

GOVERNMENT AFFAIRS COMMITTEE

MINUTES OF THE MEETING

MARCH 13, 1975

MEMBERS PRESENT: CHAIRMAN DINI  
VICE-CHAIRMAN MURPHY  
MR. MAY  
MR. MOODY  
MR. CRADDOCK  
MRS. FORD  
MR. YOUNG

MEMBERS ABSENT: Mr. Harmon  
Mr. Schofield

ALSO PRESENT: Mr. Bob Warren  
Mr. Dick Morgan  
Mr. Jim Lien, Nevada Tax Commission  
Mr. Frank Gentry  
Mr. C. W. Riggan  
Mr. Broadbent  
Mr. Lingenfelter  
Mr. Les Berkson

(The following bills were discussed at this meeting: S.B. 3, A.B. 324, A.B. 375, S.B. 322 (S.B. 221)).

Vice-Chairman Murphy called the meeting to order. Mr. Bob Warren testified first with regard to Senate Bill 3, which allows local governments to issue purchase orders in current fiscal year for payment in ensuing fiscal year. Mr. Warren stated that this should be addressed by the school people. It permits early purchases of school materials. These materials need to be purchased now as it takes a long time between the ordering period and the delivery period, and they should be paid for out of the subsequent budget. This was amended in Senator Gibson's committee to make sure that the money was properly identified when it did get expended from the subsequent budget. Mr. Warren deferred to the school people.

Mr. Dick Morgan testified next. He stated that the amended bill is a good bill and that he recommended that it be passed.

Mr. May asked if they were looking at a second reprint.

Mr. Morgan replied yes. Mr. Murphy asked if the second reprint was a conflict. Mr. Morgan stated that he did not know.

/ - 0408

Mr. Jim Lien of the Nevada Tax Commission testified next. He stated that this bill is a second reprint, and that there was an accounting problem previously on how it was written. The purpose of this bill is to handle those problems for entities which are not on encumbrance accounting and to make purchases prior to the end of the fiscal year for the subsequent fiscal period. This affects not only school districts although they have the major portion of it, but it affects all entities. This bill will take care of the legality of the small entity that is not on encumbrance account and they will be able to charge the item in the period that it is to be delivered and not to have to charge it right now. In encumbrance accounting, as soon as the purchase order is issued, it is encumbered no matter when payment is made or the item is delivered.

Mr. May asked if there would be a surplus at the end of the year.

Mr. Lien stated that there certainly could be. He further stated that as this bill is amended, those purchase orders have to be made available to anyone who wishes to see them.

Mr. May asked if the Tax Commission feels there are enough safeguards in the bill.

Mr. Lien stated that hopefully there were.

Mr. Bob Best testified next. He stated that the school boards association favors this bill and supports it.

One of the main problems is that school districts have to advertise for bids for the purchase of supplies and equipment for the coming school year including school busses. In order to advertise and get the bids in and process them and make the orders in sufficient time to have the goods delivered by the opening of school in September, it is necessary that this be accomplished by July 1st. Therefore, the request for the bill. They have been doing this over the years but the certified public accountants in making their audits have brought it to the attention of the Nevada Tax Commission and the School Boards have been acting illegally and in order to make a very practical practice legal, it has been amended in this manner.

Mr. Murphy asked if anyone else would like to speak with regard to S.B. 3.

The next bill on the agenda to be heard was A.B. 324, which revises provisions relating to subdivisions, surveying, description and recording of real property. Mr. Frank Gentry testified next. He stated that he was basically in favor of the bill. Mr. Gentry passed out some minor amendments to the committee with regard to the bill, a copy of which is attached to the minutes of this meeting and made a part hereof. He then discussed the amendments with the committee.

Mr. C.W. Riggan of the Douglas County Recorder's office

next. He stated that as recorders, they cannot concur with page 20, paragraph 2, line 14. He stated that they were recorders and that is what they should do. He further stated that he objected to this bill and stated that he understood the wants of the surveyor. Mr. Riggan informed the committee that they would like to know where to go to find out who prepared a description on a parcel of land. Many bad descriptions are prepared. He referred to Section 47, paragraph 3 and asked if the description was made void, what would they be recording. He informed the committee that this section could not work.

He then referred to page 11, and stated that in the law in many sections, the recorder is put in a position of being some part of the planning or control agency. The recorder should be the keeper of the records and not part of the agency. He then referred to Line 41, page 11, and stated that the recorder does not sit as part of the approving agency. If the planning commission signs the plans why is the recorder being made liable that all of these last have been complied with. This is a bad section and he informed the committee that a recorder would have to attend every meeting. This should not be the purpose of the recorder he informed the committee, and that this section makes the recorder responsible.

Mr. Dini stated that he did not think it makes a subsequent change in the law and the only new language is sections 2 and 5.

Mr. Riggan stated that in another bill they have tried to get this changed.

Mr. Young inquired if he was opposing sections 2 through 5.

Mr. Riggan stated no - just lines 41 through 46 on page 11. He opposes the bill on that basis and that it is very confusing. He referred to A.B. 375 and stated that he would like to see A.B. 324 delayed until this bill, A.B. 375, is taken up. He does not agree with the parcel map act as written. That would make the small land owner have to have a survey done.

Mr. Murphy asked if he had any other major objections.

Mr. Dini questioned Mr. Riggan as to whether or not he was objecting to Section 3, page 2.

Mr. Riggan stated that he had no particular objection to that. It is not a major thing. They are not changing the map, they are adding something that clarifies it. He then referred to section 247.410.

Mr. May referred to page 11, lines 41 through 45. He stated that he did not see where it would add a burden.

Mr. Riggan stated that if we keep this kind of language in the statutes in order for them to know that these provisions have been complied with they will have to attend every session of the planning committee.

/ - 0410

Mrs. Ford questioned line 46 and stated that it said that you can refuse to record.

Mr. Riggan stated that they should revuse every map that comes in.

Mr. May asked Mr. Riggan if when maps came to him they were stamped approved.

Mr. Riggan stated that they were by the planning commission, the engineers, etc. and that is why the recorder was responsible.

Mrs. Ford stated that if they are stamped it doesn't mean that they have been approved. She stated that we could spell it out that way. She asked Mr. Riggan if that would be acceptable to him.

Mr. Murphy asked if there were any further questions.

Mr. D. R. Hatcher testified next. He stated that he was a real estate broker and that he opposes the bill on the grounds that Mr. Riggan has presented.

Mr. Murphy asked if he knew who had requested the bill.

Mr. Dini stated that the land surveyors did.

Mr. Riggan stated that before a recommendation is made that the committee should look at the other statutes and make them conform more equally.

Mr. Broadbent spoke for the county commissioners association. They do not see any objections to the bill. It clarifies part of the language that was passed two years ago. He referred to section 278. He stated that they agreed that a parcel should be two or more acres. He then referred to page 17, paragraph 6 and read this portion of the bill to the committee. He stated that this may be restrictive, and that if a limited was imposed, it should be extended to 60 or 90 days. The committee, he stated, may want to look at A.B. 375.

Mr. Lingenfelter of the Land Title Association testified next. He stated that he opposes Section 47 of the bill. It may be difficult to get someone to sign as to who prepared the description and if there was an error and it has been signed, what is the liability in this area. It is not necessary and the title association feels it would be difficult and costly. Mr. Lingenfelter then stated that speaking for himself, he has real feeling about section 52 of this bill. Every day our privileges are being taken away from us. He stated that land surveyors have not had too much problem surveying land so far.

Mr. Murphy stated that he had mentioned section 47 as costly.

Mr. Lingenfelter stated that it would be another part of a document that you have to add to your deed. In certain areas you have to run people down to get it signed. In the closing of sales deeds it may not be prepared until the last minute. This section

does not have very much value and may present legal problems.

Mr. Bob Warren next testified. He stated that he had no problem with the bill other than on page 17, lines 16 through 18. He stated that having worked with planning departments and other agencies that have to review or sign off on parcel maps or subdivision maps there is a lengthy process that is required. There are many reasons why the 30 day limit can cause us to make a hasty decision. 60 days or more would be better.

Mrs. Ford referred to page 9, section 20. She asked if that was a substantive change or if it was just so that it would read more simply.

Mr. Broadbent stated that it was just clarifying language and Mr. Warren added that the language was awkward.

Mr. Craddock referred to a letter from the Southern Nevada Home Builders, Inc., which letter is attached to the minutes of this meeting and made a part hereof. He stated that a 40 acre parcel is 1/16 of a section. It is sometimes less.

Mr. Broadbent stated that on page 9, line 9, this language was suggested and recommended by the County Commissioners Association.

Mr. John Sweetling of the Nevada State Highway Department testified next. He stated that they generally find this bill okay. They do take exception to page 21, section 51, lines 28 through 35. As previously testified, he stated that they would move that this be deleted from the bill. It would be an undue hardship on the Nevada Highway Department and it may be costly. Their records are public and they cooperate to make them accessible and available.

Mr. Gentry then referred to page 11, lines 41 through 46.

Mr. Craddock then asked if they were ever denied right of access. Mr. Gentry stated that it does happen, and when it does it creates considerable problems.

Mr. Murphy asked what legal status he had.

Mr. Gentry stated just to request permission to enter.

Mrs. Ford referred to page 2, line 21 and referred to the word "minor". She questioned the use of that word. Mr. Gentry stated that the word was used if a name was misspelled and that that would constitute a minor change.

Mr. Gentry referred to page 20, line 14 and objected to the recorder being able to refuse to record. Mr. Young questioned who was responsible. He agreed with the recorder and stated that it should be the surveyor that makes the original description.

Mr. Gentry stated that that was not necessarily so. That is why they like to see a signature as to who prepared it.

Mr. Riggan asked if Mr. Gentry would be able to go in and make a minor change on a map that was already recorded.

Mr. Gentry stated a minor change.

Mr. Riggan strongly opposed altering an original map.

Mr. Dini stated that they would not take action on 324 until the other bill has been prepared. He stated that they would correspond.

The next bill to be heard was S.B. 22. Mr. W. W. White testified. He stated that there were some delinquent bills and that there has been some challenge by the teamsters. This is clarifying language to get a lien until the bills are satisfied.

Mr. Les Berkson next testified. Mr. Dini asked for the legal ramifications from Mr. Berkson regarding this bill. Mr. Berkson stated that Kings Castle owed \$13,000. Mr. Berkson then referred to a perpetual lien. He stated that perpetual means that it continues. They would like to clarify that. Perpetual liens continue in their position in foreclosure law.

Mr. May asked Mr. Berkson if there was something pending.

Mr. Berkson stated that there was no litigation that he was aware of.

Mr. May stated that he had proposed that this be effective upon passage.

Mr. Berkson stated that this would not only apply to Incline, but to the south short. It would apply uniformly throughout the state in improvement districts. This clarifies it more. There would be no provision for proration. He feels that it should be increased at least to this extent.

Mr. May asked if he would object if it would be July 1st on the first section.

Mr. Berkson stated that he would like it now.

Mr. Murphy asked how the board was selected. Mr. White stated that it was by election.

Mr. Murphy then read a portion of section 2 and asked who paid for that. Mr. White stated the district did. It is in the budget.

Mr. Harmon was then excused from the meeting.

Mr. Young made a motion for a "do pass" on S.B. 3, which was seconded by Mr. May. All of the committee members were in favor of the motion and it was unanimously carried. Mr. Harmon and Mr. Schofield were not present at the vote.

Mr. Craddock then made a motion for a "do pass" on S.B. 221, which was seconded by Mr. Dini. attachment

/- 0413

All of the committee members were in favor of the motion and it was carried unanimously. Mr. Harmon and Mr. Schofield were not present at the time of the vote.

Mr. Murphy stated that A.B. 324 was to be held for further consideration by the committee.

There being no further business to come before the meeting, the meeting adjourned.

Respectfully submitted,

Barbara Gomez,  
Committee Secretary



ASSEMBLY

AGENDA FOR COMMITTEE ON GOVERNMENT AFFAIRS

0406

THURSDAY,

Date March 13, 1975 Time 8:00 A.M. Room 214

Bills or Resolutions  
to be considered

Subject

Counsel  
requested\*

A.B. 324

Revises provisions relating to sub-  
division, surveying, description and  
recording of real property.

Notify: Dr. Robinson  
Real Estate Division, State of Nevada  
Mr. Bob Warren

\* \* \* \* \*

S.B. 3

Allows local governments to issue pur-  
chase orders in current fiscal year  
for payment in ensuing fiscal year.

Notify: SENATOR DODGE  
Mr. Bob Warren  
Mr. Dick Morgan, Education

\* \* \* \* \*

S.B. 221

Amends General Improvement District Law  
to increase trustees' permitted compen-  
sation and to clarify priority of district  
lien.

Notify: Assemblyman Wagner  
Mr. W. White  
Senator Gibson



GOVERNMENT AFFAIRS COMMITTEE

GUEST REGISTER

DATE: March 13, 1975

NAME	BILL #	REPRESENTING	TESTIFYING
Richard L Morgan	SB 3	NSEA	yes <u>yes</u>
W. W. WHITE	SB 221	Incline G.I.D.	yes. <u>✓</u>
Leslie R. Schwager		Tahoe Douglas	no
CW Piggan	<sup>2</sup> AB-324	Nevada Recorders Douglas County Recorder	yes. <u>✓</u>
P S Hatcher	AB 324	Self. Real Estate Broker	yes <u>✓</u>
Frank Gentry	AB 324	NEVADA ASSN. OF LAND SURVEYORS	yes <u>✓</u>
Walter L. Neitz	AB 324	Nev. Assn. of Land Surveyors	No
Douglas W. Hopkins	AB 324	Nev Assn of Land Surveyors	No
C. Hingentelle	AB 324	Land Title Assoc.	yes. <u>✓</u>
Bob Best	SB 3	Nev. State School Boards Assn	yes <u>✓</u>
Joyce Woodhouse	SB 3	Clark Co Teachers Assn	No
Joseph F. Colette	SB 221	Tahoe Douglas Surveyors IUGID	<del>yes</del> no
Leo Bernsow	SB 221	Tahoe Douglas	yes <u>✓</u>
Grant Eastman		None	
John Sweetland	AB 324	None	yes <u>✓</u>



Jim Lien - New Tax Commission





1 - 0416 AB324

NEVADA ASSOCIATION OF LAND SURVEYORS

March 13, 1975

Assemblyman Joe Dini, Chairman  
COMMITTEE ON GOVERNMENT AFFAIRS/Room #214  
401 South Carson Street  
Carson City, Nevada 89701

RE: Assembly Bill No. 324  
(Revising NRS Chapter 278)

Dear Mr. Dini:

At a recent meeting of the Board of Directors of the Nevada Association of Land Surveyors, Assembly Bill No. 324 was discussed at length. Certain limited revisions are respectfully recommended by this Association.

A listing of those certain revisions are attached hereto. State President, Frank W. Gentry, Jr., will be present at the Committee Meeting today to respond to any questions concerning AB 324 and the recommended revisions which may be asked of this Association.

Respectfully submitted,

*Douglas W. Hopkins*

DOUGLAS W. HOPKINS, Secretary  
Board of Directors  
Nevada Association of Land Surveyors

ENC

CC: NALS Board of Directors  
Frank W. Gentry, Jr. (President, NALS)

DWH/1kn



1- 0417

NEVADA ASSOCIATION OF LAND SURVEYORS

RECOMMENDED REVISIONS

TO

ASSEMBLY BILL NO. 324

Prepared

by

NEVADA ASSOCIATION OF LAND SURVEYORS

March 13, 1975

RECOMMENDED REVISIONS

ASSEMBLY BILL NO. 324

EXPLANATORY NOTE: Brackets.....delete from present wording  
Underline.....new wording, or add to present wording

Page 12, Line 42:

County Surveyor or [City Surveyor] other [person] Registered Land Surveyor  
designated by local

Page 13, Line 17:

tions established by the County Surveyor or other [person] Registered  
Land Surveyor designated by

Page 14, Line 19:

unincorporated area, and or by the County Surveyor or other [person]  
Registered Land Surveyor

Page 14, Line 34:

other [person] Registered Land Surveyor as may be designated by local  
ordinance

Page 21, Lines 28 through 35, inclusive:

[Section 51. Chapter 405 of NRS is hereby amended by adding thereto  
a new section which shall read as follows:

When required for a property survey, monuments within a freeway  
right-of-way shall be referenced to usable points outside the  
access-control line by the agency having jurisdiction over the  
freeway when requested in writing by the Registered Land Surveyor  
who is to perform the property survey. The work shall be done  
within a 30-day period by the agency in direct cooperation with  
the surveyor and at no charge to him.]

Page 21, Line 36:

SEC. [52.] 51. Chapter 625 of NRS is hereby amended by adding thereto

Page 21, Line 39:

erty [;] , [except as specified in Subsection 2,] to investigate and  
utilize bound-

Page 21, Lines 44 and 45:

[2. The requirements of Subsection 1 do not apply to monuments within  
access-controlled portions of freeways.]

R A T I O N A L E  
For  
Recommended Revisions  
To  
ASSEMBLY BILL NO. 324

1. "Registered Land Surveyor" vs "person":
  - (A) NRS Chapter 625 provides that, unless specifically exempted, a "person" practicing land surveying must be registered with the Nevada State Board of Registered Professional Engineers.
  - (B) The non-registered "person" is not qualified, by law, to review the work of one who has been qualified by registration under Chapter 625.
  
2. Monument referencing to usable points outside access-control Highways:
  - (A) Verification with the Nevada State Highway Department indicates that private surveyors are not now restricted from occupying access-controlled highways. Therefore, it is believed that SEC. 52 (Page 21, Lines 28 through 35) are not needed at this time.
  - (B) Reference to this section are recommended to be deleted in subsequent references.



SOUTHERN NEVADA HOME BUILDERS, INC.  
 AFFILIATED WITH  
 NATIONAL ASSOCIATION OF HOME BUILDERS  
 OF THE UNITED STATES

/ - 0420

March 12, 1975

P. O. BOX 5516  
 GARSIDE STATION  
 PHONE: 870-7234  
 LAS VEGAS, NEVADA  
 89102

*Government Affairs Committee*

TO: ~~Congressional Committee~~

FROM: Southern Nevada Home Builders Association

SUBJECT: A.B. 324; Explanation of Comment Concerning Nominal  
 40 Acres

We, the Southern Nevada Home Builders Assoc., with the help of Scott Wallace, a professional Engineer, have reviewed A.B. 324 and our suggested recommendations for improving the bill are as follows:

Wording on page 9, line 9, of the subject Assembly Bill, excludes from subdivisions any division of land which creates lots, parcels, sites or units, each of which comprise 40 or more acres of land. The division of an exact 640 acre section into 16ths would create sixteen 40 acre parcels. Each parcel would be a quarter of a quarter of a section. Since each parcel would be 40 acres, this division of land would not be termed a subdivision.

Sections of land are either greater or less than 640 acres. In the case of a small section containing less than 640 acres, a quarter of a quarter of a section would be less than 40 acres. If such a section were to be divided to create 16 parcels, each parcel would be less than 40 acres and consequently, the division of land would be a subdivision.

I feel the bill would be more equitable if the 40 acres was changed to "40 acres or a quarter of a quarter of a section". Therefore, if a quarter of a quarter of a section is less than 40 acres and is a created parcel; it would be exempt from the subdivision statutes.

2100 Selection of Architects and Engineers

2101: Private practice architects and engineers licensed to practice their profession in the State of Nevada and qualified by experience to the design of comparable projects shall be commissioned by the Board to design, prepare contract documents and supervise the construction of projects.

2102: Preference shall be given to qualified Nevadans residing in the general locale of the work.

2103: With Board approval, staff architects and engineers may design and prepare contract documents for certain projects. Generally such projects shall have an estimated construction cost of less than \$50,000.

2104: Selection of Architects and Engineers.

a) Architects and Engineers shall be selected in the following ways:

(1) By the direct selection method recommended by the AIA or NSPE with consideration given to work load, past performance, experience and desires of the operating agency having the future custody of the building.

(2) By limited Class A architectural competitions as sponsored by the AIA. Competitors shall be chosen as outlined in Paragraph (1).

2105: Consultants to architects and engineers shall be required to be licensed to practice their profession in the State of Nevada and be qualified by experience in the design of comparable projects.

2106: The Manager shall recommend to the Board at least three qualified firms.

2107: The Board shall encourage prime contract architects and engineers to use resident consultants.

2200 Professional Service Agreements

2201: Professional service agreements shall be in the form of Independent Contractor Agreements and shall be approved by the Attorney General.

2202: Time shall be the essence of all such agreements.

2203: Completion dates for both the schematic design phase and construction document phase shall be established in the agreements.

2204: All fees shall be either negotiated fixed fees or unit cost fees with a maximum fixed fee and shall be based on the scope of professional services required.

2205: Awarded fees shall not exceed approved budgets and be based on published professional fee schedules.

## INCLINE VILLAGE GENERAL IMPROVEMENT DISTRICT

AREA CODE (702) 831-0717  
POST OFFICE DRAWER P  
INCLINE VILLAGE, NEVADA  
89450

1-0422  
W. W. WHITE  
GENERAL MANAGER

March 5, 1975

Assemblyman Joseph E. Dini, Jr.  
Government Affairs Committee  
Carson City, Nevada 89701

Re: Senate Bill 221

Dear Assemblyman Dini:

Incline Village General Improvement District has a substantial operation at Incline Village, Lake Tahoe. The District is organized under Chapter 318, has five Trustees who meet twice monthly. The minimum number of meetings sometimes go on to past midnight. When I say minimum meetings, I believe that in December and January there were probably six or seven additional formal meetings.

Senate Bill 221 authorizes a compensation of not in excess of \$1,800 per year. If we take the time these Trustees put in on the job, it is probably lower than the minimum wage and even this is beside the point because this is a public service. We believe that increase is justified. At the hearing before the Senate Committee the other districts at Lake Tahoe sent representatives to support the legislation.

There is an additional change in 318. This pertains to a perpetual lien. At the time this legislation was prepared we had just had this lien provision challenged by a large operator who claimed that the lien provision was wiped out by receivership. District took a prompt legal action which was settled out of Court. It is our contention that the lien provision is not as clearly spelled out as it might be and this is the reason we have asked for this change.

At that time when there is a hearing on this bill I would appreciate being notified so I can appear.

Assemblyman Joseph E. Dini, Jr. - 2 - March 5, 1975

In the meantime if there are any questions you may have I would promptly furnish replies. The District's phone number is 831-0717 and usually I can get to Carson within an hour.

With kindest personal regards, I am

Yours very truly,

INCLINE VILLAGE GENERAL  
IMPROVEMENT DISTRICT



W. W. White  
General Manager

WWW/av