

**MINUTES OF THE MEETING  
OF THE  
ASSEMBLY COMMITTEE ON JUDICIARY**

**Seventy-Fourth Session  
March 8, 2007**

The Committee on Judiciary was called to order by Chairman Bernie Anderson at 8:06 a.m., on Thursday, March 8, 2007, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at [www.leg.state.nv.us/74th/committees/](http://www.leg.state.nv.us/74th/committees/). In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Bernie Anderson, Chairman  
Assemblyman William Horne, Vice Chair  
Assemblywoman Francis Allen  
Assemblyman John C. Carpenter  
Assemblyman Ty Cobb  
Assemblyman Marcus Conklin  
Assemblyman Ed Goedhart  
Assemblyman Garn Mabey  
Assemblyman Mark Manendo  
Assemblyman Harry Mortenson  
Assemblyman John Ocegura  
Assemblyman James Ohrenschall  
Assemblyman Tick Segerblom

**COMMITTEE MEMBERS ABSENT:**

Assemblywoman Susan Gerhardt (excused)

**GUEST LEGISLATORS PRESENT:**

Assemblyman Joseph P. Hardy, Assembly District No. 20



**STAFF MEMBERS PRESENT:**

Jennifer M. Chisel, Committee Policy Analyst  
Risa Lang, Committee Counsel  
Kaci Kerfeld, Committee Secretary  
Matt Mowbray, Committee Assistant

**OTHERS PRESENT:**

Bruce Woodbury, Clark County Commissioner, Chairman of the Regional Transportation Commission of Southern Nevada  
Janine Hansen, State President, Nevada Eagle Forum, Elko  
Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation, Sparks  
George Ross, Chamber of Commerce, Las Vegas, Nevada  
David Schumann, Vice Chairman, Nevada Committee for Full Statehood, Sparks  
Nicholas C. Anthony, Legislative Relations Program Manager, Officer of the City Manager, Reno, Nevada  
Derek Morse, Deputy Executive Director, Regional Transportation Commission, Washoe County, Nevada  
Paul Lipparelli, District Attorneys Office, Washoe County, Nevada  
Rudy Malfabon, Deputy Director, Department of Transportation, Nevada  
Dennis Johnson, Private Citizen, Nevada

**Chairman Anderson:**

I am moving Assembly Joint Resolution 3 to the front of the agenda to accommodate Mr. Woodbury in Clark County. We must clearly recognize that this is a potential constitutional amendment. We have the opportunity to make sure that our statutory language is a reflection of the constitutional questions so that this can get placed.

**Assembly Joint Resolution 3: Proposes to amend the Nevada Constitution to revise provisions relating to the taking of private property by eminent domain. (BDR C-529)**

**Assemblyman Joseph P. Hardy, Assembly District No. 20:**

There is a need to do something with eminent domain. Everyone on this Committee is probably aware of some of those issues. The balance we try to maintain in life and government is to represent the people as well as the process in such a way that we protect rights. In terms of pendulums and balances, you have had a government that has been somewhat egregious in tipping the scale against private property owners. What A.J.R. 3 is trying to do, in the

constitutional sense, is even that scale. Sometimes you end up going too far and then you need to rebalance it. The rebalancing is what we are doing right now with these eminent domain propositions, proposals, and constitutional amendments. When I had the opportunity to talk to people who were involved with the process of eminent domain and its enforcement, I realized that we needed a parallel solution. Anybody who has fixed a plumbing problem realizes that you need two wrenches in order to fix the problem. Eminent domain must be addressed as a parallel track—one being the constitution, the other being the statute. We are seeing several statutes come before us as well as constitutional amendments, but you have to have both in order to successfully repair your pipes. I met with Commissioner Woodbury and realized we need a solution that will work and not overwhelm one party or the other. Commissioner Woodbury took it upon himself to get the parties in the same room and come up with a solution. The proposed amendment mock-up that I have given you ([Exhibit C](#)) has everything the bill has introduced plus a small phrase added on page 3, lines 35 and 36, which would allow for friendly condemnations. Referencing the meeting I had with Commissioner Bruce Woodbury, Kermitt Waters, Jim Levette, and various other people in the room, it became apparent that we had to protect people immediately by statute.

The potential problems with the Peoples Initiative to Stop the Taking of Our Land (PISTOL) would create a challenge for us in statute and constitution. The statute needs to take effect as soon as possible while the constitutional amendment that would improve PISTOL marches forth for an ultimate approval by this Body. It will come up again in the 2009 Session so that it could go before the voters in 2010 and take effect in 2011, if approved by the voters.

**Bruce Woodbury, Clark County Commissioner, Chairman of the Regional Transportation Commission of Southern Nevada:**

[Read from prepared testimony ([Exhibit D](#)).]

**Chairman Anderson:**

I want to thank you for your involvement in this, as well as helping communities understand the need for the State to hold eminent domain issues, and the opportunity for transportation, school, water reclamation, and other good public use. We tried to come up with a partial legislative solution before the Supreme Court decision, and while we continue to work on that, there are many people who have a particular feeling regarding this issue. I hope that statutorily we can move faster than our constitutional amendment. The constitutional amendment is going to drop into a place where, hopefully, it will be clearly understood and defensible in terms of what the public need is—that it is not for private profit, and what type of circumstances might dictate it. Has the added

language on page 3, lines 35 and 36, "The person from whom the property is taken consents to the taking," been agreed to by all of the people involved?

**Assemblyman Hardy:**

The language in the mock-up is literally hot off the press. This language was requested in the original deal where the original "delicate balance" was inadvertently left out. The principals have both recommended that we make sure we have "friendly condemnation." That is the understanding that I have and I would defer to Mr. Woodbury.

**Chairman Anderson:**

Mr. Woodbury, I have a copy of your prepared testimony and will have it submitted for the record. In addition, I have a PISTOL settlement scenario ([Exhibit E](#)) that was faxed to us. Is it your intent to have that also entered into the record?

**Bruce Woodbury:**

Yes, Mr. Chairman.

**Chairman Anderson:**

Subsection 6 says "private property shall not be taken for public use without just compensation having been made, except under certain circumstances." It sets forth those circumstances in subsection 7. It prohibits the transfer of property taken by eminent domain to a private person or entity except in four circumstances. The entity that took the property leases the property to a private person or entity, and will provide the person from whom the property was taken with an opportunity to bid. That is upheld. Then in subsection 8 of the bill, it allows the property owner to have a copy of the appraisal and the right to all appraisals to determine whether the property is specifically listed as being taken for a public use. The entity taking the property has the burden of proving that the taking is for a public use. There will be no liability for attorney fees for either party, except in certain inverse condemnation action. One of the more important parts in subsection 9 is if a court determines that a taking of property is for public use, the taken or damaged property must be valued at its highest and best use. If property is taken primarily for a profit-making purpose, the property must be valued at the intended use, if such a use results in a higher value for the property owner. Subsection 10 defines "fair market value," and subsection 11 defines "just compensation" to be the sum of money necessary to place the property owner in the same position monetarily as if the property had never been taken and must include interest and reasonable costs and expenses incurred. Subsection 12 says that the property taken must be offered to the person from whom the property was taken if it is not used within 15 years for the public use for which it was taken, or if the entity that took the

property seeks to convey any right, title, or interest in the property to any other person in any other amount than described in subsection 7. The property must be offered to the person from whom the property was taken for the same price as originally purchased. Section 14 applies to an action in eminent domain that is filed on or after January 1, 2011, and this would repeal PISTOL.

It is a complicated bill to understand when you run through it quickly. We have dealt with this issue for many years and many sessions. The public dollar is obviously what we are concerned about. We need roads and water reclamation areas, and we need those things to be purchased at a reasonable price because we are using public dollars and we want the best deal we can get. At the same time, we should not take advantage of the private property owner, who has a right to his property.

**Assemblyman Carpenter:**

As I understand it, the Legislature would vote on this bill this session and next session, and then it would go to a vote of the people. Before PISTOL would be taken out, what we are considering here today would be put in. Is this going to make any other changes to the statute, specifically in reference to *Nevada Revised Statutes* (NRS) 37.010, where it describes the public purposes allowed for eminent domain? In your bill, it refers back to utility, railroad, and public transportation projects. It seems to me, that if the statute remains the same as it is now, those things are already taken care of.

**Assemblyman Hardy:**

The play comes back to the two pipe wrenches. We can change the statute from session to session. The people who have voted for PISTOL want the assurance that the government is not going to change its mind and change the statute. There is an inherent difference between a constitutional amendment that is firm and a statute that is flexible. We have to do both. The list that you will have before you later in Committee has appropriate language to have in statute. Constitutionally, we have to make sure there is a mirroring of that language so that the statutes will help define the constitutional amendment in the future. There will be people who say that we could improve the constitutional amendment or the statute, as Commissioner Woodbury addressed. If we can vet those things with the parties involved, we can keep the level of trust. It is the level of trust that we are talking about. That is why we want to be able to do both things at the same time and bring about what I would call PISTOL-plus. Something that is in PISTOL already, but improved, so that it does what the Chair was addressing and helps us with our transportation issues as well as the level of trust in government.

**Assemblyman Horne:**

Do you have the mirrored statutory language as of yet?

**Assemblyman Hardy:**

I do not. Those kinds of things will be statute language, and I suspect that this Committee and the Constitutional Committee will probably have input as to how they want that. I personally have a BDR that has not yet been written, and it would not surprise me if it mirrors some of the language that we are already discussing.

**Chairman Anderson:**

We have two bills on the track, so it may be well to make sure the statutory language is reflected in those. We will not have statutory language competing with constitutional language.

**Assemblyman Hardy:**

I had a handshake with Mr. Kermitt Waters, and I told him that my goal was to have mirror language in statute and in constitution, and march those forward through the legislature. I do not care who owns the bill as far as the name is concerned, and would be thrilled to continue to work with Mr. Horne as well as the other members who are on board. I appreciate that offer.

**Chairman Anderson:**

We will consider it an extension of your handshake, and see if we can take care of it in that fashion, depending on the will of the Committee, of course.

**Janine Hansen, State President, Nevada Eagle Forum, Elko:**

We supported PISTOL in our Nevada Family Voter guide which went throughout the State last election. We are supporting A.J.R. 3 as the compromise measure at this time. An article which concerns us greatly has been handed out to you ([Exhibit F](#)). We have been involved in the change of terms by the United States Supreme Court from "public use" to "public purpose", in which "public purpose" has allowed abuses to take place, such as people's homes being taken for economic development to increase the tax base. This is certainly of great concern to us.

Since the *Kelo* decision [*Kelo v. City of New London*, 545 U.S. 469 (2005)], over 5,700 properties have come under threat. During this time, 30 states have responded as you are responding. We supported your legislation last session to help correct the eminent domain issues. Eleven states had ballot measures, including our own. We support this legislation, and because I have to go to another Committee, we also want to go on the record for Assembly Bill 102 and

Assembly Bill 129, particularly A.B. 129, which includes court costs and damages.

**Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation:**

We are here in support of A.J.R. 3. Our organization was also involved in supporting Ballot Question Two, Nevada Property Owner's Bill of Rights, and we continue to support it. We appreciate the Legislature's attention this session to various components and ideas on protecting private property rights. We believe this is something that needs to be of top priority.

**George Ross, Chamber of Commerce, Las Vegas:**

We are in favor of A.J.R. 3. We feel this is a good balance between protection of private property and the need for the government public sector to build initiatory facilities to keep up with the growth in southern Nevada.

**David Schumann, Vice Chairman, the Nevada Committee for Full Statehood:**

Justice Thomas remarked on the *Kelo* case that the Supreme Court had amended the United States Constitution by substituting the word "purpose" for the word "use" in the Fifth Amendment by saying that property should not be taken except for public "use," and they changed that to "purpose". Now we are changing line 32 of page 3 of the bill to "benefit of public service." This is an opening wedge, and skillful lawyers will be able to take this wedge and expand it. Skillful lawyers are experts in the use of language and in different interpretations of phrases and words. I support these two other bills and PISTOL. PISTOL does the job and it does it strongly; this is going to water it down. We are not contemplating what good lawyers can do with this language. By putting these wedge words in here like "service" instead of "purpose", we are going to water PISTOL down and the people who voted for PISTOL are going to feel betrayed.

**Assemblyman Conklin:**

This is an A.J.R., so when it passes here it must move through Elections, Procedures, Ethics, and Constitutional Amendments, pass the House twice, and then proceed to a vote of the people, correct?

**Chairman Anderson:**

It would need an affirmative vote in this session of the Legislature from both Houses. It would need to leave this Committee, go to the second Committee on Elections, Procedures, Ethics, and Constitutional Amendments, and then to the other House for its concurrent. It would then need to go through this House again in 2009, and then to the vote of the people in 2010. There will be at least 5 more votes on it.

**Nicholas C. Anthony, Legislative Relations Program Manager, Officer of the City Manager, Reno, Nevada:**

I would like to echo support for A.J.R. 3 and the work of this Body, both now and in the last session. Before the *Kelo* decision, this Body made great strides in our statewide legislation, in terms of curbing eminent domain abuse. We look forward to working with the sponsors as this measure moves throughout this session, into the future for 2009, and then for the voters.

**Derek Morse, Deputy Executive Director, Regional Transportation Commission, Washoe County:**

My comments this morning reflect the perspective of senior management of the Regional Transportation Commission of Washoe County (RTCWC). We have not had a specific discussion with our board on this particular piece of legislation, but we will later this month.

From a transportation perspective, A.J.R. 3 offers significant improvement over the language of PISTOL.

[Chairman Anderson left room.]

The resolution addresses a number of very significant issues that we are concerned with regarding PISTOL. The language of PISTOL would have crippled the public's ability to enter into concession agreements for the construction and operation of vital transportation facilities with the private sector—which we call public-private partnerships. Section 8.7 maintains the potential for such arrangements. PISTOL could have arguably required the public to pay attorney fees, thus encouraging increased litigation and the diversion of scarce public dollars away from needed infrastructure. Again, the language of A.J.R. 3 addresses this concern. PISTOL would also impose a five-year deadline for the use of property acquired by eminent domain—a restriction incompatible with the increasingly complex projects needed to keep Nevada mobile. This issue has also been effectively addressed by Section 12(a) of A.J.R. 3. PISTOL also effectively rendered the offer of the judgment mechanism unavailable to the public. Section 8.8 of A.J.R. 3 balances the playing field by denying this offer of judgment mechanism to either the public or the private owner in the future. For all of these reasons, A.J.R. 3 is clearly superior to the alternative. Management of RTCWC will be recommending to our board that they support the resolution and the related legislation enacting this provision into NRS. At the same time, it is incumbent upon the RTCWC, as fiduciaries of the public money that has been entrusted to us, to disclose that the provisions of A.J.R. 3 are projected to result in an increase of \$140 million in costs required over the next approximately 25 years. While this is considerably less than the

projected impacts of PISTOL, it is nonetheless a significant factor and should be acknowledged as part of these deliberations.

**Assemblyman Carpenter:**

Could you give me an example of the public-private partnerships that you are in now, or would enter into if A.J.R. 3 becomes part of the constitution?

**Derek Morse:**

Because of the work by the Governor's Blue Ribbon Committee, it is well known throughout Nevada that we are dramatically short on the funds for transportation projects in the State. We face that problem in the north as well as in the south. We have core freeway improvements that need to be made in the I-80 corridor as well as the 395 corridor. We are contemplating the possibility of having new improvements made using concessions to private contractors under toll arrangements, where the tolls would fund the construction of those improvements. That means that you are transferring a property right to a private party in that regard, but it is primarily for public benefit and for transportation purposes. The language of A.J.R. 3 would clearly allow such arrangements should they be approved. We know that we are a long way from that, but the language of PISTOL itself would have denied such arrangements.

**Assemblyman Carpenter:**

So, it is basically a toll road?

**Derek Morse:**

That is one aspect, yes. The tolls clearly are a way of accomplishing that.

**Assemblyman Mortenson:**

Even though the public-private phrase is in the constitution ... would that divestment of public property to a private entity require legislative approval?

**Assemblyman Horne:**

Are you talking about a divestment after the taking from a public-private partnership, whether they need ... ?

**Assemblyman Mortenson:**

Can toll roads be put in without legislative approval?

**Assemblyman Horne:**

I do not think that, under A.J.R. 3, it would be okay to put toll roads in. It only says that if we are to do it, it would be a permissible taking in our constitution. Does that make sense?

**Assemblyman Hardy:**

Currently in statute, there is a prohibition from using tolls or toll roads in the State of Nevada. To answer your question directly, yes, the Legislature would have to approve tolling in any way in the State of Nevada.

**Paul Lipparelli, Washoe County District Attorney's Office:**

I would like to address one provision of A.J.R. 3 in subsection 11, which deals with "just compensation." Assemblyman Hardy's description of the necessary balance was very apt, and Mr. Morse's description from the RTCWC perspective of this resolution over PISTOL is something we concur with completely. With regard to "just compensation" and the determination of interest, when a government entity like Washoe County undertakes the solemn act of condemnation, it is really important to our analysis that there is a certain measure of predictability in what we do. We count on being able to have the data available to know approximately how much interest we would have to pay on the judgment.

[Chairman Anderson returned.]

Section 11 would establish not only the determination of the interest rate, but also when the interest begins to run with the district court. We are concerned about how that affects our ability to estimate the total costs that we will incur when we undertake condemnation. We would appreciate the opportunity to study that and work with the sponsors of the legislation to see if we understand entirely what is meant by those provisions.

**Chairman Anderson:**

Recognizing that the language here has been compromised on and worked out by many, if not every, interested entity, is it Washoe County's contention that they, and they alone, have not been consulted, and therefore, are concerned about this since everyone else has been consulted?

**Paul Lipparelli:**

I can only speak for the things that I know. There may be officials in Washoe County who have been involved in these discussions. I merely meant to put into the record a concern about the way the language is written, and to make sure that the Committee knows we will work with those who came up with this language to make sure we understand what they mean. When I read subsection 11, I am concerned about the open-endedness of the courts' potential post-trial determinations of interest, which could cost millions of dollars for the condemning authority to come up with after the trial.

**Chairman Anderson:**

We are hopeful to put this to the next work session, so if you are going to prepare something, I would ask that it be done in a relatively rapid fashion. I presume that you have had an opportunity to read this since it has been out. This section has not been changed in any way by the information that was submitted this morning.

**Paul Lipparelli:**

We will work diligently to make sure the turn around is short.

**Rudy Malfabon, Deputy Director, Department of Transportation, Nevada:**

I want to go on record in support of A.J.R. 3. The acquisition of right-of-ways is a significant element of our project delivery process and it takes a lot of time. We do not start the process to acquire the right-of-way until after we get the environmental documents approved. The significant widening projects on our freeways are typically on federal aid projects. When these projects use federal aid, they have to follow the Uniform Act for Acquisition of Property, which provides protections and assistance for people that are affected by these projects. One significant thing to note is the large freeway projects that are covered by the Blue Ribbon Committee's recommendations. There are seven projects in southern Nevada and three projects in northern Nevada. The total cost of those projects is roughly \$5 billion. You may have heard about the \$3.8 billion shortfall. We do have some money available, but not enough to finish the entire projects. Out of that \$5 billion, about \$1 billion is for right-of-way costs that we anticipate.

There are significant impacts to the Department as a result of the PISTOL initiative. We understand that the compromise reached is not perfect but it addresses some major concerns of Nevada Department of Transportation (NDOT), specifically the five-year reversion clause being revised to 15 years. It takes a long time to deliver some of these projects because they are very complex and have to go through several processes. The attorney fees are another area covered. We would basically just like to go on record in support of A.J.R. 3.

**Chairman Anderson:**

I am closing the hearing on A.J.R. 3.

Let us turn our attention to Assembly Bill 102.

**Assembly Bill 102: Prohibits use of eminent domain to acquire property for economic development. (BDR 3-38)**

**Assemblyman Horne:**

I brought eminent domain legislation to last session and to the 2003 session with the hope of addressing some concerns I had with a potentially overreaching government exercising its power to take private property.

In 2005, I presented to this Body my concerns about the government's ability to take private property for the purpose of transferring it to another private person for economic development under the auspices of a public purpose. At that time, the United States Supreme Court case, *Kelo v. City of New London*, had not yet been decided. That case was about a city making the argument that a taking of private property for the purpose of economic development was permitted under the Constitution. The neighborhood that was being sought by government officials was not blighted, abandoned, or rundown, but a vibrant, well kept, and well groomed community. As you know now, the United States Supreme Court ruled in favor of the City of New London, hence the purpose of A.B. 102. This is the result I warned of during the 2005 session; it was a risk that was potentially floating out there. While many of us disagree with the Court's decision, it did leave an opening for the states to craft their own laws pertaining to eminent domain. The court stated that while the taking in *Kelo* was permissible, each state had the power to fashion its own takings laws. I, as well as others, will ask Nevada to do just that.

Assemblyman Hardy and others have been working for quite some time to find protections for property owners in the State of Nevada. A.B. 102 prohibits the taking of private property for the purpose of economic development. As the bill is written, "absolute prohibition," would cause opposition from government entities, et cetera. Assemblyman Hardy had it crafted just that way in hope of bringing everyone to the table as we have done in the past. Last session's legislation passed out of this Body and the Senate unanimously. I have confidence that our members are cognizant of protecting property owner's rights in our State. As a result of the *Kelo* decision, an initiative petition was placed on the ballot and passed last election. There were some concerns with the provisions of the petition, and many people came to the table to address those problems. Those compromises were outlined earlier this morning and, as you heard, I helped as much as possible in coming to those compromises and stand in support of them. It was also mentioned this morning how we wish to bring forward statutory language now to move forward in sync with the constitutional amendments we want to make, but that language is not out yet. I have no opposition to using this bill as that vehicle if you so desire, so that we can move everything simultaneously.

**Chairman Anderson:**

Are there questions for Mr. Horne relative to the piece of legislation as he has currently crafted it? The materials that are in the previously heard piece of legislation—the statutory language that will go into effect immediately—will assure the public of the legislative intent to move as rapidly as we can since we meet only once every other year as compared to the longer process. You have obviously dedicated a good deal of your legislative time to this issue, as have members in the other House. If we were to use your bill as the vehicle, it would mirror some of the language statutorily in A.J.R. 3 so that the public would be protected immediately. Many of the provisions in the *Kelo* decision are already in state law. The Nevada Supreme Court would probably not have seen the opportunity that happened in Connecticut. Would that be a fair statement to make?

**Assemblyman Horne:**

It would. As stated earlier, the statutory language would mirror the constitutional proposition in A.J.R. 3. Since I was at the table and agreed to all of these provisions and the many people who came up with that compromise, I would propose not to depart from that agreement. Amending the mirror language into this bill so that we could move it forward would be my desire.

**Chairman Anderson:**

Let us turn to the public's comments on A.B. 102.

**Doug Busselman:**

We are in support of A.B. 102. The question we have would be in light of the possible amendment of this bill to serve as a vehicle in carrying the statutory language for what we heard earlier on A.J.R. 3. We would envision that there is a very good possibility that Question Two would be passed by voters in the next election. If the amended language of this bill were to reflect the change and the time frame, there would be a difference between the time frame of the amended bill stating a limit of 15 years to use acquired land and Question Two, being a five-year time frame. How would that difference be resolved in a scenario moving forward?

**Chairman Anderson:**

If there is a constitutional provision—which PISTOL would be—and it were to pass a second time, there would be a subsequent constitutional change. The most recent constitutional change would take precedent.

**Doug Busselman:**

We would agree with that. In the statute, there is a 15-year time frame to mirror what is in A.J.R. 3. If the voters adopt a five-year time frame in the next election, does that then supersede the 15-year time frame in the statute?

**Chairman Anderson:**

The next Legislative Body would then have to take the statutory language and make it conform to that of the constitutional provision. Legal counsel would make a presentation to a committee that would have jurisdiction in such a case, either through initiative petition or through constitutional law, or any other kind of change in state statute.

The hearing is closed on A.B. 102.

Let us turn our attention to A.B. 129.

**Assembly Bill 129: Prohibits the use of eminent domain to acquire property for economic development. (BDR 3-21)**

**Assemblyman Ohrenschall:**

[Read from prepared testimony ([Exhibit G](#)).]

**Dennis Johnson, Private Citizen, Nevada:**

I have spent about 30 years working on property matters, and in excess of 20 years working on eminent domain issues. Within those 20 years of eminent domain issues, there have been a number of large projects that have been a part of a redevelopment plan. I can only echo Assemblyman Ohrenschall's contention that it is those with the lowest income who will suffer the greatest by eminent domain for redevelopment. I have seen people who have given up on challenging an issue because they do not have money to handle the case. I would be in support of this language change immensely.

**Chairman Anderson:**

Are you an attorney?

**Dennis Johnson:**

No, sir.

**Chairman Anderson:**

In what capacity did you work in this regard?

**Dennis Johnson:**

I have worked as an acquisition agent, relocation agent, appraiser, and a reviewer for public agencies. I have also worked in developing projects, and I have been appointed an expert witness in those matters in two states: Nevada and California.

**Chairman Anderson:**

We will close the hearing on A.B. 129.

**Assemblyman Carpenter:**

One gentleman said that he did not like the word "service" in the resolution; I think he wanted the word "use" in there. Could we have legal look at whether there is really any difference in those two words?

**Risa Lang, Committee Counsel:**

The constitution does still say "public use," and the way it has changed is that it describes some of the public uses. The provision where it uses "service" was listed under one of the public uses.

**Chairman Anderson:**

Are you looking for a written statement?

**Assemblyman Carpenter:**

Yes.

**Chairman Anderson:**

Meeting adjourned [at 9:36 a.m.]

RESPECTFULLY SUBMITTED:

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Kaci Kerfeld  
Committee Secretary

APPROVED BY:

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Assemblyman Bernie Anderson, Chair

DATE: \_\_\_\_\_

**EXHIBITS**

**Committee Name:** Committee on Judiciary

**Date:** March 8, 2007

**Time of Meeting:** 8:00 a.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.J. R.3	C	Mr. Hardy	Proposed Amendment 3287
A.J. R. 3	D	Bruce Woodbury	Prepared Testimony
A.J. R. 3	E	Bruce Woodbury	PISTOL Settlement Scenerio
A.J. R. 3	F	Janine Hansen	March for Private Property
A.B. 129	G	James Ohrenschall	Prepared Testimony