

Amendment No. 360

Senate Amendment to Senate Bill No. 251

(BDR 22-60)

Proposed by: Senate Committee on Government Affairs

Amends: Summary: Yes Title: Yes Preamble: No Joint Sponsorship: No Digest: Yes

Adoption of this amendment will REMOVE the unfunded mandate from S.B. 251.

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____	Adopted	<input type="checkbox"/>	Lost	<input type="checkbox"/>	_____
Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Concurred In	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____
Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____	Receded	<input type="checkbox"/>	Not	<input type="checkbox"/>	_____

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

SJQ/AAK



Date: 4/19/2019

S.B. No. 251—Revises provisions relating to the development of certain golf courses. (BDR 22-60)



SENATE BILL NO. 251—SENATORS WOODHOUSE AND PARKS

MARCH 5, 2019

JOINT SPONSORS: ASSEMBLYMEN FUMO AND COHEN

Referred to Committee on Government Affairs

SUMMARY—~~[Revises provisions relating to]~~ **Requires an interim study concerning** the development of certain golf courses. (BDR ~~[22-60]~~) **S-60**

FISCAL NOTE: Effect on Local Government: May have Fiscal Impact.
Effect on the State: No.

~~[CONTAINS UNFUNDED MANDATE (§ 4)
(NOT REQUESTED BY AFFECTED LOCAL GOVERNMENT)]~~

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~[omitted material]~~ is material to be omitted.

AN ACT relating to property; ~~[establishing certain requirements for the conversion of land used as a residential golf course to another use; establishing requirements for the maintenance of certain]~~ **directing the Legislative Commission to appoint a committee to conduct an interim study concerning the development of** residential golf courses; ~~[subjecting a residential golf course to a restrictive covenant enforceable by certain owners of land surrounding the residential golf course; authorizing such owners of land to bring an action to recover a diminution in value of the land as a result of the conversion of a residential golf course;]~~ and providing other matters properly relating thereto.

Legislative Counsel's Digest:

~~[Existing law authorizes the governing bodies of cities and counties to regulate and restrict the improvement of land and to control the location and soundness of structures. (NRS 278.020) This bill imposes various requirements on the conversion of land used as a residential golf course to any other use.]~~ Section ~~[2]~~ **1** of this bill **requires the Legislative Commission to appoint a committee to conduct an interim study concerning the development of residential golf courses.** Section **1** generally defines the term “residential golf course” to mean certain land used for golfing or golfing practice that is located within ~~[2,000]~~ **750** feet of a lot or parcel of land ~~[used]~~ **zoned** for residential ~~[purposes].~~
—Section 3 of this bill requires an owner of a residential golf course who wishes to convert the land to any other use to provide notice to certain owners of surrounding land and hold two neighborhood meetings. Section 3 also requires the governmental entity whose approval is necessary for such a conversion to require, as a condition of the approval: (1) the owner to prove that the operation of the residential golf course is not financially viable; (2) the owner to

conduct an environmental impact study; (3) 35 percent of the converted land to be open space land; and (4) certain setbacks for buildings on the converted land.

— Section 4 of this bill requires the owner of a residential golf course that discontinues daily operation or maintenance of the residential golf course to: (1) provide notice to certain owners of surrounding land; and (2) continue maintenance on the residential golf course in accordance with procedures and standards adopted by the governing body of the city or county.

— A restrictive covenant is a “private agreement, usually in a deed or lease, that restricts the use or occupancy of real property.” (20 Am. Jur. 2d Covenants, Etc. § 148 (2019)) Though usually a private agreement in a deed or lease, common law restrictive covenants may also arise by implication in certain circumstances involving a common development scheme. The Nevada Supreme Court has not “acknowledged implied restrictive covenants in the context of a common development scheme, nor has it stated that one exists under Nevada law.” (Frederic & Barbara Rosenberg Living Trust v. MacDonald Highlands Realty, LLC, 134 Nev. Adv. Op. 69, 427 P.3d 104, 110 (2018)) Section 5 of this bill provides that a residential golf course is deemed to be subject to a restrictive covenant that restricts the use of the land to a residential golf course. Certain owners of land surrounding the residential golf course are authorized to enforce the restrictive covenant.

— Section 6 of this bill authorizes certain owners of land surrounding a residential golf course that has been converted to any other use to bring an action to recover the diminution in value of their land caused by such a conversion.] use. Section 1 also requires the committee to: (1) consult with and solicit input from persons with expertise in matters relevant to the development of residential golf courses; and (2) submit a report of its findings and any recommendations to the Legislature.

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

Delete existing sections 1 through 10 of this act and replace with the following new sections 1 and 2:

Section 1. 1. The Legislative Commission shall appoint a committee to conduct an interim study concerning the development of residential golf courses.

2. The committee must be composed of:

(a) Two members of the Legislature appointed by the Majority Leader of the Senate;

(b) Two members of the Legislature appointed by the Speaker of the Assembly;

(c) One member of the Legislature appointed by the Minority Leader of the Senate; and

(d) One member of the Legislature appointed by the Minority Leader of the Assembly.

3. The Legislative Commission shall appoint a Chair and a Vice Chair from among the members of the interim committee.

4. In conducting the study, the committee shall:

(a) Examine, research and identify the procedures available in this State and other states for the conversion of land used as a residential golf course to any other use; and

(b) Consider how such procedures should involve affected local governments, owners of residential golf courses and the residents of affected communities.

1 5. The committee shall consult with and solicit input from persons with
2 expertise in matters relevant to the development of residential golf courses,
3 including, without limitation:

4 (a) A representative of a local governmental entity that regulates planning,
5 zoning and the development of land;

6 (b) A representative of a business that develops residential golf courses;

7 (c) A representative of persons who live in communities with residential
8 golf courses;

9 (d) A representative of the Real Property Section of the State Bar of
10 Nevada; and

11 (e) Any other person the committee deems appropriate.

12 6. The committee shall submit a report of its findings, including, without
13 limitation, any recommendations for legislation, to the 81st Session of the
14 Nevada Legislature.

15 7. As used in this section:

16 (a) "Residential golf course" means a lot or parcel of land that:

17 (1) May be used for golfing or golfing practice by the public or by the
18 members and guests of a private club; and

19 (2) Is located within 750 feet of a lot or parcel of land that is zoned for
20 residential use.

21 (b) "Residential golf course" does not include:

22 (1) A commercial golf driving range that is not operated in
23 conjunction with a golf course;

24 (2) A clubhouse, pro shop, restaurant or other building that is
25 associated with a golf course; or

26 (3) A lot or parcel owned by a person or an affiliate of a person who
27 holds a state gaming license for a resort hotel, as defined in NRS 463.01865.

28 Sec. 2. This act becomes effective on July 1, 2019.