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STATEMENT OF JOHN H. GARVIN, CO-CHAIRPERSON OF THE SUSTAINABLE
GROWTH INITIATIVE COMMITTEE IN SUPPORT OF AB 292

Good afternoon, Mr. Chair and members of the Committee. My name is John Garvin from Minden, NV. and I am speaking today in favor of Assembly Bill 292 on behalf of the Sustainable Growth Initiative Committee, a citizens group whose efforts placed a slow growth measure on the Douglas County ballot last November. Let me briefly tell you our story.

We collected over 5,000 signatures to qualify the Sustainable Growth Initiative for the ballot, almost double the amount required. It was then challenged by a major developer in Carson Valley prior to the election, claiming that our slow growth measure was an administrative matter regarding zoning, that was exclusively delegated to the County Government and, therefore, the voters couldn't use the initiative process to slow growth. Our local county commissioners agreed with the developer. Our District Attorney aligned himself with the developer interest. Our local court also agreed, relying on prior case law, and removed the initiative from the ballot.

Our Committee went to its public supporters and raised money to challenge that ruling. Raising money was no easy task. Nonetheless, we were very fortunate to obtain the services of counsel who agreed to work on this at a substantially reduced fee. Two days after we filed a petition with the Nevada Supreme Court, the initiative was ordered back on the ballot. The measure passed with over 8800 votes in its favor. The Supreme Court later ruled that the initiative process was available to the people of this State to establish legislative policy in zoning matters.

Our battle is not over. Later, after eleven (11) developers and the local building association challenged the initiative ordinance on constitutional and other grounds, our Committee had to intervene, at great expense, since the County and its District Attorney, continued to side with the developers. Thereafter, and despite our efforts, our local court issued a permanent injunction ruling the measure null and void. Our Committee is now in the process of going back to the Supreme Court for a final ruling. We are hopeful, if not confident, the voters will prevail.

Had this proposal been the law prior to the last election, our committee would have been spared the time and expense of going to the Supreme Court to vindicate the people's right to express themselves at the ballot box. It was and remains tyrannical for our local county officials to take measures to thwart the right of the people to use the initiative process to legislate - a right guaranteed to us by the Nevada Constitution. Article 19, Sec. 5 states that the legislature may provide by law for procedures to facilitate the operation of the initiative process. Assembly Bill 292, if passed, would be consistent with this constitutional requirement by facilitating, not impeding, the initiative process. Let the people vote without legal challenges, other than those specified in the bill. Challenges on other grounds can await until after an election. Even though some initiative proposals might fail a legal test, voters expressing themselves serves the very important purpose of keeping local legislators on their toes, of letting them hear from the people on important issues. The claim that voters will become disenchanted if, after having voted, the measure is struck down in court is a specious argument, without merit in our democratic society.

We urge you to pass AB 292. Thank you.

ASSEMBLY ELECTIONS, PROCEDURES, & ETHICS
DATE: 3-27-03 ROOM: 3138 EXHIBIT I
SUBMITTED BY: John Garvin