MINUTES OF THE
MEETING OF THE SENATE COMMITTEE
ON GOVERNMENT AFFAIRS

SIXTY-FIRST SESSION
NEVADA STATE LEGISLATURE
April 8, 1981

The Senate Committee on Government Affairs was called to order by Chairman James I. Gibson, at 2:00 p.m., Wednesday, April 8, 1981, in Room 243 of the Legislative Building, Carson City, Nevada. Exhibit A is the Meeting Agenda. Exhibit B is the Attendance Roster.

COMMITTEE MEMBERS PRESENT:

Senator James I. Gibson, Chairman
Senator Jean Ford, Vice Chairman
Senator Keith Ashworth
Senator Gene Echols
Senator Virgil Getto
Senator James Kosinski
Senator Sue Wagner

GUEST LEGISLATORS:

Senator Cliff McCorkle
Senator Bill Raggio
Assemblyman Steve Coulter
Assemblyman Erik Beyer
Assemblyman Bob Sader

STAFF MEMBERS PRESENT:

Fred Weldon, Senior Research Analyst
Anne Lage, Committee Secretary

SENATE BILL NO. 441

Creates commission to promote production of motion pictures in Nevada.

Mr. Walter MacKenzie, Director Department of Economic Development, testified that his department had been involved in trying to promote film production in past years. In 1972 there were two movies produced in Nevada and in 1973 five feature films were produced. By 1979, the entire series of "Vegas" was being filmed here. In 1980, segments of three television series, three television movies, one theater movie and two

home box office movies were filmed in Nevada.

Mr. MacKenzie testified that Mr. Bill Bender, Deputy Director of the Department of Economic Development, left the department in January, 1981. Since that time, the department has had numerous phone inquiries expecting services which he had always been able to handle.

Mr. MacKenzie explained that among the leading states that have film services, budgets range from $40,000 to $264,000 per year. The advertising budgets range from $10,000 to $56,000 per year.

The average television movie was valued at $1,500,000 to $2,000,000. A television series episode was valued from $400,000 to $600,000. A movie was valued from $3,000,000 to $20,000,000. Estimates indicated that 33 percent to 50 percent of the cost would be left behind in the communities in which location filming was done.

Mr. MacKenzie indicated that a commission was not absolutely necessary. The fiscal note could be reduced by $3,500 a year by eliminating the commission altogether. The commission could be replaced by an advisory council for about $900 per year.

Mr. MacKenzie distributed a letter from Jack Porter, Administrator Department of Museums and History, which indicated some concerns Mr. Porter had. (See Exhibit C.)

Ms. Pamela Crowell, representing Senator Neal, testified that presently there were some 40 states which had a council or commission.

Regarding television commercials, Ms. Crowell stated that there were 76,300,000 houses with television sets. In 1978-1979, every person in this country spent an average of 6.26 hours a day watching television. In every hour of television there were 9 minutes and 30 seconds of commercials.

Ms. Crowell stated that sites should be cataloged for easy reference for producers. She also emphasized that whenever a show was filmed in Nevada, such as "Vegas", the publicity obtained from scenes in the show had a very positive impact on the tourist industry.

Mr. Bruce Greenhalgh, Director of the Department of General Services, testified that he was primarily concerned with the part of the bill which affected state buildings and lands. There was no protection built into this bill in the event he had to have people work overtime. There was no provision for reimbursement to his agency for that expense. Additionally, it provided Mr. Greenhalgh with the responsibility of saying yes or no to the use of property. He felt that there should be a restriction built in against making pornography films.

Mr. Keith Day, new resident in Nevada, testified that he had spent many years in the film industry. He pointed out that in this business, the services provided should be a one-stop operation. He felt it was essential to maintain a film library. As he had prepared his testimony in advance, he asked that it be included in the record. (See Exhibit D.)

Mr. Guy Rocha, State Archivist, testified that he worked for the Nevada Historical Society for four years before coming to the state Archives. He believed that the state needed a service body of some type in Nevada for the promotion of the motion picture industry. In the past he had consulted with certain producers and although he did much research, he could not provide all the support they needed in terms of locations, props, sets, etc. He stated that the Nevada Historical Society could provide data and background of locations, but they did not have the expertise to make necessary arrangements for a total film production.

SENATE BILL NO. 410

Provides for agreements relating to future development of land.

Senator Cliff McCorkle, testified that this bill was designed as a planning tool. Although, it was originally drafted at the request of the Humboldt County Regional Planning Commission, he felt it was applicable to major developments which had been proposed for the Truckee Meadows, specifically three large ranch developments. Senator McCorkle explained that this bill was modeled after California law, and it would be consistent with present zoning and planning regulations.

Mr. Matt Morris, planner in Humboldt County, testified that Humboldt County was in a situation wherein they were having large scale residential development. They discovered that

there had been no concise agreements, often merely hand-shake agreements. Large developers tended to believe that in the rural areas they did not have to follow agreed upon plans.

Mr. Morris acknowledged that there had been some concern from the Southern Nevada Homebuilders' Association. Because of this, he felt that perhaps an amendment could be included which would specify that this bill did not apply to any county with over 250,000 in population.

Mr. Belie Williams, Washoe County Commissioner, testified that he was in support of this bill. He believed that an agreement to develop a plan that was written and binding to both parties was very important. He stated that agreements go beyond a resolution of intent. He referred to the Double Diamond Ranch development and indicated that Washoe County was already using these procedures.

Ms. Janice Pine, Reno City Council, testified that the current subdivision law had a specific time limit. She was concerned that this bill did not address itself to time limitations.

Mr. Greg Evangelatos, Sparks Senior Planner, testified that he was not familiar enough with this bill to voice an opinion in support or opposition. However, he did explain that in Sparks they used special use permits to handle these problems. One consideration would have to be the question of annexation. If a city annexed part of the county, whose regulations, codes and requirement would take precedence. Also, the issue of state and federal regulations coming in after the fact of a local determinination changing what the locals could enforce.

Mr. Louis Test, Reno City Attorney, testified that he was concerned about how this bill would fit into the subdivision laws and the Reginal Planning Commission. He also stated that Reno had special use permits whereby they could include many of the same restrictions.

Ms. Irene Porter, Executive Director of the Southern Nevada Homebuilders' Association, testified that when this bill came up she had talked with various planning departments in Clark County. They felt that everything could be done under the existing zoning powers in the Nevada Revised Statute Chapter 278. Thus, they felt that this legislation was unnecessary.

She felt that the resolution of intent process, special use permits, zoning changes and subdivision laws, coupled together, have been used successfully in Clark County for the past twenty years.

Mr. John Madole, Associated General Contractors, was not able to stay to testify, but he had requested that for the record, the Associated General Contractors were in support of Senate Bill No. 410.

SENATE BILL NO. 454

Transfers responsibility for preparing ballot questions and explanations for initiated and referred measures.

Senator Ford testified that this bill was a result of a discussion in the Senate Judiciary Committee. That committee felt that there was value in retaining the jurisdiction of preparing the copy to explain the amendments here in the Legislative Counsel Bureau.

Senator Ford distributed a copy of an article which appeared in the Las Vegas Review-Journal last year. (See Exhibit F.) This was an example which pointed out that there was information on the ballot explanations which was confusing. She stated that the law required the involvement of too many people. It was the opinion of the Judiciary Committee that it would be better to have the legislative staff prepare an explanation which would go to the Secretary of State to be distributed to the public. Sneator Ford also distributed a sample of the state of Oregon's explanations wherein they use this procedure. (See Exhibit F.)

Mr. William Swackhamer, Secretary of State, testified that he was in support of this bill. However, he requested that subsection 3 on page 1, section 1, be amended out.

ASSEMBLY BILL NO. 139

Amends charter of City of Reno to require councilmen be elected by voters of their respective wards.

Assemblyman Bob Sader testified that this bill would require a voter referendum on the issue of whether or not five of the seven Reno City Councilmen should be elected from their respective wards alone or whether they should be elected at large as was the current procedure. Assemblyman Sader

explained that the voters would decide on one of the three following procedures: a ward system for five of the seven councilmen; a ward system for only the primary and at large for the general election; or to retain the current system.

The reasons for this bill were that many people felt at large elections were becoming too expensive. Also, many felt that elected officials should be responsible to particular geographical areas. It was pointed out that in 1973 voters rejected the ward system, but Assemblyman Sader believed the political climate had changed and voters should be able to address this issue once more.

Senator Kosinski voiced concern with the fact that by having three alternatives available to the voter, there was a possibility that the alternative selected could be selected by a polarity rather than by a majority.

Senator Kosinski also felt it would be preferable to delay voting on this issue until the 1982 general election. Assemblyman Sader had no objections to this suggestion.

Senator Raggio testified that he was not in support of this bill. He did not think the current system should be changed.

Ms. Janice Pine, Reno City Councilwoman from Ward 2, testified that she was in opposition to this bill. She stated that she felt it was preferable to work in the interest of the entire city. Councilwoman Pine discussed information from the International Institute of Municipal Clerks, which stated the trend had been shifting from ward elections to at large elections throughout the United States. From 1945 to 1974, it had gone from 56 percent to 69 percent favoring elections at large. Councilwoman Pine indicated that if enough voters wanted this issue on the ballot it would only take 15 percent of the registered voters who voted in the last election to sign a petition to have this place on the ballot. The Reno City Council had voted against this bill by a vote of 6-1.

Mr. Bill Wallace, Reno City Councilman, explained that when asked about this bill, the question used language to the effect, "Would you object to the citizens voting on this issue?" Their response was that they had no objection to the voters of Reno telling them how they wanted to run the election process. Councilman Wallace felt there was a proper procedure for handling this issue and a law was not the correct one.

Assemblyman Don Mello testified that the question of at large elections was brought to the attention of many Assemblymen during their last campaign. Assemblyman Mello testified that he had asked three Reno City Councilmen if they would oppose the bill with the amendment. At that time they were unanimous in saying they would not be opposed to it.

ASSEMBLY BILL NO. 216

Prohibits naming of certain public works after living persons.

Assemblyman Steve Coulter testified that this bill would not allow any elected official who sat on a board and had control over public buildings or facilities to be able to name such buildings after himself. He felt this legislation was necessary as certain bodies had lost their sense of propriety in naming buildings after themselves. His original bill would have not allowed a building to be named after any living person. However, there was concern expressed by the University of Nevada over this, so the bill was modified to its present form. An incident in Florida was described which had led the Florida legislature to adopt a similar law.

The initiation of this bill occured when three elementary schools were named after sitting board members within one year. Shortly afterward, it was learned that a new high school in northwest Reno had been named after another board member. This bill would "grandfather in" all but the high school with the effective date of January 1, 1982.

Assemblyman Erik Beyer testified that the new high school was within his district. He had attended a town meeting of approximately 200 residents of his district and they were unanimously in support of Assembly Bill No. 216.

Ms. Nadine Nelson, former teacher and Reno resident, testified that her PTA board did not like the school board's policy of naming schools after themselves. They attended a school board meeting when the naming of schools was on the agenda and voiced their objections. Although they were against the naming of the new high school after board member, Robert McQueen, the board did in fact do just that. See Exhibit G for Ms. Nelson's complete testimony.

Mr. Dave Cobb, northwest Reno resident, testified that he objected to the Washoe County School District's policy of naming public buildings after school board members.

Ms. Carol Eck, northwest Reno resident, testified that she was in support of this bill. She had brought with her several letters of support for the record. (See Exhibit H.)

Ms. Linda Melillo, northwest Reno resident, testified that she was also supportive of Assembly Bill No. 216.

Ms. Elizabeth Lenz, former member of the Washoe County School Board, testified that she had much sympathy for Mr. McQueen. Ms. Lenz explained the school board's policy for naming schools which had been followed for many years. She said the naming of schools was a method of saying thank you to dedicated members of the educaitonal community.

Ms. Lenz stated that if the intent of this bill was to chastise the members of the Washoe County School Board for their actions, then it did not achieve that as it was punishing only one person. If the intent of the bill was to force the school board to change their policies, there was already a procedure for changing local policy.

Mr. Bob Cox, legal counsel for the Washoe County School District, testified that all procedures were followed in regard to the distribution of the agendas which included the naming of the high school.

In response to Senator Kosinski's question, Mr. Cox stated that a vote was taken in an open meeting as to the naming of the school. Discussion was also held during executive session as to the list of names to be considered.

Mr. John Hawkins, Nevada State School Board Association, testified that this matter should be resolved on a local level, rather than by legislative action.

Mr. Doyle Whaley, northwest Reno resident, testified that if a person was noteworthy he should be rewarded after his service had been given. He also stated that if one wanted a building named after himself, that person could build it and name it for himself.

Ms. Cecilia Calling, Sparks resident, testifed that it was not only the northwest Reno residents who were concerned about this problem. She felt the board was insensitive to the public's thoughts.

SENATE BILL NO. 458

Allows cities and counties to exempt certain divisions of land from law governing subdivisions and parcel maps.

Mr. Gene Milligan, Nevada Association of Realtors, introduced Mr. Ronn Reiss, Las Vegas Board of Realtors, and Mr. Bob Cox, Legal Counsel for the Nevada Association of Realtors. Mr. Milligan indicated that southern Nevada has an amendment which they were working on.

Mr. Milligan testified that this bill would become enabling legislation as opposed to mandatory legislation. Most changes discussed were primarily changes to allow this to become enabling legislation. Suggested amendments were reviewed by Mr. Milligan. (See Exhibit I.)

Mr. Fred Weldon, Senior Research Analyst, testified to the changes which were being proposed by Senate Bill No. 458. He distributed a copy of a memorandum which was a complete explanation of this bill. (See Exhibit J.)

Mr. Greg Evangelatos, Sparks Senior Planner, testified that this bill would mainly affect the rural counties, but could at sometime affect the urban areas. He concluded that the proposed amendments would reduce the capability of a local entity to control its boundaries. Also, he felt there would be a problem of interpretation of this bill from county to county.

Mr. Don Bayer, Regional Planning Commission of Washoe County, testified that he thought the problems addressed in this bill should be handled locally as he felt they were not statewide problems. He maintained that the present law was working well in Washoe County, and a change now would cause confusion.

Mr. Bob Sullivan, Carson River Basin Council of Governments, testified that Douglas County had difficulty with this bill. He also discussed Churchill County's problems with the bill. (See Exhibit K.)

SENATE COMMITTEE ON
GOVERNMENT AFFAIRS
April 8, 1981

Chairman Gibson stated that no action would be taken on these bills this date.

A subcommittee was appointed to work on the Metro bill (Senate Bill No. 386) by Chairman Gibson which included Senator Ford, Chairman, Senator Keith Ashworth and Senator Don Ashworth. It had come to Chairman Gibson's attention that if a satisfactory funding formula could be worked out, the city of Las Vegas would consider withdrawing their lawsuit.

There being no further business, meeting was adjourned at 8:45 p.m.

Respectfully submitted by:

Anne L. Lage, Secretary

APPROVED BY:

Senator James, I. Gibson, Chairman

DATE: 4/20/81

EXHIBIT A

SENATE AGENDA

REVISED 3/30/81

COMMITTEE MEETINGS

Committee on Government Affairs, Room 243.

Day Wednesday, Date April 8, Time 2:00 p.m..

S. B. No. 441--Creates commission to promote production of motion pictures in Nevada.

Joe Neal, Prime Sponsor
Walter McKenzie, Department of Economic Development

S. B. No.410--Provides for agreements relating to future development of land.

Senator McCorkle, Prime Sponsor

S. B. No. 454--Transfers responsibility for preparing ballot questions and explanations for initiated and referred measures.

S. B. No. 458--Allows cities and counties to exempt certain divisions of land from law governing subdivisions and parcel maps.

Gentty Etcheverry, League of Cities
Bryce Wilson, Nevada Association of Counties
Daniel Fitzpatrick, Clark County
William Cozart, Nevada Association of Realtors
R. Lynn Luman, Real Estate Division

A. B. No. 139--Amends charter of City of Reno to require councilmen be elected by voters of their respective wards.

A. B. No. 216--Prohibits naming of certain public works after living persons.

ATTENDANCE ROSTER FORM — COMMITTEE MEETINGS

SENATE COMMITTEE ON GOVERNMENT AFFAIRS

DATE: April 8, 1981 — EXHIBIT B

PLEASE PRINT NAME	PLEASE PRINT ORGANIZATION & ADDRESS	PLEASE PRINT TELEPHONE
WALT MACKENZIE	DEPT OF ECON DEV	885-4325
Jerry Louis Rodin	State, County & Municipal Archives	885-4210
Pamela Cranell	Representing Senator Neal	
G P Etcheverry	Nev Legislature Civics	Ffr. 2121
Bruce Greenhalgh	Dept of General Services	885 4084
KEITH J. DAY	3506 Willow Hills Ce Reno	323-5345
Elizabeth Lenz	10550 Dryden Dr. Reno-89511	853-1345
WD Swackhamer	Sec of State State Capitol	885-5203
SHARON CLEARY	NEV. ASSOC. OF REALTORS	324-6648
Sue Millican	" " " "	882-7233
Ronn Reiss	" " " " (L.V.)	384-3904
Jean Porter	So. Nev. Homebuilders	870-7220
Jane Bucknam	Division of Real Estate	885-4280
John Madole	ASSOC. GEN. CONTRACTORS	329-6116
Tom Foote	NEVADA ASSOC. OF LAND SURVEYORS	826 3744
Don Boyer	Regional Planning Comm Washoe Co	785 4045
Mike DeGrosso	Nev. Div. of State Lands	885-4636
[illegible]	[illegible]	[illegible]
Louis Test	City of Reno Box 1900 Reno	785-2054
Bill Wallace	" " " "	785-2016
Debi Langston	" " " "	785-2215
Bebe Williams	Washoe Co Commissioner	785-5454
Nadine Nelson	1595 Van Ness Reno Concerned Citizen	747-1363
Linda Maiello	75 Coleman Dr Reno	747-1734
[illegible] ECR	1480 Kings Rd Reno	747-5565

DEPARTMENT OF MUSEUMS AND HISTORY
410 EAST JOHN STREET
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710
TELEPHONE (702) 885-4217

EXHIBIT C

RECEIVED

MAR 27 1981

Dept. Economic Development

March 26, 1981

Mr. Walter McKenzie, Director
Department of Economic Development
Suite 106, Capitol Building Complex
Carson City, Nevada 89710

Dear Walt:

I have read Senate Bill No. 441 with interest and have no argument with the concept. In fact, I can even see where the Department of Museums and History, and the State Museum and Historical Society, through their contacts with regional museums and historical societies throughout the State could assist you by providing information regarding "desirable locations for the production of motion pictures". With the additional resources and cooperation of the Division of Historic Preservation and Archeology, and State Parks, a pretty comprehensive list of the State's motion picture resources could be assembled in a very short time.

There are, however two points which concern me. The first, and most serious because it concerns the probably expenditure of funds and staff time is Section 5.Paragraph 1 states that the Commission proposes to establish a fund. Paragraph 2, states that the Commission will charge fees for the use of State property and personnel, and that these fees will be paid by motion picture companies. However, "upon collection the fees must be deposited with the State Treasurer for credit to the fund." Somehow, this seems a little inequitable. A State agency would supply "property" and the time of staff members, which would result in expenditures from the agency's budget, but the fees would go to the commission. The agencies can't get any good deals like that. If we have printing done, use the computer, Buildings and Grounds services, buy equipment, or process State administrative documents, we pay a fee to the agency which supplies the service. My position would be that fees for the use of an agency's property and staff time should be paid to the agencies and deposited to the General Fund to be credited to that agency's appropriation. The way it appears now, the agencies will be using their resources to create a fund for the promotion of motion pictures.

As a case in point, I will cite the possible use of Virginia and Truckee Railroad Equipment as an example. We have already been advised that as locomotives and rolling stock are restored, and trackage extended, that we will probably get requests from motion picture companies to use, and film, the vintage equipment. Under the provisions of this Bill, the investment of the State Museum, of both private foundation funds and State funds would not benefit the agency - nor the State - except in the increase of the funds of the Motion Picture Commission. Certainly, funds generated in this manner should accrue to the agency where they could be used to

offset the operating costs of the agency - as they are in the examples I have cited.

The second point which concerns me is Section 8, Paragraph 4. If I interpret this correctly, the Commission will be concerned with "promoting" the production of motion pictures in Nevada. I have no argument with this. However, if the intent is - or may ultimately be - regulatory, it infringes upon some areas which the State Museum and Historical Society would prefer not to have disturbed. Both institutions have made films and videotapes which have been used to promote the institutions or as training films. Naturally, we would not like to lose that option.

I am, Walt, not trying to be negative, but am, I feel, voicing a real concern on these points. I am certain that we could resolve any problems that Paragraph 4, of Section 8 might raise. I am not as certain about Paragraph 2 of Section 5. I realize that an agency option appears in Paragraph 1 of Section 7, and the "State agency having jurisdiction over the property" could deny permission to use said property: However, this would be sowing the seeds for inter-departmental friction. It would be better if the issues were clearly addressed in the legislation.

Kindest regards,

Jack E. Porter, Administrator
Department of Museums & History

JEP/blm

Tom Crowley
Walt McKenzie

~~Director~~ / Director
in conjunction & all
involved Dept Heads
& assistants
along & appear ~~Technical~~ personnel

(1)

Good Afternoon Senators - thank you for granting, through Sen Wagner, my request to address this Committee, with regards to SB 491.

EXHIBIT D

Let me say at the start I am totally in favor of the forming of a Film Commission - and will hopefully be able to suggest ideas to you that will bring this about and make it successful.

With your permission I will assume that this committee has a limited knowledge with regards to the functions and required duties of a film Commission therefore I have based my ~~the~~ suggestions on this premise -

We all know that a successful Film Commission will entice the Producers of Motion Pictures or Television shows into the area and then hopefully make them satisfied enough to return again and again. How the Commission handles the many required details will be the deciding factor on success or failure

Most of the members of this committee are aware of the 6 Major Studios - Universal, TBS, Disney, MGM, Fox & Paramount but are you aware of the Many Independent Producers at these Studios approx 100 or the other 10 or so smaller studios and the 300+ Independents that may or may not use a studio -
these are the people the commission must get the following information to.

(1) The Commission must be a 1 STOP SERVICE - this is accomplished by working with other city & county authorities - to compile a list of permit fees and rules and regulations for the use of State City & County facilities be it Buildings such as courts, offices police & fire stations, lands such as parks, city &

(2)

County Streets & State Highways or even dirt trails in the desert or mountain areas to name a few. The most cost effective procedure for the Producer, and again he will be the person to satisfy, is for the agreement with the state city & counties to allow the Film Commission to accept payment for all fees and to issue all permits and ~~to~~ to make the required notices to all concerned agencies — the commission would then forward whatever fees are involved to the respective governmental entities.

2 Things to be considered and I feel both are important — first do not make your fees to large - they are only a minimum amount of the funds that will be generated into the economy in the long run - Secondly make all rules and regulations reasonable - with the possibility of a variance to be allowed if the Producer can show the necessity - Thirdly one rule & regulation to be strictly enforced is taken from the National Park Service — You are welcome to use any and all facilities but when you leave make sure that it is in a good or better shape than you found it.

The Commission should also contact the holders of large areas of land and large & Small buildings and business in the private sector - get their reactions so that when a producer needs to use these facilities you can assist him to do so.

Next Contact the various Tribal Councils about use of their lands & their restrictions & cost - also contact the Federal Gov't regarding there requirements so you can assist the Producer.

I would at this point ~~beg~~ like to give you a brief description of an incident in New York

that the Producers estimated would have taken him 2-3 yrs to set up whereas NYork Film Commission a 1 Stop Agency did in 10 working days.

the actors involved exited from a Manhole - the main character ran across & down the street, jumped onto the side of a moving garbage truck - made approx 2 blks jumped off ran into a subway entrance, jumped over the turnstile into the subway train, through 3 cars out onto the tracks down the tunnel and up an escape hatch - meanwhile being pursued by 3 other persons firing weapons - Now the Company needed Permits from the New York Police Dept, New York Fire dept, New York Transit Authority, Transit Authority Police, Sanitation Dept, Traffic Dept, and Road Maintenance Dept - along with notifications to all Emergency services that certain streets would be closed during certain hours and drops plus the hiring of off duty Police Officers, Fire Fighters and a standby Ambulance -
As you can see the time saved the Producers showed him the assistance to be obtained and since he has returned several times

there are instances where the Producer needs to use the jail or prison system - this is allowed in Florida Georgia, Michigan, Illinois, & California - these very strict rules and regulations are enforced - only the minimum number of production personell and equipment are allowed into the compound - a strict check for weapons knives alcohol drugs etc is made and at no time are female personell allowed into the compound. The producer will and does use prisoners (with their permission) in background shots etc they Hire off duty Correctional Officers to handle the situation - whenever any of the contraband materials

Such as weapons knives explosive drugs alcohol or female acting personel are required all prisoners are put in lockup or outside the area involved depending on the required shots. - If a female acting in the film is required while prisoners are out she is kept under close supervision and security is tightened Many films have been shot this way and at no time has there ever been a problem. - jail personel say it helps the prisoners by allowing them to break the monotony thus relieving the tension.

(2) The commission must found a library of stillphotos, Videotape and 35 mm Movie giving panoramic and standard views of what the state has to offer Mountains desert lakes Rivers Pasture meadow open and dense shrubbery to name some examples

these are to be loaned to the Producer, upon request, at no cost to him other than return postage.

After the Producer has seen these examples and decides to take a closer inspection the commission must render all assistance available - The State of Georgia is the best of all at doing this - when a small distance and a small location site is to be shooted a state vehicle is used however when the distance is considerable or the location site numerous or fairly difficult to gain access then a State Helicopter is used. At all times a Commission Representative is along to answer any and all questions.

(3) The commission must now compile a list of Companies that can offer services to the Producer - Lumber & Hardware stores for the purchase of Material, glue, nails, handtools, wire etc. Tool Companies for the loan, rent or purchase or repair

(5)

of power tool
Companies for the lease loan Rent or purchase for
repair of small ac/dc Generators.
Companies for the lease or repair of large mobile generators
Companies for the lease rental or repair of lighting
equipment from small desk lamp to large arcs and
reflectors -
Companies for the Rental & Repair of large semi truck
and trailers including repair of diesel engines
Companies for the Rental & Repair of smaller truck
Vans and auto - even possibly motorcycles.
Companies for the lease Rental Purchase or repair of
firearms, ammunition, explosives, electronic timers etc
a Film Lab to process film and a projection
facility so that the Director, DP etc can see
daily's or rushes.
Compile a list of airports giving sizes & locations etc
Assure the Producer the availability of
qualified Professional Persons, qualified craftsmen
and acting personnel.

Compile a list of the availability of housing for
Studio Personel include the approx cost, location
in regard to shooting site, & accommodation availability
dates.

Now the problem of getting this information to
the Producer - first make up a booklet -
contain yet detailed explaining the advantages of
Nevada - showing some pictures - explain the assistance
to be offered by the commission tell them it cannot
be bettered anywhere.
Now along with a cover letter we mail them
to Feature Film Dept Heads, TV Film Dept Heads
Location Dept Heads at the major studios.

(1)

Now comes the most difficult problem of obtaining the names and address of all the Independent Producers this information is not readily available to persons outside the industry, but they can be obtained.

Next we advertise - Hollywood Reporter, Variety, Various Trade Magazines, Pacific Coast Directory -

We must also not forget the Producers in Florida, Georgia, New York, San Francisco to name a few.

There are many other things to take into consideration such as the various systems involved with the Motion Picture Industry with regard to Hiring practices these we will not go into detail about unless you request to do so.

This Commission can be a highly effective and successful entity if it is done properly and this is why I have this note till last.

It is imperative that the commission consist of people who know the requirements, special needs & language of the Motion Picture Industry and have a working knowledge of its practices, many of which seem very strange and highly improbable to people outside the Industry —

There will be very few occasions when a closed door session is required the Producer knows what he wants and will be able to tell you without giving away valuable information about his shoot.

EXHIBIT E

State official says errors will remain on ballot

By Ed Vogel
R-J Staff Writer

Secretary of State William Swackhamer said Monday that Questions 1 and 3 still will appear on next Tuesday's ballots despite admitted errors in their wording.

"What the text of the resolutions says is the determining factor," Swackhamer said.

In other words, citizens actually will cast votes on something that doesn't appear on the ballots. They are not voting on the questions before them, but on resolutions approved by both the 1977 and 1979 Legislatures.

Swackhamer's staff took those resolutions and tried to rewrite them in more simple language. In the process, they made several factual errors.

Question 1 was meant to ask voters only if they want to add murders punishable by life imprisonment without the possibility of parole to the list of crimes for which bail may be denied.

However, the secretary of state interpreted this resolution to mean bail could be denied to persons accused of any offense which carries a life imprisonment sentence without possibility of parole.

When he wrote the "Argument for Passage" section which accompanies Question 1, Swackhamer wrote that a yes vote would bring the denial of bail even to kidnappers and rapists. A Las Vegas newspaper even used this wrong information as a basis of an editorial which encouraged the public to support Question 1.

"We enlarged the crimes for which bail could be denied inadvertently," Swackhamer said.

A similar foulup was made by Swackhamer's staff when it prepared the wording of Question 3.

The resolution on which the question is based called for the public to let the Legislature fix the amount which lawmakers can receive for postage, stationery and newspaper expenses. The state constitution, written in 1864, now limits this amount to $60.

The question which appears on the ballot asks voters if they will let the legislature receive "actual expenses" for postage, newspaper and stationery costs.

The original resolution, however, had stricken the "actual expenses" phrase.

Some lawmakers feel the foulup will give the legislators the right to charge all their postage costs to the public. These costs could run into thousands of dollars.

Assemblyman Bob Robinson, D-Las Vegas, said the mistake might permit legislators to "charge the state for sending out their own newsletters."

Swackhamer's chief deputy, David Howard, said "The Legislature could say only $180 is allowed. But one guy could say mine is $2,000 while another says mine is $1,000."

Howard said he expects legal challenges if the question receives voter approval and then the Legislature permits "an open checkbook."

MEASURE NO. 11

Explanation

Property Tax Relief for Homeowners

This measure amends the Oregon Constitution. It requires the state to pay one-half of the property tax on owner-occupied homes. The state gets the money for the refunds from personal income taxes. The amount of tax the state pays for each home is limited to $1,500 for 1979-1980. After that, the $1,500 figure may be increased by the legislature.

Relief for Renters

This measure gives relief to renters similar to that given homeowners. The state gets the money for the refunds from personal income taxes. The state refunds to renters a portion of their rent that goes for property taxes.

Limit on Future State Spending

This measure limits the growth rate of the state budget to the growth rate of personal income for Oregonians in the prior two years. The growth rate for the 1979-1981 budget is to be based on 95 percent of the state's 1977-1979 budget. The state budget to which the growth limit applies does not include the tax relief under this measure, interest on state debt and costs reimbursed by local governments.

Income Tax Refunds of Excess State Money

This measure also gives income tax refunds when there is a two percent or more surplus in state revenue over the amount for the state budget. Then, the total excess amount will be paid back to taxpayers based on the amount of personal income tax each pays.

Requirements for State Tax Increases

A two-thirds vote of the legislature is required for any Act increasing a particular state tax by five percent or more. Such an Act can still be referred to a vote by the people by a simple majority of the legislature or by sufficient petitions signed by the voters.

Limits on School and Local Government Budgets

This measure limits the yearly growth rate of those portions of school and local government budgets funded by property tax. The limit is the growth rate of the population of the school or local area adjusted by price changes. The limit does not apply to expenses for buildings or bonds, or for contracts paid by property taxes approved before December 31, 1978. The six percent tax base increase limit in the Oregon Constitution remains in effect.

Local governments cannot place any tax or tax-exemption changes into immediate effect by declaring an emergency.

The voters may approve school or local government expenses over the limit allowed by this measure. In that case, the state will not pay the amount over the limit.

Information Required for Voters

The ballot on all local measures to increase expenses is required to show how much of the needed tax will be paid by the state and how much by the property taxpayers. State payments are barred for local taxes for buildings and bonds that the voters approve after December 31, 1978.

One Year Assessment Freeze

The 1979 assessed value on real property also will apply in 1980. During 1979-1980 the legislature must study assessment laws and practices and revise them as needed.

Effect on Ballot Measure No. 6

This measure is proposed as an alternative to Ballot Measure No. 6. If this measure and Ballot Measure No. 6 are both approved by a majority of the voters, the measure receiving the greater number of "yes" votes shall be added to the Constitution and the other measure repealed.

This statement was provided by Legislative Counsel Committee in accordance with section 6, chapter 3, Oregon Laws 1978 (special session).

MEASURE NO. 11

Argument in Favor

EXHIBIT F

STATEMENT BY GOVERNOR BOB STRAUB
SUPPORTING BALLOT MEASURE #11
MORE PROPERTY TAX RELIEF

Measure #11 concentrates property tax relief where it is most needed—the place where you live. It provides property tax relief to all homeowners, mobile home owners and renters. The Homeowner and Renter Refund and Elderly Rental Assistant Programs are not affected by Measure #11.

Under Measure #6 most property tax relief will go to business and industry and none to renters.

HOMEOWNER TAX RELIEF—
MEASURE #6 vs MEASURE #11

Assessed Valuation Of Home	Taxes Owner Must Pay *Current	Measure #6	*Measure #11
$25,000	$550	$375	$275
50,000	1,100	750	550
75,000	1,650	1,125	825
100,000	2,200	1,500	1,100

*Based on average tax rate of $22.00 per $1,000.00 assessed valuation

Measure #11 provides more tax relief for homeowners and renters than Measure 6

STATE AND LOCAL GOVERNMENT SPENDING CONTROLS

Measure #11 will limit State and local government spending. It will require two-thirds approval by both houses of the Legislature to increase any taxes by more than 5 percent. Under Measure 11, if the State surplus grows over 2 percent, all of that surplus will be returned to income taxpayers

Measure #11 establishes constitutional spending limitations on state and local government—Measure #6 does not.

AN OREGON PLAN

Measure #11 was designed in Oregon, to fit the Oregon Constitution and Oregon tax system. It will provide immediate, direct relief unhampered by Constitutional problems or legal uncertainties. It will preserve the State's bonding abilities, including the Veterans' Home and Farm Loan Program.

Measure #11 saves Oregon's traditional local control. Local governments will keep operating and local voters will set priorities.

Measure #6 was designed for California and does not fit Oregon. It will result in years of litigation. Measure #11 is an Oregon plan which can be implemented immediately—Measure #6 is not.

Measure #11 is fair, workable and responsible. It will provide the tax relief and government spending controls the voters want. The Oregon Plan, Measure #11, is better than the California Plan, Measure #6.

VOTE YES ON MEASURE #11 and NO ON MEASURE #6

Submitted by: Governor Bob Straub
2087 Orchard Heights Rd., N.W.
Salem, Oregon 97304

This space was provided free of charge by the Legislative Assembly in accordance with section 7, chapter 3, Oregon Laws 1978 (special session).

The printing of this argument does not constitute an indorsement by the State of Oregon, nor does the state warrant the accuracy or truth of any statement made in the argument.

Testimony

Mr. Chairman and Members of Committee, EXHIBIT G

I am here today to testify to the abuses that can be made by a board's power to name public buildings after themselves as has been done recently in the case of the Washoe County School Board.

I became interested in the policy regarding naming schools two years ago when the elementary school I was president of was renamed from its geographical name to Nancy Gomes. Our P.T.A. Board suggested that this name be placed on one of the six new schools soon to be built as we had no objection to this; we just didn't want our school renamed. They at first refused, adamantly; but later, due to pressure from Mary Gojack and John Gomes, the late Nancy Gomes's husband, they did do this; although they still reserved four of the six new schools for themselves.

My P.T.A. Board and most of the people I came into contact with didn't like the school board's policy of naming schools after themselves, so at a board meeting, when naming of schools was on the agenda, we appeared to voice our objections. These objections consisted of lack of ethics, poor example to students, lack of public input, and just plain poor taste. We also stated that the main reason we had come was to prevent the new Northwest High School from being named in this manner. We preferred other methods of naming it such as letting the students who would be attending it, many of them being rezoned from other local high schools, name it, to give them a sense of personal identification with it. After our objections that night, the school board went ahead and named another new school after one of its own.

Because we didn't want the new high school to be named after a serving school board member, we were watching for the item naming of schools to appear on the board's agenda so tha we could appear. However, several Washoe County schools and P.T.A. presidents did not receive t is agenda that was for the meeting that took place on the P residential election night. After the school district secretary who types and distributes the agendas in the school boxes at the school district office was contacted about this, she personally called 46 schhols and found that 17 did not receive and 7 didn't know if thay had received the agendas for t is meeting including all northwest schools.

Parents were well aware that Robert McQueen was the only logical school board member left to name a school after. He had sat back while three of the last five new schools ahd been maned after three fellow board members wo had not served nearly as long as he, full well knowing the high school was being saved for him. How are students expected to look up to their elected representatives when egos play such an important part in their "public" service? Evidently, these people realize that their names would never be remembered past their service except for this memorial. Unfortunately, they don't realize that the greater good could be served by doing their duty instead of assuring that their names would go down to posterity.

~~It is believed Robert McQueen's name has been placed on this high school. My northwest neighbors and home friends feel that this should be done as he and his fellow board members were well aware of objections of naming the school after him long before they made it an accomplished fact. They did not take into considerations any objections to their naming policy.~~

An objection may be raised as to the effective date of this bill for it will remove Robert McQueen's name from the new high school. My Northwest neighbors and Reno friends feel that this should be done as he and his fellow board members were well aware of, and took no consideration of, the objections to naming the school after him.

The two newest school board members, who began serving as of January of this year, stated that during their campaigning the naming policy was the biggest complaint they cane across, and they objected to the board's naming of the football field at the new high school after a long time school district employee. The old board members listened, and then did this very thing.

I have here some letters from other individuals who were not able to attend this hearing today reflecting the wide support this bill has that I would like to submit ~~also~~, while I urge you to favorably consider this bill so abuses of the kind of have just described will not occur again.

Thank you,

Nadine Nelson
1595 Vassar Ave
Reno Nev 89503

EXHIBIT H

TO: The distinguished members of the Nevada State Senate.

Being the representative for many Verdi residents who would like to see the passage of AB 216 in the Senate, but due to a change in time for this hearing and therefore finding it impossible for me to attend, I am submitting some of our thoughts regarding this Bill in a letter.

First, let me say that the children from Verdi are zoned to Northwest Reno schools from middle school age through high school.

All of us find the naming of Washoe County Schools solely after members of the Washoe County School Board an absolutely horrendous practice, especially since the members themselves vote for their own name. What total arrogance and disregard for other deserving members of our community, such as a teacher who has personally touched hundreds and hundreds of lives over a 30 year period in a classroom. I have lived in Nevada almost my entire life and have watched the naming of schools in the entire State. Clark County should be commended for their names such as Rancho, Chapparral, Valley, Western, etc. I would like to see Washoe County follow their lead.

More importantly, how can any teenager identify with a school named "McQueen High School?" The name implies several undesirable mascots, none of which I need to state since they're all obvious. Having talked to several students, I find that instead of being excited about the prospect of attending a "new" high school, they are filled with dread at having to face the peer ridicule they are even now receiving. I know all of us can remember our high school days and the true pride we felt towards our schools. Please give the students of Northwest Reno the right to experience that pride with a name they can cheer about. Through your passage of this Bill, you can renew many young people's faith in democracy.

Thanking you in advance for your consideration, I am

Sincerely yours,

Lenda Azcarate

Lenda Azcarate
205 Deer Mountain Road
Verdi, Nevada

April 6, 1981

Government Affairs Committee

Gentlemen:

RE: Bill AB216, "Naming of Public Facilities"

I would like to state my support of the above-mentioned bill.

I feel it is in the best interests of the entire community to stop the practice of naming public facilities after personalities still serving on boards or in public capacities. Many deserving public servants are not being acknowledged as a result of this ego-centric practice. Let their service be a matter of past record before the honor is bestowed or return to geographical names.

Thank you for your anticipated support of your constituents' wishes.

Sincerely,

Frances S Byrne

Frances S. Byrne
1285 Muir Drive
Reno, Nevada 89503

1445 Kirston St.
Reno, Nevada

April 8, 1981

To Senator Gibson, chairman, and the other members of the committee hearing on Senate Bill 216 re the naming of public buildings.

Dear Senators:

I and my husband would like to go on record as supporting this bill as it has been presented to you with it being retroactive to January 1981. We feel it is inherently wrong for elected officials to vote to name buildings that are public after themselves. This form of self-aggrandizement needs legislation to keep it from happening. This is not merely a Reno problem but something that concerns the whole state.

Sincerely,

Yvonne Jackson

Yvonne Jackson

Warren D. Jackson

Warren D. Jackson

Senate Government Affairs Committee

This has long been a special interest of mine. I support the bill as it stands with the effective date of January 1982. I thank you for your interest and hard work.

Thank You,

Elaine Kinney
780 Bowman Drive
Reno, Nevada

April 7, 1981

To Whom It May Concern:

I would like to express my support of AB 216 as I feel that public buildings should be named after people only after their term of office and preferably after their death providing their life has exemplified one of worth and outstanding contributions.

Thank you,

Sincerely

Jeannette Kearns
(Mrs John)
1350 So. Hills Dr.
Reno Nev 89511

I am in support of AB 216
Barbara Y. Cooke
3500 San Mateo Ave.
Reno 89509

I am in support of AB 216
Loretta Daley
1690 Wilshire Way
Reno, Nv 89509

I am writing to say I am in favor of AB 216 as that power has been abused by some boards.

Sincerely,
Jacqueline A. Lewis
1750 Maria Dr.
Reno, Nv.

I want to register my support for AB 216 as I don't like the present naming policy

Sincerely

Mrs. T. Wehking
50 Fillmore Way
Reno

April 8, 1981

Senate Government Affairs Committee

I'm totally in favor of the passing of AB 216.

Sincerely,

Katie Wilson
1565 Boyer Ct.
Reno, Nv. 89503

April 7, 1981

Senate Government Affairs
Committee:

I wish to express my support of Assembly Bill AB216. I feel that the custom of naming buildings after current board members is in poor taste, and constitutes an unfair advantage to those who may seek public office. I urge your support of this bill.

Sincerely,

Norby K. Gashe
850 Meadow Springs Dr.
Reno, Nv. 89509

NEVADA ASSOCIATION OF REALTORS®

SUGGESTED AMENDMENTS TO S.B. 458

NRS 278.010 EXHIBIT I

15. "Acre" means 43,560 square feet of land including any public streets and alleys or other right-of-ways or easements.

16. "Lot" means a distinct part of parcel of land divided with the intent to or for the purpose of transferring ownership, or for building purposes, but does not mean a part or parcel of land used solely for the location of a water well site or other utility purposes.

Page 2, Line 16

Brackets should be eliminated

Presented to Senate Government Affairs Committee
April 8, 1981

STATE OF NEVADA
LEGISLATIVE COUNSEL BUREAU
LEGISLATIVE BUILDING
CAPITOL COMPLEX
CARSON CITY, NEVADA 89710

ARTHUR J. PALMER, *Director*
(702) 885-5627

LEGISLATIVE COMMISSION (702) 885-5627
KEITH ASHWORTH, *Senator, Chairman*
Arthur J. Palmer, *Director, Secretary*
INTERIM FINANCE COMMITTEE (702) 885-5640
DONALD R. MELLO, *Assemblyman, Chairman*
Ronald W. Sparks, *Senate Fiscal Analyst*
William A. Bible, *Assembly Fiscal Analyst*

FRANK W. DAYKIN, *Legislative Counsel* (702) 885-5627
JOHN R. CROSSLEY, *Legislative Auditor* (702) 885-5620
ANDREW P. GROSE, *Research Director* (702) 885-5637

April 7, 1981

EXHIBIT J

M E M O R A N D U M

TO: Senator James I. Gibson, Chairman, Senate Committee on Government Affairs

FROM: Fred W. Welden, Senior Research Analyst FW

SUBJECT: Explanation of S.B. 458

S.B. 458 proposes to amend chapter 278 of NRS relative to divisions of land. Several of the changes in the bill are made strictly to reorganize the provisions of the chapter in order to provide needed clarity, and the other changes affect matters of policy. It was felt that an explanation of the existing law and the amendments contained in S.B. 458 might be of assistance to you in reviewing the proposal. I have prepared a short explanation of the three types of land divisions regulated under Nevada law, a summary of the existing and proposed procedures associated with various acreages of lots within land divisions, and an explanation of S.B. 458.

I. THE THREE TYPES OF REGULATED LAND DIVISIONS

A. Subdivision

Generally, a subdivision is a division of land into five or more lots (NRS 278.320). Subdivision provisions (NRS 278.320-278.460) only apply when one or more of the lots is less than 40 acres in size (NRS 278.471).

B. Parcel Map

Generally, a parcel map is used for a division of land into four or fewer lots (NRS 278.461). Parcel map provisions (NRS 278.461-278.469) only apply when one or more of the lots is less than 40 acres in size (NRS 278.471).

C. "Large Parcel" Divisions

A "map of division into large parcels" is used when land is divided into any number of lots, all of which are at least 40 acres in size (NRS 278.471). Under the existing law (NRS 278.471), a local government may pass an ordinance to make the "large parcel" provisions apply when all of the lots in the land division are at least 10 acres in size.

D. Above 640 Acres

Land may be divided into parcels of 640 acres or greater without the review or approval of local governments (NRS 278.471).

II. EXISTING AND PROPOSED PROCEDURES ASSOCIATED WITH VARIOUS ACREAGES OF LOTS WITHIN LAND DIVISIONS

It is sometimes easier to understand the various types of procedures required for land divisions when these divisions are categorized by size of proposed lots. The following charts have been compiled in an attempt to explain the different procedures which are associated with land divisions of various acreages under the present law and under the proposals in S.B. 458.

A. Existing Law

PROCEDURES ASSOCIATED WITH LAND DIVISIONS UNDER EXISTING LAW		
	Size of Lots	Type of Procedure
I.	Less than 10 acres	Subdivision or parcel map (depending on the number of lots).
II.	10 acres or more, but less than 40 acres	Subdivision or parcel map (depending on the number of lots), unless a local ordinance is passed to specify that "large parcel" procedures apply.
III.	40 acres or more, but less than 640 acres	"Large parcel" procedures apply.
IV.	640 acres or more	Exempt from regulation.

B. Proposals in S.B. 458

PROCEDURES ASSOCIATED WITH LAND DIVISIONS UNDER S.B. 458		
	Size of Lots	Type of Procedure
I.	Less than 10 acres	Subdivision or parcel map, depending on the number of lots. (This is not a change from existing law.)
II.	10 acres or more, but less than 40 acres	Subdivision or parcel map (depending on the number of lots), unless a local ordinance is passed to specify that: (1) Such divisions are subject to "large parcel" procedures (this is not a change from existing law), or (2) Such divisions are exempt from all review and approval. (This is a change from existing law.)
III.	40 acres or more, but less than 640 acres	No procedures regulate, unless a local ordinance is passed to specify that such divisions are subject to "large parcel" procedures. (This is a change from existing law.)
IV.	640 acres or more	Exempt from regulation. (This is not a change from existing law.)

III. ALTERNATIVE ACTIONS BY LOCAL GOVERNMENTS AND THEIR EFFECTS

If a local government chose to exercise none of the options authorized under existing law, land divisions containing lots of less than 40 acres would be subject to subdivision or parcel map procedures, and divisions into lots of 40-640 acres would be subject to "large parcel" procedures. If S.B. 458 were enacted and a local government chose to exercise none of the options authorized under the bill, land divisions containing lots of less than 40 acres would be subject to subdivision or parcel map laws, and divisions into lots of 40-640 acres would not be subject to any review and approval.

A description of the effects of a local government exercising its option to allow the most exemptions possible under S.B. 458 might also be of value. If S.B. 458 were enacted, a local government could choose to exempt land divisions with lots of 10-40 acres from the subdivision and parcel map procedures. If they also opted not to apply the "large parcel" procedures to lots of this size or those comprising 40 acres or more, the result would be that no review or approval would be provided for land divisions containing lots of 10 acres or more.

IV. CONTRACTS OF SALE

Another concept contained in S.B. 458 is that of contracts of sale. Basically, a contract of sale is an agreement between buyer and seller to the terms of a sale, but the sale is not legally completed. "Earnest money" is put up by the buyer and he may actually begin making payments, but title is not transferred until the conditions of the contract are fulfilled. The contract of sale may contain any conditions which are agreeable to the buyer and the seller.

Sections 6 and 7 of S.B. 458 would make it lawful to enter into contracts of sale for lots before the final map of a subdivision is approved and recorded. This action could provide a substantial savings of time and money to the developer/seller. However, the local governments generally feel that it would provide a significant "loophole" which could result in the subdivision law being circumvented, the buyer being left without a useable piece of property, or the local government being forced to provide the improvements which should have been associated with an approved subdivision.

V. EXPLANATION OF S.B. 458

An explanation of the changes proposed in S.B. 458 is presented in the margin of the attached copy of the bill.

FWW/jld: SB458
Attachment

SENATE BILL NO. 458—COMMITTEE ON GOVERNMENT AFFAIRS

MARCH 26, 1981

Referred to Committee on Government Affairs

SUMMARY—Allows cities and counties to exempt certain divisions of land from law governing subdivisions and parcel maps. (BDR 22-1103)

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 planning and zoning; allowing cities and counties to exempt divisions of land comprising at least 10 acres but less than 40 acres from the law governing subdivisions and parcel maps; removing statutory requirements pertaining to divisions of land into large parcels comprising at least 40 acres but less than 640 acres; removing certain penalties and remedies applicable to land sold under a contract of sale; 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.
This section is a reorganization of existing law. The existing provisions are in 278.471(3), 278.320(3), and 278.320(2). The purpose of this change is to collect in one place all of the present total exemptions from land division regulation.

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

1. The provisions of NRS 278.320 to 278.630, inclusive, do not apply to:

(a) A division of land into lots, parcels, sites, units or plots, each of which comprises at least one section or 640 nominal acres of land.

(b) A division of land for agricultural purposes into parcels of more than 10 nominal acres, if a street, road or highway opening, or widening or easement of any kind is not involved.

2. The board of county commissioners of any county may exempt any parcel of land from the provisions of NRS 278.320 to 278.630, inclusive, if:

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

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

SEC. 2. NRS 278.320 is hereby amended to read as follows:

Section 2.

The initial portions of this section (amendments to 278.320 1-3) are a reorganization of existing law. Presently, land divisions containing lots of 40-640 acres are subject to the "large parcel" provisions of 278.471.

278.320 1. "Subdivision" means any land, vacant or improved, which is divided or proposed to be divided into five or more lots, parcels, sites, units or plots, *any one of which comprises less than 40 nominal acres of land,* for the purpose of any transfer, development or any proposed transfer or development unless exempted by [one of the following provisions:

(a)] *the provisions of section 1 of this act or subsections 2 to 4, inclusive, of this section.*

2. The term "subdivision" does not apply to [any] *:*

(a) Any division of land which is subject to the provisions of NRS 278.471 to 278.4725, inclusive.

(b) [Any joint tenancy or tenancy in common shall be deemed a single interest in land.

(c)] Unless a method of disposition is adopted for the purpose [of evading this chapter] or would have the effect of evading this chapter: [, the term "subdivision" does not apply to:]

(1) Any division of land which is ordered by any court in this state or created by operation of law;

(2) A lien, mortgage, deed of trust or any other security instrument;

(3) A security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity;

(4) Cemetery lots; or

(5) An interest in oil, gas, minerals or building materials, which are [now or hereafter] severed from the surface ownership of real property.

[2. The board of county commissioners of any county may exempt any parcel or parcels of land from the provisions of NRS 278.010 to 278.630, inclusive, if:

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

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

3. This chapter does not apply to the division of land for agricultural purposes into parcels of more than 10 acres, if a street, road, or highway opening or widening or easement of any kind is not involved.]

3. Any joint tenancy or tenancy in common shall be deemed a single interest in land.

4. The governing body of a city, or the board of county commissioners with respect to the unincorporated area of the county, may by ordinance exempt a proposed division of land into lots, parcels, sites, units or plots, each of which comprises at least 10 nominal acres of land, including roads and easements, from the provisions of NRS 278.320 to 278.460, inclusive.

4. New Provision.

Under existing law, a local government may pass an ordinance making land divisions containing lots of 10-40 acres subject to the "large parcel" provisions in 278.471, rather than their being subject to the regular subdivision laws. This new subsection would have the effect of allowing local governments to exempt subdivisions containing lots of 10-640 acres from all review and approval.

SEC. 3. NRS 278.360 is hereby amended to read as follows:

278.360 1. Unless the time is extended, the subdivider shall within 1 year after approval of the tentative map or before the expiration of any extension by the governing body cause the subdivision, or any part thereof, to be surveyed and a final map prepared in accordance with the tentative map. Failure to record a final map within the time prescribed

Section 3. New Provision.
Under existing law, a subdivider has 1 year plus the possibility of a 1-year extension of time after the approval of his tentative map in which to record a final map. This amendment would add the possibility of obtaining a second 1-year extension.

in this section terminates all proceedings, and before the final map may thereafter be recorded, or any sales be made, a new tentative map shall be filed.

2. The governing body or planning commission may grant to the subdivider [a single extension] *two extensions* of not more than 1 year *each* within which to record a final map after receiving approval of the tentative map.

SEC. 4. NRS 278.461 is hereby amended to read as follows:

278.461 1. A person who proposes to divide any land for transfer or development into four or fewer lots, *parcels, sites, units or plots, any one of which comprises less than 40 nominal acres of land,* shall file a parcel map in the office of the county recorder, unless this requirement is waived or [the provisions of NRS 278.471 to 278.4725, inclusive, apply.

2.] *the land is otherwise exempted by the provisions of section 1 of this act or subsections 2 to 7, inclusive, of this section.*

2. The requirement set by subsection 1 does not apply to any division of land which is subject to the provisions of NRS 278.471 to 278.4725, inclusive.

3. A parcel map is not required when the land division is for the express purpose of:

(a) Creation of realignment of a public right of way by a public agency.

(b) Creation or realignment of an easement.

(c) 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.

(d) Purchase, transfer or development of space within an apartment building or an industrial or commercial building.

(e) Carrying out an order of any court or dividing land as a result of an operation of law.

[3.] *4.* A parcel map is not required for any of the following transactions involving land:

(a) Creation of a lien, mortgage, deed of trust or any other security instrument.

(b) Creation of a security or unit of interest in any investment trust regulated under the laws of this state or any other interest in an investment entity.

(c) Conveying on interest in oil, gas, minerals or building materials, which are severed from the surface ownership of real property.

(d) Filing a certificate of amendment under NRS 278.473.

[4.] *5.* When two or more separate lots, parcels, sites, units or plots of land are purchased, they remain separate for the purposes of this section and NRS 278.468, 278.590 and 278.630. When [such] *those* lots, parcels, sites, units or plots are resold or conveyed they are exempt from the provisions of NRS [278.010] *278.320* to 278.630, inclusive, until further divided.

[5.] *6.* Unless a method of land division is adopted for the purpose

Section 4.
The initial portions of this section (amendments of 278.461 1-5) are a reorganization of existing law. Presently, land divisions containing lots of 40-640 acres are subject to the "large parcel" provisions of 278.471.

or would have the effect of evading this chapter, the provisions for division of land by a parcel map do not apply to a transaction exempted by paragraph [(c)] *(b)* of subsection [1] *2* of NRS 278.320.

7. The governing body of a city, or the board of county commissioners with respect to the unincorporated area of the county, may by ordinance exempt a proposed division of land into lots, parcels, sites, units or plots, each of which comprises at least 10 nominal acres of land, including roads and easements, from the provisions of NRS 278.461 to 278.469, inclusive.

SEC. 5. NRS 278.471 is hereby amended to read as follows:

278.471 [1. Except as provided in subsections 2 and 3, a proposed division of land is subject to the provisions of NRS 278.471 to 278.4725, inclusive, if each proposed lot is at least:

(a) One-sixteenth of a section as described by a government land office survey; or

(b) Forty acres in area, including roads and easements.

2.] The governing body of a city, *or* the board of county commissions with respect to the unincorporated area [,] *of the county*, may by ordinance elect to make NRS 278.471 to 278.4725, inclusive, apply to each proposed division of land, *except land exempt by section 1 of this act*, where each proposed lot [is] *, parcel, site, unit or plot comprises* at least:

[(a)] *1.* One-sixty-fourth of a section as described by a government land office survey [; or

(b) Ten acres in area,] *or 10 nominal acres of land*, including roads and easements [.

3. A proposed division of land into lots or parcels, each of which contains not less than one section or 640 acres, is not subject to NRS 278.471 to 278.4725, inclusive.] *; or*

2. One-sixteenth of a section as described by a government land office survey or 40 nominal acres of land, including roads and easements.

SEC. 6. NRS 278.590 is hereby amended to read as follows:

278.590 1. It is unlawful for any person [to contract to sell, to sell or] to transfer any subdivision or any part thereof, or land divided pursuant to a parcel map or map of division into large parcels, until the required map [thereof,] , in full compliance with the appropriate provisions of NRS [278.010] *278.320* to 278.630, inclusive, and any local ordinance, has been recorded in the office of the recorder of the county in which any portion of the subdivision or land divided is located.

2. A person who violates the provisions of subsection 1 is guilty of a misdemeanor and is liable for a civil penalty of not more than $300 for each lot or parcel [sold or] transferred.

3. This section does not bar any legal, equitable or summary remedy to which any aggrieved municipality or other political subdivision, or any person, may otherwise be entitled, and any such municipality or other political subdivision or person may file suit in the district court of the county in which any property attempted to be divided or [sold] *transferred* in violation of NRS [278.010] *278.320* to 278.630, inclusive, is located to restrain or enjoin any attempted or proposed division or transfer in violation of those sections.

7. New Provision.
Under existing law, a local government may pass an ordinance making land divisions containing lots of 10-40 acres subject to the "large parcel" provisions of 278.471, rather than being subject to the regular parcel map laws. This new subsection would allow local governments to exempt land divisions containing lots of 10-640 acres from all review and approval.

Section 5. New Provision.
Under existing law, land divisions containing lots of 40-640 acres are automatically subject to these "large parcel" provisions, and local governments may pass ordinances to make land divisions containing lots of 10-40 acres subject to these provisions. This amendment would eliminate the automatic review and approval by local governments, and make use of "large parcel" procedures only applicable when the local government passes an ordinance so stipulating.

Section 6. New Provision.
Under existing law, a person may not enter into a contract of sale for parcels within a future subdivision until the final map is recorded. Amendments in this section would allow contracts of sale for portions of a piece of property which has not been officially subdivided.

Section 7. New Provisions.
See comments on section 6.

SEC. 7. NRS 278.620 is hereby amended to read as follows:

278.620 Any [sale or contract to sell] *transfer* made contrary to the provisions of NRS [278.010] *278.320* to 278.630, inclusive, is voidable at the sole option of the [buyer or person contracting to purchase,] *transferee*, his heirs, personal representative, or trustee in insolvency or bankruptcy within 1 year after the date of [execution of the sale or contract to sell,] *the transfer*, but the [sale or contract to sell] *transfer* is binding upon [any assignee or transferee of the buyer or person contracting to purchase,] *anyone claiming an interest to the transferred land through the transferee*, other than those above enumerated, and upon the [vendor, or person contracting to sell,] *transferor* or his assignee, heir or devisee.

Churchill County Administration Office
869 SOUTH MAINE STREET FALLON, NEVADA 89406 (702) 423-5136

April 7, 1981

EXHIBIT K

Senator James I. Gibson
Nevada State Senate
Capitol Complex
Carson City, Nevada 89710

Dear Senator Gibson:

This letter is being written with reference to S.B. 458 which allows cities and counties to exempt certain parcels of land from subdivision parcel maps.

We are somewhat disturbed by the provisions within this law which could afford a local unit of government the option of completely circumventing the intent of a law which has been in existence in the State of Nevada since 1973. Many of the smaller Counties might conceivably be pressured into adopting ordinances which would exempt all land divisions and subdivisions with units or plots comprising 10 nominal acres of land or more.

Paragraph 3, rewording the language in Sections 1 through 5 will not be particularly troublesome except as noted above. However, Sections 6 and 7 make the enforcement of N.R.S. 278 and local ordinances pertaining to planning and zoning extremely difficult.

As a specific example, an unscrupulous land divider or subdivider could, under the proposed change to the law, now contract to sell a parcel of ground and not record such a transaction until such time as the deed were conveyed to the purchaser. In the intervening time, depending on the terms of the contract of sale, the land divider could have left our coummunity leaving the resolution of the problem in the hands of the County Commissioners. The land divider could in this manner also circumvent local zoning ordinances since they could contract to sell parcels of a size that a particular zone might not allow in that area. The person making a purchase under a contract of sale may not be aware of the prevailing zoning in a particular area and may very innocently go on paying for the property with the idea of constructing a home on it at such time as the deed would be conveyed to him. At that time it is quite conceivable that

we would be forced to refuse the issuance of a building permit on the basis of a violation of zoning ordinance, possible improper access, or that the State of Nevada might refuse to issue a septic permit because of improper soil conditions.

Since the words removed in Sections 6 and 7 refer to "contract to sell, to sell; or sale, or contract to sell" and substitute the words therein "to transfer", it would appear that no violation of the Statutes would be involved until such time as a deed were conveyed.

At the very least we would prefer to see the words refering to "to sell, and contract of sale" remain in the law and might even propose that the misdemeanor provision in N.R.S. 278.590, Paragraph 2, be ammended to provide for a gross misdemeanor in light of the potential monetary damage which might be perpetrated on the unsuspecting public.

Sincerely,

BJORN P. SELINDER
County Manager

BPS:ba