p. —] and amends Section 11535 of the Business and Professions Code, and in such case at the same time as Senate Bill No. 435 takes effect at which time Section 11535 of the Business and Professions Code as amended by Section 1 of this act is repealed."

Section 7 of Stats.1968, c. 331, p. —, read as follows: "Section 4 of this act shall become operative only if both Assembly Bill No. 780 [Stats.1968, c. 269] and Senate Bill No. 679 [Stats.1968, c. 520] are enacted by the Legislature at its 1968 Regular Session, and if each such bill, as enacted, amends Section 11535 of the Business and Professions Code, and in such case at the same time as the amendments to Section 11535, as contained in Assembly Bill No. 780 and Senate Bill No. 679, become operative, in which event Sections 1, 2, 3, 5, and 6 of this act shall not be operative."

Sections 5-7 Stats.1968, c. 520, p. —, provided: "Sec. 5. Section 2 of this act [also amending this section] shall become operative only if Senate Bill No. 435 [Stats. 1968, c. 331, p. —] is enacted by the Legislature at its 1968 Regular Session and, as enacted, amends Section 11535 of the Business and Professions Code, and if Assembly Bill No. 780 [Stats.1968, c. 269, p. —] is not enacted at such session or, if enacted, does not amend Section 11535, and in such case at the same time as the amendments to Section 11535, as contained in Senate Bill No. 435, become operative, in which event Sections 1, 3, 4 [also amending this section], 6, and 7 of this act shall not be operative."

"Sec. 6. Section 3 [also amending this section] of this act shall become operative only if Assembly Bill No. 780 [Stats.1968, c. 269, p. —] is enacted by the Legislature at its 1968 Regular Session and, as enacted amends Section 11535 of the Business and Professions Code, and if Senate Bill No. 435 [Stats.1968, c. 331, p. —] is not enacted at such session or, if enacted, does not amend Section 11535, and in such case at the same time as the amendments to Section 11535, as contained in Assembly Bill No. 780, become operative in which event Sections 1, 2, 4 [also amending this section], 5, and 7 of this act shall not be operative."

"Sec. 7. Section 4 of this act shall become operative only if both Senate Bill No. 435 [Stats.1968, c. 331, p. —] and Assembly Bill No. 780 [Stats.1968, c. 269, p. —] are enacted by the Legislature at the 1968 Regular Session and if each such bill, as enacted, amends Section 11535 of

the Business and Professions Code, and in such case at the same time as the amendments to Section 11535, as contained in Senate Bill No. 435 and Assembly Bill No. 780, become operative, in which event Sections 1, 2, 3 [also amending this section], 5, and 6 of this act shall not be operative."

1963 amendment. Deleted the words "within any one-year period" formerly preceding the proviso in subd. (a) and added paragraph (3) to subd. (b).

1965 Amendment. Added the words "or financing" following the word "lease" in subd. (a); substantially rewrote subds. (b) and (c) into subds. (b) through (d); added the provisions of the second and third pars. of subd. (d); and relettered subds. (d) and (e) as (e) and (f).

1967 Amendments. Added the words "financing or" in the proviso of subd. (a).

1968 Amendments. Added last sentence of subd. (b); inserted "or commercial" in paragraph (3) of subd. (c); added "or each of which is a quarter-quarter section or larger" to paragraph (4) of subd. (c); and substituted "subdivision (c) (3), and in the case of subdivision (b)" for "subdivisions (b) and (c) (3) and" in the last paragraph of subd. (d).

Library references

Subdivision mapping. Report of Subcommittee of Assembly Interim Committee on Governmental Efficiency and Economy, 1963-1965, vol. 8, No. 9, p. 3. Vol. 1 of Appendix to Journal of Assembly, Reg. Sess., 1965.

Supplementary Index to Notes

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1. Construction and application

Under this section, defining subdivision as not including parcels of twenty acres or more which have approved access to a maintained public street or highway, the term "approved access" means that the local governing body must approve the potential means of ingress and egress connecting such parcels to a maintained public street or highway. 47 Ops.Atty.Gen. 126, 4-13-66.

6. Mandamus

Where one property owner initiated partition action against the eleven other owners and all owners, represented by same counsel, obtained judicial approval of referee's report recommending creation of twelve parcels, and subsequently divided

Underline indicates changes or additions by amendment

(REPRINTED WITH ADOPTED AMENDMENTS)

FIRST REPRINT

A. B. 52

ASSEMBLY BILL NO. 52—MR. CLOSE

JANUARY 22, 1969

Referred to Committee on Government Affairs

SUMMARY—Provides for the observance of certain legal holidays on Mondays. (BDR 19-39)

EXPLANATION—Matter in *italics* is new; matter in brackets [] is material to be omitted.

AN ACT relating to legal holidays; providing for uniform annual observance of certain legal holidays on Mondays; adding Washington's Birthday as a legal holiday for Nevada; 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 236.010 is hereby amended to read as follows:
 2 236.010 1. ~~The~~ *Until January 1, 1971, the following days are*
 3 declared to be legal holidays for state and county government offices:
 4 January 1 (New Year's Day)
 5 *February 22 (Washington's Birthday)*
 6 May 30 (Memorial Day)
 7 July 4 (Independence Day)
 8 First Monday in September (Labor Day)
 9 October 31 (Nevada Day)
 10 November 11 (Veterans' Day)
 11 Thanksgiving Day
 12 December 25 (Christmas Day)
 13 Any day that may be appointed by the President of the United States
 14 ~~or by the governor~~ for public fast, thanksgiving or *as a legal*
 15 holiday.
 16 2. All state and county offices, courts, banks and the University of
 17 Nevada shall close on the holidays enumerated in subsection 1 unless in
 18 the case of appointed holidays all or part thereof are specifically
 19 exempted.
 20 3. If January 1, *February 22, May 30, July 4, October 31, Novem-*
 21 *ber 11 or December 25* ~~shall fall~~ *falls* upon a Sunday, the Monday
 22 following shall be observed as a holiday.
 23 SEC. 2. Chapter 236 of NRS is hereby amended by adding thereto a
 24 new section which shall read as follows:

1 1. *On and after January 1, 1971, the following days are declared to*
 2 *be legal holidays for state and county government offices:*

- 3 *January 1 (New Year's Day)*
- 4 *Third Monday in February (Washington's Birthday)*
- 5 *Last Monday in May (Memorial Day)*
- 6 *July 4 (Independence Day)*
- 7 *First Monday in September (Labor Day)*
- 8 *Fourth Monday in October (Veterans Day)*
- 9 *October 31 (Nevada Day)*
- 10 *Fourth Thursday in November (Thanksgiving Day)*
- 11 *December 25 (Christmas Day)*
- 12 *Any day that may be appointed by the President of the United States*
 13 *for public fast, thanksgiving or as a legal holiday.*

14 2. *All state and county offices, courts, banks and the University of*
 15 *Nevada shall close on the holidays enumerated in subsection 1 unless in*
 16 *the case of appointed holidays all or a part thereof are specifically*
 17 *exempted.*

18 3. *If January 1, July 4, October 31 or December 25 falls upon a Sun-*
 19 *day, the Monday following shall be observed as a holiday.*

20 SEC. 3. NRS 1.130 is hereby amended to read as follows:

21 1.130 1. No court shall be opened nor shall any judicial business be
 22 transacted on Sunday, or on any day declared to be a holiday according to
 23 the provisions of [NRS 236.010,] section 2 of this act, except for the fol-
 24 lowing purposes:

- 25 (a) To give, upon their request, instructions to a jury then deliberating
 26 on their verdict.
- 27 (b) To receive a verdict or discharge a jury.
- 28 (c) For the exercise of the power of a magistrate in a criminal action
 29 or in a proceeding of a criminal nature.
- 30 (d) For the issue of a writ of attachment, which may be issued on each
 31 and all of the days above enumerated upon the plaintiff, or some person
 32 in his behalf, setting forth in the affidavit required by law for obtaining the
 33 writ the additional averment as follows: That the affiant has good reason
 34 to believe, and does believe, that it will be too late for the purpose of
 35 acquiring a lien by the writ to wait until subsequent day for the issuance
 36 of the same. All proceedings instituted, and all writs issued, and all official
 37 acts done on any of the days above specified, under and by virtue of
 38 this section, shall have all the validity, force and effect of proceedings
 39 commenced on other days, whether a lien be obtained or a levy made
 40 under and by virtue of the writ.

41 2. Nothing herein contained shall affect private transactions of any
 42 nature whatsoever.

43 SEC. 4. NRS 236.010 is hereby repealed.

44 SEC. 5. 1. Sections 1 and 2 of this act shall become effective upon
 45 passage and approval.

46 2. Sections 3 and 4 of this act shall become effective on January 1,
 47 1971.