MINUTES

ASSEMBLY COMMERCE COMMITTEE

APRIL 13, 1977

MEMBERS PRESENT

Chairman Harmon
Vice Chairman Mello (Excused first part of meeting)
Mr. Barengo
Mr. Demers
Mrs. Hayes
Mr. Moody
Mr. Price
Mr. Sena
Mr. Weise

GUESTS PRESENT

See Guest List Attached

The meeting was called to order at 4 p.m. by Chairman Harmon who presented the Committee with proposed amendments to A.B. 201 (Exhibit 1).

Joe Midmore, representing Southern Nevada Mobile Home Park Association, said that while there was another bill the Association would have preferred, these amendments to A.B. 201 make it a bill that is reasonably fair to both landlords and tenants.

COMMITTEE ACTION

Mr. Weise moved the adoption of the amendments to A.B. 201, seconded by Mr. Sena. Unanimously carried.

Mr. Weise moved Do Pass A.B. 201 as amended. Seconded by Mrs. Hayes and unanimously carried.

Mr. Weise stated that the above motions do not necessarily mean that he will support this measure on the Floor, but he does think some legislation of this type is needed.

Chairman Harmon announced that A.B. 638 was not scheduled but inasmuch as one witness from the East is present, his testimony will be heard. There will be no further discussion on the bill until the scheduled hearing on April 18, 1977.

John Booth, an Actuary with the American Life Insurance Association headquartered in Washington, D.C., testified in favor of A.B. 638. Mr. Booth explained as follows:

This bill basically is an updating of the standard valuation and nonforfeiture laws in Nevada to reflect changes in the standard laws which were adopted by the National Association of Insurance Commissioners in December, 1976. This is part of a nationwide program to update these standard laws in all of the 50 states.

Basically, the standard nonforfeiture law specifies benefits which must be made available to policyholders who cease paying premiums on life insurance policies, and it sets a floor for such benefits below which no company is permitted to go.

The standard valuation law sets forth a uniform procedure and basis for insurance commissioners to use in making the required annual determination of an insurer's financial condition. It specifies certain minimum standards for evaluating the insurer's liabilities on its outstanding policies and contracts and also sets a minimum standard below which the company is not permitted to go.

The requirements for these minimum nonforfeiture values, benefits and reserves in both of these laws are expressed in terms of certain specified assumptions as to interest, earnings and mortality. They also go into some actuarial formulas and details on calculation procedures to be used in determining these minimum values.

Summarized, A.B. 638 does the following: It would enact a new standard nonforfeiture law for individual deferred annuities. This would furnish the same kind of protection for the policyholder who ceases paying premiums under deferred annuity contracts as is now provided for those who cease paying premiums under life insurance contracts. It would increase the statutory interest rate assumptions used in defining minimum reserves and nonforfeiture values. This would make it possible for insurance companies to offer lower priced products to the public. The bill would also increase the permissible female age setback in the mortality table used in defining minimum reserves and nonforfeiture values.

There are two technical amendments, one of which would clarify the application of the commissioner's reserve method in setting reserves for certain types of annuity contracts. The other would redefine some of the procedures used in computing reserves.

The next bill to be discussed was A.B. 630 which permits greyhound racing where licensed by city or county.

Appearing in support of A.B. 630 was Robert Rucker, president of a group of 11 people who would like to put a dog and horse racing facility in this part of the State of Nevada. With Mr. Rucker was Walt Fujimoto, of the architectural firm of Bird, Fujimoto & Fish in San Diego, who was available to answer questions regarding the facility.

This bill would allow greyhound racing in the counties in Nevada. Mr. Rucker stated that they have talked to Lyon County and received a favorable reaction. Mr. Rucker presented the estimates and projections for the proposed facility (Exhibit 2); a list of the stockholders and officers (Exhibit 3); and a description of the facility (Exhibit 4).

Mr. Weise asked if Lyon County was the only place they intended to work. Mr. Rucker said they were not sure and if this bill is passed it will be necessary to run a feasibility study of the area. Upon further questioning by Mr. Weise, Mr. Rucker said they anticipated running 200 days.

Mr. Sena said he wanted to receive a legal opinion of this matter from Mr. Daykin.

Mr. Bob Broadbent, speaking for some of the small counties, said they were in favor of the legislation.

Mr. Ed Maloney, County Commissioner for Lyon County, stated they were in favor of the bill.

Les Kofoed, Executive Director of the Gaming Industry Association, appeared in opposition to the bill. This would allow any of the counties, not just Lyon or Storey or Clark, to set up a race track on the city limits of any city under the authority of the County Commissioners. Mr. Kofoed feels that there is no way a race track can compete with the fast action in casinos and he further does not believe it will bring additional people to Nevada. Also, the gaming industry spends millions of dollars to bring people to Nevada and they resent others taking advantage of this to "slice the pie a little thinner". Mr. Kofoed feels the present law expresses the sentiments of the people of Nevada.

Senate Bill 337

Angus W. McLeod, Administrator of the Real Estate Division, Department of Commerce, appeared in support of S.B. 337 since they requested this bill. Mr. McLeod said that the education presently required before an applicant can apply for a broker's license is so extensive that too few people can qualify. The statute is working in such a way as to unjustifiably restrict persons from receiving the broker's license. In 1956 fifty-four

brokers and 1,100 salesmen were licensed. This is a ratio of 21 salesmen for every broker. Mr. McLeod stated that another problem is that the required college courses are not readily available. The University of Nevada refuses to accept some credits from the Community College and the University itself does not offer the required courses. It is possible, according to Mr. McLeod, that nobody, or at least very few people, will be able to qualify after next January. Mr. McLeod cited examples of people with a great deal of experience and background who are unable to qualify for broker's licenses under the present law.

Mr. McLeod feels that S.B. 337 will solve the problems outlined above since there are many fine vocational schools in Nevada and other states offering quality real estate education.

The bill as proposed in its original form gives the Division of Real Estate the authority to establish these standards of equivalency. The Senate changed that language to let the Real Estate Advisory Commission have the authority. Mr. McLeod still believes that the Division of Real Estate is the proper body to create these standards and recommends that the Committee change the language back to the original form. Mr. McLeod also proposed another amendment which is attached as Exhibit 5.

Mr. Weise said he would be interested in hearing the private sector's arguments. He also had reservations about the bill last session.

Mr. Lee Wilder, President of Education Dynamics Institute, also appeared in support of S.B. 337. He is also speaking on behalf the Real Estate School of Reno, the Real Estate School of Las Vegas, the Real Estate School of Nevada and Northern Nevada Real Estate School, the four private real estate schools in Nevada. A copy of Mr. Wilder's comments to the Committee is attached as Exhibit 6. Mr. Wilder also submitted approximately 120 letters from students supporting the passage of S.B. 337. These letters are available for inspection in the Commerce Committee's secretary's files.

Mr. Wilder also felt that the "or" which was mentioned in the amendment submitted by Mr. McLeod was important as there is an ambiguity in the bill on page 2, line 38.

Rennie Ashelman also appeared in support of the bill and stated that Mr. Wilder and Mr. McLeod had expressed his opinion. Mr. Ashelman suggested that the amendment on page 2, line 28, should read "or courses" instead of just "or", or perhaps "or courses offered by other institutions". Mr. Ashelman felt that if this

amendment is not included the Committee would be enacting the same bill.

Assemblyman Bill Kissam was the next witness in support of S.B. 337 as well as the amendment suggested by Mr. Ashelman. Mr. Kissam is in support of the private enterprise section that this bill would help support, specifically Mr. Lee Wilder's school of real estate. Mr. Kissam stated that he graduated from this school in 1960, returned in 1961 to get his broker's license and learned enough from Mr. Wilder to go into business for himself. Mr. Kissam said that anything to put Mr. Wilder out of business would be grossly unfair and would be doing the real estate profession an injustice.

In answer to questions by Mr. Weise, Mr. Kissam said that he thought that brokers, salesmen and anybody dealing with the public in the real estate profession should be subjected to continuing education just as other professions are.

Mr. Charles Pacheco appeared in support of S.B. 337. Mr. Pacheco said he was 57 years old and just entering the real estate business. He feels that the present restrictions are too stringent for people who want to help the public by going into the real estate business.

Mr. Paul Ergeres appeared on behalf of the Nevada Association of Realtors in opposition to S.B. 337. Mr. Ergeres reminded the Committee of the legislation passed in 1973 which originally called for a four year college degree but was amended down to two years. This same bill allows an individual to become a broker without going to college one day or without getting one college credit. Mr. Ergeres explained the ways a person can become a broker in the real estate business. The majority of people are going to private schools and Mr. Ergeres said they were doing an excellent job and the Association has no argument with private schools.

Mr. Ergeres said it was very important that the laws governing the licensing of brokers should be strict and they are strict at the present time. The question the Committee is considering at this time is the difference between private schools and going to community college or university. Mr. Ergeres said that, contrary to what Mr. McLeod stated, all the courses that are currently being taught at the community college level will qualify for the broker examination. Mr. Ergeres further stated that they felt the industry needed more professional brokers and brokers with a well-rounded education and that is the difference in what people can get by going to the university or community college or going to the private school.

Mr. Ergeres described the tremendous turnover in the industry. They need more people to stay in the business and the way to

assure that is to be sure they are better prepared when they come in. They feel that the thousands of clients that are served by brokers are entitled to have the best qualified people representing them.

Mr. Weise questioned why a man now entering the business has to have a college education to go out and compete with a broker who does not even have a high school education, and why the industry has not required continuing education for present brokers. Mr. Ergeres said there is a bill for continuing education coming up soon which they support.

Mr. Chuck Ruthe of Las Vegas agreed with Mr. Weise that education should be continued within the industry. Mr. Ruthe is asking the Committee to help maintain the progress they have made in the past and vote against S.B. 337.

Mr. Weise requested that the Real Estate Division furnish information showing how many of the brokers who went out of business last year were new brokers who had just come in. The Real Estate Division said they would have the information to Mr. Weise by April 17, 1977.

Assembly Bill 475

Chairman Harmon appointed a subcommittee consisting of Mr. Weise, Mr. Price and Mr. Sena to study A.B. 475 and the amendments requested.

Mr. Fred Welden, State Land Use Planning Agency, and Irene Porter from Southern Nevada, explained the origin and technical background of A.B. 475. A list of the members of the Committees studying Nevada's land division laws is attached as Exhibit 7. Mr. Welden further explained that many people spent a tremendous amount of time over the last year putting this bill together and many compromises are involved. Ms. Porter also explained the work involved and said there were changes requested in the bill which Mr. Gil Buck and Larry Hampton will present.

Don Saylor, Director of Community Planning and Development for the City of Las Vegas, said they were in favor of the proposed legislation but there was wording to be changed which would be submitted through Ms. Porter. Mr. Saylor briefly described the wording they objected to. The big problem is that there is no language regarding off-site improvements. He was submit his comments in writing to the subcommittee.

Mr. Larry Hampton, Director of Public Works, City of Las Vegas, reiterated Mr. Saylor's remarks regarding off-site improvements around the school districts. Mr. Hampton said he would also turn his remarks over to the subcommittee.

C. W. Lingenfelter, Nevada Association of Realtors, also worked on the committee. They attempted to try to put the subdivision statutes under one statute so that developers, prospective buyers and people of that nature could look at the subdivision law and know where they were going. Mr. Lingenfelter submitted two suggested amendments which are attached as Exhibit 8. The Nevada Association of Realtors feel that it is a good bill which needs only minor changes.

Mr. Gil Buck, a land surveyor and realtor from Las Vegas, also served on the committee developing this bill. Mr. Buck said he concurred with the previous testimony and that he will also put his remarks in writing for the subcommittee. In answer to a question by Mr. Weise, Mr. Buck said they support a "simple majority" concept.

Mr. Bob Gardner, Director of Public Works for Douglas County, also served on the technical committee that worked for the past year on A.B. 475. Mr. Gardner is in favor of the bill and agrees with all the comments made previously. Mr. Gardner said that on page 5 there is a requirement that any agency that reviews the map must respond in 15 days, but on page 6 it gives the school district 30 days, and the requirements should be the same for both. On page 7 line 14, regarding the bond amount, all counties have their own requirements as to bonds. On page 8, Mr. Gardner thinks line 7, 8, 9 and 10 should be excluded. Mr. Gardner also thought Lines 46 and 47 on page 17 should be examined.

William E. Buxton, Chief Deputy Director of Public Works for Clark County, submitted a written statement of his remarks to the Committee. A copy of this statement is attached as Exhibit 9.

Mr. Stan Warren, Nevada Bell, said that he didn't think anyone had talked in favor of the section on utility easements where you would lose them if they were unused in a period of 5 years. The utilities this section relates to agree that this is a part of the legislation they are definitely opposed to. Mr. Warren stated he is also speaking for Sierra Pacific and Southwest Gas. There is also a problem on page 13, Sec. 29, line 39. The existing law provides for the means that a governing body may preserve a public easement from an extinguishment by vacation or abandonment of a street or a highway. No provision is made for the preservation of franchise rights either in the existing law or in the bill. Mr. Warren presented an amendment, Exhibit 10, which should correct this situation. He proposes that it be added on page 14 at the end of line 38 as a new subsection.

Rusty Nash of the Washoe County District Attorney's office stated he was legal advisor for a Regional Planning Commission.

Mr. Nash feels there should be some clarification on A.B.475. Overall, he thinks the committee has done an extremely good job and it is a good bill. Mr. Nash said that Assemblyman Weise pointed out that Mr. Nash was the only one who has given an opinion that you can't do the four by four subdivisions now. This bill now allows the four by four, but it allows the governing bodies the kind of review procedure and restrictions that they can place on it which are needed. Mr. Nash asks the Committee to support the bill since it is a vast improvement over what Nevada now has.

Assemblyman Bill Kissam appeared in support of the bill. However, the bill as it is now written is still perpetuating an injustice that has been placed upon the land developer in the rural areas. Specifically, Mr. Kissam said he was referred to the law stating that 40 acre parcels should be the minimum size parcel to be sold. Mr. Kissam presented suggested amendment #815A which is attached as Exhibit 11.

Joe Lavoy stated he was representing himself as an investor in land in the State of Nevada. He also objects to the 40 acre minimum size parcel to be sold.

Mr. Bob Broadbent said there was a letter addressed to Karen Hayes from Blanche Holmes which they wished to present. A copy of this letter with attachments is attached as Exhibit 12. Also, Mr. Broadbent hoped that the Committee would leave page 16 as it is in the present law. They can now take cash instead of the property.

Mr. Steve Stucker, Deputy City Attorney from North Las Vegas, introduced Paul Giardina, Urban Planner, and Clint Stay, Assistant City Engineer, both of North Las Vegas. All three are in favor of the bill with certain technical amendments which have been suggested.

A letter from the Washoe-Storey Conservation District expressing their opinion of AB-475 is attached as Exhibit 13. A letter from representatives of Lemmon Valley Improvement Association and Virginia Foot Hills Property Owner's Association is attached as Exhibit 14.

Chairman Harmon announced that Mr. Weise would hold a meeting of the Subcommittee to Study A.B. 475 in Room 222 upon Assembly adjournment April 15, 1977.

COMMITTEE ACTION

S.B. 127: Mr. Demers moved Do Pass, seconded by Mr. Sena. Motion carried.

S.B. 337: Mr. Moody moved Do Pass as Amended, seconded by Mr.

Demers. Motion carried with Mr. Barengo and Mr. Weise abstaining.

A.B. 630: Mr. Moody moved Do Pass, seconded by Mr. Demers. Motion carried with Mr. Barengo voting no and Mr. Weise abstaining.

The meeting was adjourned at 6:30 p.m.

Respectfully submitted,

Jane Dunne
Assembly Attache

GUEST LIST

NAME (Please print)	REPRESENTING	WISH TO SPEAK Yes	No
[illegible]	[illegible]	X	
William E Buxton	Clark County Public Wks	X	
GUSTAVO NUNEZ	City of Reno		X
David R Hoy	DH Development Co.	X	
DON SAYLOR	CITY OF LAS VEGAS	X	
Gene Edwards	Nevada Insurance		X
RAY KNISLEY		X	
Pam Wolcott	Lemmon Valley Improvement Assoc.	X	
[illegible]	Rep. Peyton Gaste / Incline Village	X	
C.W. Angerfelter	Nev. Assoc. of Realtors	X	
Russell Arden	private enterprise	X	
Judy Nead	private citizen		X
GIL BUCK	NEV. ASSOC. OF REALTORS	X	
James Barnes			X
Jeanne Hannafin	Real Estate Div.	X	
Fred Weldon	State Land Use Planning	X	
Bob Erickson	State Land Use Planning	X	
Doug Hopkins	Washoe County Engrg.	X	
DON BAYER	REGIONAL PLANNING COMM. WASHOE CO	X	
Rusty Nash	Washoe Co. District Attorney	X	
John T. Booth	American Life Insurance Association Washington, D.C.	X	
Walter L. Neitz	SEA Engineering		X
DAN ASIKAINEN	SIERRA PACIFIC POWER CO.	X	
[illegible]	[illegible]	X	

GUEST LIST

NAME (Please print)	REPRESENTING	WISH TO SPEAK Yes	No
MAL DEGERNES	BOULDER CITY	X	
BOB BROADBENT	" "	X	
STAN WARREN	NPV BELL	X	
Robert Gardner	Douglas County	X	
Irene Porter	AB 475 (Com. Chamberlain, Bell)	X	

59TH NEVADA LEGISLATURE

COMMERCE COMMITTEE
LEGISLATIVE ACTION

DATE April 13, 1977

SUBJECT S.B. 127

MOTION: _____

Do Pass x Amend ____ Indefinitely Postpone ____ Reconsider ____

Moved by Mr. Demers Seconded by Mr. Sena

AMENDMENT _____

_____

Moved by _____ Seconded by _____

AMENDMENT _____

_____

Moved by _____ Seconded by _____

	MOTION		AMEND		AMEND	
VOTE:	Yes	No	Yes	No	Yes	No
Harmon	x					
Mello	Not present					
Barengo	x					
Demers	x					
Hayes	x					
Moody	x					
Price	x					
Sena	x					
Weise	x					

TALLY:

Original Motion: Passed x Defeated ___ Withdrawn ___

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes April 13, 1977
Date

59TH NEVADA LEGISLATURE

COMMERCE COMMITTEE
LEGISLATIVE ACTION

DATE April 13, 1977

SUBJECT S.B. 337

MOTION: Do Pass as Amended

Do Pass ___ Amend ___ Indefinitely Postpone ___ Reconsider ___

Moved by Mr. Moody Seconded by Mr. Demers

AMENDMENT See Exhibit 5 Minutes of April 13, 1977

Moved by ___ Seconded by ___

AMENDMENT

Moved by ___ Seconded by ___

VOTE:	MOTION Yes	MOTION No	AMEND Yes	AMEND No	AMEND Yes	AMEND No
Harmon	x					
Mello	Not present					
Barengo	Abstaining					
Demers	x					
Hayes	x					
Moody	x					
Price	x					
Sena	x					
Weise	Abstaining					
TALLY:	6	0				

Original Motion: Passed x Defeated ___ Withdrawn ___

Amended & Passed ___ Amended & Defeated ___

Amended & Passed ___ Amended & Defeated ___

Attach to Minutes April 13, 1977
Date

59TH NEVADA LEGISLATURE

COMMERCE COMMITTEE
LEGISLATIVE ACTION

DATE April 13, 1977

SUBJECT A.B. 630

MOTION: _____

Do Pass x Amend ____ Indefinitely Postpone ____ Reconsider ____

Moved by Mr. Moody Seconded by Mr. Demers

AMENDMENT _____

_____

Moved by _____ Seconded by _____

AMENDMENT _____

_____

Moved by _____ Seconded by _____

	MOTION		AMEND		AMEND	
VOTE:	Yes	No	Yes	No	Yes	No
Harmon	x					
Mello	Not Present					
Barengo		x				
Demers	x					
Hayes	x					
Moody	x					
Price	x					
Sena	x					
Weise	Abstaining					
	6	1				

TALLY:

Original Motion: Passed x Defeated ___ Withdrawn ___

Amended & Passed _____ Amended & Defeated _____

Amended & Passed _____ Amended & Defeated _____

Attach to Minutes April 13, 1977
Date

A. B. 201

ASSEMBLY BILL NO. 201—ASSEMBLYMEN DREYER, HAYES, HORN, HARMON, BREMNER, ROSS, SCHOFIELD AND JEFFREY

JANUARY 31, 1977

Referred to Committee on Commerce

SUMMARY—Regulates landlord and tenant relationship in mobile home parks. (BDR 10-663)
FISCAL NOTE: Local or Government Impact: No.
State or Industrial Insurance Impact: No.

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

AN ACT relating to mobile home parks; regulating the relationship of landlord and tenant in such parks; providing for treble damages in certain cases; providing a penalty; 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 118 of NRS is hereby amended by adding thereto the provisions set forth as sections 2 to 11, inclusive, of this act.

SEC. 2. *An agreement which is made upon consideration for the use and occupancy of a mobile home lot for 1 month or longer, regardless of whether rent is to be paid weekly, monthly or otherwise, is void unless the agreement is in writing and signed by the landlord and the tenant.* The agreement shall contain but is not limited to provisions relating to the following subjects: Except as provided in subsection 2, he

~~The agreement shall include provisions regarding:~~

1. Duration of the agreement.

2. Amount of rent and the manner and time of its payment.

3. Occupancy and restrictions on occupancy by children or pets.

4. Services and utilities included with the lot rental and the responsibity for maintaining or paying for the services and utilities.

5. Fees which may be required and the purposes for which they are required.

6. Deposits which may be required and the conditions for their refund.

7. Any maintenance which the tenant is required to perform.

8. The types of services which are provided and maintained by the landlord.

2. A tenancy which was created before July 1, 1977, may be continued without an agreement in writing if the tenant signs a statement that he wants to continue the tenancy under the oral agreement.

Exhibit 1

SEC. 3. *Any provision in a rental agreement for a mobile home lot which provides that the tenant:*

1. Agrees to waive or forego any rights or remedies afforded by NRS 118.240 to 118.290, inclusive, and sections 2 to 11, inclusive, of this act;

2. Authorizes any person to confess judgment on any claim arising out of the rental agreement;

3. Agrees to pay the landlord's attorney's fees, except that the agreement may provide that attorney's fees may be awarded to the prevailing party in the event of court action; or

4. Agrees to the exculpation or limitation of any liability of the landlord arising under law or to indemnify the landlord for that liability or costs connected therewith,

is void.

SEC. 4. *1. The landlord shall disclose in writing to each tenant the name and address of:*

(a) The persons authorized to manage the mobile home park;

(b) A person authorized to receive service of process for the landlord; and

(c) The principal or corporate owner of the mobile home park;

and the information shall be kept current.

2. The information shall be furnished in writing to each ~~new tenant on or before the commencement of his tenancy~~

current tenant and to each new tenant on or before the commencement of his tenancy.

SEC. 5. *1. Any payment, deposit, fee, or other charge which is required by the landlord in addition to periodic rent, utility charges or service fees and is collected as prepaid rent or a sum to compensate for any tenant default is a "deposit" governed by the provisions of this section.*

2. A separate record of each deposit shall be maintained by the landlord.

~~2. All deposits shall be placed in a separate trust account clearly designated as such.~~

3. All deposits are refundable, and upon termination of the tenancy the landlord may claim from a deposit only such amounts as are reasonably necessary to remedy tenant defaults in the payment of rent, utility charges or service fees and to repair damage to the park caused by the tenant.

If a refund is made, it shall be sent to the tenant within 21 days after the tenancy is terminated.

4. Upon termination of the landlord's interest in the mobile home park, the landlord shall either transfer to his successor in interest that portion of the deposit remaining after making any deductions allowed under this section or return such portion to the tenant.

5. The claim of the tenant to any deposit to which he is entitled by law takes precedence over the claim of any creditor of the landlord.

~~6. No deposit may be collected by the landlord if the term of the rental agreement is less than 6 months.~~

SEC. 6. *The landlord shall:*

1. Keep all common areas of the park in a clean and safe condition; and

2. Maintain in good working order all electrical, plumbing and sanitary facilities and appliances which he furnishes.

SEC. 7. *~~1. If a mobile home is made unfit for occupancy for any period as the result of an interruption of utilities supplied by the landlord or any construction, accident, repairs or other cause for which the land-~~*

1. If a mobile home is made unfit for occupancy for any period in excess of 24 hours by any cause for which the land lord

lord is responsible, the rent shall be proportionately abated, and refunded or credited against the following month's rent.

2. As an alternative to such abatement of rent, the tenant may procure reasonable substitute housing for occupancy while his mobile home remains unfit and may:

(a) Recover the actual and reasonable cost of the substitute housing from the landlord, but not more than an amount equal to the rent for the mobile home lot; or

(b) Deduct the cost from future rent.

SEC. 8. The landlord and the tenant may agree that any controversy relating to any matter arising under NRS 118.240 to 118.290, inclusive, and sections 2 to 11, inclusive, of this act or under a rental agreement may be submitted for arbitration as provided in this section. A party commences arbitration by filing a complaint with the consumer affairs division of the department of commerce. The arbitrator shall be the commissioner of consumer affairs or his designee unless the landlord and the tenant agree upon another arbitrator, in which case the cost of arbitration shall be apportioned between the parties by that arbitrator.

SEC. 9. The landlord shall not terminate a tenancy, refuse to renew a tenancy, increase rent or decrease services he normally supplies, or bring or threaten to bring an action for possession of a mobile home lot as retaliation upon the tenant because:

1. He has complained in good faith about a violation of a building, safety or health code or regulation pertaining to a mobile home park to the governmental agency responsible for enforcing the code or regulation.

2. He has complained to the landlord concerning the maintenance, condition or operation of the park or a violation of any provision of NRS 118.240 to 118.290, inclusive, and sections 2 to 9, inclusive, of this act.

3. He has organized or become a member of a tenants' league or similar organization.

4. A citation has been issued to the landlord as the result of a complaint of the tenant.

5. In a judicial proceeding or arbitration between the landlord and the tenant, an issue has been determined adversely to the landlord.

6. The tenant has failed or refused to give written consent to a rule or regulation which is adopted or amended by the landlord after the tenant has entered into the rental agreement.

SEC. 10. 1. A tenant may recover damages for any injury or loss caused by the landlord's violation of any of the provisions of NRS 118.240 to 118.290, inclusive, and sections 2 to 9, inclusive, of this act.

2. In addition to the remedy provided in subsection 1, if a landlord unlawfully terminates a tenancy, the tenant may recover not more than 3 months' periodic rent or ~~mobile~~ damages for the injury or loss sustained by him, whichever is greater, plus reasonable attorney's fees.

landlord or a

plus reasonable attorney's fees

(a)

actual

SEC. 11. Any landlord who violates any of the provisions of NRS 118.240 to 118.290, inclusive, and sections 2 to 9, inclusive, of this act is guilty of a misdemeanor.

SEC. 12. NRS 118.230 is hereby amended to read as follows:

118.230 As used in NRS 118.240 to 118.290, inclusive [:] , *and sections 2 to 11, inclusive, of this act:*

1. "Landlord" means the owner, lessor or operator of a mobile home park.

2. "Mobile home" means a vehicular structure without independent motive power, built on a chassis or frame, which is:

(a) Designed to be used with or without a permanent foundation;
(b) Capable of being drawn by a motor vehicle; and
(c) Used as and suitable for year-round occupancy as a residence, when connected to utilities, by one person who maintains a household or by two or more persons who maintain a common household.

3. "Mobile home lot" means a portion of land within a mobile home park which is rented or held out for rent to accommodate a mobile home.

4. "Mobile home park" or "park" means an area or tract of land where two or more mobile homes or mobile home lots are rented or held out for rent.

SEC. 13. NRS 118.240 is hereby amended to read as follows:

118.240 1. [An] *Except as provided in subsection 4, an* oral or written agreement between a landlord and tenant for a mobile home lot in a mobile home park in this state shall not be terminated by the landlord except upon notice in writing to the tenant [:] *served in the manner provided in NRS 40.280:*

(a) Thirty days in advance if the mobile home does not exceed 16 feet in width.

(b) Forty-five days if the mobile home exceeds 16 feet in width.

(c) Five days in advance if the termination is because the conduct of the tenant constitutes a nuisance as described in subsection 5 of NRS 118.250.

2. The landlord shall specify in the notice the reason for the termination of the agreement. The reason relied upon for the termination shall be set forth with specific facts so that the date, place and circumstances concerning the reason for the termination can be determined. Reference alone to a provision of NRS 118.250 does not constitute sufficient specificity under this subsection.

3. [The landlord shall not require the tenant to waive his rights under this section and any such waiver is contrary to public policy and is void.] *If a tenant remains in possession of the mobile home lot with the landlord's consent after expiration of the term of the rental agreement, the tenancy is from week-to-week in the case of a tenant who pays weekly rent, and in all other cases the tenancy is from month-to-month. The tenant's continued occupancy shall be on the same terms and conditions as were contained in the rental agreement unless specifically agreed otherwise in writing.*

4. [Notwithstanding the provisions of NRS 118.230 to 118.290, inclusive, the] *The* landlord and tenant may agree to a specific date for termination of the agreement.

SEC. 14. NRS 118.250 is hereby amended to read as follows:

118.250 The rental agreement described in NRS 118.240 may not be terminated except for: [one or more of the following:

1. Nonpayment of]

1. Failure of the tenant to pay rent, utility charges or reasonable service [charges.] *fees within 10 days after written notice of delinquency served upon the tenant in the manner provided in NRS 40.280;*

2. Failure of the tenant [to comply with:

(a) Any] *to correct any noncompliance with a* law, ordinance or governmental regulation pertaining to mobile homes [; or

(b) Valid rules or regulations] *or a valid rule or regulation* established pursuant to NRS 118.260 [.] *within a reasonable time after receiving notification of noncompliance;*

3. [Conduct of the tenant in the mobile home park which constitutes an annoyance to other tenants or interferes with park management.] *Repeated or continued violation of valid rules of conduct, occupancy or use of park facilities after written notice of the violation is served upon the tenant in the manner provided in NRS 40.280;*

4. Condemnation or a change in land use of the mobile home park [.] *; or*

5. Conduct of the tenant which constitutes a nuisance as defined in NRS 40.140.

SEC. 15. NRS 118.260 is hereby amended to read as follows:

118.260 1. The landlord may adopt rules or regulations concerning the tenant's use and occupancy of the mobile home lot and the grounds, areas and facilities of the mobile home park held out for the use of tenants generally.

2. All such rules or regulations shall be:

(a) Reasonably related to the purpose for which they are adopted;

(b) Sufficiently explicit in their prohibition, direction or limitation to inform the tenant of what he must do or not do for compliance;

(c) Adopted in good faith and not for the purpose of evading any obligation of the landlord arising under the law; and

(d) Uniformly enforced against all tenants in the park, including the resident managers.

3. Except as provided in subsection [3;] *4*, such a rule or regulation is enforcible against the tenant only if he has notice of it at the time he enters into the rental agreement. A rule or regulation adopted *or amended* after the tenant enters into the rental agreement is not enforcible unless the tenant consents to it *in writing* or is given 60 days' written notice of it.

[3.] *4.* A rule or regulation pertaining to recreational facilities in the mobile home park may be amended *and enforced* by the landlord without [such notice or consent.] *the tenant's consent if the tenant is given 10 days' written notice of the amendment.*

SEC. 16. NRS 118.270 is hereby amended to read as follows:

118.270 The landlord shall not:

1. Charge:

(a) Any entrance or exit fee to a tenant assuming or leaving occupancy of a mobile home lot.

(b) Any transfer or selling fee or commission as a condition to permitting a tenant to sell his mobile home within the mobile home park even if the mobile home is to remain within the park, unless the landlord has acted as the mobile home owner's agent in the sale pursuant to a written contract.

~~*(c) Any additional rent or fee for pets, if pets are allowed, unless clearly designated pet areas or pet runs are provided and maintained by the landlord.*~~

(d) Any security or damage deposit the purpose of which is to avoid compliance with the provisions of subsection 5.

2. Increase rent or service fees unless:

(a) The increase applies to all tenants in a uniform manner; and

(b) Written notice advising the tenant of the increase is sent to the tenant 60 days in advance of the first payment to be increased.

[2.] *3.* Deny any tenant the right to sell his mobile home within the park or require the tenant to remove the mobile home from the park solely on the basis of such sale, except as provided in NRS 118.280.

4. Prohibit any tenant desiring to sell his mobile home within the park from advertising the location of the mobile home and the name of the mobile home park or prohibit the tenant from displaying at least one sign advertising the sale of the mobile home.

[3.] *5.* Prohibit any meetings held in the park's community or recreation facility by the tenants or occupants of any mobile home in the park to discuss mobile home living and affairs, if such meetings are held at reasonable hours and when the facility is not otherwise in use.

SEC. 17. NRS 118.290 is hereby amended to read as follows:

118.290 The landlord shall provide each tenant with the text of the provisions of NRS 118.240 to 118.280, inclusive, *and sections 2 to 11, inclusive, of this act* in the rental agreement and in a notice posted in a conspicuous place in the park's community or recreation facility or other common area.

ESTIMATES AND PROJECTIONS FOR PROPOSED

NORTHERN NEVADA GREYHOUND/HORSE RACING FACILITY

AS PREPARED BY

SAN JOAQUIN VALLEY FARMING CO., INC.

Estimated Value of Park with Capitol Improvements	*$ 3,000,000*
Estimated Direct Employment	*125*
Estimated Payroll	*$ 1,500,000*
Estimated Indirect Employment	*250*
Estimated Nightly Attendance	*2,200*
Estimated Nightly Pari-mutuel Handle	*$ 157,278*
Proposed Racing Days	*200*
Estimated Total Attendance	*440,000*
Estimated Total Pari-mutuel Handle	*$31,455,600*
Anticipated Revenue to City/County	*$ 314,556*
Anticipated Revenue for Racing Commission	*$ 314,556*
Anticipated Revenue to the State of Nevada	*$ 629,112*
Estimated Property Tax	*$ 40,000*
Estimated Sales Tax Revenue	*Indeterminable*

Approximately 375 employment opportunities will be created when the Park is built, and virtually all these jobs will be filled by local residents. The estimated payroll on these jobs will amount to over $1,500,000.00. The proposed $3,000,000.00 facility will offer many economic opportunities for local small businessmen and building trade contractors during the Park's construction and continued maintenance. The county where the Park is located will receive over $350,000 per year from this new revenue source, in the form of mutuel take-out, property taxes, admission taxes, license and permit fees, plus a share of sale's and payroll taxes. The State of Nevada will receive approximately $629,000.00.

Exhibit 2

NORTHERN NEVADA RACING FACILITY

BOARD OF DIRECTORS:

Robert Robson, Chairman
Russell Whiting
Charles Keller
James Falen
Robert Rucker

OFFICERS:

President, Robert Rucker
Executive Vice President, General Manager, Robert Knestrick
Vice President, James Falen
Vice President, Operations (Track Director), to be hired
Vice President, Sales, to be hired
Secretary, Russell Whiting
Treasurer, C.P.A., to be hired

STOCK HOLDERS:

Robert Robson, Co-founder, Chairman, Board of Directors, Microma, Inc., Cupertino, California; Co-founder, Chairman, Board of Directors, Hy-Tek Industries, Inc., Los Gatos, California; Co-founder, Chairman, Board of Directors, San Joaquin Valley Farming Company, Inc., Merced, California; Cattle Rancher; Resident of Le Grand, California

Charles Keller, Founder, Chairman, Board of Directors, President of Illumination Industries, Sunnyvale, California; Resident of Los Altos, California

Russell Whiting, Practicing Attorney, Merced, California; Co-founder, Secretary/Treasurer, San Joaquin Valley Farming Company, Inc., Merced, California; Resident of Merced, California

Robert Knestrick, President, General Manager, First Merced Title Company, Merced, California; Resident of Merced, California

James Falen, Co-founder, President, Hy-Tek Industries, Inc., Los Gatos, California; Resident of Los Gatos, California

Martin Garcia, Restaurant owner, Santa Clara, California; Resident, Los Altos, California

Jack Brewer, Founder, Chairman, Board of Directors, President, Sen-Pack, Sunnyvale, California; Metric, Inc., Mountain View, California; Metal Recovery Specialists, Malaysia, Resident of Los Altos, California

Robert Rucker, Licensed California Real Estate Broker, Merced, California; Co-founder, President, San Joaquin Farming Company, Inc.; Resident of Merced, California

Reuben Robson, Retired Postal Employee, South Dakota; Resident of South Dakota

Joseph Thompson, Cattle Rancher, South Dakota; Resident of South Dakota

Dale Jones, Employee of Rucker-Whiting and Associates, Realtors, Merced, California; Resident of Clovis, California

Exhibit 3

DESCRIPTION

The primary purpose of The Northern Nevada Racing Facility will be to conduct a pari-mutuel greyhound/horseracing operation. Northern Nevada Racing Facility intends to build a facility for the purpose of racing greyhound dogs and horses. The proposed facility will have a seating capacity of approximately 10,000 people. The grandstand part of the facility will be completely enclosed to provide for racing during the winter months. All wagering and accounting for this facility will be computerized utilizing a Hewlett Packard computer.

The new structure will cost an estimated $3,000,000. The structure will be designed by Bird, Fujimoto and Fish, Architects, San Diego, California, who have built and/or remodeled twenty five race facilities throughout the nation and Mexico and are presently the architects for the Henderson Greyhound racing operation. Jim Bird, who will be the architect from the above mentioned firm, will work closely with the County Engineer and County Planning Commission of the county where facility is constructed.

The facility will furnish all of their own security, working jointly with the County Sheriff. The facility will employ either off-duty police officers or specially trained security forces. A compound will be constructed suitable to house 500 racing greyhounds on the premises with suitable amenities for training and exercising the greyhounds, along with a training and stable facility for horses. This facility will have a completely self-sufficient waste disposal system.

The entire parking area will be paved, fenced and have full security.

It is anticipated that construction will start on the new facility during the first part of 1978 and completed within an approximated construction period of six months.

STATE OF NEVADA
DEPARTMENT OF COMMERCE
REAL ESTATE DIVISION
ADMINISTRATIVE OFFICE
CARSON CITY, NEVADA 89701
(702) 885-4280

MIKE O'CALLAGHAN
GOVERNOR

MICHAEL L. MELNER
DIRECTOR
DEPARTMENT OF COMMERCE

ANGUS W. McLEOD
ADMINISTRATOR
REAL ESTATE DIVISION

April 13, 1977

The Honorable Harley L. Harmon, Chairman
Assembly Committee on Commerce and Labor
Nevada State Legislature
Legislative Building
401 S. Carson Street
Carson City, Nevada

RE: Senate Bill 337

Dear Assemblyman Harmon:

Recommended Language, Section 11

11. For the purposes of this section, "college level courses" are courses offered by any accredited college or university [and which fulfill baccalaureat degree requirements.] or which meet the standards of education established by the division. The division may adopt regulations setting forth standards of education which are equivalent to the college level courses outlined in this subsection. The regulations may take into account the standard of instructors, the scope and content of the instruction, hours of instruction and such other criteria as the division requires.

Respectfully submitted,

Angus W. McLeod

Angus W. McLeod
Administrator

AMc:sh

Exhibit 5

A PARTIAL SOLUTION TO THE RISING COST OF HIGHER EDUCATION IN NEVADA

Remarks to the Assembly Committee on Commerce and Labor
By Lee Wilder, President, Education Dynamics Institute
April 13, 1977

During this Legislature, there has been much testimony and debate concerning requests for the State's university and community college systems. The Las Vegas Review-Journal* reported that the community college budget has grown from its original $300,000 to a current request exceeding 7.5 million dollars. In addition, requests are being made for further community college expansion: $846,000 for Fallon, 6.9 million dollars for the Western Nevada Community College, and 1.3 million dollars for the Carson City Community College. Senator Lamb was quoted as saying, "You're going to have one on every corner in Las Vegas." Assemblyman Vergiels pointed out that the state has only 600,000 residents, but two universities, at least six community college campuses in use or planned, and the Desert Research Institute. Senator Lamb also said, "You're trying to be too many things to too many people."

So, we see a problem where the Legislature is struggling to find money to pay for ever-expanding public education. Yet in 1975, the Legislature took away from the public the choice of selecting private education -- at least in the area of training real estate brokers. Absurd as it seems, quality, tax-paying, private enterprise was legislated out of business and that entire field of training was given exclusively to the tax-consuming university and community college system.

Is quality of private education the issue? The four private real estate schools must offer a fine product -- why else would someone pay up to $300 for a course that the State offers for $90? And unlike the public real estate education program, proprietary schools must annually prove their institutional and educational competence to:

1. The Nevada Commission on Postsecondary Institutional Authorization (the licensing agency for private schools);
2. The Nevada Real Estate Advisory Commission;
3. The Nevada Department of Education (Teacher Certification);
4. The Veterans Administration (if VA-approved);
5. In the case of accredited schools, to the U. S. Office of Education, through the National Association of Trade and Technical Schools, or other accrediting agencies.

The entire problem stems from NRS 645.343, paragraph 11: "For purposes of this section, 'college-level courses' are courses offered by any accredited college or university and which fulfill baccalaureate degree requirements." Under this law, all the private schools were removed from real estate broker license training, and

*Las Vegas Review-Journal, Wednesday, January 26, 1977

Exhibit 6

So, what is the basis for opposition to SB 337? The entire opposition seems to be from the Nevada Association of Realtors (NAR). The arguments made by NAR during hearings before the Senate Commerce Committee were simply that they had "spent years trying to get the present law passed: it's in effect, it's working, and we don't want to change it." The arguments seem to be entirely self-serving, and are not related as to: (1) whether or not free enterprise should exist in training of real estate brokers, (2) whether or not the public could or could not receive adequate education through this source, (3) whether or not it is compatible with the educational objectives of NRS 645.343, (4) whether or not the public should have the right to choose their educational institution. It would appear that the design is specifically to exclude private real estate training for brokers, since free enterprise has proved highly effective, and continued allowance of private education would probably result in an increased number of brokers being licensed, thereby increasing competition for themselves. This is a classic case of the self-regulating using regulation to control competition.

Therefore, we in private enterprise, and our students, urge passage of SB 337, to redress these serious inequities.

STATE OF NEVADA
CAPITOL COMPLEX
DEPARTMENT OF COMMERCE
REAL ESTATE DIVISION
ADMINISTRATIVE OFFICE
CARSON CITY, NEVADA 89710
(702) 885-4280

IKE O'CALLAGHAN
GOVERNOR
MICHAEL L. MELNER
DIRECTOR
DEPARTMENT OF COMMERCE

ANGUS W. McLEOD
ADMINISTRATOR
REAL ESTATE DIVISION

January 18, 1977

Mr. LeRoy D. Wilder, President
Education Dynamics Institute
2635 N. Decatur Blvd.
Las Vegas, Nevada 89108

Dear Lee:

This letter is in response to yours of January 12, 1977.

The law, specifically NRS 645.353, Section 11, rigidly defines the kinds of courses the Division must accept for broker and broker-salesman applicants, i.e., courses offered by any accredited college or university which fulfill baccalaureate degree requirements. The Division believes this has caused some problems and does not permit the Division to recognize many excellent courses which are sufficient for the public interest.

The Division is going to introduce legislation at the current legislature which will permit us to establish, by rule and regulation, standards on which we can judge whether or not non-baccalaureate degree courses are equivalent to such courses. Whether or not such rules and regulations would result in the courses presented by Education Dynamics Institute being sufficient for broker pre-licensing education I am, of course, at this time not prepared to say. Incidentally, our legislation provides that the Division and not the Real Estate Advisory Commission, be authorized to promulgate the rules and regulations establishing the standards for equivalency. These particular proposals (equivalency and regulations adopted by the Division) have been extensively discussed with the industry in Nevada. The Nevada Association of REALTORS is adamantly opposed to both of these proposals and to certain other proposed changes, which would give the Division rule and regulation making authority in other areas.

When this bill is drafted and introduced I will try to remember to notify you of its identity so you can follow it in the legislature and attend or testify at hearings if desired.

Sincerely,

Angus W. McLeod

Angus W. McLeod
Administrator
AWM:mjs
cc: Paul Wong
M. L. Melner - - - With L. Wilder ltr. & enclosures
Bernard DiOrio - - " " " " " "
David Wood - - - - " " " " " "
Phyllis Braselton- " " " " " "

THE COMMITTEE STUDYING NEVADA'S
LAND DIVISION LAWS

Northern Nevada

(Coordinator)
Fred Welden
State Land Use Planning

Glen Thompson
Assistant City Engineer Reno

Ron Young, Director
Humboldt Co. Planning Dept.

Mark Meiser
Meiser Enterprises, Inc.

Mike Marfisi
Attorney - Elko

H. LaVerne Rosse
[redacted]ironmental Protection Serv.

[redacted] Barnes, Deputy A.G.
Real Estate Division

Jim Newman
Building Contractor

George Boucher
Elko County Manager

(Coordinator)
Bob Erickson
State Land Use Planning

Robert Churn
Engineer, City of Sparks

B. P. Selinder
Churchill Co. Resource Coord.

Charles Breese
Washoe Co. District Health Dpt.

Walt Neitz
Nevada Land Surveyors Assn.

Lew Dodgion
State Health Division

Corky Lingenfelter
Nevada Assn. of Realtors

Don Bayer
Washoe Co. Regional Planning

Richard Wagner, District Atty.
Pershing County

Mike Lattin
Chilton Engineering

Alex Fittinghoff
Sparks Community Dev. Coord.

Floyd Vice
Washoe County Engineer

Ron Byrd
SEA Consulting Engineers

Robert Gardner, Director
Douglas Co. Public Works

Allan Means
Means Engineering Services

Ralph Cipriani, Director
Nye County Planning

Tom Conger
Sharp, Krater & Associates

Bill Newman
State Water Resources Divisi

Exhibit 7

COMMITTEE MEMBERS

COMMITTEE CHAIRMAN - IRENE PORTER, ASSOCIATE A.I.P.

CITY OF LAS VEGAS

Mr. Larry Hampton, Director of Public Works
Mr. Art Veeder, Subdivision Engineer

CITY OF NORTH LAS VEGAS

Mr. Clint Stay, Assistant City Engineer
Mr. Duane Sudweeks, City Engineer

CITY OF HENDERSON

Mr. Robert Gordon , Division of Planning

CITY OF BOULDER CITY

Mr. Robert Eads, Division of Public Works

COUNTY OF CLARK

Mr. James Scholl, County Public Works Department
Mr. John Pisciotti, Division of Building & Safety
Mr. Greg Borgel, (currently in County Administration Office)
Mr. Jay Downey, Director of Planning
Mr. Ralph Ciprianni, County Planning
Mr. Kay Adams, County Surveyor

DISTRICT HEALTH DEPARTMENT

Mr. Willem Stolk, Environmental Sanitation
Dr. Uckert

SOUTHERN NEVADA HOMEBUILDERS

Jack Kinney, Builder/Member
Robert Weld, Executive Director

Exhibit 7

PRIVATE ENGINEER/LAND SURVEY

Mr. Gil Buck, Land Surveyor/Realtor
Mr. Robert McNutt, Engineer
Mr. Karsten Bronken, Engineer & Surveyor

REAL ESTATE

Mr. Ron Reiss, Realtor
Mr. Al Levy, Realtor

Additionally the bill has been reviewed by:

Mr. Geoff Billingsley, Director of Public Works, City of Henderson
Mr. Les MacFarlane, Engineer-President of Land Surveyors,Southern Nevada Chapter

Exhibit 7

AB 475

Page 5 Z78.330

Lines 4-6

5. If there is a planning commission, within 45 days after receipt of the tentative maps, it shall recommend approval, conditional approval or disapproval in a written report filed with the governing body.

Exhibit 8

AB 475 Section 1 which amends 278.010 should be amended lines 19 and 20 by striking lines 19 and 20 and inserting in lieu thereof the following:

"(f) 40 nominal acres means an ~~area~~ area of land not less than 1/16 of the section as described by the government land office survey or 40 acres calculated by actual survey."

Exhibit 8

The Clark County Public Works Department has some very serious objections to AB 475, especially within the parcel map section of the proposed law.

Clark County had 297 parcel maps filed during 1976 creating approximately 900 lots. I feel AB 475 would make it even harder to obtain or require off-site improvements than the present law. Clark County has many areas where the Federal Government created 5 acre, $2\frac{1}{2}$ acre and $1\frac{1}{4}$ acre parcels. These parcels are presently being developed into $\frac{1}{2}$ acre lots where water district lines are available and into $1\frac{1}{4}$ acre parcels were wells must be drilled. Any single 5 acre parcel can be divided into eight $\frac{1}{2}$ acre lots after street dedications have been made. A street separating two 5 acre parcels could have 16 lots fronting on the street with NO improvements. This situation does exist. The new property owners demand to have their streets gravelled or want the County to provide it. paved and the County to provide the paving. This is an injustice to the remainder of the taxpayers whose streets were improved by the developers of the subdivisions in which they live.

It appears to me in Section 2, NRS 278.320 the addition of the words "at one time" would allow individuals to divide property into many lots by "four by fouring" because no time is specified. I also question the differing requirements based on population. Clark County has similar problems with the other counties outside our urbanized area. A parcel map was recorded creating 12 ten acre parcels which is allowed in Clark County and not in the other counties. by filing a re-survey of the county recorder. Presently on my desk is a parcel map dividing one of these parcels into $2\frac{1}{2}$ acre parcels. I recommend

Exhibit 9

keeping the requirements the same throughout the state, preferably keeping those provisions for population less than 200,000.

Section 3, NRS 278.327 states property may be divided againt and "shall conform with the applicable provisions". How would this be interpreted? If each falls under a parcel map provision, we still cannot require off-site improvements.

Section 11, NRS 278.370(1) states local entities shall enact local subdivision ordinances which "... shall not conflict with NRS 278.010 to 278.630 inclusive". Section 35 states ... consistent with existing development of abutting property". I feel that County would not be able to require any off-site improvements if the abutting property does not have any improvements.

Section 33, NRS 278.500: I feel the requirements should remain the same throughout the State and let local entities enact ordinances if they want lessor or more stringent requirements. As stated previously, Clark County has similar problems outside our urbanized area, as the other counites.

NRS 278.500 (4) states: "when two or more separate lots, parcels, sites, units or plots of land are purchased, they remain separate... area exempt from the provisions of NRS 278.010 to 278.630, inclusive, until further divided". Does this imply that they are separate unless divided? This would be easily avoided by just keeping title in separate names.

Exhibit 9

Section 35: We have serious problems with both proposals based on population. Both state ..."consistent with existing development of abutting property". If there are no roads or other improvements on the abutting property, what can be required? This has been a hotly contested item in Clark County with just the word "adjacent". With opponents claiming if a road is not gravelled or paved, on abutting property, we could not require any improvements.

How could an entity enforce provision 1(c) of this section? Only require improvements on the second parcel map and the first one requires no improvements?

We also have serious objections to paragraph 2 for population over 200,000. We would recommend amending this to: "(a) the governing body may require by ordinance, dedication and improvement of any r/w, easement, or reservation for road access. It may also require such road design, street alignment and width according to adopted county standards". Paragraph (b), I feel, should be deleted in its entirity, because we have areas where $2\frac{1}{2}$ gross acre parcels appear to be the ultimate development of the area. These areas are located on the fringe of urbanized areas and in our outlying communities. As I stated previously, under present state law, I had one map come in with 12 ten acre parcels and further division has already begun on these parcels.

Section 36, paragraph 2, I feel should be amended as follows: "Before waiving a parcel map or survey, the County Surveyor or a registered land surveyor appointed by the governing body shall be consulted". The present wording would allow the planning director to

consult a land surveyor of his choice if he did not agree with the county surveyor and waive a parcel map. I do not feel this possibility should be allowed.

I testified last Wednesday before the Senate Government Affairs Committee in favor of SB 391 because I feel, in the parcel map area, that SB 391 is much more equitable than AB 475. If the provisions in SB 391 could be incorporated in AB 475 I feel we would have a good overall bill.

The County has lost approximately $3,000,000 in off-site improvements because of the present parcel map law. We have disucssed the present law, and methods to enact the provisions equitably in Clark County, with realators, property owners and land surveyors. Shown here is an add taken out in the Las Vegas Sun on May 17, 1976 in opposition to the requirements we feel can be enacted under the present law. During one of these meetings it was stated to me that the parcel map law is a method of circumventing the subdivision law and there is little that can be done about it. Under the present state law and AB 475, I would have to concur. I have here drawings showing how different parcels of land created more than 4 lots in 5 acres without any improvements and without creating a subdivision. We tried two cases in court in 1976 with the courts ruling against us. One map filed created four lots under the name of a corporation solely owned by the president of the corporation and an additional 4 lots were created in the abutting $2\frac{1}{2}$ acres by the same individual and his wife. The other case we lost was a father dividing one $2\frac{1}{2}$ acre parcel and the daughter dividing the abutting $2\frac{1}{2}$ acre parcel.

Exh. L + 9

In both cases, the 2½ acre parcels came from the same 5 acre parcel. The court ruled both cases legal and were not subdivisions. I have here three parcel maps creating 9 lots on 5 acres. Legal opinion from our District Attorney's office declared they were legal based on our two court cases.

With small tracts I have no easy solution nor can I recommend a feasible cure-all eliminating all the problems. We have recently received a letter from the District Health Department stating that 35% of all fugitive dust created in Las Vegas Valley comes from unpaved roads. They have, as we have, received numerous complaints from citizens about the dust. I feel another method to help solve the problem would be to redefine a subdivision as 3 or more parcels. This would allow the small owners to divide the property so his family could build on the remainder portions.

Section 21 of this bill provides for review of the maps by the Health District and/or the Division of Water Resources, giving them virtual veto power by refusing to sign the maps. An appeal procedure should be written into the bill in the event this should happen. All development could be stopped in the County by either of these agencies refusing to sign the maps.

I would be happy to answer any questions.

AMENDMENT TO NEVADA ASSEMBLY BILL NO. 475

Amendment No. 1

On page 14 of the printed bill between lines 38 and 39 insert:

"9. The vacation or abandonment of any street or highway shall extinguish all franchise rights therein, including rights-of-way granted to ~~telephone~~ utilities pursuant to Chapter 707 NRS, except as to a franchisee who (a) has facilities located within or is otherwise using such street or highway pursuant to its franchise, and (b) complies with the provisions herein. The governing body proposing vacation or abandonment of a street or highway shall, within 15 days after adoption of a resolution or ordinance of intention to vacate or abandon, give written notice to all franchisees of such intention. A franchisee shall have 180 days from the date of receipt of notice, to file for record in the office of the recorder in the county in which the vacated or abandoned street or highway is located, a verified notice of presence in such street or highway together with a map or description of an easement of reasonable size adequate to encompass such facilities or use and reasonable future use or uses. Should any governing body fail to give a franchisee actual notice of an intention to vacate, the affected franchisee should have 180 days from the date it discovers the intention to vacate to file the above described verified notice of presence."

Exhibit 10

dopted ☐	Adopted ☐	Amendments to Assembly / Senate
ost ☐	Lost ☐	
ate:	Date:	Bill / Joint Resolution No. 475 (BDR 22-559)
nitial:	Initial:	
oncurred in ☐	Concurred in ☐	Proposed by Committee on Commerce
ot concurred in ☐	Not concurred in ☐	
:	Date:	
ial:	Initial:	

977 Amendment No. 815 A

Makes substantive changes and resolves conflicts with S.B. 67 and A.B. 3[illegible]

Amend section 1, page 1, line 2, delete "1."

Amend section 1, page 1, line 3, delete "(a)" and insert "1."

Amend section 1, page 1, line 6, delete "(b)" and insert "2."

Amend section 1, page 1, line 8, delete "(c)" and insert "3."

Amend section 1, page 1, line 10, delete "(d)" and insert "4."

Amend section 1, page 1, line 14, delete "(e)" and insert "5."

Amend section 1, page 1, delete line 19 and insert:

AS Form 1a (Amendment Blank) 3044A

Drafted by Pogal Date 4-13-77.

To Journal (3) CFB

Exhibit II

"6. "Five nominal acres" means 1/128 of a section described by a rec-".

Amend section 1, page 1, line 21, delete "(g)" and insert "7."

Amend section 1, page 2, line 3, delete "[(g)] (h)" and insert "[7.] 8."

Amend section 1, page 2, line 7, delete "[(h)] (i)" and insert "[8.] 9."

Amend section 1, page 2, line 13, delete "[(i)] (j)" and insert "[9.] 10."

Amend section 1, page 2, line 15, delete "[(j)] (k)" and insert "[10.] 11."

Amend section 1, page 2, line 18, delete "[(k)] (l)" and insert "[11.] 12."

Amend section 1, page 2, line 21, delete "[(l)] (m)" and insert "[12.] 13."

Amend section 1, page 2, line 24, delete "[(m)] (n)" and insert "[13.] 14."

Amend section 1, page 2, line 25, delete "[(n)] (o)" and insert "[14.] 15."

Amend section 1, page 2, delete lines 29 and 30.

Amend section 2, page 2, delete line 39 and insert:

"comprises [40 or more] 5 nominal acres or more of land , [in counties having".

Amend section 2, page 2, line 42, delete open bracket.

Amend section 2, page 2, delete line 43 and insert:

"acres of land in counties having".

Amend section 2, page 2, line 44, delete "census," and insert:

"census,]".

Amend section 33, page 16, delete line 50 and insert:

"less than [40] 5 acres, [or, in a county whose population is 200,000".

Amend section 33, page 17, line 3, after "40 acres" insert a closed bracket

Amend section 81, page 36, delete "NRS 116.010" and insert:

"1. NRS 116.010 to 116.060, inclusive, 116.080".

Amendment No. 815A to Assembly Bill No. 475 (BDR 22-559) Page 3

Amend section 81, page 36, after line 32 insert:

"2. NRS 116.070 is hereby repealed.

Sec. 82. Subsection 2 of section 81 shall become effective at 12:01 a.m. on July 1, 1977."

AS Form 1b (Amendment Blank)

To Journal
2487
(3) CFB

April 9, 1977

Assemblyman Karen Hayes
Legislative Building
Carson City, Nevada 89701

Dear Karen:

The enclosed map will give you a visual picture of the impact of Parcel Map development in one area in Enterprise. We have no objection to growth, but feel it is our right to want and have orderly progressive development. The law, the result of AB375 passed by the 1975 legislature, has permitted developers an open door to build 230 houses, all with septic tanks, with side by side parcel map permission, creating subdivisions, bypassing all the provisions set forth in the Subdivision law, in this map area.

Gravel streets, septic systems, unpaved cul-de-sac access (private streets), now permitted in the parcel map law will later become the burden of all taxpayers to remedy.

We have studied all the bills on division of land-subdivisions, parcel maps-before this legislative session

Referring to AB475, our recommendations follow:

Section 2 NRS278.320 - 1 - a)
" 33 NRS 500 - 1)
" 35 1 vs 2)
" 36)
" 40 NRS278.565 - 1)

In the above we believe it to be unconstitutional to make differing requirements based on whether county population is "200,000 or less" and "200,000 or more" when requirements for counties of 200,000 or less are more stringent in protection of public safety, health etc. We believe all citizens should have equal protection under the law.

NRS278.320 - 1 (line 33) delete "at one time".

This would permit a large parcel to be divided time and again by parcel maps into four lots, circumventing subdivision requirements.

We recommend Subdivision definition to read "to be divided into <u>three or more lots</u>".

Section 6 - 3 and Section 7 - 2 (a) through (i):

These provisions should also be applicable to parcel map divisions and to control parcel map development in outlying areas where there is neither water nor power lest slum areas develop.

Exhibit 12

Section 11 278.370 - 1

Delete "but shall not be in conflict with NRS278.010 to 278.630 inclusive".

Localities within the state differ and local government should not be restricted in ordinance provisions to assure health, safety, pollution control etc.

Section 32 NRS278.4981

This section should also apply to parcel maps.

Parcel map developers have created subdivisions without requirement of providing for parks. Enterprise now has a population of 3500. To date there is no source of funds to develop the park land we have.

Section 33 NRS278.500 - 1

Change to read "into two or less lots".

Due to the fact this area (72 square miles) is government platted into $1\frac{1}{4}$, $2\frac{1}{2}$ and 5 acre parcels, one only division of land best preserves Rural Estates Residential District zoning.

Section 35 (a) and (b)

Delete "as is reasonably necessary and consistent with existing development of abutting property".

When parcel map development extends into virgin desert areas, or in areas where there is no existing development, the local governing body should be permitted by ordinance to require off-site access, street grading, surfacing, street alignment, drainage provisions, lot designs, water quality and supply, sewerage disposal and all other requirements necessary to establish a basic quality standard for future development.

Thank you for your consideration.

Yours very truly,

Blanche B. Holmes, Chairman
ENTERPRISE CITIZENS' ADVISORY COUNCIL
6613 S. Procyon
Las Vegas, Nevada 89118

Enclosed is more detailed recommendation by a Council member.
Enc. Map

Copies to: Senator Hilbrecht
Senator Bryan

AB47)

1. Reference: 278.320, 1. (Page 2 line 2): Amend line 2 to eliminate "at one time".

   This wordage "at one time" can permit fragmentary development thus circumventing the purpose of subdivision laws.

2. Reference: 278.370, 1. (Page 7, lines 25 and 26): Amend lines 25 and 26 so as to grant governing bodies right to comply with:
   1. Judicial interpretation of the law
   2. Protection of the rights of its citizens in accordance with local needs.

3. Reference: 278.380, 3. (Page 7, lines 43 through 45.): Amend to delete that which is in italics and retain that which is in brackets.

   That which is in italics is too discretionary. The governing body may require an amount which is insufficient to protect the interests of the public, or they may require an amount which can be deemed excessive or punative.

4. Reference: 278.390, 2. (Page 8, lines 7 and 8). Amend "which is zoned for commercial use".

   The return of a utility easement only to commercial property owners is discriminatory. The rights of all property owners should be equally protected and not only the rights of specific (e.g. commercial) property owners.

5. Reference: 278.4981, 1 and (b), Page 15, lines 30 and 44). Amend to add "parcel map".

   Every developer, including a parcel map developer, must contribute to development of parks or service areas. Why should a parcel map developer be excluded from contributing? By adding "parcel Map" all ambiguity is removed, thus eliminating a judicial determination pertaining to the intent of the law.

6. Reference: 278.4981, 3, (a) and (b), (page 16, lines 34 through 35 and line 44). Amend to delete that which is in italics and retain that which is in brackets.

   A developer who contributes to parks or service areas includes the contribution in the selling price of the property. Therefore the buyer of the property has assumed the cost and thus shuld receive all benefits resulting from the return of the developers contribution.

   If the governing body returns the contribution to the developer, then the governing body is erroneously returning the property owner's vested interest to the developer.

   It should be noted that: 1, if the law is passed as is, the governing body can only return to the developer contributions which were made <u>after</u> the passing of the law. Prepassage con-contributions must be returned to the property owners. Ex post

facto laws are unconstitutional. 2. All retained contributions whether returned to the developer or property owner must be reported to the I.R.S. by the governing body.

7. Reference: 278.4981, 1 (f),(Page 16, lines 20 through 22). Amend to retain that which is in brackets.

By removing that which is in brackets, parcel map developers will not be required to contribute for their second division of their original parcel map.

8. Reference: 278.500, 1, (Page 17, line 5). Amend to delete the wordage "unless this requirement is waived".

Parcel maps must be filed. The State of Nevada must provide equal protection to all its citizens. The rights of citizens who purchase property filed under "parcel map" laws should have the same legal protection as citizens who purchase property filed under Subdivision laws.

9. Reference: 278 Section 35, (Page 18, lines 38 through 46). Amend to delete lines 38 through 46.

Citizens who reside in a county whose population is over 200,000 must have the same legislative protection as citizens who reside in a county whose population is under 200,000 Denial of equal protection is unconstitutional.

10. Reference: 278 Section 36, (Page 19, lines 2, 4, 5, and 6). Amend to delete: From lines 1 and 2 "and may waive the requirement for parcel map or survey".
From lines 3 and 4, all of paragraph 2.
From lines 5 and 6, "a request for waiver".

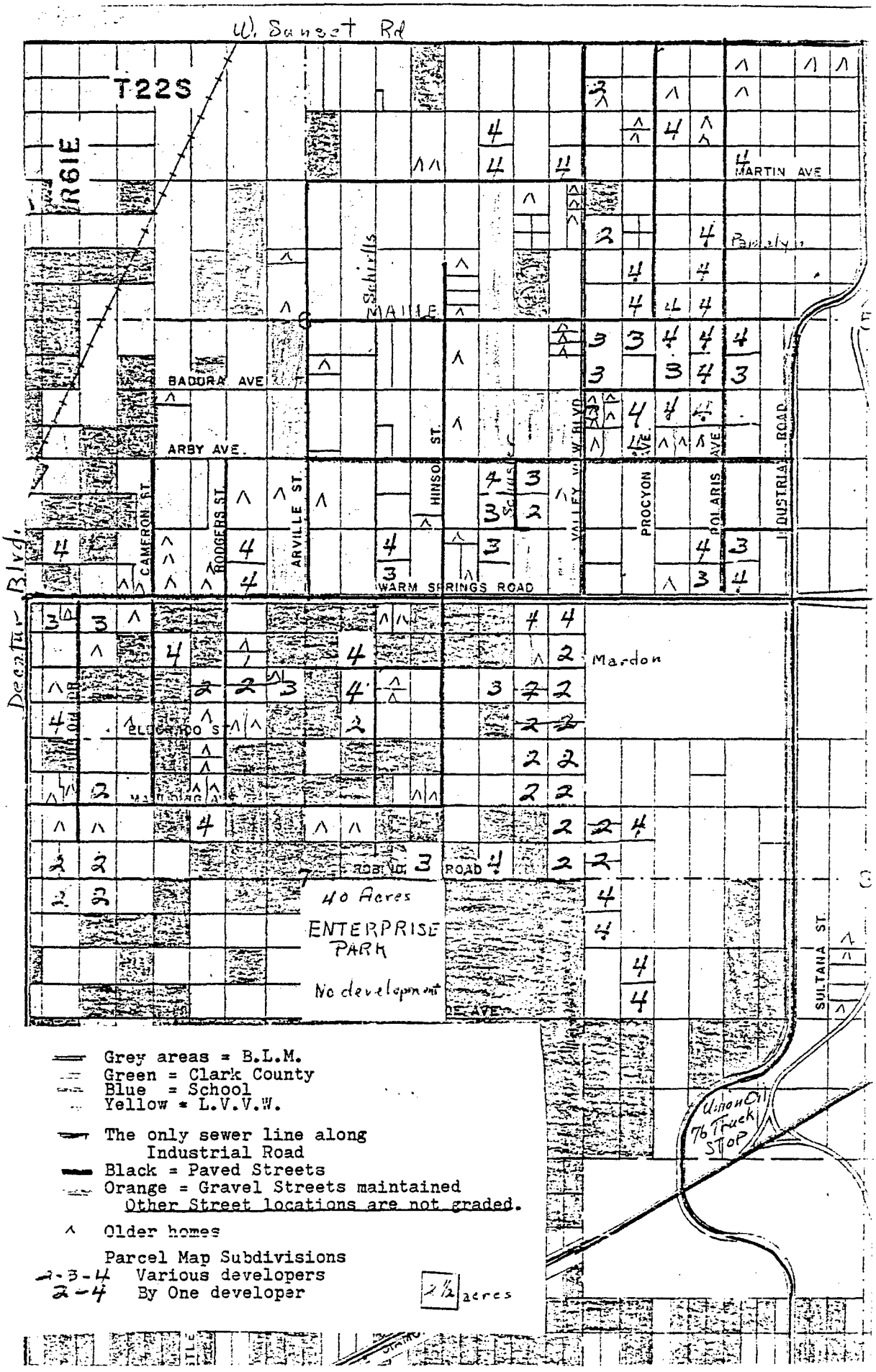
Parcel map laws should be equal to subdivision laws. If they are not, the State is not providing equal protection under the law.

11. Reference: 278.510, 3 and 4, (Page 19, lines 29 and 43). Amend to delete: From line 29, "if a survey is required".
From line 43, "if a survey is not required".

A parcel map survey must be required if the law is to provide equal protection with subdivision laws.

12. Reference: 278.510, 5, 6, and Section 38, 1 (a), (b), (c), (Page 20, line 1 through 10, and lines 16 through 22. Amend to delete lines 1 through 10 and lines 16 through 22.

A parcel map survey or parcel map should not be waived. Waiving of parcel map surveys denies the future buyer of parcel map property the protection afforded by subdivision property. Thus no equal protection under the law.


W. Sunset Rd
T22S
IRGIE
MARTIN AVE
Schirills
MAILE
BADURA AVE
ARBY AVE.
CAMERON ST.
RODGERS ST.
ARVILLE ST.
HINSON ST.
VALLEY VIEW BLVD.
PROCYON AVE.
POLARIS AVE.
INDUSTRIAL ROAD
WARM SPRINGS ROAD
Decatur Blvd.
Mardon
ELDORADO ST.
ROBINSON
ROAD
40 Acres
ENTERPRISE
PARK
No development
SULTANA ST.
Union Oil
76 Truck
STOP
Grey areas = B.L.M.
Green = Clark County
Blue = School
Yellow = L.V.V.W.
The only sewer line along
Industrial Road
Black = Paved Streets
Orange = Gravel Streets maintained
Other Street locations are not graded.
Older homes
Parcel Map Subdivisions
2-3-4 Various developers
2-4 By One developer
2½ acres

Washoe-Storey Conservation District

1545 S. WELLS AVENUE RENO, NEVADA 89502 PHONE (702) 322-9934

April 13, 1977

TO: Assembly Commerce Committee

FROM: Washoe-Storey Conservation District

RE: AB-475

The Washoe-Storey Conservation District has reviewed this bill with interest. We regularly review tentative subdivision maps for the Regional Planning Commission of Reno, Sparks, and Washoe County under an agreement with the three local governing bodies, advising them about problems with the renewable natural resources of the area, especially problems relating to slope and soils characteristics of the site. We were, therefore, concerned to see how this subdivision bill would affect the working relationship we have with the Planning Commission and the governing bodies.

We have found only one matter in AB-475 that we believe would create a problem, and wish to call this to your attention. Section 7 (page 5, lines 40 and following) proposes a new list of the different items the governing body should examine in reviewing subdivision maps. We note with concern that this proposal would delete the existing requirement that the governing body make findings with respect to such matters as air and water pollution, the nature of soils and subsoils and their ability adequately to support waste disposal, and the slope of the land and its effect on effluents, and would change it to a simple requirement that the governing body <u>consider</u> these items.

It has been our experience that it is already difficult for local governing bodies to make often complex decisions where matters of physical resource capacity are involved. Our local governing bodies have sought our advice partly, no doubt, because of the existing strong statutory requirement that they make findings with regard to these matters. We feel it would not be wise to weaken this requirement, as proposed in the bill.

We therefore recommend to the Committee that you either return to the old wording here or else amend Section 7 so that it still requires that findings be made.

Thank you for your consideration.

Submitted by,

Frank W. Groves

Frank W. Groves
Chairman

Exhibit 13

Assembly Commerce Committee April 13, 1977

Suggested Amendments to AB 415:

We are generally very much in favor of this bill, which would clarify the existing subdivision statute. We do however have a few amendments to suggest.

1. Section 2 (line 40, p. 2):

We request the population limit of "less than 200,000" be changed to read "less than 100,000."

This would have the effect of making all suburban subdivisions of land, even those into parcels which may be more than 40 acres in size, subject to subdivision requirements and review in Washoe County only. (Note that it would not affect agricultural land divisions, which are exempted by subsection 3 of this section.) This change is needed in Washoe County because we have now started to see suburban subdividing into parcelsof 40 acre size and greater, and now have virtually no control over it.

2. Section 4, new subsection 5 (line 5, p. 5):

The time given the planning commission to complete its review of tentative subdivision maps is here changed from 65 days (note old wording on line 10 of p. 4) to 45 days. We suggest that it should remain at 65 days and not be decreased.

Planning commissions do not meet daily or even weekly as a general rule. Yet these commissions must receive and coordinate many different agency reviews, including a school board review of the map that is allowed 30 days from the day of the board's receipt of their copy of the map. Clearly it may at times be difficult or even impossible for the planning commission to complete their review within 45 days of the filing of the tentative map.

3. Section 4, new subsection 6 (lines 7-9, p. 5):

We would like to suggest an alternate wording of this section.

This subsection provides for publication of the agenda of any meeting at which tentative maps shall be considered. While we agree with the need to require this, we do not feel that this is enough. Subdividing, unlike other forms of changes of the use of land, does not require any review by the public; no public noticing is required, nor public hearing scheduled. Public notice alone is not sufficient unless public hearing is also required. We therefore suggest that the following wording replace that now proposed in subsection 6:

"Tentative subdivision maps shall be placed on the agenda of the planning commission or governing body for public hearing,at least ten days notice of which shall be given by publication of the time and place in the newspaper of greatest circulation in the county or city affected."

Subdividing, no less than master planning or zoning, is a matter of public interest affecting the welfare of the entire city or county and the property values and lifestyles of adjacent property owners. Public hearing should be required.

4. Section 6 (lines 14 ff., p. 5):

Section 6 sets out procedures whereby the tentative map would be reviewed by the state engineer's office and the health division. This is excellent. This review should take place at the tentative map stage, as proposed in this bill.

Exhibit 14

However, the wording proposed in the bill, while it spells out in detail how the health division is to review the map, does not specify the purpose of the state engineer's review. We suggest that a new subsection be added:

"The Division of Water Resources shall certify to the planning commission and the governing body that the subdivision is approved concerning water quantity."

5. Section 7 (lines 40 and ff, p. 5):

This new section completely replaces the old wording (found on p. 4, lines 24 and ff). It is basically a list of criteria to be used by the planning commission and the governing body in reviewing tentative subdivision maps. We like the new list of criteria suggested here, because it is both clearer and more complete than the old list was. However, we must protest strongly the changes in the basic instructions from "the making of findings" to simply "the governing body shall consider." It is a serious weakening of the statute to drop the requirement that findings be made. Clearly it is not adequate to simply discuss these vitally important criteria; in order to protect the public health, safety and welfare the governing body should actually determine that the subdivision does meet these criteria.

We therefore suggest that the bill be amended to return to the requirement that findings be made. Since the new list of criteria is however preferable to the old one, we have developed the following suggested new wording, which combines the best features of both new and old sections:

"Section 7, subsection 2. The governing body shall make findings including, but not limited to, findings that the subdivision:

(a) Will not result in undue water pollution, and is in conformance with all laws and regulations concerning water pollution control.

(b) Will not result in undue air pollution, and is in conformance with all laws and regulations concerning air pollution control.

(c) Will not lead to a solid waste disposal problem.

(d) Will have a water supply adequate in quantity and quality for the reasonably foreseeable needs of the subdivision, and will not damage any existing water supplies or watershed capacities, and is in conformance with all laws and regulations concerning water quantity and quality. United States Geological Survey estimates of water quantity shall be used in determining water quantity.

(e) Will have adequate sewage disposal procedures and facilities, and is in conformance with all laws and regulations concerning sewage disposal.

(f) Will have available and accessible any needed utilities.

(g) Will have available and accessible such needed public services as schools, police and fire protection, transportation, recreation and parks.

(h) Adequately protects against potential flood hazard.

(i) Adequately handles slope and soil characteristics of the site so that no undue hazard to health, safety or welfare may result.

(j) Will be adequately served by existing or proposed streets and highways, will not cause unreasonable traffic congestion or other unsafe traffic conditions, and is in conformance with the master plan of streets and highways.

(k) Is in conformance with the duly adopted master plan for the area.

(l) Handles problems raised by reviewing agencies to the satisfaction of the governing body."

6. Section 8 (lines 14 and ff, p. 6):

This section defines the review of the tentative map by the school board. Since the governing body is required by section 7 to consider the availability and accessibility of schools, an important subsection has been left out of this section: a subsection that asks the school board for that information. We suggest adding a subsection to say:

"The board of trustees shall also notify the planning commission or the governing body of the availability and accessibility of schools for the proposed subdivision."

7. Sections 10 and following (p. 7):

This section defines procedures for the filing of the final subdivision map. We generally approve of the proposed wording here. However, we regret that no new language was suggested to handle the circumstance (which does occasionally occur) when new information is made available between the approval of the tentative map and the presentation of the final map. For example, tentative maps are often filed before engineering work on soil conditions has been completed, and such work may later show that soil conditions pose a serious health or safety hazard. We suggest that new language be added in section 12 on line 36:
"However, nothing in this statute shall require a governing body to approve any final map if information made available to them after the approval of the tentative map shows that such approval may be detrimental to the public health, safety or welfare."

8. Section 33 and the following sections on parcel maps (pp. 16 and ff):

These sections, which modify the parcel map procedures generally meet with our approval as they apply to Washoe County. We do wish to point out to you two possible problems we see with these sections.

Section 34 (through oversight we assume) does not say where in chapter 278 sections 35 and 36 are supposed to be inserted. The language of section 35 hardly even mentions parcel maps, creating additional confusion as to what these sections are supposed to be about. Assuming that we are correct that these two sections are supposed to follow the previous section in NRS 278, we suggest that this be clarified.

The procedure outlined in section 36 for reviewing parcel maps is rather odd as land use review procedures go. It would permit the governing body to completely bypass their planning commission, but then provides for later appeal to the planning commission if the applicant is dissatisfied with the decision of the governing body's representative! We would prefer that this, as all other land use planning matters, be reviewed by the planning commission as a regular procedure. We suggest that section 36 be reworded to say: "The director of planning or other person authorized by the planning commission or, where there is no planning commission, by the governing body, shall review and approve..." This change will also require some minor rewording of the rest of the section, but will regularize the procedures for parcel map review and assure that the planning commission's expertise is made available to the governing body.

Pam Wilcox

Lemmon Valley Improvement Association

Debbie Shelton
Verdi Property Owners Assoc.