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ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS

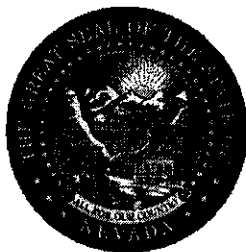


WORK SESSION DOCUMENT

MAY 7, 2003

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ASSEMBLY GOVERNMENT AFFAIRS
DATE: 5-7-03 ROOM: 3143 EXHIBIT F
SUBMITTED BY: SUSAN SCHOLLEY
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WORK SESSION

Assembly Committee on Government Affairs

-
- ☐ Senate Bill 146 _____
 - ☐ Senate Bill 176 _____
 - ☐ Senate Bill 447 _____
 - ☐ Senate Bill 451 _____
 - ☐ Senate Bill 452 _____



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WORK SESSION

Assembly Committee on Government Affairs

SENATE BILL 146

Revises provisions governing purchasing contracts. (BDR 27-321)

Sponsored by: Senate Committee on Government Affairs,
On behalf of the Nevada Association of Counties
Date Heard: May 1, 2003

Senate Bill 146 exempts a local government from the requirements of competitive bidding contracts if the vendor of supplies, materials, or equipment has entered into an agreement with the General Services Administration or another governmental agency located within or outside this state. In addition, the measure authorizes a local government to join or use contracts of another state or its subdivisions.

Amendments: Tom Skancke, representing the Las Vegas Convention and Visitors' Authority, requested an amendment exempting commercial advertising within recreational facilities operated by a county fair and recreation board from purchasing requirements of local governments in Chapter 332 of NRS. According to his testimony, the proposed amendment would affect only the Clark County and Washoe County convention authorities.

A mock-up of the proposed amendments is attached.

Opposition: None

Fiscal Impact: Local Government: No
State Government: No

MOCK-UP

PROPOSED AMENDMENT TO
SENATE BILL 146

PREPARED FOR ASSEMBLY COMMITTEE ON GOVERNMENT AFFAIRS
MAY 6, 2003

PREPARED BY THE RESEARCH DIVISION

**NOTE: THIS DOCUMENT SHOWS PROPOSED AMENDMENTS IN
CONCEPTUAL FORM. THE LANGUAGE AND ITS PLACEMENT IN THE
OFFICIAL AMENDMENT MAY DIFFER.**

EXPLANATION: Matter in (1) *blue bold italics* is new language in the original bill; (2) *green bold italic underlining* is new language proposed in this amendment; (3) ~~red strikethrough~~ is deleted language in the original bill; (4) ~~green bold double strikethrough~~ is language proposed to be deleted in this amendment and (5) ~~green bold dashed underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 **Section 1.** NRS 332.115 is hereby amended to read as follows:
2 332.115 1. Contracts which by their nature are not adapted to award
3 by competitive bidding, including contracts for:
4 (a) Items which may only be contracted from a sole source;
5 (b) Professional services;
6 (c) Additions to and repairs and maintenance of equipment which may
7 be more efficiently added to, repaired or maintained by a certain person;
8 (d) Equipment which, by reason of the training of the personnel or of
9 an inventory of replacement parts maintained by the local government is
10 compatible with existing equipment;
11 (e) Perishable goods;
12 (f) Insurance;
13 (g) Hardware and associated peripheral equipment and devices for
14 computers;
15 (h) Software for computers;
16 (i) Books, library materials and subscriptions;
17 (j) Motor vehicle fuel purchased by a local law enforcement agency for
18 use in an undercover investigation;

1 332.195 1. A governing body or its authorized representative {and
2 the State of Nevada} may join or use the contracts of other local
3 governments *located within or outside* this state with the authorization of
4 the contracting vendor. The originally contracting local government is not
5 liable for the obligations of the local government which joins or uses the
6 contract.

7 2. A governing body or its authorized representative may join or use
8 the contracts of the State of Nevada *or another state* with the authorization
9 of the contracting vendor. The State of Nevada *or other state* is not liable
10 for the obligations of the local government which joins or uses the
11 contract.

12 Section 3. NRS 244A.657, 244A.659, 244A.661, 244A.663, 244A.665,
13 and 244A.667 are hereby repealed.

14 ~~Sec. 3.~~ 4. This act becomes effective on July 1, 2003.

Amendment proposed by
Las Vegas Convention
and Visitors' Authority.

H

Text of Repealed Sections

Text of Repealed Sections

Commercial Advertising in Recreational Facilities

NRS 244A.657 Use of recreational facility and rental or lease of space in facility for commercial advertising authorized. Pursuant to the power conferred by subsection 8 of NRS 244A.619, a county fair and recreation board may:

1. Grant the privilege of using or improving a recreational facility, or any portion thereof or space therein, for commercial advertising purposes upon the compliance with such reasonable and uniform terms and conditions and upon payment of such reasonable and uniform charges or fees as the county fair and recreation board shall promulgate or fix; or
2. Enter into a contract, lease or other arrangement with any person, partnership or corporation for space for commercial advertising purposes for a term or terms not to exceed 10 years upon such conditions as the county fair and recreation board considers proper. Any member of the board may vote on such a contract, lease or other arrangement notwithstanding the fact that the term of the agreement may extend beyond his term of office.

NRS 244A.659 Procedure for rental or lease of space in facility. When the county fair and recreation board determines that the rental or lease of space for commercial advertising purposes in a county recreational facility, as opposed to granting a license to use or improve such facility, is necessary for the best interests of the county, the board shall comply with the procedure set forth in NRS 244A.661 to 244A.667, inclusive.

NRS 244A.661 Resolution of intent to lease: Contents.

1. Before entering into such contract, lease or other arrangements the county fair and recreation board shall in open meeting by a majority vote of the members adopt a resolution declaring its intention to lease the property.
2. The resolution shall:
 - (a) Describe the property proposed to be leased in such manner as to identify it;
 - (b) Specify the minimum rental and the terms upon which it may be leased;
 - (c) Fix a time not less than 3 weeks thereafter for a public meeting of the board to be held at its regular place of meeting at which sealed proposals to lease will be received and considered.



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WORK SESSION

Assembly Committee on Government Affairs

SENATE BILL 176 (First Reprint)

Makes various changes regarding planning and zoning. (BDR 22-583)

Sponsored by: Senate Committee on Government Affairs,
On behalf of Washoe County
Date Heard: April 25, 2003

Senate Bill 176 requires a local governing body to designate an individual responsible for preparing a certificate stating that notice has been given for particular matters as listed in the bill. Further, the bill includes counties whose population is greater than 100,000 (Carson, Douglas and Elko) within the notice requirements for zoning boundary amendments. Those notice requirements are expanded to include persons within 750 feet (rather than 500) and to include tenants in mobile home parks. Senate Bill 176 also changes the dates which trigger certain deadlines for subdivision maps to the date of recordation (rather than the date of presentation for recordation).

Amendments: Dan Musgrove, representing Clark County, proposed an amendment to clarify the scope of the certificate and the extent of its assurances. The Chair asked the parties to work with Assemblyman Atkinson on a resolution of the issue.

A mock-up of the proposed amendment to Section 1 is attached.

Opposition: None

Fiscal Impact: Local Government: Yes (attached)
State Government: No

**AMENDMENT TO SENATE BILL 176
SUBSTITUTION FOR SECTION 1**

Section 1. Chapter 278 of NRS is hereby amended by adding thereto a new section to read as follows:

If notice of a hearing is required to be provided pursuant to NRS 278.0215, 278.147, 278.260, 278.315, 278.4789, or 278.480, the governing body shall maintain:

- 1. A copy of the notice;*
- 2. A list of the persons or governmental entities to which the notices were addressed; and*
- 3. A record of the date on which the notices were deposited in the U.S. mail, postage prepaid.*

[Delete subsections 2, 3, and 4, of Section 1.]

MOCK-UP

PROPOSED AMENDMENT TO
SENATE BILL NO. 176
FIRST REPRINT

PREPARED FOR ASSEMBLY GOVERNMENT AFFAIRS
MAY 5, 2003

PREPARED BY THE RESEARCH DIVISION

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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 278 of NRS is hereby amended by adding thereto
2 a new section to read as follows:

3 1. *If a governing body or other entity causes notice of a hearing is*
4 *required to be provided pursuant to NRS 278.0215, 278.147, 278.260,*
5 *278.315, 278.4789 or 278.480, the governing body shall maintain:*

6 1. *A copy of the notice;*

7 2. *A list of the persons or governmental entities to which the notices*
8 *were addressed; and*

9 3. *A record of the date on which the notices were deposited in the*
10 *United States mail, postage prepaid. the person designated by the*
11 *governing body or other entity to give the notice on behalf of the*
12 *governing body or other entity shall, within 24 hours after the notice has*
13 *been provided, prepare and sign a certificate which states that the notice*
14 *has been provided in the manner required by the applicable statute.*

15 2. ~~The certificate required pursuant to subsection 1 must contain:~~

16 (a) ~~The date on which the notice was provided;~~

17 (b) ~~A copy of the notice; and~~

1 means if receipt of such an electronic notice can be verified, and *must* be
2 written in language which is easy to understand. The notice must set forth
3 the time, place and purpose of the hearing and a physical description of ~~it~~
4 or a map detailing ~~it~~ the proposed change, must indicate the existing
5 zoning designation ~~it~~ and the proposed zoning designation ~~it~~ of the
6 property in question, and must contain a brief summary of the intent of the
7 proposed change. If the proposed amendment involves a change in the
8 boundary of the zoning district that would reduce the density or intensity
9 with which a parcel of land may be used, the notice must include a section
10 that an owner of property may complete and return to the governing body
11 to indicate his approval of or opposition to the proposed amendment.

12 4. If a proposed amendment involves a change in the boundary of a
13 zoning district in a county whose population is ~~400,000~~ 100,000 or more,
14 the governing body shall, to the extent this notice does not duplicate the
15 notice required by subsection 2, cause a notice *of the hearing* to be sent at
16 least 10 days before the hearing to:

17 (a) The applicant;

18 (b) Each owner, as listed on the county assessor's records, of real
19 property located within ~~500~~ 750 feet of the portion of the boundary being
20 changed;

21 (c) The owner, as listed on the county assessor's records, of each of the
22 30 separately owned parcels nearest to the portion of the boundary being
23 changed, to the extent this notice does not duplicate the notice given
24 pursuant to paragraph (b); ~~and~~

25 (d) *Each tenant of a mobile home park if that park is located within*
26 *750 feet of the property in question; and*

27 (e) Any advisory board which has been established for the affected
28 area by the governing body.

29 The notice must be sent by mail or, if requested by a party to whom notice
30 must be provided pursuant to paragraphs (a) to ~~(d)~~ (e), inclusive, by
31 electronic means if receipt of such an electronic notice can be verified, and
32 *must* be written in language which is easy to understand. The notice must
33 set forth the time, place and purpose of the hearing and a physical
34 description of ~~it~~ or a map detailing ~~it~~ the proposed change, must indicate
35 the existing zoning designation ~~it~~ and the proposed zoning designation ~~it~~
36 of the property in question, and must contain a brief summary of the intent
37 of the proposed change. If the proposed amendment involves a change in
38 the boundary of the zoning district that would reduce the density or
39 intensity with which a parcel of land may be used, the notice must include
40 a section that an owner of property may complete and return to the
41 governing body to indicate his approval of or opposition to the proposed
42 amendment.

43 5. If an application is filed with the governing body and the
44 application involves a change in the boundary of a zoning district within an
45 unincorporated town that is located more than 10 miles from an

1 to cover the actual costs resulting from the mailed notice required by this
2 section and the erection of not more than one of the signs required by
3 subsection 7, if any. The additional fee is not subject to the limitation
4 imposed by NRS 354.5989.

5 10. The governing body shall remove or cause to be removed any
6 sign required by subsection 7 within 5 days after the final hearing for the
7 application for which the sign was erected. There must be no additional
8 charge to the applicant for such removal.

9 11. If a proposed amendment involves a change in the boundary of a
10 zoning district in a county whose population is 400,000 or more that would
11 reduce the density or intensity with which a parcel of land may be used and
12 at least 20 percent of the property owners to whom notices were sent
13 pursuant to subsection 4 indicate in their responses opposition to the
14 proposed amendment, the governing body shall not approve the proposed
15 amendment unless the governing body:

16 (a) Considers separately the merits of each aspect of the proposed
17 amendment to which the owners expressed opposition; and

18 (b) Makes a written finding that the public interest and necessity will
19 be promoted by approval of the proposed amendment.

20 12. The governing body of a county whose population is 400,000 or
21 more shall not approve a zoning regulation, restriction or boundary, or an
22 amendment thereof, that affects any unincorporated area of the county that
23 is surrounded completely by the territory of an incorporated city without
24 sending a notice to the governing body of the city. The governing body of
25 the city, or its designee, must submit any recommendations to the
26 governing body of the county within 15 days after receiving the notice.
27 The governing body of the county shall consider any such
28 recommendations. If the governing body of the county does not accept a
29 recommendation, the governing body of the county, or its authorized
30 agent, shall specify for the record the reasons for its action.

31 **Sec. 4.** NRS 278.315 is hereby amended to read as follows:

32 278.315 1. The governing body may provide by ordinance for the
33 granting of variances, special use permits, conditional use permits or other
34 special exceptions by the board of adjustment, the planning commission or
35 a hearing examiner appointed pursuant to NRS 278.262. The governing
36 body may impose this duty entirely on the board, commission or examiner,
37 respectively, or provide for the granting of enumerated categories of
38 variances, special use permits, conditional use permits or special
39 exceptions by the board, commission or examiner.

40 2. A hearing to consider an application for the granting of a variance,
41 special use permit, conditional use permit or special exception must be
42 held before the board of adjustment, planning commission or hearing
43 examiner within 65 days after the filing of the application, unless a longer
44 time or a different process of review is provided in an agreement entered
45 into pursuant to NRS 278.0201.

1 incorporated city, the governing body shall, at least 10 days before the
2 hearing on the application is held pursuant to subsection 2, transmit a copy
3 of any information pertinent to the application to the town board, citizens'
4 advisory council or town advisory board, whichever is applicable, of the
5 unincorporated town. The town board, citizens' advisory council or town
6 advisory board may make recommendations regarding the application and
7 submit its recommendations before the hearing on the application is held
8 pursuant to subsection 2. The governing body or other authorized person or
9 entity conducting the hearing shall consider any recommendations
10 submitted by the town board, citizens' advisory council or town advisory
11 board regarding the application and, within 10 days after making its
12 decision on the application, *shall* transmit a copy of its decision to the
13 town board, citizens' advisory council or town advisory board.

14 6. An applicant or a protestant may appeal a decision of the board of
15 adjustment, planning commission or hearing examiner in accordance with
16 the ordinance adopted pursuant to NRS 278.3195.

17 7. In a county whose population is 400,000 or more, if the application
18 is for the issuance of a special use permit for an establishment which
19 serves alcoholic beverages for consumption on or off of the premises as its
20 primary business in a district which is not a gaming enterprise district as
21 defined in NRS 463.0158, the governing body shall, at least 10 days before
22 the hearing:

23 (a) Send a notice setting forth the time, place and purpose of the
24 hearing to:

25 (1) The applicant;

26 (2) Each owner, as listed on the county assessor's records, of real
27 property located within 1,500 feet of the property in question;

28 (3) The owner, as listed on the county assessor's records, of each of
29 the 30 separately owned parcels nearest the property in question, to the
30 extent this notice does not duplicate the notice given pursuant to
31 subparagraph (2);

32 (4) Each tenant of a mobile home park located within 1,500 feet of
33 the property in question; and

34 (5) Any advisory board which has been established for the affected
35 area by the governing body; and

36 (b) Erect or cause to be erected on the property, at least one sign not
37 less than 2 feet high and 2 feet wide. The sign must be made of material
38 reasonably calculated to withstand the elements for 40 days. The
39 governing body must be consistent in its use of colors for the background
40 and lettering of the sign. The sign must include the following information:

41 (1) The existing permitted use and zoning designation of the
42 property in question ;

43 (2) The proposed permitted use of the property in question;

44 (3) The date, time and place of the public hearing; and

1 (b) If the subdivider fails to comply with the provisions of paragraph
2 (a), all proceedings concerning the subdivision are terminated.

3 (c) The governing body or planning commission may grant an
4 extension of not more than 1 year for the presentation of any final map
5 after the 1-year period for presenting a successive final map has expired.

6 2. If the subdivider is presenting in a timely manner a series of final
7 maps, each covering a portion of the approved tentative map, no
8 requirements other than those imposed on each of the final maps in the
9 series may be placed on the map when an extension of time is granted
10 unless the requirement is directly attributable to a change in applicable
11 laws which affect the public health, safety or welfare.

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LOCAL GOVERNMENT
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: March 14, 2003

Agency Submitting: Local Government

Items of Revenue or Expense, or Both	Fiscal Year 2002-03	Fiscal Year 2003-04	Fiscal Year 2004-05	Effect on Future Biennia
Total				

Explanation (Use Additional Sheets of Attachments, if required)

Cities:

City of Henderson - No fiscal impact.
City of Las Vegas - \$3,500 in FY 2004; \$4,000 in FY 2005.
City of North Las Vegas - No fiscal impact.
City of Reno - Minimal fiscal impact.

The following entities did not provide a response:

City of Sparks
Nevada League of Cities

Counties:

Carson City - Unknown impact.
Churchill County - Little, if any, fiscal impact.
Clark County - Minimal fiscal impact.
Douglas County - \$3,000 in FY 2004; \$3,150 in FY 2005.
Eureka County - No fiscal impact.
Humboldt County - Little or no fiscal impact.
Lincoln County - Major fiscal impact resulting in increased application fees.
Pershing County - Minor fiscal impact resulting from additional notice requirements.
Washoe County - No fiscal impact.

The following counties did not submit a response:

Elko County
Esmeralda County
Lander County
Lyon County
Mineral County
Nye County
Storey County
White Pine County

Name Rick Combs
Title Deputy Fiscal Analyst

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WORK SESSION

Assembly Committee on Government Affairs

SENATE BILL 447 **(First Reprint)**

Revises provisions relating to investment by local governments and monitoring of collateral to secure certain deposits of public money. (BDR 31-302)

Sponsored by: Senate Committee on Government Affairs,
On Behalf of the State Treasurer

Date Heard: May 6, 2003

Senate Bill 447 clarifies that a local government, including counties, cities, towns, boards, school districts, other districts, and any agency or department of a county or city which prepares a budget, may purchase securities for investment purposes and may delegate authority to place money into a lawful investment. The bill also authorizes the State Treasurer to establish a program to monitor the collateral maintained by depositories (insured bank, savings and loan association, or credit union in this state). The measure sets forth the standards that the program must require of each depository. The State Treasurer may levy a pro rata assessment against each depository and the depository must pay the assessment within 45 days. The bill also gives the State Treasurer authority to adopt regulations necessary to carry out these provisions.

Amendments: None

Opposition: None

Fiscal Impact: Local Government: No
State Government: Yes (attached)

Special Note: Concurrently referred to the Assembly Committee on Ways and Means.

EXECUTIVE AGENCY
FISCAL NOTE

AGENCY'S ESTIMATES

Date Prepared: April 01, 2003

Agency Submitting: Office of the State Treasurer

Items of Revenue or Expense, or Both	Fiscal Year 2002-03	Fiscal Year 2003-04	Fiscal Year 2004-05	Effect on Future Biennia
Bank Assessment (Revenue)		\$63,024	\$60,382	\$62,971
Personnel (Expense)		\$54,901	\$57,366	\$59,955
In-state Travel (Expense)		\$1,608	\$1,608	\$1,608
Operating (Expense)		\$1,927	\$1,408	\$1,408
Furniture (Expense)		\$2,688		
Information Services (Expense)		\$1,900		
Total				\$0

Explanation (Use Additional Sheets of Attachments, if required)

This bill would require the addition of one full time employee (FTE) to implement, monitor and manage the requirements set forth in the bill. While the costs of the additional FTE would have an organizational impact on the Treasurer's Office, it would not have an impact on the State as all expenses incurred by the Treasurer's Office would be offset by an assessment to all banks holding collateral.

Name Mark Winebarger
Title Deputy Treasurer, Cash Mngt.

DEPARTMENT OF ADMINISTRATION'S COMMENT

Date April 03, 2003

Treasurer's Office estimate appears reasonable.

Name John P. Comeaux
Title Director



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WORK SESSION

Assembly Committee on Government Affairs

SENATE BILL 451 **(First Reprint)**

Revises provisions governing account established for acquisition and improvement of technology in office of county recorder and certain provisions regarding format of certain documents filed in office of county recorder. (BDR 20-293)

Sponsored by: Senate Committee on Government Affairs,
On Behalf of the County Fiscal Officers Association
Date Heard: May 1, 2003

Senate Bill 451 revises the format of certain documents that are filed with the office of the county recorder and authorizes a fee of \$25 for recording a document that does not meet these standards. Maps, certificates or affidavits of death, military discharges, or documents issued by the Internal Revenue Service regarding taxes are not included. In Section 3, the county commissioners are required to authorize the county recorder to expend the money in the account for the acquisition and improvement of technology used in the recorder's office.

Amendments: Representatives of Clark and Washoe Counties requested an amendment to delete Section 3 of the bill related to expenditure of funds from the account for the acquisition and improvement of technology used in the recorder's office. A copy of NRS 247.306 as it reads currently is attached.

Opposition: As noted, there was opposition to the language in Section 3 that requires the county commission to authorize expenditures from the account in any manner the recorder deems appropriate (see page 5, lines 18-25).

Fiscal Impact: Local Government: No
State Government: No

Attachment to Summary of Senate Bill 451

NRS 247.306 Account for acquisition or improvement of technology used in recorder's office; annual report.

1. If a county recorder imposes an additional fee pursuant to subsection 2 of NRS 247.305, the proceeds collected from such a fee must be accounted for separately in the county general fund. Any interest earned on money in the account, after deducting any applicable charges, must be credited to the account. Money that remains in the account at the end of a fiscal year does not revert to the county general fund, and the balance in the account must be carried forward to the next fiscal year.

2. The money in the account must be used only to acquire technology for or improve the technology used in the office of the county recorder, including, without limitation, costs related to acquiring or improving technology for converting and archiving records, purchasing hardware and software, maintaining the technology, training employees in the operation of the technology and contracting for professional services relating to the technology.

3. The county recorder shall submit an annual report to the board of county commissioners of the county which contains:

(a) An estimate of the proceeds that the county recorder will collect from the additional fee imposed pursuant to subsection 2 of NRS 247.305 in the following fiscal year; and

(b) A proposal for expenditures of the proceeds from the additional fee imposed pursuant to subsection 2 of NRS 247.305 for the costs related to the technology required for the office of the county recorder for the following fiscal year.

(Added to NRS by 2001, 3208)



WORK SESSION

Assembly Committee on Government Affairs

PREPARED BY
RESEARCH DIVISION
LEGISLATIVE COUNSEL BUREAU
Nonpartisan Staff of the Nevada State Legislature

SENATE BILL 452

(First Reprint)

**Revises provisions governing enterprise funds for building permit fees.
(BDR 31-838)**

Sponsored by: Senate Committee on Government Affairs

Date Heard: May 2, 2003

Senate Bill 452 redefines a "barricade permit" to mean the official document issued by the building officer of a local government, which authorizes the placement of barricades or structures within a right-of-way. The bill also adds a definition of "encroachment permit" to Chapter 354 of the NRS. In addition, the measure replaces a reference in Chapter 354 to "Consumer Price Index" with the "Western Urban Nonseasonally Adjusted Consumer Price Index."

Amendments: None

Opposition: None

Fiscal Impact: Local Government: No
State Government: No