

Minutes of the Nevada State Legislature
Senate Committee on Government Affairs

Date: Feb. 7, 1979

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Present: Chairman Gibson
Vice Chairman Ashworth
Senator Dodge
Senator Ford
Senator Kosinski
Senator Raggio

Also Present: See Attached Guest Register

Chairman Gibson called the eighth meeting of the Government Affairs Committee to order at 2:00 p.m. Senator Echols was excused from the meeting due to official business in Washington D.C. The first order of business was the discussion of SB-72

SB-72 Defines population and changes population basis for exercise of certain powers.

Frank Daykin, Legislative Counsel, testified to the committee on SB-72. Mr. Daykin stated that SB-72 is a counterpart of a bill passed in 1969. Due to the provisions in the Nevada Constitution which prohibits special legislation relating to certain aspects of county government it has been the practice to describe counties by population. The supreme court has held this is a valid classification if the class is open-ended, not tied to any particular census. However, as the population has increased the classifications have had to be changed in order to describe the counties accurately by population.

In 1969 the classifications were revised to as to clearly separate the largest county from the second largest county. The procedure for classification still applies for the bottom half of the classification for Washoe County and Clark County (100,000 or more). The dividing line between Washoe and Clark County must be lifted and raised from 200,000 to 250,000. Mr. Daykin proceeded by stating that he has gone through NRS and changed 200,000 to 250,000.

Mr. Daykin indicated that from a technical standpoint he has introduced into the preliminary chapter a definition of population which eliminates having to repeat a long phrase. When referring to "population" we are making reference to the last preceding decennial census. The effect of the bill is to present the legislature with the opportunity to consider, section by section, the increasing of the population from 200,000 to 250,000 depending on whether Clark and Washoe county should be considered together or apart.

Mr. Daykin suggested that if it was the intention of the legislature to define each county by population a prefix to the bill should be written. It should state that the legislature is considering its population with regard to the continued growth in the State and is not making special legislation.

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Mr. Daykin responded to questions by the committee and indicated that this bill does not become effective until the results of the census are announced. If the bill does pass it should be acted upon quickly as it amends a great many sections, some of which will be amended by other bills.

Senator Raggio asked Mr. Daykin if he had a list noting which areas would be effected. Mr. Daykin stated that he did not but he would have one prepared for the committee's review.

Senator Kosinski asked Mr. Daykin if the wording "last preceding decennial census" was used due to the possibility of a bill being passed to have a census every five years. Mr. Daykin responded in the affirmative. Mr. Daykin also noted that the only census that has constitutional stature is the decennial census.

Chairman Gibson asked Mr. Daykin to find out if the federal government has passed a law regarding the five year census. Mr. Daykin stated that he would bring that information back to the committee.

Senator Mike Sloan, Clark County, concurred with Mr. Daykin's statements to the committee and was in favor of SB-72.

Hank Etchemendy, Reno City Manager, testifying on behalf of the city of Reno favored SB-72. Mr. Etchemendy provided the committee with a letter sent to Mr. Robert L. Van Wagoner, City Attorney. Mr. Etchemendy commented that the letter is a legal opinion of the bill and its effects on Reno. (See Attachment #1)

Russ McDonald, representing Washoe County, stated that he was in favor of the bill but felt that the section on the Justice of Peace might need to be amended. The matter at hand is before both Judiciary committees at this time.

Chairman Gibson asked Mr. McDonald to analyze the affect the bill will have on the other counties.

Helen G. Pivoda, Administrative Asst. to City Manager - City of North Las Vegas, testified on SB-72. Mrs. Pivoda stated that "last preceding decennial census" should be inserted in each section and chapter of the NRS where applicable. (See Attachment No. 2 for complete written testimony)

Bob Lewis, Manager of Administrative Services for Sierra Pacific Power Company, testified in favor of SB-72 but was concerned about the population increase in NRS 704.230, Section 4, page 63, line 4. That particular statute deals with water meters and if we retain the population figure at 200,000 we will avoid the need to request water meter legislation during this session. Mr. Lewis concluded by stating that this portion of the bill is specifically directed

at the Truckee Meadows area of Washoe County and many entities are trying to protect our natural water resources. The suggested provision that was proposed will not affect the ability of any local government to exercise its powers as required by any other Nevada revised statute.

Jim Hartshorne, representing the Reno Police Department, testified in favor of SB-72 but was concerned with the possibilities of being consolidated as the Clark County police department has been.

At this point Chairman Gibson concluded testimony on SB-72 and indicated that it would be rescheduled for another hearing at a later date when the necessary information requested has been obtained.

SB-120 Removes exemption of certain large
 parcels from laws relating to sub-
 division and parcel maps.

Senator Jacobsen testified to the committee that the Douglas County Commissioners were present and proceeded to introduce Mssrs. Gary Stone, Ken Carr and Bob Gardner.

Mr. Ken Carr, Chairman of the Board of County Commissioners, testified in favor of SB-120 explaining the necessity for requiring sub-division and parcel maps. The problems with lack of review of these 40 acre parcel maps are that it interferes greatly with our ability for any land use planning and affects any protection we could offer to a potential buyer. Transportation planning is almost impossible.

Mr. Carr had a suggested amendment, under parcel maps, they can only be divided into four parcels and we would prefer that anything larger than 40 acres could be divided as many times as you wanted. We only request that we are able to review the maps to determine if the easements are adequate and there are provisions for utility service.

Mr. Gardner concurred with statements made by Mr. Carr and gave the committee examples of the problems they are dealing with. Mr. Gardner reiterated that they need review powers.

Senator Raggio voiced concern that these requirements might place a burden on the owners of those 40 acre parcels and be very expensive.

Mr. Stone stated that it was imperative they have some control over these land deals and must be included in the overall growth and development plans for the area.

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Senator Dodge concurred with Mr. Carr's testimony but felt that the bill would provide more review power than is necessary.

Mr. Steve McMorris, District Attorney from Douglas County, representing the State District Attorney's Association. Mr. McMorris felt that NRS 278.323 was a meaningless statute. It has been our policy to request land division maps to be brought into the county commissioner's office so that they can be reviewed to see the type of access available. If this is not required then the above provision is not necessary.

Jack Shaw, Division of Lands, stated that he would prefer to let others speak in favor of the bill that have come from the various counties. Mr. Shaw was in favor of SB-120.

Alan Beck, Sammie Ugalde and Matt Morris, Humboldt County Commissioners testified in favor of SB-120. Mr. Beck concurred with previous testimony and voiced similar problems that their county has had with regard to the 40 acre exemption for the sub-division and parcel maps.

Mr. Beck referred the committee to NRS 278.462, Item No. 3. Mr. Beck thought that this provision was ambiguous and confusing.

Mrs. Ugalde felt that the county was liable for the protection of the land owners and concurred with previous testimony that review powers were essential.

Mr. Morris spoke briefly to the committee concurring with testimony given on sub-division and parcel map problems.

David Small, Carson City District Attorney, testified in favor of SB-120 and concurred with previous testimony given. Mr. Small stated that the counties agree with the provisions in the bill and urge its passage.

Rusty Nash, Washoe County District Attorney's office and represented the Planning Commission as their legal counsel. Mr. Nash testified in favor of SB-120 and gave an example of the problems they have had with Peavine Mountain. Mr. Nash passed out a copy of land map 31. (See Attachment #3) This map reflects the dividing of property on Peavine Mountain. Mr. Nash stated that some of those parcels are above the 7500 ft. level in elevation. The question of access is an extreme problem. The note circled on the map states the following, "At the time of filing this division of land map, no arrangement has been made with the developer or any governing agency for the improvement or maintenance of the road easements. Although said easements provide legal access it is in no way represented that each parcel is physically accessible from or upon said easements."

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Mr. Nash continued by stating that he agreed with Mr. McMorris' statement regarding NRS 278.323 and felt that it should be deleted or re-written. Mr. Nash concluded his testimony by stating that we need to protect the public, the land owner and the environment, SB-120 helps the planners to do their job.

Bjorn Selinder, County Manager for Churchill County, testified in favor of this bill and concurred with previous testimony given favoring passage of SB-120.

Michael Hatch, Churchill County, testified in favor of SB-120 and stated his agreement with previous testimony given.

Bob McNutt, registered engineer, testified in favor of parts of SB-120 but felt that it would take away from the county the prerogative of adopting an ordinance that would cover division of land. Within that ordinance they would have the privilege of providing for the safeguards that are necessary, i.e. easements for utilities, drainage easements, street patterns, as they would match the master plan. Section 278.323 is ineffective and probably should be repealed. Mr. McNutt felt that if the provisions in Section 320 were maintained that state, "10 nominal acres or more in any county or city which adopts an ordinance", then you could have the control for the division of land down to 10 acres and you would not have the 40 acre proviso that comes after that. You would still maintain the safeguards that the counties desire. Mr. McNutt agreed that there have been some serious problems but feels that the suggestion mentioned within his testimony would solve that problem.

Mr. McNutt pointed out a probable error in the bill. Page 3 line 17, "purposes into parcels or more than 10 acres" The "or" should probably be "of". (See Attachment #4 - Ordinance that will be negated by the passage of SB-120)

Gene Milligan, Nevada State Realtors Association and Gil Buck Chairman of the State committee, testified together against the passage of SB-120.

Mr. Gil Buck testified the current statute is a good piece of legislation. Mr. Buck stated that the ordinance that is referred to as Attachment #4, is a result of a study group of the county commission that he served on. Mr. Buck is very hopeful that the ordinance will be adopted, if so, it will be negated by the passage of SB-120.

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Mr. Buck concluded by stating that SB-120 might lead to immense condemnation problems. Access provisions should be taken care of in the legal rights of the owner.

Senator Dodge questioned Mr. Buck about the overall development plan for roads in these various counties that have previously mentioned difficulties with regard to planning roads, utility and water access. Mr. Buck felt that any problems of this nature can be handled by the courts.

Senator Ashworth questioned the fraud aspect of not informing prospective land owners of the problems of access, etc. Senator Ashworth asked Mr. Buck if he agreed with certain areas of Mr. McNutt's testimony. Mr. Buck responded that he agreed with parts of Mr. McNutt's testimony and felt that some limits should be put on governmental control.

Gene Milligan stated that he did not object to having some language requiring proper access to the property and a reasonable review was acceptable to them. What we object to most in this bill is that it requires a full sub-division review of everything and we feel that this is excessive.

Mr. McNutt stated that after a brief discussion with Mr. Small and Mr. Nash it was agreed that the language that states "10 acres by ordinance"---- does not give any authority to draft an ordinance to regulate anything. It means that you adopt an ordinance that takes the term, both sub-division and parcel map, under their respective sections and you would have control over land 10 acres in size rather than 40 acres.

Mr. Buck urged the committee to read over the ordinance Mr. McNutt submitted and noted that they would find that Clark County has taken the option of the 10 acres and has further exempted down to 2-1/2 acres and gone through a land division plot.

Mike Marfisi, representing Pratt Properties, testified that AB-475 and amendments were a tremendous package to come out of the 1977 legislature. The purpose of deciding on the 40 acre land provision was that 40 acres of land or more in a single family situation does not constitute the requirements for sub-division. Mr. Marfisi felt that 278.323 is not meaningless and proceeded to state the reasons that he felt the various counties thought it was. Mr. Marfisi concluded that the alternative is to make a sub-division and provide all the services that go along with that type of responsibility.

John Holmes, representing himself, testified that if the parcel map and sub-division requirements are carried out many owners of 40 acres or more will be unable to afford the upkeep. Against SB-120.

Reece Harper, Nevada Association of Land Surveyors, testified that through the Nevada Association of Land Surveyors they have reviewed 278.323 and have some wording that has been endorsed by their association. Suggested amendment to NRS 278.323 is as follows, "Easements will be provided for, created and granted and providing a continuing offer of dedication as well as utility easements". There is additional wording to the effect that these easements are suitable to the intent they were provided for. Mr. Harper stated they have also required access to every parcel and a survey in instances where they are not conforming with adequate parts of a section (40 nominal acres being one sixteenth of a section)

Chairman Gibson concluded testimony on SB-120 and stated that it would be scheduled for another hearing in approximately two weeks.

SB-151 Clarifies classification of employees
of the University of Nevada System.

Bob Gagnier, Nevada State Employee's Association, testified to the committee that the bill was drafted in order to clarify a confusing situation. Section 1, line 17 on page 1 is not specific about who is classified and who is unclassified within the university system. The law as it currently reads states "officers and members of the teaching staff in the agricultural extension department and experiment station staff". That has been utilized by the university system to cover a very broad range of people who are not included in the teaching staff or the agriculture extension department, under the general term of officer. We need to clear this up and feel that this bill will correct the ambiguity.

Dr. Donald Baepler, Chancellor of University of Nevada system, testified to the committee that this bill changes much more than Mr. Gagnier eluded to. At the present time the term "officer" is not ambiguous. The term is defined in the university code, adopted by the Board of Regents, specifically indicates that the Chancellor and the various presidents are officers of the University of Nevada system. An administrative officer has not been categorized at the university system. At the present time we have two categories of employees, classified people and professional people. Many professionals that are not teaching would fall into the category of "and other employees" (line 23). All employees that are counselors, registrar's and admission's office employees at the community colleges are considered professionals. Also included in this category would be the Desert Research Institute faculty which would place them in classified service because they are not teaching members of the faculty.

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Dr. Baepler gave further examples of employees that are professionals and would be affected by this bill. He concluded his testimony by stating that from the management viewpoint SB-151 is unworkable and they do not support the bill.

Fred Bartlett, Chief in the Personnel Division, Special Services Section, University of Nevada System, testified against the passage of SB-151 and concurred with testimony given by Dr. Baepler.

The committee discussed the testimony given by Mr. Gagnier and Dr. Baepler and felt that the University of Nevada system should resolve the wording problems and define the gray areas, described by Mr. Gagnier in his testimony. No action was taken at this time.

SB-141 Requires meetings of public bodies to be held in places which accomodate handicapped persons.

John Griffin, representing the Department of Rehabilitation, testified in favor of SB-141. Mr. Griffin passed out some information to the committee regarding the degree of accessibility for the handicapped in Nevada cities. (See Attachment #5)

Mr. Griffin concluded his testimony by stating that there needs to be more concern to help the handicapped maneuver their way around our public facilities. Mr. Maynard Yasmer, employed at the Dept. of Rehabilitation had to leave prior to the hearing of SB-141. He would have testified, as a father of school children, it is his right to be able to go to school board meetings and at present he is unable. Mr. Yasmer is also unable to serve on a jury in Carson City. Mr. Griffin felt there were many injustices to the handicapped that would be recognized and solved with the passage of SB-141.

Senator Ford had some suggested wording that would accomplish the intent that Mr. Griffin and the Department of Rehabilitation wanted in SB-141. "The local government entity must show reasonable assistance in helping the handicapped attend, wherever the meeting is being held".

The committee discussed Senator Ford's suggested amendment and felt that this would accomplish the desired results that are needed by the Department of Rehabilitation in SB-141

Senator Ashworth moved "Amend & Do Pass on SB-141"
Seconded by Senator Ford.
Motion carried unanimously.

Chairman Gibson requested that Senator Ford have the proper amendment prepared.

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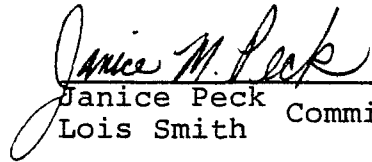
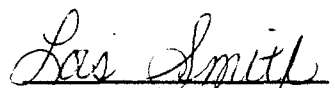
AB-10 Authorizes county recorders to
use electronic methods of indexing.

Chairman Gibson explained that Sam Mamet, representing Clark County, was unable to be present at this time to testify. He had a statement prepared for the committee on the reasons for AB-10 and why they favor passage. (See Attachment #6)

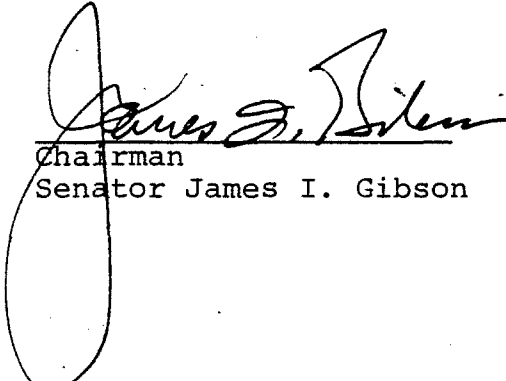
Senator Ashworth moved "Do Pass" on AB-10.
Seconded by Senator Ford.
Motion carried unanimously.

With no further business the meeting was adjourned at 6:20 p.m.

Respectfully submitted,

 
Janice Peck Committee Secretaries
Lois Smith

Approved:


Chairman
Senator James I. Gibson

CITY OF RENO
Inter-Office Memo

*Copied
P.M.
Mike
Mason
& Council*

To: Robert L. Van Wagoner, City Attorney
From: Michael S. Rowe, Assistant City Attorney
Subject: Population-based Provisions of the NRS

January 29, 1979

RECEIVED

JAN 31 1979

CITY OF RENO
CITY MANAGER

SB 72 has been introduced to the Committee on Government Affairs and deals with all the provisions of the Nevada Revised Statutes containing population-based criteria.

In order to understand remarks about each individual section, be aware that "deletion" means that the particular provision contained language "as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce." This language was contained in many of the provisions and was simply deleted. Wherein "N/A" appears, the provision of the NRS did not deal in a way which would, in my opinion, affect Reno insofar as population was concerned. It also means that the substantive provisions of a particular section remain in tact and the changes have no immediate impact. "Verbiage" means that there were changes in the language of the provisions but which were not population based.

Most of the changes of interest to the City are those which raise the population figures in the provision from 200,000 to 250,000. The effect of this, of course, is that many of the provisions will not affect Reno until the county population equals or exceeds 250,000.

The bill's last section states that whenever there appears a county classification based upon a maximum population of 200,000 which is not changed by SB 72, the intent of the bill is to change those provisions. Also noteworthy is the effective date of 1980 when the new census is published.

NRS SECTION

COMMENTS

4.020	Deletion, verbiage
6.045	Deletion, verbiage, N/A
6.110	Deletion, verbiage, N/A
6.120	Deletion, verbiage, N/A
62.040	This section raises to 250,000 the minimum population figure for municipal courts dealing with minor traffic violators, i.e., counties with less than 250,000 shall prosecute minors through the juvenile court system.

NRS SECTION

COMMENTS

62.100	This section raises to 250,000 the provisions regarding the exclusion of cities from the provisions of Chapter 62 regarding child detention facilities.
62.105	This section provides 250,000 as the minimum population for making mandator the appointment of a juvenile probatio committee.
62.110	Counties with 250,000 or more shall appoint juvenile probation officers and detention home personnel.
62.117	This section raises to 250,000 the provisions regarding dismissal of probation department employees.
62.120	In counties with less than 250,000, juvenile probation officers shall be under the direct supervision of a judge or judges of the district court: alternative to 62.117.
62.123	Counties with 250,000 must appoint a director of juvenile services. This does not affect other provisions regarding juvenile services contained in this section.
120.040	Counties with 100,000 to 250,000 may designate one place, in addition to the county seat, where marriage licenses may be obtained.
213.280	Verbiage, N/A
218.084	Verbiage, N/A
220.167	Deletion
237.065	Deletion, verbiage, N/A
244.011	Verbiage, deletion

NRS SECTION

COMMENTS

244.014	This section deals with election procedures of the board of county commissioners in counties with a population of 100,000 to 250,000. N/A
244.018	N/A, deletion
244.025	Verbiage, deletion, N/A
244.058	Deletion, verbiage, N/A
244.164	Deletion, verbiage, N/A
244.286	Counties of 250,000 or more are empowered to contract with private corporations to promote civic interest of the county then lease or sell the property to contractor.
244.3081	Deletion, verbiage, N/A
244.345	N/A, verbiage. This section makes it unlawful in counties with a population of 250,000 the granting by a county of a license to a warehouse in the county.
244.347	Deletion, verbiage, N/A
244.366	County commissioners in counties with a population of 250,000 shall have powers as enumerated in this section.
244.380	This section allows counties with a population of 100,000 or more to levy a 2% tax for promoting the general resources of the county. N/A, verbiage.
244.3821	Deletion, verbiage, N/A
244.645	N/A, deletion, verbiage
244.646	This section allows counties with a population of 100,000 to 250,000 the creation of a Fair and Recreation Board, make-up and powers. Deletion, N/A

NRS SECTION

COMMENTS

244.647	Provisions for Fair and Recreation Board in counties with a population of 250,000 or more. N/A, verbiage
244.660	N/A, verbiage, deletion
244.6861	In counties with a population of 100,000 to 250,000, Fair and Recreation Board may appropriate as established in Chapter 244.640. N/A
244.687	Fair and Recreation Board in counties with a population of 100,000 to 250,000 may acquire, purchase, etc. real estate only on approval of the board of county commissioners.
244.775	Same as 244.687 but for counties with a population of 250,000 or more.
244.780	In counties with a population less than 250,000 may not become indebted on the issuance of bonds/securities greater than 3% of the total of last assessed valuation of the taxable property in the county; may not become indebted in the amount exceeding 10% of valuation of general obligation securities.
244.9221	Provisions of Section 244.9221 through 244.9263 "County Sewage and Waste Water Law" apply to counties with a population of 250,000.
244.9238	N/A, verbiage, deletion
245.065	Verbiage, deletion, N/A
245.213	Verbiage, N/A
245.350	Establishes advance to personnel for travel funds which shall not exceed \$7,000 in counties with a population greater than 250,000, or \$2,500 in counties with a population less than 250,000.

<u>NRS SECTION</u>	<u>COMMENTS</u>
248.095	Deletion, N/A
248.245	Deletion, N/A
251.010	Deletions, N/A
251.170	Verbiage, deletions, N/A
252.045	Deletions, N/A
252.070	Verbiage, deletions, N/A
253.045	Deletions, verbiage, N/A
258.010	Deletions, verbiage. Subsection (3) allows board of county commissioners of counties with a population of 250,000 to abolish office of constable if found to be unnecessary.
258.065	Deletions, N/A
258.075	Deletions, N/A
260.010	Deletions, verbiage, N/A
260.040	N/A
267.485	Deletions, N/A
268.085	Deletions, N/A
268.570	Adopts NRS 268.570 through 268.608 for towns with a population greater than 250,000. Chapter 268 generally deals with the annexation of land by municipalities.
268.610	To counties with a population less than 250,000, provisions of 268.610 through 268.670 are made applicable--annexation procedures and commissioner
269.011	N/A. Provisions relate to incorporate towns in counties with a population up to 250,000.
269.0165	Verbiage, N/A

NRS SECTION

COMMENTS

269.400	Deletion, N/A
269.530	This section applies Unincorporated Town Government Law to unincorporated towns in counties having a population of 250,000 or more. N/A
278.060	Deletion, verbiage, N/A
278.040	Verbiage. Counties of up to 250,000 shall have a planning commission. Section relates to terms, residence requirements, etc. of planning commission members.
278.150	Deletion, N/A
278.170	Deletion, N/A
278.345	N/A. Applies to counties of 250,000 without regional planning commissions.
278.564	This section makes applicable current regulations to counties of 100,000 to 250,000. N/A
278.566	This section enforces existing regulations regarding the issuance of building permits to counties of 100,000 to 250,000.
280.020	N/A
280.100	"Metropolitan Police Departments" makes the provisions of Chapter 280 mandatory for populations of greater than 250,000 makes it discretionary for populations of less than 250,000.
280A	"Metropolitan Fire Departments". This section raises to 250,000 the mandatory merger of county and city fire departments.
281	Deletion, N/A
293.557	Deletion, verbiage, N/A

NRS SECTION

COMMENTS

293.560	Deletion, verbiage, N/A
318.0953	Counties with a population of 250,000 or more shall have general improvement district trustees consisting of the county commissioners.
318.1194	Deletion, verbiage, N/A
332.215	Deletion. Existing regulations concerning government purchasing study commission in effect. N/A
354.603	Deletion, N/A
361.340	Deletion. Existing provisions regarding selection, term, procedures, etc, of board of equalization of each county to remain the same.
361.483	Deletion, N/A, verbiage
371.107	Deletion, N/A
373.040	Deletion. Existing provisions for county motor vehicle fuel tax. The same thing applies to all of the changes in Chapter 373, Sections 373.140, 373.143, 373.145.
386.120	Deletions, N/A
386.170	In counties with a population of 250,000 or more, the existing procedures regarding election, creation of school district, school boards, etc. remain the same as current provisions applying to counties with a population of 250,000 or more.
386.365	Deletion, N/A. Substantive provisions of 365 regarding adoption of school district policies remain the same.
387.170	Verbiage, deletion, N/A
427A.130	This section relates to counties with a population of 250,000 and of less than 250,000 and their representatives on the Committee on Older Americans. N/A

NRS SECTION


COMMENTS

432.100	Deletions, N/A
445.546	Deletion, N/A
445.630	N/A, verbiage
450.060	N/A, deletion
450.070	This section raises to 250,000 current provisions of election of hospital trustees in counties with a population of 200,000 or less.
450.090	Counties with a population greater than 250,000 shall have the county commissioners as the board of hospital trustees. For counties with a population of up to 250,000, Reno's current hospital board setup is retained.
450.130	Verbiage, N/A. No change in substantive provisions regarding payment of hospital trustees' salaries.
450.250	N/A, verbiage
450.290	This section allows county commissione of counties with a population of 250,000 or more to issue, without election, improvement bonds/securities
450.510	Deletion, N/A
451.070	Deletion, verbiage, N/A
466.095	Deletion, N/A
474.200	Deletion, N/A
481.057	Deletion, N/A
482.160	Deletion, N/A
482.180	Deletion, N/A
482.225	Deletion, N/A
484.2155	Deletion, N/A

NRS SECTION

COMMENTS

541.160	Deletion, N/A
630.273	Deletion, N/A
662.015	Deletion, N/A
677.330	Deletion, N/A
693A.350	Deletion, N/A
693A.370	Deletion, N/A
704.230	This section regarding water meters states that it is unlawful for a municipality to allow the installation of water meters. Subsection (4) excludes cities with a population of 250,000 or more from the provisions of 704.230.
706.881	This section provides that the regulations for operation of taxi cabs, found in 706.881 to 706.885, shall not apply in counties with a population of 250,000 or more.
711.095	Deletion, verbiage. General provision regarding Community Antenna Television matter.



MICHAEL S. ROWE

MSR:km

Testimony by Helen G. Pivoda, Administrative Assistant to City Manager, City of North Las Vegas on Senate Bill #72 - Defining Population and Changing Population Basis for Exercise of Certain Powers

Before Committee on Government Affairs, Room 243
February 7, 1979, 2:00 P.M.

Chairman Gibson and members of the Senate Government Affairs Committee

In reviewing Senate Bill #72, I am concerned by the proposed amendment to Chapter 0 of NRS which is amended by adding a new section defining population as the last preceding national decennial census conducted by the U.S. Bureau of the Census.

My concern is the removal of the verbage "as determined by the last preceding national census of the Bureau of the Census of the United States Department of Commerce," as this verbage would have also included the mid-decade census authorized by the U.S. Code Annotated Title 13 - Census - 141(d) states in part ... "the Secretary in the year 1985 and every 10 years thereafter shall conduct a mid-decade census of population..."

While the thrust of SB 72 appears to be directed to manner of determining representation on the various boards, etc., and would seem to parallel the Federal Government's apportionment of Representatives in Congress based on decennial census data (U.S. Code Annotated - Title 13 - Census 141 (a) & (b)

and

While the definition to be contained in Chapter 0 of the NRS includes a proviso "Except as otherwise expressly provided in a particular statute or required by the context..."

I am of the opinion that each section contained in SB 72 which removes "last preceding National census" should be amended to insert the verbage "last preceding decennial census," etc. each section and chapter of the NRS where applicable.

The reason for requesting what might appear to be more work for the Legislative Counsel Bureau is primarily the use of population figures for the distribution of revenues to various units of local government. I recently completed research just prior to the Nevada League of Cities annual meeting on the "Application of Population to Revenue Sources."

As a general guideline, "NRS 360.287 - Apportionment of tax receipts to cities, towns; use of population figures. Any person charged with the duty of apportioning any tax proceeds to any incorporated city or town shall use the population figures of the last preceding national census of the Bureau of the Census of the United States Department of Commerce, adjusted for any population change resulting from the incorporation or disincorporation of any city or the annexation of any territory to any city."

To respond to the Governor's recommendations relative to revenue apportionment based on "population growth" (along with adjustments for inflationary spiral), it would seem retaining the verbage "last preceding national census" for revenue distribution statutes, which presumably would include any mid-decade census, would be more responsive to population growth and increased demands for local government services.

While it is true that each of the revenue statutes could include verbage as to the population basis for distribution of revenue, such as the Liquor Tax, City-County Relief Tax, Cigarette Tax, Gaming Tax, Hotel & Motel Room Tax, Motor Vehicle Fuel Tax (population is 1/4 of a 4 part formula of the 4.5¢ State excise tax), etc., it would appear that SB 72 could avoid the possibility of any broad application of population to various statutes by not having a general definition of population as the "last preceding national decennial census."

For clarification purposes, it would be better if each statute and section dealing with population have that particular application of population spelled out.

A good example of ambiguity in the State statutes is the provisions contained in NRS 360.287 already quoted, which provides a general guideline for distribution of tax receipts, and the provisions of NRS 463,320 on State Gaming License fees, which calls for the County Commissions to annually prepare a resolution as to apportionment of such fees.

While it might appear that this testimony might be better heard by the Joint Committee on Taxation, the inclusion of "decennial population" in each section where applicable would assist in avoiding confusion resulting from any attempts to apply a broad brush definition of population.

I, LON MORRIS, UNMARRIED MAN, RESIDING IN WISCONSIN COUNTY, STATE OF NEBRASKA, AS OWNER IN FEE OF THE PROPERTY DESCRIBED AS

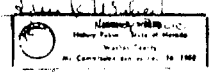
SOUTH 1/2 OF SECTION 17, WEST 1/2 OF SECTION 20, SOUTH 1/2 S.E. 1/4, NORTHWEST 1/4 OF THE S.W. 1/4, 1/4 OF SECTION 20, SECTION 21, WEST 1/2 OF SECTION 22, SECTION 27, AND SECTION 29, ALL IN T.20N., R.18E.

DO HEREBY RESERVE THE MINERAL, AND ANY FUTURE INTERESTS OF MINERALS UNDER THE ABOVE ENCLOSED PROPERTY, A NON-EXCLUSIVE INTEREST IN A CERTAIN EIGHTH OF WAY HEREIN AND OTHER PURPOSES, DESCRIBED AS A STRIP OF LAND FIFTY (50) FEET IN WIDTH, MEASURED INDETERMINATELY AT RIGHT ANGLES, TO ALL SIXTHS SECTION LINES, FOR THE PURPOSE OF PERMITTING ACCESS AND EGRESS FOR THE AFORESAID MINERAL OWNERS

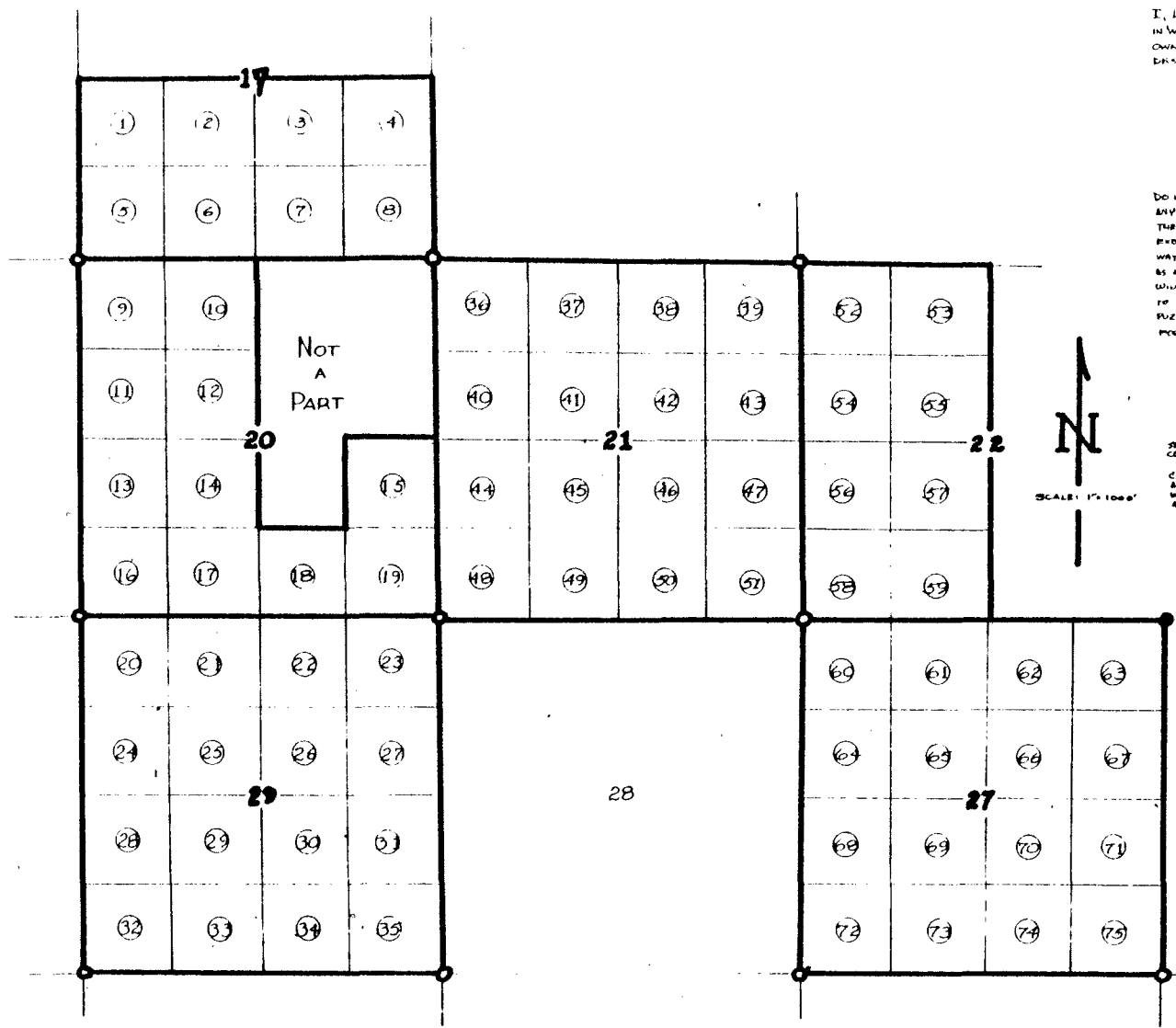
Lon Morris
Lon Morris

STATE OF NEBRASKA
COUNTY OF WISCONSIN

ON THIS 15th DAY OF December, 1978, PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC, LON MORRIS WHO ACKNOWLEDGED THAT HE SIGNED THE ABOVE INSTRUMENT.



574163



DIVISION OF LAND MAP FOR LON MORRIS
S 1/2 SEC. 17; W 1/2, S 1/2 SE 1/4, NE 1/4 SE 1/4 SEC. 20; SEC. 21; W 1/2
SEC. 22; SEC. 29; SEC. 27; ALL IN T. 20 N., R. 18 E., M. D. B. & M.

II A.2.

BILL NO. _____

SUMMARY - An Ordinance to amend Title 28, Chapter 28.08, Section 28.08.130 of Clark County Code amending said section so as to include parcel maps; to repeal existing material within Chapter 28.32 and adding a new chapter, designated as Chapter 28.32 regulating the division of land by parcel map.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO AMEND TITLE 28, CHAPTER 28.08, SECTION 28.08.130 OF THE CLARK COUNTY CODE AMENDING SAID SECTION SO AS TO INCLUDE PARCEL MAPS WITHIN THE DEFINITION OF MINOR SUBDIVISIONS; REPEALING THE EXISTING MATERIAL WITHIN CHAPTER 28.32 AND ADOPTING A NEW CHAPTER, DESIGNATED AS CHAPTER 28.32 AUTHORIZING MINOR SUBDIVISIONS OF LAND BY PARCEL MAP; GRANTING ADMINISTRATIVE POWER TO DIRECTOR OF ZONING AND PLANNING TO APPROVE PARCEL MAPS; ESTABLISHING APPEAL PROCEDURES; DECLARING LAND SALES IN VIOLATION UNLAWFUL; AND PROVIDING OTHER MATTERS PROPERLY RELATING THEREON.

THE BOARD OF COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Title 28, Chapter 28.08, Section 28.08.130 of the Clark County Code is hereby amended to read as follows:

28.08.130 Minor subdivision. The term "minor subdivision" means any real property shown on the preceding year's tax roll as a unit or as contiguous units which is divided for the purpose of sale, lease, or transfer of all or any part thereof into four or less lots or parcels. For any such real property to be divided into 4 or less parcels, any of which comprises an area of less than 2 1/2 acres, the subdivider shall submit a parcel map of the proposed division. For any such real property to be divided into 4 or less parcels, none of which is less than 2 1/2 acres, the subdivider shall submit a certificate of land division.

SECTION 2. Title 28, Chapter 28.32 of the Clark County Code is hereby amended by repealing existing Chapter 28.32 and adopting a new chapter, designated as Chapter 28.32 to read as follows:

28.32.010 Purpose. Certain basic improvements and design standards are necessary in order to properly serve residential lots, these basic improvements and design standards are reasonably necessary and consistent when four (4) or less lots are involved. These provisions are necessary to insure compliance with

EXHIBIT 4

the intent and spirit of the Planning and Zoning Act of the State of Nevada, this title, and the adopted ordinances, plans and policies of Clark County.

28.32.020 Compliance. Neither Clark County nor any of its officers or employees shall recognize any division or split of lot, piece or parcel of land until all the provisions of this chapter have been met in connection therewith.

28.32.030 Sale of unrecorded parcels unlawful. It is unlawful for any person to sell, offer to sell, or to otherwise transfer land divided pursuant to NRS 278 or this chapter, prior to recording of a parcel map or certificate of land division pursuant to the requirements in the office of the County Recorder.

28.32.040 Second or subsequent Parcel Maps. A second or subsequent parcel map affecting a single parcel or contiguous tract of land under the same ownership, or a partnership or corporation of which an individual is a principal or officer, or ownership by persons of first degree of consiguinity, shall require all the improvements of a subdivision under this title. For purposes of this chapter, a contiguous tract is defined as any parcel which abuts, shares any common property corner or is separated only by a dedicated public right-of-way having a width of 100 feet or less.

28.32.050 Applicability.

- A. A parcel map is required for all minor subdivisions except when the land division is for the express purpose of:
- 1) Creation or realignment of a public right-of-way by a public agency.
 - 2) Creation or realignment of an easement.
 - 3) Adjustment of the boundary line or the transfer of land between two adjacent property owners which does not result in the creation of any additional parcels.
 - 4) Purchase, transfer or development of space within an apartment building or an industrial or commercial building.
 - 5) Carrying out an order of any court or dividing land as a result of an operation of law.
 - 6) Any additional conditions outlined in NRS 278.461.
 - 7) All parcels are 2 1/2 acres or more.

B. A certificate of land division shall be required if all parcels are 2 1/2 acres or more. In such division access and parcel roads are not required to be paved or graveled. This certificate shall be submitted on forms provided by the department of building and zoning and shall be filed with the county recorder.

28.32.060 Parcel map information.

A. The parcel map shall contain:

- (1) North point
- (2) Scale of map
- (3) Boundaries of the land proposed to be divided.
- (4) Proposed lot lines and approximate dimensions of all lots.
- (5) Names, location, right-of-way width of all streets abutting to the proposed parcel map.
- (6) All monuments found, set, reset, replaced or removed, describing their kind, size and location, and giving other data relating thereto.
- (7) Bearing of witness monuments, basis of bearings, bearing and length of lines.
- (8) Memorandum of oaths, if applicable.
- (9) Any easements of record to include patent reservations, and any easements granted or dedications made.
- (10) Statement and signature of surveyor who prepared the map.
- (11) Any other data necessary for the interpretation of the various items and locations of the points, lines and area shown as determined by the director of building and zoning and/or director of public works.

B. The parcel map shall be accompanied by the following:

- (1) A copy of the most recent recorded deed(s) showing ownership of the subject property.
- (2) The name, address and telephone number of:
 - a) The recorded owner or owners.

- b) The subdivider; and
 - c) The surveyor who prepared the map.
- (3) Partial reconveyance or quit claim deed from deed of trust trustee for rights-of-way required.
- (4) The original of the topographic map showing:
- a) the contour lines over the entire parcel map, having the following intervals:
 - 1) one foot contour levels for ground slopes less than 3%;
 - 2) two foot contour intervals for ground slopes between 3% and 5%;
 - 3) five foot contour intervals for ground slopes between 5% and 25%; and
 - 4) ten foot contour intervals for ground slopes exceeding 25%.
 - b) location of all permanent physical features such as flood washes and direction of flow, areas subject to inundation by a 100 year flood as on file in the Clark County public works department, method of drainage at appropriate contour intervals, type of road surface, width of road surfaces, and any other improvements. All cul-de-sacs are to drain to improved street.
- (5) Any other data necessary for the interpretation of the various items and locations of the points, lines and area shown as determined by the director of building and zoning and/or the director of public works.
- (6) Proposed method of sewage disposal, including location of septic tank if required.
- (7) Proposed source of water supply and necessary utilities, including location of well if required.

C. Upon the certification of final approval of the parcel maps by the director of building and zoning, notification of final approval shall be made to the divider, or his designated representatives and any other departments and agencies as deemed advisable.

D. Upon approval, the director of building and zoning shall immediately submit the original of said map along with the recording fee to the Clark County Recorder's Office for filing.

28.32.110 Approval of Private Streets. A private road serving four or less lots may be approved by the director of building and zoning. All private road easements shall be a minimum of 40 feet in width. All private cul-de-sac easements shall have a minimum radius of 45 feet.

28.32.120 Appeal to the planning commission. Any condition required may be appealed by an aggrieved applicant to the planning commission by filing a written notice of appeal within thirty (30) days after date of notification by the director of building and zoning, exclusive of holidays. The notice of appeal shall sufficiently describe the conditions appealed, and the reasons why the condition(s) was improper, erroneous, or invalid. The commission shall act upon the appeal within forty-five (45) days after filing of the appeal. The decision of the planning commission shall be advisory. Final action shall be taken by the board of county commissioners.

28.32.130 Decision by the board of county commissioners. The appeal shall be forwarded to the board of county commissioners within thirty (30) calendar days after the date of the decision of the planning commission, exclusive of holidays. The board of county commissioners shall act upon the appeal within forty-five (45) calendar days after forwarding of the appeal. The decision of the board of county commissioners shall be final and binding.

38.32.140 Extension of time. The director of building and zoning may approve an extension of time not exceeding one(1) year for the final approval of a parcel map. Such requests shall be made in writing by the divider to the

director of building and zoning. Such extension will not eliminate the requirement for recalculation of bonds as outlined in 28.32.170.

28.32.150 Fees for parcel maps and certificates of land division.

- A. The divider shall at the time of submission of the parcel map or certificate of land division pay:
- 1) A nonrefundable reviewing fee of \$50 which is payable to the county planning commission and credited to the general fund.
 - 2) A filing fee of \$5 payable to the County Recorder.
- B. An applicant appealing the decision of the building and zoning director shall pay, at the time of appeal, a \$20 nonrefundable fee to cover administrative expenses.

28.32.160 Certificate of Land Division Requirements.

- A. When required subject to this ordinance, this certificate shall contain the following information:
- 1) A statement signed by a licensed land surveyor indicating the source of information used in the preparation of the certificate;
 - 2) Acknowledged signature of the property owner;
 - 3) Approval of the department of public works indicating that any necessary dedications of public right-of-way have been granted and that any other requirements have been met;
 - 4) Approval of the director of building and zoning or designated representative;
 - 5) North arrow;
 - 6) Legal description of the property being divided;
 - 7) Dimensions of each parcel;
 - 8) Widths of dedicated or proposed rights-of-way and easements of record.

- B. The certificate shall be submitted to the department of building and zoning in triplicate with a copy of the current recorded deed and any other data necessary for the interpretation of the division.

28.32.170 Improvements and standards. The parcel map divider shall provide all improvements, including private streets, as required by this title according to county standards and specifications. All such improvements shall be subject to inspection by the department of public works prior to acceptance. The divider may, in lieu thereof, assure the construction of the required improvements, including private streets, through an agreement with the county to the effect that the divider shall provide all improvements, and subject to delivery to the director of public works of a one hundred (100%) percent performance bond, or a non-revocable letter of credit, or a cash deposit with a cash in lieu of bond agreement equal to the amount estimated by the department of public works to be the total cost of construction. The calculated bond amount shall be valid for only sixty (60) days. If the bond is not posted within the sixty (60) day period commencing when the owner/engineer is notified, the bond must be recalculated. When calculating or recalculating bond amounts, improvements to be bonded for are to be in keeping with those in the area at the time the bond amount is calculated or recalculated. For the purposes of calculating bond amounts, the improvements are to be considered in the area when a parcel map or other development requiring improvements has been filed. For purposes of this section all acreages are considered nominal gross and distances are considered nominal sectional subdivisions.

The department of public works shall require the following as a minimum improvements prior to acceptance and approval of the final parcel map:

- a) If the smallest parcel is less than 2-1/2 acres, and if the parcel is more than a nominal 660 feet (1/3 of a section) from a paved road, or a road for which paving is committed as defined in this section, the road providing the access to the parcel as well as dedicated and private streets within or

adjoining the parcel shall, as a minimum, be graveled.

- b) If the smallest resulting parcel is less than 2 1/2 acres, and if any parcel is within a nominal 660 feet (1/8 of a section) of a paved road or a road for which paving is committed as defined in this section, the road providing the access to the parcel as well as dedicated and private streets within or adjoining and providing access to the parcel shall be paved.
- c) All graveled right-of-ways accepted for dedication will not be accepted for maintenance and repair. The owner(s) of record, their heirs, assigns or successors, of the divided parcel remain liable and are required to maintain said roads until maintenance is accepted by the County.
- d) All improvements shall be completed within nine (9) months of the date the building permit for the second principal structure is obtained, or within two (2) years of recordation of the parcel map, whichever is sooner.
- e) Full off-site improvements shall be required on a parcel map located across the street or immediately adjacent to existing off-site improvements along all frontage of all parcels of 2 1/2 acres or less.
- f) Full off-site improvements shall be required on a parcel map located within a nominal 660 feet (1/8 of a section) from existing off-site improvements, in any direction from the parcel map, provided the parcel map has a frontage of a nominal 330 feet, which shall include frontage on private access streets.
- g) Full off-site improvements shall be required as in paragraph f above, unless a parcel map is within a nominal 660 feet (1/8 of a section) from off-site improvements and the lots within the parcel map backing upon a row otherwise requiring off-site improvement and there are no other improvements on the street within a nominal 660 feet (1/8 of a section) from a fully improved street.

- h) Full off-site improvements shall consist of fire hydrants, sidewalk, curb and gutter, paving of half-street, and street lights. In areas where building lots are one-half (1/2) acre or larger, the Director of Public Works may waive the requirements for sidewalks and street lights. Fire hydrants may only be waived by the Clark County Fire Department. The full off-site improvements on private streets shall include paving, and if required for flood control purposes, curb and gutter.
- i) Divider shall demonstrate that paving specifications will satisfy load and durability requirements. Cold mix or hot mix may be acceptable.

28.32.180 Reimbursement eligibility. A divider required to construct improvements on any public right-of-way as a condition to a parcel map may be reimbursed for:

- a) Fifty percent (50%) of the cost of the common improvements when an adjacent property owner divides or develops on the adjacent property, and
- b) One hundred percent (100%) of the cost for improvements constructed as access to the parcel map which are not adjacent to said parcel map, when properties fronting the access improvements are divided or developed.
- c) For the purposes of this ordinance, adjacent is defined as directly across and fronting on the improved right-of-way.

28.32.190 Conditions for Reimbursement.

- 1. Improvements must be constructed by the divider within the allotted time, as listed in 28.32.170d.
- 2. A document indicating intent to execute a reimbursement contract shall be recorded with the parcel map. It shall set forth the bonded amount, conditions for reimbursement, Assessor's tax parcel numbers of the improving parcel or parcels and Assessor's

tax parcel numbers of all parcels from which reimbursement may be forthcoming.

3. A contract for reimbursement between the divider and Clark County must be executed within thirty (30) days of acceptance of the improvements by the county. Said contract shall indicate the actual cost of improvements, conditions for reimbursement and all parcel numbers, exclusive of those which may have paid prior to the contract as in 2 above.
4. No reimbursement shall be forthcoming for portions of improvements consisting of "full off-sites" as adjacent properties will also require "full off-sites" to the centerline of the common street. Nor will reimbursement be forthcoming when full off-sites are required of any subsequent divider fronting said improvements.
5. Reimbursement will occur only after owners of property fronting the improvements divide, develop, or construct on their property and only after monies to be reimbursed have been collected.
6. Should the divider elect to construct improvements only on his side of the centerline, no reimbursement shall be forthcoming for said improvements. This condition shall be waived if right-of-way (including government easements) is not available on the opposite side of the centerline.
7. Private streets will not be eligible for the reimbursement procedure.
8. The contract for reimbursement shall expire ten (10) years from the date of recordation of parcel map and no reimbursement shall be forthcoming for division, development or construction on properties fronting the covered improvements occurring after the expiration date of the agreement.

28.32.200 Calculation of Reimbursable Amounts.

1. Reimbursements shall be based upon the actual cost of improvements at the time of construction adjusted to the time of recording of the parcel map.
2. Reimbursement due from any one parcel shall be based upon the relationship which that parcel's frontage upon the improvement bears to the total frontage along the improvement (including both sides of the right-of-way).
3. Reimbursement shall include interest not to exceed ten percent (10%) simple interest per annum. Actual interest shall be computed based upon Engineering News Record's Construction Cost Index and the most current base index shall be included in the agreement for reimbursement.
4. Reimbursement from properties dividing, developing or constructing between the time of filing for the improving property and the time of acceptance of improvements shall be calculated as above, based on the amount of bond. Overages occurring from this method of calculation shall be refunded. No provisions for additional refunds are provided if actual construction costs exceed the bonded amount.

28.32.210 Payment of Reimbursement.

1. All reimbursements shall be made to the property owner(s) of record of the improving parcel(s) of record at the time of collection of reimbursable monies. This condition shall be waived in favor of the developer if written, recorded agreements between the developer and subsequent first purchasers of affected properties are filed with the Clark County Public Works Department.
2. It shall be the obligation of property owners and/or developers to keep their addresses current with the Clark County Department of Public Works. Reimbursements shall be mailed by certified

mail to the last property owner/developer of record with the Department of Public Works. Neither the county nor any of its agencies are responsible for the correctness of names and addresses of those eligible for refunds except as to those which have shown proof of ownership or eligibility for refund and filed their names and current addresses with the Department of Public Works.

28.32.220 Creation of Special Improvement Districts. Prior to recordation of the parcel map, the owner of the property to be divided shall receive a statement from the Department of Public Works specifying the future road improvements to be required of the property in question in the event a special improvement district is created. Upon receipt of this statement, the property owner(s) shall agree and covenant for themselves, their heirs, successors and assigns and all other parties and persons claiming ownership as follows:

- 1) to enter into any future special improvement district for the improvement of the access road in accordance with current applicable ordinances regulating standards and specifications as imposed by the Planning Commission or Board of County Commissioners.
- 2) to waive any and all right or rights to remonstrate against the creation of a special improvement district for the improvement of the roads within the boundaries of the subdivision and on adjacent and abutting properties.
- 3) that the agreements and covenants contained herein are hereby declared to constitute covenants to run with all of the within-described real property as provided by law and to be binding upon the undersigned owner(s), heirs, executors, administrators or trustee, successors and assigns, and on all other parties and persons claiming ownership, until each

and every one of all the said conditions shall have been fully complied with, performed, and completed as and when required by Clark County, Nevada. Such agreement and covenants shall be recorded with the parcel map.

SECTION 3. Any person violating any of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than \$500.00 or by imprisonment in the County Jail for a term of not more than six months, or by any combination of such fine and imprisonment. Whenever in this ordinance any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, the doing of any such prohibited act or the failure to do any such required act shall constitute a violation of this ordinance. Any day of any violation of this ordinance shall constitute a separate offense.

SECTION 4. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining portions of this ordinance.

SECTION 5. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 6. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with the names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks.

PROPOSED ON the ____ day of _____, 1979.

PROPOSED BY _____

PASSED on the ____ day of _____, 1979.

VOTE:

AYES: _____

NAYS: _____

ABSTAINING: _____

ABSENT: _____

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By _____
Chairman

ATTEST:

LORETTA BOWMAN, County Clerk

This ordinance shall be in force and effect from and after the ____ day of _____, 1979.

Area Accessibility for the Handicapped for Public Meetings
Nevada - 1979
Nevada Rehabilitation Division
Carson City, Nevada 89710
(702) 885-4440
John Griffin
Chief, PRPD

As reported by our field offices, the State Department of Education, and the State Fire Service Training Program, we checked the following Nevada cities and found that each has at least one facility which is reasonably accessible to the handicapped:

Austin	Jackpot
Battle Mountain	Lovelock
Beatty	McDermitt
Boulder City	Minden (Gardnerville)
Caliente	Owyhee
Carlin	Pahrump
Dayton	Panaca
Elko	Pioche
Ely	Schurz
Empire/Gerlach	Silver Springs
Eureka	South Tahoe
Fallon	Tonopah
Fernley	Virginia City
Gabbs	Wells
Goldfield	Wendover
Hawthorne	Winnemucca
Henderson	Yerington
Incline	

Further, all schools with special education programs are required to have accessible areas. Also, there are approximately 140 fire houses in the State, all of which have ground level entrances and can and often do use their engine rooms for public meetings. In rural areas, both public schools and fire houses are willing to furnish space for public meetings and often serve as community centers in addition to carrying out their primary function.

Why Needed: The current statute requires card indexes with metal reinforced hole for rod insertion, kept in metal file cabinets. This statute has not been fully complied with for some time; since 1974, computer produced microfilm has replaced the index cards at the end of each year. The amendment provides far greater flexibility as to the method used in indexing. The goal is to eventually convert to an on-line system, utilizing computer terminals for current year indexes, thus eliminating the necessity of physically filing index cards daily.

Fiscal Impact: Would not impact until such time as the on-line system is approved as part of the county budget.

Prior Legislation: None

2-7-79

Govt. Affairs

GUEST LIST

<u>NAME</u> (Please print)	<u>REPRESENTING</u>	<u>WISH TO SPEAK</u>	
		Yes	No
William J. Hayward	REHAB.	✓	
Tom J. Summers	Assoc. Land Surveyors		✓
Walter J. Neely	Assoc. Land Surveyors		✓
Edward A. Buch	Nevada Assoc. of Realtors	✓	✓
H. Richard C. Wheeler	City Dev. Co.		✓
Joe Coombs	P.V. FARMS	✓	✓
REECE HARPER	NEV. ASSOC. OF LAND SURVEYORS	✓	✓
Joe P. Shaw	Div of State Lands	✓	✓
Robert J. McNutt	himself	✓	✓
SAM MAMET	CLARK COUNTY		✓
Jimmy Claude	Humboldt Co.	✓	✓
Alan Beck	Humboldt Co	✓	✓
Matt Morris	Humboldt Co Play Dept	✓	✓
BOB LEWIS	Sierra Pacific Forest Co	✓	✓
Thence Lavaga	"		✓
IMMIS BRADSHAW	Reno Police Department		✓
DAVID JENKINS	" " "		✓
DAVID KELLER	" " "		✓
DARRELL B. NORMAN	" " "		+
LANNY E. MARSH	" " "		✓
ED J. TAKACH	" " "		—
THOMAS A. FOOTIS	S.C.F. CORP.	✓	✓
JAMES HANSEN	STATE LAND USE PLANNING		X

GUEST LIST

<u>NAME</u> (Please print)	<u>REPRESENTING</u>	<u>WISH TO SPEAK</u>	
		Yes	No
Bill Cozart	Nev. Assoc. of REALTORS		✓
Gene McKinney	" " " "	X	✓
Gil Buck	" " " "	X	✓
Mike Marlowe	Prot. Properties	X	✓
Pete O. Morrey	Conservation		X
KELLY R. DEAN	RENO POLICE DEPT.		X
DAVID R. QUEST	RENO POLICE DEPT.		
P. D. BROWN JR.	RENO POLICE DEPT.		X
JOSEPH C. BUTTERMAN	" " "		✓
James HARTSHORN SB-72	Reno Police Dept.	X	✓
KEN KJER	DOUGLAS COUNTY	X	✓
DAVE SMALL	CARSON CITY	X	✓
Alfred Hatch	Churchill County	✓	✓ X
B. P. Schindler	Churchill County	✓	✓ X
GARRY STONE	DOUGLAS CO.		✓ X
STEVE Mc MORRIS	DOUGLAS COUNTY D.A. STATE D.A.'S ASSOC.	X	✓
DRENT KOLVET	DOUGLAS COUNTY		X
PAUL THOMPSON	DIV. OF REAL ESTATE		X
JAMES K. JONES	" " " " ADMIN		X
DARYL E. CAPURRO	NEVADA MOTOR TRANSPORT ASSN NEW FRANCHISED AUTO DEALERS ASSN		?
Alvan E. Eberhardt	City of Reno	X SB 12	✓
Jeffrey Lynch	NONE		
Stephen J. O'HARA	City of North Las Vegas	X SB 72	✓
BRYAN McINTYRE	DEPT. OF REG. PLANN. CO. WA.		✓

GUEST LIST

NAME

REPRESENTING

WISH TO SPEAK

(Please print)

Yes No

Rusty Nash

Washoe County District Attorney
+ Planning Commission

✓ ✓

DONALD BREPLER

UNIVERSITY

✓

JOHN HOLMES

SELF

✓ ✓

53120

SENATE BILL NO. 141—COMMITTEE ON HUMAN
RESOURCES AND FACILITIES

JANUARY 29, 1979

Referred to Committee on Government Affairs

SUMMARY—Requires meetings of public bodies to be held in places which reasonably accommodate handicapped persons. (BDR 19-153)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to meetings of state and local agencies; requiring that meetings be held in places which reasonably accommodate physically handicapped persons; and providing other matters properly relating thereto.

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

- 1 SECTION 1. NRS 241.020 is hereby amended to read as follows:
2 241.020 1. Except as otherwise specifically provided by statute, all
3 meetings of public bodies shall be open and public, and all persons shall
4 be permitted to attend any meeting of these bodies. *These meetings must*
5 *be held in places which provide reasonable accommodation for physically*
6 *handicapped persons desiring to attend.*
7 2. Except in an emergency, written notice of all meetings shall be
8 given at least 3 working days before the meeting. The notice shall include
9 the time, place, location and agenda of the meeting.
10 3. Minimum public notice is:
11 (a) A copy of the notice posted at the principal office of the public
12 body, or if there is no principal office, at the building in which the meet-
13 ing is to be held, and at least three other separate, prominent places
14 within the jurisdiction of the public body; and
15 (b) Mailing a copy of the notice to any person who has requested
16 notice of the meetings of the body in the same manner in which notice is
17 required to be mailed to a member of the body. A request for notice
18 lapses 6 months after it is made. The public body shall inform the
19 requester of this fact by enclosure with or notation upon the first notice
20 sent.

ASSEMBLY BILL NO. 10—ASSEMBLYMAN HARMON

JANUARY 15, 1979

Referred to Committee on Government Affairs

SUMMARY—Authorizes county recorders to use electronic methods of indexing. (BDR 20-613)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State or on Industrial Insurance: No.

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

AN ACT relating to county recorders; authorizing the alternative use of electronic methods of indexing; and providing other matters properly relating thereto.

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

- 1 SECTION 1. NRS 247.150 is hereby amended to read as follows:
2 247.150 1. Each county recorder shall keep two separate indexes for
3 each separate book or series of books maintained in his office for the
4 separate *alphabetical* recordation of the various classes of instruments
5 **[alphabetically]** specified in NRS 247.120. One of the indexes **[shall]**
6 *must* be for the grantors, defendants, mortgagors, trustors, lessors, ven-
7 dors, assignors, appointors, parties releasing, judgment debtors, testators,
8 obligors under bonds, parties against whom liens are claimed or attach-
9 ments issued, mining locators, name of mine, persons filing or parties
10 adversely affected by the document indexed, and the other **[of such**
11 **indexes shall]** *index must* be for the grantees, plaintiffs, mortgages,
12 beneficiaries, lessees, vendees, assignees, appointees, parties whose mort-
13 gages, deeds of trust, liens and similar encumbrances are released or
14 the parties benefited by the document indexed.
15 2. Each of the indexes **[shall]** *must* be so arranged as to show:
16 (a) The names of each of the parties to every instrument, except as
17 provided in subsection 5.
18 (b) The date **[when such]** *on which the* instrument was filed in the
19 office of the county recorder.
20 (c) The book and page where **[such]** *the* instrument is recorded, or
21 the file number and file where **[such]** *the* instrument may be filed.
22 (d) Such other data as in the discretion of the county recorder may
23 seem desirable.
24 **[In the event]** *If* the index **[shall be of]** *is* one general series of books
25 for all instruments recorded, it **[shall]** *must* also show the character of
26 the instrument indexed.