

Amendment No. 345

Senate Amendment to Senate Bill No. 232

(BDR S-181)

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

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) *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 underlining* is newly added transitory language.

HAC/WLK



Date: 4/20/2011

S.B. No. 232—Removes certain tracts of local governmental and private land from the state definition of the Spring Mountains National Recreation Area. (BDR S-181)



SENATE BILL NO. 232—SENATORS LEE; AND MCGINNESS

MARCH 10, 2011

JOINT SPONSOR: ASSEMBLYMAN HAMMOND

Referred to Committee on Government Affairs

SUMMARY—Removes certain tracts of local governmental and private land from the state definition of the Spring Mountains National Recreation Area. (BDR S-181)

FISCAL NOTE: Effect on Local Government: No.
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 land use planning; removing certain tracts of local governmental and private land from the state definition of the Spring Mountains National Recreation Area; providing that such tracts may only be used for facilities and operations related to outdoor recreational activities; prohibiting a local government from authorizing certain types of development on such tracts; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

Existing state law defines the boundaries of the Spring Mountains National Recreation Area. (Section 7 of chapter 198, Statutes of Nevada 2009, pp. 735-36) Within the boundaries of the Spring Mountains National Recreation Area, local governments are restricted from exercising certain powers of land use and zoning. (NRS 244.154, 268.105, 269.617, 278.0239)

This bill removes four tracts of nonfederal land from the defined boundaries of the Spring Mountains National Recreation Area. ~~It thus allowing those tracts to be zoned and developed in accordance with state and local law.~~ This bill also provides that such tracts may only be used for facilities and operations related to outdoor recreational activities. Finally, this bill prohibits a local government from authorizing any of the following on such tracts: (1) certain types of transient lodging; (2) gas stations; (3) grocery stores; (4) restaurant franchises; and (5) residential development of more than 1 home per 2 acres.

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

Section 1. Section 7 of chapter 198, Statutes of Nevada 2009, at page 735, is hereby amended to read as follows:

Sec. 7. ~~{As}~~

1. Except as otherwise provided in subsection 2, as used in this act, “Spring Mountains National Recreation Area” means the following tracts of land:

~~{1-}~~ (a) 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-}~~ (b) 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-}~~ (c) 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-}~~ (d) All of section 31, Township 17 South, Range 56 East, MDM;

~~{5-}~~ (e) All of section 1, Township 18 South, Range 53 East, MDM;

~~{6-}~~ (f) 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-}~~ (g) All of Township 18 South, Range 55 East, MDM;

~~{8-}~~ (h) All of Township 18 South, Range 56 East, MDM;

~~{9-}~~ (i) 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-}~~ (j) All of sections 1, 2, 3, 4, 9, 10, 11, 12, 13, 14 and 15, Township 19 South, Range 54 East, MDM;

~~{11-}~~ (k) 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-}~~ (l) All of Township 19 South, Range 56 East, MDM;

~~{13-}~~ (m) All of Township 19 South, Range 57 East, MDM;

~~{14-}~~ (n) All of sections 6, 7, 18, 19, 30 and 31, Township 19 South, Range 58 East, MDM;

~~{15-}~~ (o) All of sections 1, 2, 3, 10, 11, 12, 13, 14, 24 and 25, Township 20 South, Range 55 East, MDM;

~~{16-}~~ (p) 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-}~~ (q) 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-}~~ (r) All of sections 6 and 7, Township 20 South, Range 58 East, MDM;

~~{19-}~~ (s) 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-}~~ (t) 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;

~~(u)~~ (u) 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;

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

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

~~(x)~~ (x) All of sections 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.

2. *"Spring Mountains National Recreation Area" does not include the following tracts of land:*

(a) *Clark County Parcel: Beginning at a point 500 feet south of the north quarter corner of section 10, Township 19 South, Range 56 East, MDM, and running thence west 871.20 feet; thence south 250 feet; thence east 871.20 feet; thence north 250 feet to the point of beginning.*

(b) *Parcel I: That portion of the south half (S 1/2) of the southeast quarter (SE 1/4) of the northeast quarter (NE 1/4) and that portion of the northeast quarter (NE 1/4) of the southeast quarter (SE 1/4) of section 3, Township 19 South, Range 56 East, MDM, according to the original survey of Township 19 South, Range 56 East, MDM, approved October 14, 1881 (said approved parcels now being a portion of Government Tract 40 according to independent resurvey of Township 19 South, Range 56 East, approved January 25, 1939), lying northerly of the northwest line of State Highway Route No. 52, the whole of which is more particularly described as follows: Beginning at the point of intersection of the aforementioned northeast line of State Highway Route No. 52 with the west line of said Tract 40; thence north 39°39' east a distance of 697.67 feet to an angle point of said northwest line; thence north 40°50'24" east a distance of 90.00 feet to a point; thence on a straight line to the northwest corner of the aforementioned south half (S 1/2) of the southeast quarter (SE 1/4) of the northeast quarter (NE 1/4) of said section 3, said point also being a point on the west line of said Tract 40; thence southerly along the last mentioned west line to the point of beginning.*

(c) *Parcel II: All that portion of the south half (S 1/2) of the southeast quarter (SE 1/4) of the northeast quarter (NE 1/4), together with all of that portion of the northeast quarter (NE 1/4) of the southeast quarter (SE 1/4) of section 3, Township 19 South, Range 56 East, MDM, according to the original survey of Township 19 South, Range 56 East, MDM, approved October 14, 1881 (said parcel now being a portion of Government Tract 40 according to independent resurvey of Township 19 South, Range 56 East, approved January 25, 1939), lying southerly of the southwest line of State Highway Route No. 52.*

(1) *Excepting therefrom all of said land lying within the boundaries of Camp Lady of the Snows, as shown by map thereof on file in Book 5 of Plats, Page 45, in the Office of the County Recorder of Clark County, Nevada.*

(2) *Further excepting therefrom that portion of Government Tract 40 according to independent resurvey of Township 19 South, Range 56 East, MDM, approved January 25, 1939, described as follows: Commencing at that certain corner common to sections 2, 3, 10 and 11, Township 19 South, Range 56 East, MDM; thence north 72°23'27" east, 482.61 feet to corner no. 4 of said Tract, the true point of beginning;*

1 *thence north along the boundary line of said Tract 40, 659 feet to a point*
2 *on the southeasterly right-of-way line of State Highway Route No. 52;*
3 *thence north 39°39' east along said right-of-way line 568 feet; thence*
4 *south 50°21' east 200 feet; thence north 39°39' east 100 feet; thence*
5 *south 32°40' east 308 feet to a point on the boundary line of Block 1 of*
6 *Camp Lady of the Snows, as shown in Book 5 of Plats, Page 45, Clark*
7 *County, Nevada Records; thence following said boundary line the*
8 *following courses and distances: south 57°35' west 90 feet; south 28°43'*
9 *west 261 feet; south 29°40' west 276 feet; south 1°45' west 155 feet; south*
10 *10°24' east 131 feet; thence leaving said boundary line, west 443.5 feet to*
11 *the true point of beginning.*

12 (3) Further excepting therefrom that portion of Government
13 Tract 40 according to independent resurvey of Township 19 South, Range
14 56 East, MDM, approved January 25, 1939, more particularly described
15 as follows: Commencing at G.L.O. brass cap common to sections 2, 3, 10
16 and 11, Township 19 South, Range 56 East, MDM; thence north
17 72°23'27" east a distance of 482.61 feet to the brass cap for corner no. 4
18 of Tract 40; thence due north 659 feet to the intersection of the highway
19 right-of-way; thence along highway right-of-way which bears north
20 39°39' east a distance of 538 feet to the center of entering road to Camp
21 Lady of the Snows Recreation Ground; thence continuing on this bearing
22 a distance of 30 feet to the true point of beginning; thence south 18°35' a
23 distance of 200 feet; thence north 39°39' east a distance of 100 feet;
24 thence north 18°35' west a distance of 200 feet to highway right-of-way
25 on east side of highway; thence south 39°39' west along highway right-
26 of-way to the true point of beginning.

27 (d) Parcel III: That portion of Tract 40 according to independent
28 resurvey of a portion of section 2, Township 19 South, Range 56 East,
29 MDM, approved January 25, 1939, Clark County, Nevada, described as
30 follows: Commencing at the southwest corner of section 2 of said
31 Township and Range; thence north 72°23'27" east a distance of 482.61
32 feet to cap of said Tract 40; thence north along the west line of said Tract
33 40 a distance of 659 feet to a point on the easterly right-of-way line of
34 State Highway 52; thence along said easterly right-of-way line north
35 39°39' east a distance of 60 feet to the true point of beginning; thence
36 right angles south 50°21' east a distance of 162 feet to a point; thence
37 south 64°30'31" east 385.72 feet to a point on the westerly boundary line
38 of Camp Lady of the Snows subdivision as shown by map thereof on file
39 in Book 5 of Plats, Page 45, in the Office of the County Recorder of Clark
40 County, Nevada; thence north 29°40' east 101.02 feet to a point; thence
41 continuing along said Camp Lady of the Snows westerly line north 28°43'
42 east a distance of 261.0 feet to a point; thence north 57°35' east along
43 said westerly line of said Camp Lady of the Snows to a point which is the
44 most northerly corner of Lot 11, Block 1, of said Camp Lady of the Snows
45 subdivision; thence north 36°31'57" west a distance of 308+ feet; thence
46 south 39°39' west a distance of 100 feet; thence north 50°21' west 35+
47 feet; thence south 39°39' west a distance of 100 feet; thence north 18°35'
48 west 200 feet to a point on the easterly right-of-way line of said Highway
49 52; thence south 39°39' west a distance of 500 feet to the true point of
50 beginning.

51 (1) Subject to an easement for a well site 25' x 25' square, the
52 north and south lines of which are parallel with each other and run south
53 50°21' east, and the center which are parallel with each other and run

1 south 50°21' east and the center of which square is an existing well
2 located a point north 34°50' east 984.30 feet from the southwest corner of
3 said section 2.

4 (2) Subject further to an easement for a public roadway and
5 other purposes, 15 feet wide along the southerly boundary of the above
6 described tract, commencing at said true point of beginning and running
7 south 50°21' east a distance of 130+ feet to a point on the southerly
8 boundary of said tract which is south 39°39' west from said existing well;
9 thence as an easement 30 feet wide, the center line of which runs north
10 39°39' east from said last described point to said well site.

11 (3) Subject further to an easement for an existing water line 4
12 feet wide running southeasterly from said well site to a point on the
13 southerly boundary line of said tract.

14 (4) Subject further to an easement in favor of the defendant, his
15 or her heirs and assigns, within the last described roadway easement, for
16 a water line 4 feet wide along the center line of the roadway easements
17 hereinabove described, plus a 4 feet wide easement from said well to said
18 southerly boundary line, and plus a 4 feet wide easement running from
19 said true point of beginning along the westerly boundary line of the above
20 described tract and along the easterly right-of-way of said Highway 52, a
21 distance of 508 feet.

22 Sec. 2. 1. Notwithstanding any provision of law to the contrary, a local
23 government shall not, in regulating the use of those lands described in
24 subsection 2 of section 7 of chapter 198, Statutes of Nevada 2009, at page 735,
25 as amended by section 1 of this act, authorize any of the following:

26 (a) A hotel, inn, motel, motor court, boardinghouse or lodging house.

27 (b) A gas station retailer.

28 (c) A store which is principally devoted to the sale of consumable products
29 or food for human consumption off the premises of the store. The provisions of
30 this paragraph do not prohibit the operation of a snack bar for the dispensing
31 of foodstuffs and beverages.

32 (d) A restaurant franchise.

33 (e) Any residential development of more than 1 home per 2 acres.

34 2. Notwithstanding any provision of law to the contrary, the Nevada
35 Gaming Commission shall not issue a license for any land described in
36 subsection 2 of section 7 of chapter 198, Statutes of Nevada 2009, at page 735,
37 as amended by section 1 of this act.

38 3. Notwithstanding any provision of law to the contrary, lands described
39 in subsection 2 of section 7 of chapter 198, Statutes of Nevada 2009, at page
40 735, as amended by section 1 of this act, may only be used for facilities and
41 operations related to outdoor recreational activities.