

Amendment No. 367

Assembly Amendment to Assembly Bill No. 352 (BDR 22-488)

Proposed by: Assembly Committee on Government Affairs**Amends:** Summary: No Title: No Preamble: Amend Joint Sponsorship: No Digest: No

ASSEMBLY ACTION				Initial and Date	SENATE ACTION				Initial and Date
Adopted	☐	Lost	☐	_____	Adopted	☐	Lost	☐	_____
Concurred In	☐	Not	☐	_____	Concurred In	☐	Not	☐	_____
Receded	☐	Not	☐	_____	Receded	☐	Not	☐	_____

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) ~~purple double strikethrough~~ is language proposed to be deleted in this amendment; (5) ~~orange double underlining~~ is deleted language in the original bill that is proposed to be retained in this amendment; and (6) ***green bold dashed underlining*** is newly added transitory language.

SJA/EGO



Date: 4/10/2009

A.B. No. 352—Makes various changes relating to the Spring Mountains National Recreation Area. (BDR 22-488)



ASSEMBLY BILL NO. 352--ASSEMBLYMEN MORTENSON, SEGERBLOM; BOBZIEN, CLABORN, HORNE, KIHUEN, KIRKPATRICK, MANENDO, MUNFORD, OHRENSCHALL, PARNELL, PIERCE, SMITH AND SPIEGEL

MARCH 16, 2009

Referred to Committee on Government Affairs

SUMMARY—Makes various changes relating to the Spring Mountains National Recreation Area. (BDR 22-488)

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

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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 the Spring Mountains National Recreation Area; limiting certain powers of planning and zoning that may be exercised by local governments within the Area; limiting gaming in the Area to holders of restricted licenses; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

The Spring Mountains National Recreation Area includes Mt. Charleston and other land, both public and private, outside of Las Vegas. **Sections 1-8** of this bill prohibit local governments from making certain changes relating to zoning and development in the Spring Mountains National Recreation Area. A similar prohibition is provided for the Red Rock Canyon National Conservation Area and adjacent lands. (Chapter 105, Statutes of Nevada 2003, p. 595) **Section 9** of this bill prohibits the Nevada Gaming Commission from issuing a nonrestricted license for any location in the Spring Mountains National Recreation Area, thereby limiting gaming in the Area only to current and future operations that hold restricted gaming licenses. (NRS 463.160, 463.161, 463.180, 463.190, 463.240)

WHEREAS, The Spring Mountains and their surrounds are a natural wonder within the State of Nevada that is uniquely beautiful and of scenic interest; and

WHEREAS, The Spring Mountains National Recreation Area includes several distinctive and significant geologic and natural heritage features, including, without limitation, Mount Charleston, Kyle Canyon, Griffith Peak, Harris Springs, Harris Mountain, the Deer Creek mountain pass, Angel Peak, Macks Canyon, Lee Canyon, Mummy Mountain, McFarland Peak, Bonanza Peak, Cold Creek, Wheeler Well, Charcoal Kilns, Mount Stirling Wilderness Study Area, Wallace Canyon, Carpenter Canyon, Trout Canyon, Lovell Canyon, Mountain Springs ~~[- Potosi Mountain]~~ and Native American archeological sites, including petroglyphs and agave roasting pits; and

WHEREAS, In addition to their scenic beauty and geologic significance, the Spring Mountains provide numerous recreational opportunities to visitors from both

1 within and without the State of Nevada, including, without limitation, hiking,
2 climbing, bicycling, camping, horseback riding and winter sports such as
3 snowshoeing and alpine and cross-country skiing; and

4 WHEREAS, With regard to tourism, the Spring Mountains provide a dramatic
5 counterpoint to the activities offered within the more urban portions of Clark
6 County, helping to draw to the area tourists who might not otherwise be interested
7 in participating in gaming, attending shows or other such activities; and

8 WHEREAS, A significant part of the reason that the Spring Mountains are of
9 interest to tourists, sightseers and recreational users is that they provide an area of
10 sanctuary from the congestion and sprawl of the more urban portions of Clark
11 County; and

12 WHEREAS, If the scenic views, natural beauty and rural character of the Spring
13 Mountains were to be encroached upon by development that is on a large scale or
14 of an inappropriate character, the value of the Spring Mountains National
15 Recreation Area, with respect to tourism, sightseeing and recreation would be
16 greatly diminished, to the detriment of Clark County and the State of Nevada as a
17 whole; now, therefore,

18
19 THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
20 SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:
21

22 **Section 1.** NRS 278.0239 is hereby amended to read as follows:

23 278.0239 In the region of this State for which *the Spring Mountains*
24 *National Recreation Area Act* and the Red Rock Canyon Conservation Area and
25 Adjacent Lands Act ~~establishes~~ *establish* limits upon development, the powers
26 conferred by this chapter which relate to planning, subdivision regulation and
27 zoning are subordinate to those limits.

28 **Sec. 2.** NRS 244.154 is hereby amended to read as follows:

29 244.154 In the region of this State for which *the Spring Mountains National*
30 *Recreation Area Act* and the Red Rock Canyon Conservation Area and Adjacent
31 Lands Act ~~establishes~~ *establish* limits upon development, the powers conferred by
32 this chapter which relate to planning, subdivision regulation and zoning are
33 subordinate to those limits.

34 **Sec. 3.** NRS 268.105 is hereby amended to read as follows:

35 268.105 In the region of this State for which *the Spring Mountains National*
36 *Recreation Area Act* and the Red Rock Canyon Conservation Area and Adjacent
37 Lands Act ~~establishes~~ *establish* limits upon development, the powers conferred by
38 this chapter which relate to planning, subdivision regulation and zoning are
39 subordinate to those limits.

40 **Sec. 4.** NRS 269.617 is hereby amended to read as follows:

41 269.617 In the region of this State for which *the Spring Mountains National*
42 *Recreation Area Act* and the Red Rock Canyon Conservation Area and Adjacent
43 Lands Act ~~establishes~~ *establish* limits upon development, the powers conferred by
44 this chapter which relate to planning, subdivision regulation and zoning are
45 subordinate to those limits.

46 **Sec. 5.** Sections 5 to 9, inclusive, of this act shall be known as the Spring
47 Mountains National Recreation Area Act.

48 **Sec. 6.** The Legislature hereby finds and declares that this special act, which
49 regulates activity in the Spring Mountains National Recreation Area, is necessary
50 because of:

51 1. The unusual beauty of the Spring Mountains National Recreation Area;

52 2. The rapidly increasing population and growth in the region around the
53 Spring Mountains National Recreation Area; and

3. The need to harmonize:

(a) The retention of the scenic beauty, small-town values, historic and cultural character, sense of community and recreational opportunities for visitors and residents of the Spring Mountains National Recreation Area; and

(b) Residential and commercial development within the Spring Mountains National Recreation Area.

Sec. 7. As used in this act, "Spring Mountains National Recreation Area" means the following tracts of land:

1. All of sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 34, 35 and 36, Township 17 South, Range 53 East, MDM;

2. The west half of section 3, all of sections 4, 5, 6, 7, 8 and 9, the west half of section 10 and all of sections 15, 16, 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, Township 17 South, Range 54 East, MDM;

3. All of sections 16, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, 32, 33, 34, 35 and 36, Township 17 South, Range 55 East, MDM;

4. All of section 31, Township 17 South, Range 56 East, MDM;

5. All of section 1, Township 18 South, Range 53 East, MDM;

6. All of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36, Township 18 South, Range 54 East, MDM;

7. All of Township 18 South, Range 55 East, MDM;

8. All of Township 18 South, Range 56 East, MDM;

9. All of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35, Township 18 South, Range 57 East, MDM;

10. All of sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14 and 15, Township 19 South, Range 54 East, MDM;

11. All of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17 and 18, the east half of section 20 and all of sections 21, 22, 23, 24, 25, 26, 27, 34, 35 and 36, Township 19 South, Range 55 East, MDM;

12. All of Township 19 South, Range 56 East, MDM;

13. All of Township 19 South, Range 57 East, MDM;

14. All of sections 6, 7, 18, 19, 30 and 31, Township 19 South, Range 58 East, MDM;

15. All of sections 1, 2, 3, 10, 11, 12, 13, 14, 24 and 25, Township 20 South, Range 55 East, MDM;

16. All of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 32, 33, 34, 35 and 36, Township 20 South, Range 56 East, MDM;

17. All of sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35, Township 20 South, Range 57 East, MDM;

18. All of sections 6 and 7, Township 20 South, Range 58 East, MDM;

19. All of sections 1, 2, 3, 4, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36, Township 21 South, Range 56 East, MDM;

20. All of sections 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, 33, 34 and 35, Township 21 South, Range 57 East, MDM;

21. All of sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 22, 23, 24, 25, 26, 27, 35 and 36, Township 22 South, Range 57 East, MDM;

22. All of section 19, all of section 20 except the northeast quarter and all of sections 29, ~~30, 31 and 32,~~ and 30, ~~31 and 32,~~ Township 22 South, Range 58 East, MDM;

23. All of sections 1, 2, 11, 12, 13, 14, 24 and 25, Township 23 South, Range 57 East, MDM; and

24. All of sections ~~5, 6,~~ 7, 8, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29 and 30, Township 23 South, Range 58 East, MDM.

Sec. 8. With respect to the Spring Mountains National Recreation Area, a local government:

1. Shall not, in regulating the use of those lands:

(a) Increase the number of residential dwelling units allowed by zoning regulations in existence on the effective date of this act;

(b) Establish any new nonresidential zoning districts, other than for public facilities; or

(c) Expand the size of any nonresidential zoning district in existence on the effective date of this act, other than for public facilities.

2. May regulate matters to include, without limitation, landscaping, buffering, screening, signage and lighting.

3. Retains all other authority regarding planning, zoning and regulation of uses of land.

Sec. 9. 1. Notwithstanding any other provision of law, the Nevada Gaming Commission shall not issue a nonrestricted license for any location in the Spring Mountains National Recreation Area.

2. As used in this section, "nonrestricted license" has the meaning ascribed to it in NRS 463.0177.

Sec. 10. This act becomes effective on July 1, 2009.