COMMITTEE ON PEDERAL, STATE AND LOCAL GOVERNMENTS

Minutes of Meeting -- February 22, 1971

The twelfth meeting of the Committee on Federal, State and Local Governments was held on February 22, 1971 at 3:00 P.M.

Present were:

James I. Gibson Warren L. Monroe Lee Walker Chic Hecht Carl F. Dodge Stan Drakulich Coe Swobe

Also present were:

Cliff Young, Senator Archie Pozzi, Senator Ray Knisley Ernest Newton, Nevada Taxpayers Association Curt Blyth, Nevada Municipal Association Jack Sheehan, Attorney, Nevada Tax Commission James Lien, Nevada Tax Commission Wally White, Incline Village Improvement District Leroy Bergstrom, Nevada Society of Public Accountants John Sparbel, State Planning Board Joe Midmore, Builders Association of Northern Nevada

Press representatives

Chairman Gibson called the meeting to order at 3:00 P.M. Several bills were before the committee for consideration.

SB-163 Makes technical amendments in Carson City charter.

Senator Pozzi stated that the basic purpose of this bill is to amend with regard to the salaries of the mayor and the city supervisors. The statute as it presently reads allows them less money than they are now getting, so there is a need for this amendment. (Amendments attached as <u>Exhibit "A"</u>.)

<u>SB-172</u> Removes advisory committee recommendations as limitation on powers of Nevada tax commission concerning budgets of local governments.

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### Senate Committee on Federal, State, and Local Governments

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A representative of the Nevada Tax Commission, Mr. JACK SHEEHAN, explained that the advisory committee would be meeting on February 23, and he would have information at a later date with reference to this bill. He did state however, that they would recommend the removal of the language on page 1, "upon the recommendations of the advisory committee." It comes down to a question of who is to prescribe the form --the advisory committee or the tax commission?

<u>SB-170</u> Specifies contents of school district budgets required under Local Government Budget Act.

Mr. Sheehan stated that this bill provides the Tax Commission with more authority to prescribe in more detail in the school district budgets. During the last session the authority of the tax commission to get involved in details of the local government budgets was diluted. He also testified that it has been indicated to him that there is a desire on the part of the administration to go into more detail with the school district budgets.

Senator Wilson would like to be heard on both of these bills.

Mr. ERNEST NEWTON of the Nevada Taxpayers Association was next to speak to the committee regarding <u>SB-170</u> and <u>SB-172</u>.

<u>SB-170</u> appeared to him to be an administrative detail that does not need to be in the statute. He said the detailed personnel information is already available either from the school district, the State Department of Education, or the Nevada State Education Association. As far as the tax commission is concerned this information is completely useless to them. This misses the whole point of the budget, which is supposed to be a <u>fiscal</u> interpretation of the job to be performed -- it should not tell us how many people they will employ, but only what is to be done with the money.

In connection with <u>SB-172</u> Mr. Newton testified that he feels the last deletion, "upon the recommendations of the advisory committee," is proper. It eliminates an ambiguity in the present statutes, as they now say that the tax commission shall listen to the recommendations of the advisory committee and then make its decision. This one in effect gives the implication that the tax commission cannot do anything in this field without the recommendation of the advisory committee. There is a specific conflict in the statutes which should be resolved.



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### Senate Committee on Federal, State, and Local Governments

# <u>SB-6</u> Permits school districts to transact business on cash basis.

The committee heard further testimony from Mr. Newton, this time with reference to <u>SB-6</u>. He noted that he does not anticipate the difficulty that this bill proposes to solve. He feels that the most meaningful and the most informative method of keeping books for any governmental agency is on either an accrual or modified accrual basis. A modified accrual basis provides information to everybody, including the governing board itself. He is opposed to this bill, and feels that conducting business on a "cash basis" is a step backward.

Mr. LEROY BERGSTROM, Vice President of the Nevada Society of Public Accountants, testified that they feel it particularly appropriate that the committee is considering <u>SB-6</u> and <u>SB-170</u> together, since their objectives are in such opposition.

<u>SB-6</u> permits school districts to conduct business on a cash, modified accrual or accrual basis, at the option of each Board of Trustees. By its language (as amended, first reprint) <u>SB-6</u> permits continuation of cash basis accounting for school districts beyond June 30, 1972. In the bills present form, the method of accounting could be changed, either way, at the option of each Board. <u>SB-6</u> is, in his opinion, an anti-full disclosure bill. It permits a most inappropriate measure for the largest of our local governments, in that it permits very substantial liabilities to be excluded from measurement of a schools results of operation and financial position. This results in neither good accounting nor good management.

Mr. Bergstrom further commented on <u>SB-170</u>, saying that he concurred with Mr. Newton, and on <u>SB-172</u>, stating that he had no objection to this bill.

<u>SB-105</u> Permits cities or counties to make dedication of recreation areas or in-lieu payments mandatory before approval of subdivision plat.

The first witness to be heard regarding <u>SB-105</u> was Mr. JOE MIDMORE, representing the Builders Association of Northern Nevada, which includes about 50 general contractors and land developers. He referred to the requirement in this bill that the subdivider dedicate land for playground and park purposes.

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stating that the Fifth Amendment to the U.S. Constitution as regards emminent domain says, "nor shall private property be taken for public use without just compensation having first been made," and the Nevada Constitution says essentially the same thing. So it seems to him that this is basically unconstitutional -- taking land for public purposes, or giving the cities and counties the right to do so with no compensation. Presently the only forcible dedication is with regard to streets in a subdivision. Also the use of the word "School" on page 1, line 23, is highly improper and in conflict with the present wording of the statutes on how playgrounds are acquired for schools. He also objected to the provision on page 2 requiring a "payment in-lieu" of land dedicated for park purposes, and concluded that they do not recommend passage of this bill.

Mr. Ernest Newton testified before the committee in opposition to <u>SB-105</u>. He has serious doubts about its fairness and also about its effects. This will reduce the options that a property owner has on the development on his property. He also stated that he didn't like any law that would permit property to be taken from a private owner for public use without compensation and as a price for subdividing land. This would create a series of parks without any provision made as to development, use, supervision, and maintenance of the park or playground.

Mr. RAY KNISLEY also spoke in opposition to <u>SB-105</u> saying that he thinks it is "bad law." It is an extension of "police powers," and with the other powers in this bill you can so effectively depress the value of the holding that the land will become unsaleable. He emphasized that the subdivider has no choice as to which part of his land will be used for park purposes, which appears to be unequitable. Also that any "in-lieu payment" could be spent in other areas and possibly many miles away. The basic idea of this is good -to provide parks and playgrounds -- but it would allow the county or city to come in and take the best land without compensation and without any regard for future development and supervision.

Mr. JOHN SPARBEL, of the State Planning Commission, spoke not for the commission, but as a planning practitioner with regard to <u>SB-105</u>. This bill, which is an addition to Chapter 278 of the statutes, begins to fulfill some of the objectives of



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that particular chapter -- to allow governing bodies to regulate land use for purposes of promoting public health, safety and morals and general welfare. We are all concerned with being able to see cities and counties implement master plans, which the statutes require them to prepare. This bill seems to present one option which would allow them to develop at least the park and recreation element of their master plan. With reference to the provision providing an in-lieu payment, Mr. Sparbel testified that this method is presently being practiced in the State of California. The payment to be made would be in direct relation to the number of structures in the development and would be a fairly minimal amount.

A question was presented by Senator Drakulich as to whether this bill would include apartment houses and mobile homes. Senator Young stated that they were not included under this proposal. At this point Senator Young said in rebuttal that although there may be many arguments in opposition to this bill, that the "constitutionality" is certainly not one of them. He cited cases in point.

Senator Hecht suggested that the word "school" on page 1, line 23 of SB-105 be deleted.

Mr. WALLY WHITE, representing the Incline Village Improvement District, presented the committee with a statement in reference to <u>SB-173</u>, and said that he would like to be heard on it at a later date. (Statement attached as Exhibit "B".)

Chairman Gibson stated that <u>SB-96</u>, the Washoe County school district bond bill, is no longer required. He also requested that Senator Drakulich do whatever he could to clear up the delay with regard to <u>AB-43</u>.

There being no further business, the meeting was adjourned.

Respectfully submitted.

Mary Jean Fondl, Committee Secretary XASSEMENT / SENATE AMENDMENT BLANK Amendments to MXXXXXX / Senate Bill / JANXEXREXCHANNOR No.163 (BDR S-404 Proposed by Senator Pozzi

Amendment Nº 2753

Amend sec. 2, page 3, by deleting lines 38 through 40 and inserting: "entitled to receive an annual salary of \$4,500."

Amend sec. 4, page 4, by deleting lines 20 through 22 and inserting: "2.010.] is entitled to receive an annual salary of \$5,100."

Amend sec. 6, page 5, by deleting line 23 and inserting "tained for

the governmental functions of Carson City."

Exhibit "A"

February 19, 1971

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Incline Village Statement as to Extension of Water and Sewer Service Outside Their Boundaries

W. W. White

This statement is made in connection with A.B. 160, A.B. 264 and S.B. 173. Incline Village General Improvement District has an interest and responsibility in making available water and sewer service to those persons just outside of the present District boundaries.

The Board policy is that sewer service will only be extended when that property is annexed and becomes a part of the District. There is a problem with present N.R.S. 318.258-5 in that if annexation was made District could not recover any of the costs of providing this service. There is an Attorney General's opinion to this effect. Should District annex these properties without a recovery of costs comparable to that assessed to the persons in the District, then District would be derelict to those property owners who have already spent \$12,464,000 for sewers and \$7,718,000 for water system.

The question of reasonable cost has been bandied about and has been loosely stated as costing \$7,000 as the cost of sewers. Attached to this statement is a copy of our various costs. District believes that a reasonable cost of recovery per household unit should be capital cost and interest, less depreciation of the facilities at the time of annexation. Based on costs to June 30, 1971, the cost for a sewer unit would be \$843.51 and \$337.23 for water.

S.B. 173, Section 8 should receive some clarification and if the recovery is based on capital and interest, then the sewer cost would be \$920.38 and water \$379.68. It is suggested that reasonable cost include some definition of "reasonable cost" as "capital plus interest less depreciation at the time of annexation". The other costs involved would be our regular connection charges and those charges of the outside property to bring their services to the District's system.

District is willing to accept those properties adjacent to the present District boundaries consisting of homes and condominiums but we would be extremely reluctant to service any new gambling casinos or hotels. District has an agreement with the State of Nevada to serve Sand Harbor State Park and will consider receiving treated effluent from the State Highway facilities at Spooners.

We have no intention of extending the District's boundaries on District initiative. If this is a concern, then those provisions initiating annexation, Section 2, 3, 4, 5, 6, and 7, might be deleted.

Exhibit "B"

There has been some discussion as to the District's recreation charge. District has no intention of applying the \$50 per year recreation charge to any annexed property. In fact, the deed restrictions and the bond covenants financing this \$2,600,000 beach facility limit the use within the District boundaries as now constituted. District could not permit these persons to use the facilities excepting as guests of another property owner and on this basis could not impose the \$50 charge.

A.B. 264 has modified A.B. 160 and S.B. 173 to provide the charging of a reasonable fee with the addition of what a reasonable fee might be. This would be minimum for District to serve these outside areas.

The service into this system is vital to the program to provide sewer service and export of sewage out of the Basin. We are willing to accept these outside areas and state that the passage of enabling legislation on this subject is vital, and the sooner that this can be provided the quicker District can proceed with arranging for the finance, engineering and extending of these services. A.B. 264 would accomplish this purpose.

We would warn, however, that to accomplish this would require initiative on the part of these outside areas and they must not expect the initiative to come from this District. Contiguous pieces of property, as the 32 lots on Incline Beach, would have to unanimously ask for annexation; otherwise, easements across these properties could be troublesome.

Copies to:

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Senator Thomas R. C. Wilson Senator James Gibson Assemblyman Hal Smith Assemblyman Lawrence Jacobsen

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February 18, 1971

Thomas R. C. Wilson II Nevada State Senator P. O. Box 2670 Reno, Nevada 89505

Dear Spike:

Thank you so much for your letter of February 15 setting a time for hearing on S.B. 173. This bill appears to be along the lines of our attorney's discussion of a bill encompassing all of the defects of N.R.S. 318. A similar bill was introduced by Lawrence Jacobsen as A.B. 160.

Recognizing the sensitivity of Clark County to annexation proceedings in that county in recent years, I had questioned annexation provisions in A.B. 160. Sure enough, Mr. Smith questioned those provisions and rewrote A.B. 160 to what is now A.B. 264. A.B. 264 as a minimum is a must to solve the sewer problems of the areas adjacent to this District. The hearing on this bill and others on annexation is scheduled for 2:30 on February 23rd.

This District can provide service to those outside areas on the recovery of reasonable cost. There will be a question as to what is reasonable cost. In your bill, S.B. 173, Section 8 gives some direction to what is reasonable cost and would apply at this particular time, but there is some question whether this will apply in the distant future when bonds have been paid off. As an example, the cost of our sewer system including the export line, etc., is \$5,885,298. The interest on those bonds as of July 1, 1971, is \$2,510,185. According to your Section 8, this would result in a charge per each lot of roughly \$728 and this is actually what each person in the Improvement District is now paying for that reasonable annexation cost. However, that plant is depreciating and I would take into account an item of depreciation but charging interest to the date of annexation, and as of July 1 this would be something in the neighborhood of \$843.51.

Thomas R. C. Wilson II

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February 18, 1971

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I think that Section 8 should be clarified to say that the annexation charge should be based on the payment of the original principal plus interest, but less depreciation at the time of the connection.

There have been some rumors of what we were going to charge these people and I think it is important that I give you some idea of this at this time. Some of the statements have said the cost for service would be \$7,000 but, based on figures I have just given you, the cost to acquire sewer service based on interest less depreciation is in the neighborhood of \$843.51; the cost for water service is \$337.23.

I appreciate very much your calling the hearing to my attention. I would hope to be there and will bring your letter to the attention of the Trustees tonight.

I believe that your bill does the job but may have to settle for the amendment on Page 3, 318.258-5, and for that amendment, 318.200, on Page 1 of A.B. 264. I would certainly support your bill, S.B. 173, but might ask for clarification of Section 8.

With kindest personal regards, I am

Yours very truly,

INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT

W. W. White General Manager

WWW/av

cc: Assemblyman Hal Smith

### S. B. 163

1-132

### SENATE BILL NO. 163—SENATOR POZZI

### FEBRUARY 8, 1971

Referred to Committee on Federal, State and Local Governments

SUMMARY—Makes technical amendments in Carson City Charter. Fiscal Note: No. (BDR S-404)

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

AN ACT to amend an act entitled "An Act relating to Carson City; consolidating Ormsby County and Carson City into one municipal government to be known as Carson City; providing a charter therefor; and providing other matters properly relating thereto," approved April 1, 1969, as amended; amending various complementary NRS sections to effect the purposes of this act; 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. Section 1.030 of the charter of Carson City, being chap-2 ter 213, Statutes of Nevada 1969, at page 288, is hereby amended to read 3 as follows:

Section 1.030 Description of territory. The territory embraced in 4 Carson City is that certain land situate in the State of Nevada, described 5 as follows: Beginning at the northwest corner of Douglas County, Nevada, 6 at a point on the common boundary between the State of Nevada and 7 the State of California; thence due east to the shoreline of Lake Tahoe; 8 thence easterly along the south boundaries of a portion of Section 33, 9 all of 34, 35 and 36, T. 15 N., R. 18 E. M.D.B. & M.; thence con-10 tinuing easterly along the south boundaries of Sections 31, 32, 33, 34, 35 11 and 36, T. 15 N., R. 19 E., to the southwest corner of Section 31, T. 15 N., R. 20 E.; thence continuing easterly along the south boundary of 12 13 Section 31 to the east  $\frac{1}{16}$  corner common to Section 31 and Section 6, 14 T. 14 N., R. 20 E.; thence southerly along the north-south centerline of the NE¼ of Section 6, a distance of 300 feet, more or less, to the center 15 16 north-north-northeast  $\frac{1}{256}$  corner of Section 6; thence easterly along the 17 east-west centerline NW14 of the NE14 of the NE14 of Section 6, a 18 19 distance of 660 feet, more or less to the center north-northeast-northeast  $\frac{1}{256}$  corner of Section 6; thence northerly along the north-south center-20 line of the NE<sup>1</sup>/<sub>4</sub> of the NE<sup>1</sup>/<sub>4</sub> of Section 6, a distance of 300 feet, more 21 or less, to the east-east  $\frac{1}{64}$  corner common to Section 6, T. 14 N., R. 20 E., and Section 31, T. 15 N., R. 20 E.; thence easterly along the south 2223

> Original bill is <u>9</u> pages long. Contact the Research Library for a copy of the complete bill.

### SENATE BILL NO. 172-SENATOR WILSON

S. B. 172

### FEBRUARY 9, 1971

Referred to Committee on Federal, State and Local Governments

SUMMARY-Removes advisory committee recommendations as limitation on pow-ers of Nevada tax commission concerning budgets of local governments. Fiscal Note: No. (BDR 32-1324)

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

AN ACT removing the requirement of recommendations of the advisory committee as a limitation on the powers of the Nevada tax commission concerning budgets of local governments.

### The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. NRS 360.220 is hereby amended to read as follows: 1 360.220 The Nevada tax commission shall have the power to require 2 3 governing bodies of local governments, as defined in NRS 354.474, to submit a budget estimate of the local government expenses and income for the current year, and for the budget year, and a compilation of the 4 5 actual local government expenses and income for the last completed year, 6 in such detail and form as may be required by the Nevada tax commis-7 8 sion. [upon the recommendations of the advisory committee.] 9

SEC. 2. This act shall become effective upon passage and approval.

(30)

Original bill is on file at the Research Library.

### S. B. 170

### SENATE BILL NO. 170-SENATOR WILSON

### **FEBRUARY 9, 1971**

Referred to Committee on Federal, State and Local Governments

SUMMARY—Specifies contents of school district budgets required under Local Government Budget Act. Fiscal Note: No. (BDR 31-1325)

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

AN ACT amending the Local Government Budget Act; specifying the contents of budgets of school districts; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. NRS 354.600 is hereby amended to read as follows: 354.600 1. Each budget shall include detailed estimates of: [budget] (a) Budget resources for the budget year classified by funds and sources in a manner and on forms prescribed by the Nevada tax commission.

[2. Each budget shall include detailed estimates of expenditures]

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(b) Expenditures for the budget year classified in a manner and on forms prescribed by the Nevada tax commission.

2. Each school district budget shall include detailed personnel information classified in a manner and on forms prescribed by the Nevada tax commission. This information shall include but shall not be limited to: 10 (a) A schedule showing the number of persons employed by account 11 and fund classification and fully funded thereby; and

12 (b) A schedule showing the number of persons employed by classifica-13 tion who are funded by more than one account or fund. 14

15 SEC. 2. This act shall become effective upon passage and approval.

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Original bill is on file at the Research Library.

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### (REPRINTED WITH ADOPTED AMENDMENTS) FIRST REPRINT

S. B.

### SENATE BILL NO. 6—SENATORS HUG, FOLEY AND DRAKULICH

### JANUARY 19, 1971

#### Referred to Committee on Education

SUMMARY—Permits school districts to transact business on cash basis, Fiscal Note: No. (BDR 31-214)

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

AN ACT relating to local government budgets; permitting county and joint school districts to transact business on a cash basis; and providing other matters properly relating thereto.

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. NRS 354.622 is hereby amended to read as follows: 354.622 1. Until June 30, 1972 [, the] :

(a) The business of every local government, except those [enumerated in subsection 2,] districts organized pursuant to NRS 318.140 and 318.144, shall be transacted upon a cash, accrual or modified accrual basis as defined in NRS 354.470 to 354.626, inclusive, at the option of the local governing body, with the approval of the Nevada tax commission. Change from one system of accounting to another shall require the approval of the Nevada tax commission.

10 [2. Business] (b) The business of those districts organized pursuant 11 to NRS 318.140 and 318.144 shall be transacted upon an accrual basis 12 as defined in NRS 354.470 to 354.626, inclusive.

13 [3.] 2. After June 30, 1972 [, the] :

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14 (a) The business of every local government, except those enumerated in 15 [subsection 2] paragraphs (b) and (c), shall be transacted upon an 16 accrual or modified accrual basis as the Nevada tax commission may by 17 regulation prescribe.

18 (b) The business of those districts organized pursuant to NRS 318,140 19 and 318.144 shall be transacted upon an accrual basis.

20 (c) The business of each county and joint school district shall be trans-21 acted upon a cash, accrual or modified accrual basis, at the option of each 22 board of trustees.

23 SEC. 2. This act shall become effective upon passage and approval.

Original bill is on file at

the Research Library.

# (REPRINTED WITH ADOPTED AMENDMENTS) FIRST REPRINT S. B. 105

### SENATE BILL NO. 105-SENATORS YOUNG AND HECHT

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#### **FEBRUARY 2, 1971**

### Referred to Committee on Federal, State and Local Governments

SUMMARY—Permits cities or counties to make dedication of recreation areas or in-lieu payments mandatory before approval of subdivision plat. Fiscal Note: No. (BDR 22-248)

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

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AN ACT permitting cities and counties to select sites for future parks and playgrounds and make dedication of such areas mandatory or require payment in lieu of dedication before subdividing; requiring establishment of standards regarding the amount of land selected; permitting the adoption of regulations; and providing other matters properly relating thereto.

### The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Chapter 278 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. Any city or county which has adopted a master plan, as provided in this chapter, may include as a part of the plan future sites for parks and playgrounds. Thereafter, the city or county may require that a subdivider of land dedicate such land areas, sites and locations for park and playground purposes as are reasonably necessary to service the proposed subdivision and the future residents of the subdivision.

8 2. Any city or county which makes dedication of sites for parks and 9 playgrounds mandatory shall adopt regulations that shall set forth the 10 standards to be applied in determining the amount of land that is 11 required to be dedicated. Such regulations shall be adopted in accordance 12 with procedures set forth in the Nevada Administrative Procedures Act 13 and shall contain standards determining the amount, quality and location 14 of land that is required to be dedicated which are based upon the number 15 and type of dwelling units or structures included in each subdivision and 16 give due consideration to the relative desirability and market value of the 17 land that may be included within the area of any particular proposed sub-18 19 division. Such regulations also may, without limiting the general powers conferred in this chapter, include the following: 20

(a) A delegation of authority to designated departments or agencies of
the city or county to select the location of the land areas to be dedicated
for school, park and playground purposes.

Original bill is <u>2</u> pages long. Contact the Research Library for a copy of the complete bill.