

**MINUTES OF THE
SENATE COMMITTEE ON GOVERNMENT AFFAIRS**

**Seventy-fifth Session
April 29, 2009**

The Senate Committee on Government Affairs was called to order by Chair John J. Lee at 1:41 p.m. on Wednesday, April 29, 2009, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator John J. Lee, Chair
Senator Terry Care, Vice Chair
Senator Steven A. Horsford
Senator Shirley A. Breeden
Senator William J. Raggio
Senator Randolph Townsend
Senator Mike McGinness

GUEST LEGISLATORS PRESENT:

Senator Maggie Carlton, Clark County Senatorial District No. 2
Senator Barbara K. Cegavske, Clark County Senatorial District No. 8
Assemblyman Mo Denis, Assembly District No. 28
Assemblyman Pete Goicoechea, Assembly District No. 35
Assemblyman Ruben Kihuen, Assembly District No. 11
Assemblyman Harry Mortenson, Assembly District No. 42

STAFF MEMBERS PRESENT:

Heidi Chlarson, Committee Counsel
Michael Stewart, Committee Policy Analyst
Olivia Lodato, Committee Secretary

OTHERS PRESENT:

Sabra Smith-Newby, Clark County

Senate Committee on Government Affairs
April 29, 2009
Page 2

Doug Smith, President, Scenic Nevada
Kyle Davis, Policy Director, Nevada Conservation League
Stephanie Myers
Jane Feldman, Conservation Chair, Sierra Club, Southern Nevada Group
Tom Padden
Lisa Mayo-DeRiso, Scenic Nevada; Northwest Residents for Responsible Growth
Howard Bulloch, Past President, Las Vegas Area Council, Boy Scouts of America
Philip D. Bevins, Boy Scouts of America
Brad Kosch
David K. Morrow, Administrator, Division of State Parks, Department of Conservation and Natural Resources
Stephen M. Rowland, Professor of Geology, University of Nevada, Las Vegas
Helen Mortenson, President, Las Vegas Ice Age Foundation
Michael E. Fischer, Director, Department of Cultural Affairs
Ronald M. James, Office of Historic Preservation, Division of State Library and Archives, Department of Cultural Affairs
Cip Chavez
Vicenta Montoya, Si Se Puede Latino Democratic Caucus
Jose Moreno
Concha Taylen, Latino Alliance Club
Leslie A. Mix, President, Hispanic Access, Inc.
Andrew Barbano, Second Vice President, National Association for the Advancement of Colored People, Reno/Sparks Branch 1112
Javier Trujillo, Intergovernmental Relations Specialist, City of Henderson

Chair Lee opened the meeting with the announcement he would have the work session first. He said Assembly Bill (A.B.) 293 was being rereferred to the Legislative Operations and Elections Committee.

[ASSEMBLY BILL 293 \(1st Reprint\)](#): Makes various changes concerning appointments by the Governor to certain offices within the Executive Branch of State Government. (BDR 18-761)

SENATOR RAGGIO MOVED TO REREFER A.B. 293 TO THE SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS.

SENATOR TOWNSEND SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Lee opened the discussion on A.B. 48.

ASSEMBLY BILL 48 (1st Reprint): Allows a public body to resolve disputes in a contract for a public work by way of processes other than arbitration. (BDR 28-405)

Michael Stewart, Committee Policy Analyst, said A.B. 48 revised the requirement that public works contracts included a provision for binding arbitration (Exhibit C). He said the bill allowed the public body and contractor to resolve disputes by way of alternate dispute resolution. There were no amendments to the bill. Mr. Stewart said current contracts included a provision for binding arbitration, Exhibit C.

SENATOR MCGINNESS MOVED TO DO PASS A.B. 48.

SENATOR CARE SECONDED THE MOTION.

Senator Care raised the question about what occurred if the parties did not agree on the type of alternate dispute resolution in the contract. He asked if a city would refuse a contract if there was no agreement between parties. He said testimony from the City of Las Vegas was that each situation was different. Senator Care said he took the testimony in good faith that the parties would find a way to negotiate. He said he did not want any governmental entity to say it had to be one specific type of negotiation. He did not want an agency to never use arbitration for resolution.

Chair Lee said according to the testimony from the City of Las Vegas, they were discussing direct negotiation, expert determination, arbitration, and mediation and conciliation, Exhibit C.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Lee asked Mr. Stewart to discuss A.B. 49.

ASSEMBLY BILL 49: Authorizes a board of county commissioners, under certain circumstances, to provide a civil penalty in lieu of a criminal penalty for the violation of certain ordinances. (BDR 20-449)

Mr. Stewart said A.B. 49 authorized a board of county commissioners to impose a civil penalty in lieu of a criminal penalty for the violation of an ordinance on the regulation and licensing of a business ([Exhibit D](#)). He said the bill limited the penalty to not more than \$1,000 per violation, [Exhibit D](#). Testimony was received both in support and opposition to the bill. Mr. Stewart said Senator Care and Senator McGinness inquired about other provisions in the *Nevada Revised Statutes* (NRS) which provide authority to a county or city to impose a civil penalty in lieu of criminal penalties. He said the statutes were listed in [Exhibit D](#). The provisions were found in NRS chapter 244 and chapter 268, [Exhibit D](#).

Chair Lee said the bill removed some of the criminal provisions and added the civil penalties in an effort to be more successful in enforcing compliance.

SENATOR TOWNSEND MOVED TO DO PASS A.B. 49.

SENATOR CARE SECONDED THE MOTION.

Senator Horsford asked for clarification on the bill. He asked if the bill only affected businesses and not individuals in regard to the civil penalty.

Chair Lee said it was presented as business owners and business properties in compliance with licensing.

Senator Raggio said the bill was clear it pertained to the licensing and regulation of businesses.

Senator Horsford referred to the civil penalty as not exceeding \$155 in lieu of a criminal sanction. He asked what types of criminal sanctions could otherwise be imposed, such as gross misdemeanors.

Chair Lee said the penalty was \$1,000. The \$155 penalty referred to NRS 244.3575 in [Exhibit D](#).

Senator Horsford restated his concerns. He said if it was criminal behavior before, now it could be civil behavior. He asked if it was a certain level of fine, did the fine still apply or was it reduced because it was a civil sanction.

Heidi Chlarson, Committee Counsel, said they would not be able to impose both a criminal and civil penalty. If the civil penalty was imposed, it was in lieu of the criminal penalty. She said the criminal penalties being imposed now depended on the ordinances passed by the county. She said they were probably misdemeanors.

Chair Lee asked if Senator Horsford wanted the bill held for further discussion.

Senator Horsford said no, he would allow the Committee to take action. He said he was not against the approach; he needed further understanding concerning the move from a criminal to a civil sanction and not holding entities accountable differently than in current law.

Sabra Smith-Newby, Clark County, said the reason for a civil penalty versus a criminal penalty was in cases where there was a violation by the business. She offered the example of distributing alcohol to underage buyers or dumping on a site where it was a violation. She said it was a violation that did not require shutting down the business or the charge of a crime. She said they wanted to gain compliance. They were only able to shut down the business or pursue them criminally and had very few options. They anticipated gaining compliance with the civil penalty without going to extreme measures.

Senator Horsford said if the violation was serious enough, criminal sanctions could be imposed.

Ms. Smith-Newby said the county thought of the bill as adding a wrench to the tool box, not removing the hammer and nails from the tool box. She said it was another option or tool for the county and did not preclude using the criminal sanctions if necessary.

Senator Care noted the testimony by Janine Hansen and others concerning the alleged lack of due process in hearings dealing with the civil side of the questions were appreciated.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Lee opened the discussion on A.B. 97.

[ASSEMBLY BILL 97 \(1st Reprint\)](#): Requires the establishment of procedures for transferring governmental functions between and among local governments and state agencies. (BDR 31-487)

Mr. Stewart said A.B. 97 required advance notice of transfer of a function between a State agency and a local government and between local governments ([Exhibit E](#)). The bill provided transfers would not be effective before July 1 of the following year. Mr. Stewart said an amendment was offered in response to Senator Raggio's suggestion regarding a waiver of the 180-day notice, [Exhibit E](#). Proposed Amendment 4693 was provided by the Nevada League of Cities and Municipalities and attached to the work session documents, [Exhibit E](#). He said the amendment allowed local governments to waive the 180-day notice requirements if both entities agreed to the waiver.

Chair Lee asked if Senator Raggio was satisfied with the proposed amendment.

Senator Raggio said the solution was appropriate.

SENATOR TOWNSEND MOVED TO AMEND AND DO PASS AS AMENDED A.B. 97.

SENATOR RAGGIO SECONDED THE MOTION.

Senator Care disclosed Mr. Musgrove from his law firm testified on the bill. He said he would abstain from voting.

THE MOTION CARRIED. (SENATOR CARE ABSTAINED FROM THE VOTE.)

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Mr. Stewart reviewed the work session document on A.B. 122.

ASSEMBLY BILL 122 (1st Reprint): Makes various changes relating to the Office for Consumer Health Assistance. (BDR 18-35)

Mr. Stewart said the bill expanded the authority of the Director of the Office for Consumer Health Assistance to adopt regulations and designate a hearing officer ([Exhibit F](#)). He said no amendments were proposed for the bill.

SENATOR HORSFORD MOVED TO DO PASS A.B. 122.

SENATOR CARE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chair Lee opened the discussion on A.B. 174.

ASSEMBLY BILL 174: Exempts the State Public Works Board from the requirements relating to construction managers at risk. (BDR 28-992)

Mr. Stewart said A.B. 174 removed a requirement that the State Public Works Board comply with the provision in NRS chapter 338 relating to construction managers at risk for a period of approximately two years ([Exhibit G](#)). No amendments were offered on the bill.

SENATOR TOWNSEND MOVED TO DO PASS A.B. 174.

SENATOR BREEDEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chair Lee opened discussion on A.B. 353.

ASSEMBLY BILL 353 (1st Reprint): Makes various changes concerning certain crimes related to property. (BDR 15-514)

Mr. Stewart said A.B. 353 revised the abatement procedures and penalties for violations of certain public nuisance laws. The measure allowed the enforcement agency to assume responsibility to abate the nuisance at the defendant's expense ([Exhibit H](#)). The measure said the county may also enforce abatement of any other public nuisances defined by the ordinance. The bill removed the population threshold for a county solid waste management authority to establish and administer a program for the control of unlawful dumping, [Exhibit H](#). There were no amendments to the bill.

Chair Lee reminded the Committee Assemblyman Bobzien showed pictures of dilapidated buildings and piles of debris.

Senator McGinness had concerns about the counties that did not have district health departments. He asked where the money paid to the local government for the cleanup went; did it go to the State?

Ms. Chlarson said:

I think it would go to whoever is in charge in the county of enforcing the provisions of [NRS] 444.630. So if there is not a health authority, there would be another division of the county that would be responsible, and they would get the money.

Senator McGinness requested Ms. Chlarson's comment be a part of the record. He said if anyone went back to look at the bill, they would see her comments.

Chair Lee said during discussion, there was no opposition to the bill. He said he would entertain a motion.

SENATOR CARE MOVED TO DO PASS A.B. 353.

SENATOR BREEDEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Lee said the last bill on the work session was A.B. 415.

[ASSEMBLY BILL 415](#): Makes various changes concerning the organization of county offices in certain smaller counties. (BDR 20-507)

Mr. Stewart said A.B. 415 set up a procedure for the combination or separation of county offices within the authority of the Legislature to modify. In counties with a population of less than 40,000, the county commission must make certain to receive approval of the voters through an advisory ballot question ([Exhibit I](#)). An amendment was proposed to remove the provision in Section 4, subsection 3 adding White Pine County to the counties where the county clerk serves as the ex-officio county treasurer, [Exhibit I](#). Mr. Stewart said Assemblyman Goicoechea was neutral on the amendment.

Chair Lee said the Treasurer and the County Commissioners from White Pine County appeared before the Committee. He said Assemblyman Goicoechea had resolved the problem.

Assemblyman Pete Goicoechea, Assembly District No. 35, said the same amendment was proposed on the Assembly side, [Exhibit I](#). The bill was passed without the amendment. He said there was concern it was not the opportune time to combine the Clerk and Treasurer Offices in White Pine County. He said by deleting White Pine County from section 4, subsection 3, line 40 of A.B. 415, it allowed White Pine County to go to a ballot question if they decided to combine offices in the future. He said it allowed local governments to shape the structure of their county governments to fit their basic needs.

Chair Lee thanked Assemblyman Goicoechea for solving the problem. He said he hoped the issue would not arise at future sessions.

Assemblyman Goicoechea said almost every session there was a bill from the rural counties wanting to combine or separate an office. He said the bill allowed local voters to make the decision.

Chair Lee said the decision would be made by the voters.

SENATOR TOWNSEND MOVED TO AMEND AND DO PASS AS AMENDED A.B. 415.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Lee opened the discussion on A.B. 352.

[ASSEMBLY BILL 352 \(1st Reprint\)](#): Makes various changes relating to the Spring Mountains National Recreation Area. (BDR 22-488)

Assemblyman Harry Mortenson, Assembly District No. 42, said A.B. 352 was similar to a bill several sessions ago that former Senator Dina Titus brought forward called Red Rock Conservation Area and Adjacent Lands Act to protect the area. The bill passed both Houses. He said A.B. 352 did the same thing for the Spring Mountains National Recreation Area (SMNRA).

Doug Smith, President, Scenic Nevada, supported A.B. 352 without reservation. He said Scenic Nevada designated Mount Charleston as one of Nevada's 13 Last Chance Scenic Places in 2007 ([Exhibit J](#)). He quoted John L. Smith, a *Las Vegas Review-Journal* columnist, [Exhibit J](#). Mr. Smith included photographs and an article from < [http://www. ScenicNevada.org](http://www.ScenicNevada.org) > , [Exhibit J](#).

Assemblyman Mortenson said the bill was requested by many of the residents of the Mount Charleston area. He said they took the bill draft request (BDR) to the town boards, and every board approved the BDR unanimously ([Exhibit K](#)). He added the County Commissioners also approved A.B. 352. He said County Commissioners Chris Giunchigliani ([Exhibit L](#)) and Tom Collins supported the bill.

Chair Lee said he owned a home and lot in the Mount Charleston area. He said the bill did not affect him and he could not build more homes on the property. He requested testimony from people in favor of A.B. 352.

Kyle Davis, Policy Director, Nevada Conservation League, said the bill protected a special place in Nevada. He supported the bill.

Stephanie Myers submitted a letter from Cold Creek Canyon Homeowners Association in support of A.B. 352 ([Exhibit M](#)). She said the quality of life in the area should be protected. It was to the benefit of Clark County and the State to avoid commercial development encroaching upon the scenic views, natural beauty and rural character of the Spring Mountains National Recreation Area.

She reiterated all the town boards within the SMNRA unanimously supported the bill.

Jane Feldman, Conservation Chair, Sierra Club, Southern Nevada Group, spoke for the 5,000 members of Sierra Club who lived in Nevada and eastern California. She said everyone was in support of A.B. 352. She said there were resources on Mount Charleston that occurred nowhere else on Earth ([Exhibit N](#)). She said there were almost two dozen plants and animals endemic to Mount Charleston, [Exhibit N](#). Ms. Feldman said intense development threatened the natural resources at Mount Charleston and A.B. 352 managed development in a way that made sense. She said it was unfortunate one owner was exempted from the zoning controls, [Exhibit N](#). Ms. Feldman stated the Sierra Club urged passage of the bill as drafted.

Tom Padden said he was a resident of Mount Charleston. He said he saw dramatic changes taking place with the encroachment of development. He said on an economic note, Las Vegas was no longer the premier destination for gambling and entertainment. He said a survey in 2007 across the United States rated towns and cities for their potential for outdoor recreation, and Las Vegas was chosen as the No. 1 destination. He said the criteria pointed to Las Vegas as being in the middle of some of the most scenic areas in the world. He said these areas needed protection. He mentioned Red Rock Canyon already had protection. He said Mount Charleston needed protection and he supported A.B. 352.

Lisa Mayo-DeRiso spoke in favor of A.B. 352. She said she was a board member of Scenic Nevada and a member of Northwest Residents for Responsible Growth. She was involved in the Red Rock legislation. She said the proposed legislation helped protect the quality of life for Nevadans.

Senator Raggio said he did not understand the mechanics expressed in the measure. He said by designating the SMNRA similarly to the Red Rock Canyon National Conservation Area, it prohibited local government from making certain changes relating to zoning and development. He said the language in the bill referred to a chapter on planning and one on county governments. The language referenced the powers conferred by NRS 268.105. He asked what was limited in the measure.

Chair Lee said page 5, section 8 provided that local governments cannot increase the number of residential dwelling units or nonresidential zoning districts, or expand residential zoning districts. It allows local governments to regulate matters including landscaping, buffering and lighting.

Howard Bulloch, Past President, Las Vegas Area Council, Boy Scouts of America, said he was in support of the bill as amended. He said 84.5 percent of Nevada was federally owned. The Boy Scouts of America worked diligently with the U.S. Forest Service to preserve the nation's lands. He said last summer the Boy Scouts of America performed the largest national service project since World War II. He said 5,000 scout volunteers in five national parks spent five weeks doing service projects with the U.S. Forest Service. He said they were in support of the legislation. However, he said the amendment needed to be left intact because they were a nonprofit organization. He said it could be their main livelihood in the future for supporting the youth in the community. He added the legislation impacted 500 sections of land. He said the scout's acreage of 1,120 acres was less than one third of 1 percent of the area in the legislation.

Philip D. Bevins, Boy Scouts of America, said the Las Vegas Area Council was totally supportive of the legislation as revised.

Senator Maggie Carlton, Clark County Senatorial District No. 2, said she was speaking for Potosi Pines Camp. She referenced the exemption in the bill for the Boy Scout Camp. She said the Camp was across the road from the United Methodist Camp and Retreat Ministry at Potosi Pines. She said the small portion of ground exempted impacted the camp directly across from the Boy Scouts. She said the amendment allowed the Boy Scout Camp to be exempted from the bill so they could sell their property at the rating of one house per acre. The buildings would take away the pristine nature and experience of the Potosi Pines Camp. She said she supported A.B. 352 but had concerns about the exemption. Senator Carlton said the exemption appeared to be contrary to what the bill was trying to protect.

Senator Barbara K. Cegavske, Clark County Senatorial District No. 8, read a letter from Reverend Candace Lansberry, North District Superintendent, Desert Southwest Annual Conference, United Methodist Church ([Exhibit O](#)). She said the issue had been discussed for a long time. The letter stated the United Methodist Church did not support the amendment that would allow a major

developer to develop the area, which would be detrimental to the camping ministry, [Exhibit O](#). Senator Cegavske said she wanted the letter recorded because there was some misunderstanding about the Methodist Church concerning the amendment. She asked that the amendment be removed. Senator Cegavske said she had a mock-up amendment reverting the bill back to its original wording ([Exhibit P](#)). She said they were in support of the bill, but not of the amendment. She said the Church meant no disrespect to the Boy Scouts of America, and they understood why they wanted the exemption.

Chair Lee said he had received a letter from Jim Parkhurst, Director of Discipleship Ministries and another letter from Reverend David K. Devereaux ([Exhibit Q](#)). He asked what was Reverend Lansberry's position.

Senator Cegavske said the Reverend was the person in charge and was the North District Superintendent. She said Reverend David Devereaux held the position prior to Reverend Lansberry. She said he had conversations with Mr. Bevins and Mr. Bulloch. Senator Cegavske said the letter from Mr. Parkhurst, [Exhibit Q](#), was wishing the Boy Scouts of America well, but Reverend Lansberry wanted the Committee to know it was just a gesture of good faith for the Boy Scouts. They did not mean they supported the amendment.

Senator Care asked Ms. Chlarson about the issue of takings. He said the bill said, in section 8, local governments shall not, in regulating the use of those lands, increase the number of residential dwelling units allowed by zoning regulations. He asked if there was no zoning change, no owner of private property would be deprived of current use of the property.

Ms. Chlarson said she agreed with Senator Care. If the land was zoned for residential dwelling units, the bill would not change that status.

Senator Care asked if there were any applications for zoning changes pending in that area.

Assemblyman Mortenson said the bill froze the zoning that existed at the time the bill became effective. He said if something was being changed in zoning, it could go forward. He said the scout property was 1,200 acres and was zoned for one house per two acres. He said he thought the scouts wanted to increase the number of houses per acre. He said if the land was sold, it would be good

for the Boy Scouts. He said if the amendment stayed in the bill, the Boy Scout Camp was exempted. The bill specifically mentioned all the sections covered, and the amendment carved out the two sections belonging to the Boy Scout Camp. He said there was still some protection of the property by the Clark County Commissioners. He said the Commissioners could allow a casino or anything they wanted on the property.

Senator Care said he wanted assurance the bill did not take away any current use of the property as zoned.

Assemblyman Mortenson said the bill would only freeze what county commissioners already thought was appropriate for the area and existing zoning.

Chair Lee asked if there were any tentative maps in the area being planned now.

Assemblyman Mortenson said to his knowledge there were not. He said at the present time there were no unlimited casino licenses. He said the licenses were all limited and that would not change. Whatever existed now, stayed as they were.

Chair Lee asked for a response from the representatives of the Boy Scouts.

Mr. Bevins said there were a number of issues involved. He said the process started when the Boy Scout Camp received an unsolicited offer to purchase their property in 2006. He said they met with the U.S. Forest Service, Nature Conservancy, the United Methodist Church and other neighbors. He said the issue today was the Boy Scout property was in flux. He said the Clark County Master Plan was revised last fall. As a part of the revision, Clark County designated the Boy Scout parcel under major projects. He said the property would come into a conforming zone change process. He said the Boy Scouts were asking for local government, the Clark County Commission, to decide the highest and best use of the property.

Mr. Bevins said there was additional information the Committee needed to know. He said the road that exited State Route 160 onto the Boy Scout property and then crossed the Methodist property continued upcanyon to an undeveloped County park. He said there were two or three private property holdings which were zoned under the current master plan for development. He said when the properties were built out, the road would be paved. He said an

application to pave the road was in process. The road connected all the way to Sandy Valley. They were not opposed to having a cap of two units per acre placed on their property.

Chair Lee asked if there were any further comments.

Senator Carlton said change was inevitable in the Valley. The exemption gave the Boy Scout Camp an option that the Methodist camp would not have. She said she understood it allowed the Boy Scout Camp to sell if they chose. Their camp could be surrounded with housing developments. She said if one group was allowed to sell for residential use, Potosi Pines should have the same option.

Chair Lee asked Senator Carlton if she received the letter from Mr. Parkhurst. He read the letter, [Exhibit Q](#), to her. Senator Carlton said she had not yet seen the letter, but was sure it was in her office. She said if an exemption was granted to one group, the option should be available to the other group.

Senator Cegavske said the letter from Jim Parkhurst, [Exhibit Q](#), was dated January 9, 2007. She said they were approached about coming together at that time. She added the Methodist Conference met at that time and decided not to pursue what the Boy Scout Camp was doing. She wanted to clarify it was in 2007. That was the same date for the letter from Mr. Devereaux, [Exhibit Q](#). She said until they heard about this bill, the Methodists did not want to make changes in Potosi and have their land diversified or rezoned for multiple units.

Chair Lee asked if since 2007, the decision had not changed.

Senator Cegavske said the decision was not in support of the Boy Scouts selling their land. She said they wanted to keep their camp as it was. They supported the bill but not the amendment.

Chair Lee said Senator Cegavske's statement contradicted Senator Carlton's statement about being exempted if the Boy Scout Camp was exempt.

Senator Cegavske said Reverend Lansberry preferred the zoning not change.

Senator Care said since the bill would not become effective until July 1, what would prevent someone from filing for zoning changes before that date?

Chair Lee said a tentative map would be required and it would take a significant amount of time to initiate the changes.

Senator Cegavske said the Boy Scout property had received a major project designation from the Clark County Planning Commission. The Boy Scouts had not proceeded to the next stage. She said there were four or five stages involved in zoning changes.

Mr. Bevins said when the Legislative Staff drafted the amendment, they requested full sections be exempted in the bill. The four sections exempted in the revision included giving the Methodist Church the same option the Boy Scouts of America had on their property.

Mr. Bulloch said major project designation from Clark County required multiple hearings and steps to meet the requirements. He said it could not be done in the time before the bill was enacted. Mr. Bulloch added the property was not in the Gaming Enterprise District and it would never have a casino.

Senator Care asked Mr. Bulloch what occurred if someone relied on the existing law prior to the effective date of this bill, but then was told they could not do it because the law changed, did that constitute a takings?

Mr. Bulloch said the way the bill was written, zoning was the operative word. The area was master planned with a major projects designation, not zoned. He said there were multiple hearings, town boards, planning commissions, county commissions and many steps needed to reach zoning as defined in the bill. He said it would take a year to process this type of project.

Chair Lee closed the hearing on A.B. 352. He asked Senator Cegavske to inform Senator Carlton that Potosi Pines was included in the amendment.

Assemblyman Mortenson said the area being exempted was one-third of one percent of the total area covered in the bill. He said the bill protected between 300,000 and 400,000 acres of land. He said he would rather keep the amendment than lose the entire bill for a small area of land.

Chair Lee opened the hearing on A.B. 289.

[ASSEMBLY BILL 289](#): Provides protection for paleontological sites. (BDR 35-1084)

Assemblyman Mortenson said A.B. 289 had no fiscal note. The Division of State Parks of the Department of Conservation and Natural Resources already developed, administered, and protected State monuments, historical landmarks, historic buildings and sites, recreational areas and archaeological areas. He said the bill added two more words: paleontological sites. He said State Parks agreed adding one small increment to what they already do would not cause a fiscal note. He said Nevada was one of the richest states in paleontological resources. He said there was an area in the South that was 13,000 acres with 500 surface sites, bones sticking out of the surface that constitute the remains of camels, large American lions, llamas, giant bison, two sizes of horses and mammoths from the last Ice Age. Dinosaur bones were also found in the State. He said the diversity exceeded the La Brea tar pits. He said Nevada could become a destination for people wanting to see the remains of these creatures. It was important to protect the sites.

Brad Kosch spoke in favor of A.B. 289 and A.B. 305. He said his background in paleontology began when he was Park Supervisor of Berlin-Ichthyosaur State Park. He took extensive training in fossil resource management from the National Park Service ([Exhibit R](#)). He said Nevada had a large and diverse fossil record. Mr. Kosch said formal management of fossil resources had not received proper attention in Nevada. He said important fossils may be lost because their value was not recognized, [Exhibit R](#). Mr. Kosch said the importance of legislation such as A.B. 289 was it provided standing for paleontological resources and supported a more proactive approach to their management. He added the legislation was consistent with law which had already been approved, [Exhibit R](#).

Senator Care said the testimony was dinosaur bones had only recently been discovered. He said he thought an ichthyosaur was a kind of dinosaur.

Mr. Kosch said ichthyosaur was a reptile, not an actual dinosaur. He said it was a marine reptile.

David K. Morrow, Administrator, Division of State Parks, Department of Conservation and Natural Resources said he supported A.B. 289. He submitted his written testimony ([Exhibit S](#)). He said Assemblyman Mortenson's bill added

much needed protection for paleontological sites. He said A.B. 289 did not create a financial burden on the Division of State Parks, [Exhibit S](#). He said there were paleontological resources in at least six or seven of the State Parks, and they deserved protection, [Exhibit S](#).

Stephen M. Rowland, Professor of Geology, University of Nevada, Las Vegas, said he fully endorsed the statements made earlier. He wrote a letter in support of the bill ([Exhibit T](#)).

Helen Mortenson, President, Las Vegas Ice Age Foundation, said Nevada had Ice Age sites in every county. She referenced a survey done by Eugene Hattori of the Nevada State Museum which designated all known Ice Age fossil sites for every county in Nevada. She said there was an extremely large fossil site on the Upper Las Vegas Wash. She said it covered 13,000 acres and had over 500 skeletons on the surface. She said half the remains were Columbian mammoths, which stood over 13 feet high. Ms. Mortenson said the Bureau of Land Management (BLM) was considering converting the area to a national conservation area to preserve the paleontological sites. She said awareness of protection for fossil sites had increased and over 10,000 signatures were gathered to support the area. She said it could create a new tourism vehicle. She was a strong supporter of A.B. 289.

Chair Lee asked if the paleontological site would affect the shooting range or was it just to protect what was possible in the area.

Mrs. Mortenson said BLM and Clark County were in charge of the decision and there had been no conflict to date. She said the fossil site provided a buffer between the shooting range and residences on the south side of the Las Vegas Wash. She said the Nellis Air Force Base had become a strong partner in preserving the upper Las Vegas Wash. She said the Air Force said it was a security quarter from Nellis Air Force Base to Creech Air Force Base.

Chair Lee closed the hearing on A.B. 289 and opened the hearing on A.B. 305.

[ASSEMBLY BILL 305 \(1st Reprint\)](#): Provides for an ex officio State Paleontologist. (BDR 33-254)

Assemblyman Mortenson said A.B. 305 added a State Paleontologist. He reiterated there were paleontology sites in every county in Nevada. In the early

1960s, the National Academy of Science initiated an excavation of 1,000 acres of the 13,000 acres in the Las Vegas Wash. He said there was an incredible variety and density of fossils. They had uncovered 10,000 valuable fossils. Assemblyman Mortenson said all the fossils went to California and other states. He said they went out of state because there was not a State Paleontologist to take charge of them. He said a State Paleontologist could organize and perhaps bring back some of the fossils from Nevada that went to other states. Assemblyman Mortenson submitted a letter ([Exhibit U](#)) from James E. Rogers, Chairman/CEO, Sunbelt Communications Company in support of A.B. 305.

Michael E. Fischer, Director, Department of Cultural Affairs, said the Department of Cultural Affairs was in favor of all three paleontological bills being presented today.

Senator Raggio asked how many state paleontologists were being proposed in the bill. He said the bill referred to each museum director. He asked what that term meant.

Mr. Fischer said the Director of the State Museum would name the State Paleontologist.

Senator Raggio said there was more than one museum director.

Mr. Fischer said the intent was to name one individual through the State Museum. The language could be changed to make the intention clearer if necessary.

Ronald M. James, Office of Historic Preservation, Division of State Library and Archives, Department of Cultural Affairs, said he was present to answer questions and support the bills.

Mr. Rowland said two neighboring states, Montana and Utah, had state paleontologists. The states used fossils to encourage tourism. He said a State Paleontologist could do the same for Nevada. He supported A.B. 305.

Ms. Mortenson mentioned people could go to the State Paleontologist when they discovered fossils on their property. She said the fossils belonged to the person who found them, but people needed a point person for information.

Chair Lee closed the hearing on A.B. 305 and opened the hearing on A.B. 306.

ASSEMBLY BILL 306: Designates the month of April of each year as "Paleontological Awareness Month" in Nevada. (BDR 19-1085)

Assemblyman Mortenson said A.B. 306 designated the month of April as "Paleontological Awareness Month."

Chair Lee said it seemed like a good bill.

Ms. Mortenson supported A.B. 306. She said she had been on television and was working with the press in celebration of the paleontological sites.

Chair Lee closed the hearing on A.B. 306 and opened the hearing on A.B. 301.

ASSEMBLY BILL 301: Requires the Governor to proclaim March 31 as "Cesar Chavez Day" in the State of Nevada. (BDR 19-530)

Cip Chavez urged passage of A.B. 301. He said the bill would declare March 31 Cesar Chavez Day as a holiday. He said Cesar Chavez was a labor leader and union organizer for the farm workers in the 1960s. He said Cesar Chavez organized the United Farm Workers. The union brought significant changes and improvements to the lives of migrant workers tending agricultural sites in the United States. He said Cesar Chavez practiced, preached and promoted nonviolence. He studied Martin Luther King and Gandhi and included their principles in his organizing. He said Cesar Chavez was a hero to Hispanics.

Assemblyman Ruben Kihuen, Assembly District No. 11, said A.B. 301 would establish a Cesar Chavez Day in Nevada. He said 17 other states had declared a Cesar Chavez Day. He said it would not make the day an official day off from school or work and did not have a fiscal impact. He said his parents were farm workers and thanks to Chavez, they had better working conditions. He said Cesar Chavez was a true American hero, a World War II veteran and a community activist. He said Cesar Chavez paved the way for the Latino community. He requested recognition of Cesar Chavez.

Chair Lee said it was a day of recognition, and not a day off work with pay.

Assemblyman Mo Denis, Assembly District No. 28, said Cesar Chavez once said from the depth of need and despair, people can work together, organize themselves to solve their problems, and fill their own needs with dignity and strength. Assemblyman Denis urged support of A.B. 301.

Vicenta Montoya, Chair, Si Se Puede Latino Democratic Caucus, spoke in support of Cesar Chavez Day on March 31 in Nevada. She said she remembered growing up in Nevada and not eating grapes in support of the work of Cesar Chavez. She said he brought dignity, better working conditions and better wages for people in the fields. She said the term Si Se Puede meant Yes We Can ([Exhibit V](#)). She said Cesar Chavez was a hero for all Americans.

Jose Moreno testified in favor of Cesar Chavez Day. He said he worked in the fields as a young person and Mr. Chavez touched his life in various ways. He helped the Hispanic community become advocates for their rights. He asked for support of A.B. 301. He said Hispanics helped build Nevada.

Concha Taylen, Latino Alliance Club, supported the bill. She said an icon like Cesar Chavez set an example for Hispanics. She urged support of A.B. 301.

Leslie A. Mix, President, Hispanic Access, Inc., said she strongly supported the bill. Ms. Mix submitted a number of letters for the Committee to read. She read excerpts from a letter written by Ana Navarro ([Exhibit W](#)). She requested the letters be entered in the record, [Exhibit W](#), and urged support of A.B. 301.

Vice Chair Care asked if there were any questions for the panel.

Andrew Barbano, Second Vice President, National Association for the Advancement of Colored People (NAACP), Reno/Sparks Branch 1112, said he chaired the Nevada Cesar Chavez Committee and was the publisher of *NevadaLabor.com*. He submitted a resolution from the NAACP and a copy of his column ([Exhibit X](#)) in support of A.B. 301. Mr. Barbano said he was the son and grandson of farm workers. Cesar Chavez was a role model for all Hispanics. He said the Latino community was the largest minority in Nevada.

Javier Trujillo, Intergovernmental Relations Specialist, City of Henderson, said he supported A.B. 301. He said Cesar Chavez was a role model in his family as he grew up. He thanked Assemblyman Kihuen for his efforts in seeking recognition for Cesar Chavez. He said he paved the way for many Hispanics.

Senate Committee on Government Affairs
April 29, 2009
Page 22

Assemblyman Kihuen showed the Committee a video of Cesar Chavez's life, ([Exhibit Y](#)).

Vice Chair Care said the Committee could not take action on the bill today. He asked if there were further comments. As there were none, he adjourned the meeting at 3:58 p.m.

RESPECTFULLY SUBMITTED:

Olivia Lodato,
Committee Secretary

APPROVED BY:

Senator John J. Lee, Chair

DATE: _____