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PREPARED BY  
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# WORK SESSION

## Senate Committee on Government Affairs

April 2, 2003

The following measure will be considered for action by the Senate Committee on Government Affairs during today's work session:

### **SENATE BILL 359**

Revises provisions relating to freedom to display flag of United States.  
(BDR 22-310)

Sponsored by: Senator Titus, et.al.  
Date Heard: March 28, 2003

Senate Bill 359 specifies that the governing body of a local government may not take any action to prohibit an owner of real property from engaging in the display of the flag on his property. The bill provides that covenants, conditions, and restrictions relating to real property are void and unenforceable to the extent that they prohibit an owner of real property from engaging in the display of the flag on his property. Senate Bill 359 also stipulates that executive boards of common-interest communities and landlords may not prohibit a unit's owner or tenant from engaging in the display of the flag within that portion of the common-interest community that the unit's owner or tenant has a right to occupy. According to the measure, a local government employer may not prohibit an employee from engaging in the display of the flag. Finally the bill provides for the payment to a prevailing party of reasonable attorney's fees and costs incurred to pursue certain legal actions relating to the display of the flag.

### *Proposed Conceptual Amendment(s)*

The following amendments have been offered:

1. Add language throughout the bill requiring the flag to be flown in accordance with Title 4 of the *United States Code*. A copy of this amendment is attached.  
*(proposed by Pamela Scott)*

2. Add a new subsection under Section 4 of the measure (page 3) containing the following conceptual language:

*An association may adopt rules reasonably restricting the placement and manner of display of a flag of the United States by a unit's owner."*

Note that this language also appears in Section 8 of Senate Bill 100, currently under consideration in the Senate Committee on Commerce and Labor. A copy of this amendment appears in the same amendment attached from Pamela Scott.

*(proposed by Pamela Scott)*

3. Add the following amendment addressing a concern raised by Clark County regarding the height and size of flag displays and the appropriate setbacks from streets and adjacent properties:

Amend section 1, page 2, line 17, by deleting "*place*" and inserting "*place, height, setback*".

# The Howard Hughes Corporation

An Affiliate of THE ROUSE COMPANY



March 28, 2003

To: Senate Government Affairs Committee  
Honorable Ann O'Connell, Chairman  
Sandra Tiffany, Vice Chairman  
Committee Members: William Raggio, Randall Townsend,  
Warren Hardy, Dina Titus, Terry Care

Cc: Bill Gregory, Lobbyist  
Dan Van Epp, President, Howard Hughes Corporation

From: Pamela Scott  
Summerlin

Re: Suggested Amendment to SB 359

I would like to express my support of SB 359 and suggest that minor amendments be considered for this bill to make it consistent with SB 100, (an amendment to NRS 116 being considered by the Senate Commerce and Labor Committee) and to assure that our flag is flown with proper respect, consistent with the US Flag Code, Title 4, Sections 1-10.

My suggested amendments are as follows:

Page 2, Section 1, Subsection 4. Add the following language:

(c) Displayed in a manner consistent with US Code, Title 4, Chapter 1, Sections 1-10.

Page 3, Section 3, Subsection 4. Add the following language:

(c) Displayed in a manner consistent with US Code, Title 4, Chapter 1, Sections 1-10.

Page 3, Section 4: Add a new Subsection 2 as follows:

2. An association may adopt rules reasonably restricting the placement and manner of display of a flag of the United States by a unit's owner.

Page 3, Section 4:

Renumber Subsection 2 as Subsection 3  
Renumber Subsection 3 as Subsection 4  
Renumber Subsection 4 as Subsection 5

Page 3, Section 4, Subsection 4 (new Subsection 5), add the following language:

(c) Displayed in a manner consistent with US Code, Title 4, Chapter 1, Sections 1-10.

Amendments to SB 359, cont.

Page 4, Section 5, Subsection 4: Add the following language:

[c] Displayed in a manner consistent with US Code, Title 4, Chapter 1, Sections 1-10.

Page 6, Section 8, Subsection 4, Add the following language:

[c] Displayed in a manner consistent with US Code, Title 4, Chapter 1, Sections 1-10.

Page 9, Section 11, Subsection 6(a)(2), add the following language:

(III) Displayed in a manner consistent with US Code, Title 4, Chapter 1, Sections 1-10.

Thank you for your consideration of these amendments.

3/27/2003

**Senate Bill 359  
(As Introduced)**

**SUGGESTED AMENDMENT**

**Proposed by CLARK COUNTY NEVADA**  
*Contact person: Dan Musgrove (702) 860-9900*

**Intent of Amendment:**

Clark County supports this legislation, and County code permits flag displays at this time; however, some regulation is in order given the potential height and size of flag displays and setbacks from streets and adjacent properties. County code does not allow the height of the display to exceed permitted height limitations within the various districts, nor does it allow the displays to overhang streets or adjacent properties. These restrictions have the effect of limiting the size of flags within residential districts to reasonable limits, therefore resulting in a minimum of controversy over such displays and their effect on neighborhoods.

Amend section 1, page 2, line 17, by deleting "*place*" and inserting "*place, height, setback*".