

Senate

COMMITTEE ON GOVERNMENT AFFAIRS

Minutes of the Meeting - January 23, 1975

The second meeting of the Committee on Government Affairs was held on January 23, 1975 at 1:45 P.M.

Committee members present: Chairman James Gibson
Lee Walker
Carl Dodge
Mary Gojack
Margie Foote
Norman Ty Hilbrecht
Jack Schofield

Also Present:

Gino DelCarlo
Robert Warren, Nev. League of Cities
Cy Ryan, Press

Chairman Gibson opened the meeting with a bill request^{*} from Senator Gojack, regarding a request by Washoe County. Parts of a letter relating to the Gerlach Municipal Real Estate transaction were read and discussed. Chairman Gibson stated Russ McDonald would testify to the Senate as to the purpose of the bill and this bill should be taken care of as soon as possible.

Senator Gojack explained to the committee about the matter concerning the property of the railroad being turned over to the people of Gerlach and that the railroad is rather concerned about its future.

Senator Hilbrecht wanted clarification as to why on Page 2 the section which brackets "Washoe County Only" was ever put in and why the railroad should be exempted or excluded from the bill to be amended. There was a motion to introduce this bill and it was approved unanimously.

Chairman Gibson then introduced Senate Bill 3 and asked Senator Dodge to discuss this bill.

SB-3 Allows local governments to issue purchase orders in current fiscal year for payment in ensuing fiscal year. Fiscal Note. No. (BDR 31-9)

Senator Dodge explained that since the last session the Lyon County schools raised the question regarding the principle items such as schoolbooks and athletic supplies in the spring.

* SB 159

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of the year for receipt in the fall of the year. Therefore it appeared there was no procedure to this type of ordering prior to the end of the fiscal year.

Senator Dodge stated that he explored this matter with Mr. Newton who was one of the persons who worked under the committee who drafted the bill. He also suggested the C.P.A. contact Mr. Henry of Las Vegas to see their feelings of what the present language might cover. This language applies not only to the school district but to any local government where in the normal procedures they would have to order in one fiscal year to receive the goods in the next fiscal year. This would work out well provided that you do budget in the next fiscal year for the item(s) that you ordered in the previous fiscal year.

Mr. Bob Warren representing the Nevada League of Cities, was concerned that there might be some abuse to this provision. He felt that there was a possibility that goods would be ordered in one fiscal year and then sent back so the money would be used possibly in other areas and not as intended by the budget.

Discussion followed to clarify the wording on the bill and to make its intent clear so as not to allow any misappropriation of funds from one fiscal year into the next.

Chairman Gibson referred to Page 2, Line 9 to reword it as follows: (g) Purchase orders which are issued by a local government "and delivered" to any per...

Senator Schofield moved to amend SB-3, seconded by Senator Dodge motion carried.

SB-3 amended to read as follows, on line 8, page 2 after the words "local government" to insert the words "and delivered". Also on line 12 after the word "budget" eliminate the period and add the words, "for the ensuing fiscal year".

Chairman Gibson brought to the attention of the committee the item on the Municipal Community Planning and Development Program and Powers by the community of Las Vegas. The attorneys have raised the question of whether or not the city has the power to participate in this block grant as the purpose of this bill is to give statutory authority.

Mr. Warren testified that part of the problem which appears to be widespread throughout the United States is that the previous funds for Housing and Urban Development have gone through organizations that have been specifically set up for counties and cities. They are not part of the city function itself but are appointed boards or commissions empowered to spend funds.

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These funds are available directly to the cities and counties and do not have to go through the appointed boards that have been approved by the organization. Therefore they need authority to spend these funds directly upon action by the commission rather than by these appointed boards which would recognize them as the federal government.

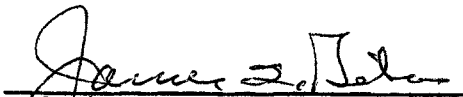
Senator Hilbrecht wanted to clarify that the city would not receive these funds directly but through Housing authority as the recipient. Chairman Gibson felt the committee needed more information and education on the above matter. There was a motion and approval to introduce the bill.

As there was no further business the meeting was adjourned.

Respectfully submitted,


Janice M. Peck
Committee Secretary

Approved:


Chairman

A G E N D A

COMMITTEE: GOVERNMENT AFFAIRS

DATE: January 23, 1975

TIME: On Adjournment - Approximately 1:45 P.M.

PLACE: Room 345

SUBJECT: SB-3
Bill proposal by Senator Gojack
for Washoe County

S. B. 3

SENATE BILL NO. 3—SENATOR DODGE

JANUARY 21, 1975

Referred to Committee on Government Affairs

SUMMARY—Allows local governments to issue purchase orders in current fiscal year for payment in ensuing fiscal year. Fiscal Note: No. (BDR 31-9)

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

AN ACT relating to local government budgets; allowing local governments to issue purchase orders for supplies and equipment in the current fiscal year for use and payment in the ensuing fiscal year.

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

- 1 SECTION 1. NRS 354.626 is hereby amended to read as follows:
 2 354.626 1. No governing body or member thereof, officer, office,
 3 department or agency shall, during any fiscal year, expend or contract to
 4 expend any money or incur any liability, or enter into any contract which
 5 by its terms involves the expenditure of money, in excess of the amounts
 6 appropriated for that function, other than bond repayments, short-term
 7 financing repayments, and any other long-term contract expressly author-
 8 ized by law. Any officer or employee of a local government who willfully
 9 violates NRS 354.470 to 354.626, inclusive, is guilty of a misdemeanor,
 10 and upon conviction thereof shall cease to hold his office or employment.
 11 Prosecution for any violation of this section may be conducted by the
 12 attorney general, or, in the case of incorporated cities or towns, school
 13 districts or special districts, by the district attorney.
 14 2. Without limiting the generality of the exceptions contained in sub-
 15 section 1, the provisions of this section specifically do not apply to:
 16 (a) Purchase of comprehensive general liability policies of insurance
 17 which require an audit at the end of the term thereof.
 18 (b) Long-term cooperative agreements as authorized by chapter 277
 19 of NRS.
 20 (c) Long-term contracts in connection with planning and zoning as
 21 authorized by NRS 278.010 to 278.630, inclusive.
 22 (d) Long-term contracts for the purchase of utility service such as, but
 23 not limited to, heat, light, sewerage, power, water and telephone service.
 24 (e) Contracts between a local government and an employee covering

1 professional services to be performed within 24 months following the date
2 of such contract.

3 (f) Contracts between a local government and any person, firm or cor-
4 poration for the construction or completion of public works, funds for
5 which have been provided by the proceeds of a sale of bonds or short-
6 term financing. Unappropriated surplus funds shall not be used unless
7 appropriated in a manner provided by law.

8 (g) *Purchase orders which are issued by a local government to any per-*
9 *son, firm or corporation solely for the purpose of acquiring supplies and*
10 *equipment necessarily ordered in the current fiscal year for use in the*
11 *ensuing fiscal year and for which an appropriation for payment is*
12 *included in the final budget.*

SUMMARY--Authorizes certain county commissioners to exempt land from subdivision law requirements if land owned by Nevada nonprofit corporation as immediate successor in title to railroad company. Fiscal Note: No.
(BDR 22-)

AN ACT to amend NRS 278.320, relating to subdivision of land, by authorizing certain boards of county commissioners to exempt parcels of land from the requirements of the statutes regulating the subdivision of land if such parcels are owned by a Nevada nonprofit corporation as immediate successor in title to a railroad company; 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 278.320 is hereby amended to read as follows:

278.320 1. "Subdivision" means any land, vacant or improved, which is divided or proposed to be divided into two or more lots, parcels, sites, units, plots, separate interests or interests in common, for the purpose of any transfer, development or any proposed transfer or development; unless exempted under subparagraphs

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(a) or (b).

(a) The term "subdivision" does not apply to any division of land which creates lots, parcels, sites, units or plots of land, each of which comprise 40 or more acres of land, including roads and roadway easements.

(b) Unless a method of disposition is adopted for the purpose of evading this chapter, the term "subdivision" does not apply to any division of land:

(1) Which creates lots, parcels, sites, units, or plots of land such that the land area of each of the lots, parcels, sites, units, or plots, when divided by the number of interests in every such lot, parcel, site, unit or plot results in 36 or more acres, exclusive of roads and roadway easements, per interest;

(2) Which is created by order of any court in this state or by operation of law;

(3) Which is created by a lien, mortgage, deed of trust or any other security instrument;

(4) Which is created by a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity;

(5) Which creates cemetery lots;

(6) Which creates an interest or interests in oil, gas, minerals or building materials, which are now or hereafter severed from the surface ownership of real property;

(7) Which is created by the acquisition of an interest in land in the name of a husband and wife, or other persons who are related to each other within the first or second degree of consanguinity, or pursuant to adoption in accordance with law, which interest is established or created by a joint tenancy, community property, or as tenants in common. Any such interest shall be deemed for purposes of this subsection, as only one interest.

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2. For subdivisions containing not more than four lots, parcels, sites, plots or interest, there shall be filed a parcel map pursuant to the provisions of NRS 278.500 to 278.560, inclusive.

3. In any county having a population of 100,000 or more but less than 200,000, as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce, the board of county commissioners may exempt any parcel or parcels of land from the provisions of NRS 278.010 to 278.630, inclusive, if:

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(a) Such land is owned by a railroad company [and] or by a nonprofit corporation organized and existing pursuant to the provisions of chapter 81 of NRS which is an immediate successor in title to a railroad company, and such land was in the past used in connection with any railroad operation; and

(b) Other persons now permanently reside on such land.

4. Nothing contained herein shall apply to the division of land for agricultural purposes, in parcels of more than 10 acres, not involving any street, road, or highway opening or widening or easements of any kind.

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