

**Summary of Proposed Land/Resources Related
Bills and Resolutions
76th Regular Session of the Nevada Legislature**



State Capitol, Carson City – Circa 1934

State Land Use Planning Advisory Council

April 29, 2011

Carson City, Nevada

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Assembly Bills

AB 59: Makes various changes to the Open Meeting Law.

Legislative Counsel's Digest:

Existing law establishes the Open Meeting Law which requires, except in certain limited situations, that all meetings of public bodies be open and public. It further requires that all persons be allowed to attend any meeting of these public bodies. (NRS 241.020) Existing law makes any action of a public body in violation of the Open Meeting Law void, and requires the Attorney General to investigate and prosecute any violation of the Open Meeting Law. (NRS 241.036, 241.040) If the Attorney General finds that a public body has taken an action which violates the Open Meeting Law, section 2 of this bill requires the public body to include an item on the next agenda posted for a meeting of the public body acknowledging the finding of the Attorney General regarding such a violation. Section 2 also provides that such acknowledgment is not an admission of wrongdoing on the part of the public body for the purposes of a civil action, criminal prosecution or injunctive relief. Section 3 of this bill authorizes the Attorney General to issue subpoenas for the production of documents, records or materials in the course of his or her investigation of any violation of the Open Meeting Law and makes failure or refusal to comply with such a subpoena a misdemeanor. Section 4 of this bill revises the definition of "public body" for purposes of the Open Meeting Law to identify the manner in which an entity must be created to be considered a public body and to clarify that a public body consists of at least two members. Section 4 also excludes proceedings of a public body that are judicial or quasi-judicial in nature from the requirements of the Open Meeting Law. Section 5 of this bill adds certain notifications that must be included on an agenda for a meeting of a public body. Existing law makes each member of a public body who attends a meeting where action is taken in violation of the Open Meeting Law with knowledge of the fact that the meeting is in violation guilty of a misdemeanor. (NRS 241.040) Section 6 of this bill further makes each such member who attends such a meeting subject to a civil penalty in an amount not to exceed \$500 regardless of knowledge of the violation.

AB 167: Enacts provisions for the protection of the waters of this State from aquatic invasive species.

Legislative Counsel's Digest:

Existing law makes it a misdemeanor for any person to introduce any aquatic life into this State without the permission of the Department of Wildlife. Existing law also authorizes the Board of Wildlife Commissioners to prohibit the importation, transportation or possession of any species of wildlife that the Commission deems detrimental to the wildlife or the habitat of the wildlife in this State. (NRS 503.597) Section 2 of this bill makes it a misdemeanor for a first offense and a

category E felony for any subsequent offense to knowingly or intentionally introduce any aquatic species which may be detrimental to the aquatic resources, aquatic species or water resources of this State. Section 2 also provides for an additional civil penalty of not less than \$25,000 and not more than \$250,000 for anyone convicted of such introduction. Section 4 of this bill authorizes the Department to set up inspection stations for vessels operating on the waters of this State to inspect such vessels for aquatic invasive species and prohibits any person from operating a vessel without first complying with the inspection program. Section 4 also prohibits any person operating a vessel from leaving an impaired body of water and entering another body of water in this State without first having the vessel decontaminated. In addition, section 4 allows a peace officer to inspect a vessel at any point if the peace officer has a reasonable belief based on articulable facts that an aquatic invasive species may be present on the vessel. Finally, if a person refuses to comply with a peace officer or the requirements of an inspection station, section 4 allows the person's vessel to be impounded or quarantined. Section 5 of this bill authorizes a peace officer to keep a vessel in impound or quarantine until it has been decontaminated or shown to be in compliance with the requirements of the Department. Section 6 of this bill requires the Commission to establish an annual aquatic invasive species fee, which must not exceed \$10, and requires the Department to issue an aquatic invasive species decal as evidence of payment. Section 6 prohibits any person from operating a vessel on the waters of this State without first paying the fee and attaching the decal to his or her vessel as proof of payment.

AB 257: Revises provisions relating to the Open Meeting Law.

Legislative Counsel's Digest:

The Open Meeting Law requires that meetings of public bodies be open to the public, with limited exceptions. Under the Open Meeting Law, a public body is required to provide written notice of all such meetings, which must include an agenda with a period devoted to comments by the general public and discussion of those comments. However, a public body is prohibited from taking action upon a matter that is raised during such a period for public comment until the matter has been specifically included on an agenda and is denoted to be an item upon which the public body may take action. (NRS 241.020) This bill requires the public body, before taking action on an agenda item that is denoted as an item on which the public body may take action, to provide a period devoted to public comment on the agenda item. The public body is also required to provide one additional period for public comment immediately before the adjournment of the meeting.

AB 419: Revises provisions relating to groundwater basins.

Legislative Counsel's Digest:

Under existing law, the State Engineer has various powers and duties with respect to regulating the groundwater in this State. (Chapter 534 of NRS) Section 3 of this bill requires the State Engineer to designate as a critical management area any basin in which withdrawals of groundwater consistently exceed the perennial yield of the basin. If a basin is so designated for at least 10 consecutive years, section 3 requires the State Engineer to order that withdrawals of groundwater be restricted in the basin to conform to priority rights, unless a groundwater management plan has been approved for the basin. Section 1 of this bill prescribes the procedure for the proposal, approval and revision of such a plan. Section 2 of this bill includes the existence of a groundwater management plan in a basin as a consideration for the State Engineer in determining whether to grant a request for an extension of the time necessary to work a forfeiture of water in such a basin.

AB 454: Removes prospective expiration of certain provisions relating to land use planning.

Legislative Counsel's Digest:

Existing law prescribes certain requirements for the proposed dividing of land into five or more units for the purpose of transfer or development, unless otherwise exempted. (NRS 278.320-278.460) The initial action in the process of dividing such land is the submission of a tentative map of the proposed subdivision, and the concluding action is the recordation of an approved final map. (NRS 278.330, 278.460) A subdivider whose tentative map of a proposed subdivision has been approved by the appropriate planning authority must present a final map covering the entire subdivision, or the first of a series of successive final maps covering portions of the subdivision, within 4 years after the approval of the tentative map, with certain exceptions, or proceedings concerning the subdivision are terminated. (NRS 278.360) Additionally, if a subdivider is presenting a series of final maps, each successive map must be presented within 2 years after the previous final map in the series was recorded, unless the planning authority grants an extension of not more than 2 additional years. (NRS 278.360) These deadlines of 4 years and 2 years were extended from 2 years and 1 year, respectively, during the 2009 Legislative Session, and those changes are scheduled to expire on June 30, 2013, after which the deadlines will revert to 2 years and 1 year, respectively. (Section 3, chapter 59, Statutes of Nevada 2009, p. 165) This bill removes that prospective expiration so that: (1) the deadline for presenting a final map or the first in a series of successive maps will remain at 4 years after the approval of the tentative map; (2) the deadline for presenting one of a series of successive final maps will remain at 2 years after the presentation of the previous map; and (3) the

possible duration of an extension to the deadlines for presenting one of a series of successive maps will remain at 2 years.

AB 522: Authorizes the issuance of bonds for projects and programs to protect, preserve and obtain the benefits of the property and natural resources of this State.

Legislative Counsel's Digest:

The Legislature submitted to the voters of this State, and the voters approved, at the general election held on November 5, 2002, a proposal to issue general obligation bonds of this State in an amount not to exceed \$200,000,000, the proceeds of which were to be used for projects and programs to protect, preserve and obtain the benefits of the property and natural resources of this State. (Chapter 6, Statutes of Nevada 2001, 17th Special Session, p. 104) Section 1 of this bill requires the issuance of not more than \$75,000,000 in general obligation bonds between July 1, 2011, and July 30, 2020, for programs and projects to protect, preserve and obtain the benefits of the property and natural resources of this State. Section 2 of this bill requires that the proceeds from the issuance of the bonds must be allocated to: (1) the State Department of Conservation and Natural Resources, to be allocated in the form of grants to state agencies, local governments and nonprofit organizations; (2) the Department of Wildlife; and (3) the Division of State Parks of the State Department of Conservation and Natural Resources.

Senate Bills

SB 49: Revises provisions governing the authority of a board of county highway commissioners regarding the establishment of certain rights-of-way.

Legislative Counsel's Digest:

Currently in Nevada, many roads are popularly referred to as "R.S. 2477 roads." R.S. 2477 roads are roads that exist on public rights-of-way granted pursuant to 43 U.S.C. § 932, a federal law passed in 1866 and stating, "[t]he right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted." In 1976, the United States Congress repealed the provisions of 43 U.S.C. § 932 by enacting the Federal Land Policy and Management Act of 1976 (43 U.S.C. §§ 1701 et seq.). However, section 701 of that Act also included a savings provision concerning R.S. 2477 roads that provided that "[n]othing in this Act, or in any amendment made by this Act, shall be construed as terminating any valid lease, permit, patent, right-of-way, or other land use right or authorization existing on [October 21, 1976]." (43 U.S.C. § 1701 note (Savings Provisions)) Therefore, valid R.S. 2477 rights-of-way continue to exist,

and under existing state law, any board of county commissioners may locate and determine the width of those rights-of-way and may locate and open R.S. 2477 roads on those rights-of-way. (NRS 405.191) Existing law also creates, in counties whose population is less than 100,000 (currently counties other than Clark and Washoe Counties), a board of county highway commissioners, composed of the regularly elected and qualified county commissioners. (NRS 403.005, 403.010, 403.020) A board of county highway commissioners has the authority to lay out and designate main, general and minor county roads and are required, upon so laying out and designating such roads, to create a county map showing the roads and their designations and to file copies of the map with the clerk of the board of county highway commissioners, the county clerk, the county recorder and the Department of Transportation. (NRS 403.170, 403.190) Section 1 of this bill provides that if a map showing an R.S. 2477 right-of-way is filed with the Department of Transportation, acceptance of the map by the Department constitutes validation of the R.S. 2477 right-of-way by the State of Nevada for the purpose of establishing the existence and location of the R.S. 2477 right-of-way. Section 2 of this bill confers authority upon a board of county highway commissioners to locate and determine the width of an R.S. 2477 right-of-way and to open that right-of-way for public use for the purpose of designating county roads within the county and taking certain other authorized actions concerning the R.S. 2477 right-of-way.

SB 85: Revises provisions governing land use decisions.

Legislative Counsel's Digest:

Under existing law, the governing body of each city and county is required to adopt an ordinance providing that an aggrieved person may appeal the decision of a planning commission, board of adjustment, hearing examiner or other similar official to the governing body. A person who is aggrieved by the decision of the governing body concerning that appeal may appeal the decision of the governing body to the district court by filing a petition for judicial review. (NRS 278.3195) This bill authorizes an aggrieved person also to appeal to a district court a decision of a governing body that considered a recommendation of a planning commission, board of adjustment, hearing examiner or other similar official or a decision of a governing body which was made without the necessity of a decision or recommendation by a planning commission, board of adjustment, hearing examiner or other similar official. In a county whose population is 400,000 or more (currently Clark County), this bill also provides that, for the purpose of determining whether a person who has filed a petition for judicial review of a decision of a governing body is an aggrieved person who may seek judicial review of the decision: (1) the person shall be deemed not to be aggrieved by the decision unless the person appeared before the planning commission, board of adjustment, hearing examiner or other similar official on the matter which is the subject of the decision and before the governing body

and fully set forth his or her position and the grounds in support of that position; and (2) the person must not be determined to be aggrieved by the decision solely on the basis that the decision may increase or create competition which the person claims may be detrimental to his or her property rights or other legal interests.

SB 271: Provides for withdrawal of the State of Nevada from the Tahoe Regional Planning Compact.

Legislative Counsel's Digest:

Existing law sets forth the Tahoe Regional Planning Compact, an interstate agreement between the States of California and Nevada pursuant to which the bistate Tahoe Regional Planning Agency regulates environmental and land-use matters within the Lake Tahoe Basin. (NRS 277.190-277.220) Existing law also provides that if either State withdraws from the Compact, the Nevada Tahoe Regional Planning Agency shall assume the duties and powers of regulating environmental and land-use matters on this State's side of the Lake Tahoe Basin. (NRS 278.826) This bill provides for the withdrawal of Nevada from the Tahoe Regional Planning Compact, thus causing the Nevada Tahoe Regional Planning Agency, for the portion of the Lake Tahoe Basin within this State, to assume the duties and powers currently held by the bistate Tahoe Regional Planning Agency. This bill also establishes temporary measures to ensure that the Nevada Tahoe Regional Planning Agency is able to assume those duties and powers in an orderly manner.

SB 375: Authorizes counties and cities to create renewable energy corridors.

Legislative Counsel's Digest:

Section 1 of this bill authorizes a board of county commissioners to create one or more renewable energy corridors within the unincorporated areas of the county, to enter into one or more cooperative agreements with other local governments for the purpose of creating a regional renewable energy corridor and to offer certain incentives for participation in a renewable energy corridor. **Section 2** of this bill authorizes the governing body of a city to create one or more renewable energy corridors within the boundaries of the city, to enter into one or more cooperative agreements with other local governments for the purpose of creating a regional renewable energy corridor and to offer certain incentives for participation in a renewable energy corridor.

SB 396: Changes the governmental entity entrusted to administer and distribute the additional funds generated by the

special license plates for the support of the natural environment of the Mount Charleston area.

Legislative Counsel's Digest:

Existing law provides for the issuance of special license plates for the support of the natural environment of the Mount Charleston area, creates an account for those license plates, requires the Administrator of the Division of State Lands of the State Department of Conservation and Natural Resources to administer the account and allows the Administrator to provide grants from the account. (NRS 321.5959, 482.37935) This bill: (1) eliminates the Account for License Plates for the Support of the Natural Environment of the Mount Charleston Area; (2) eliminates the involvement of the Administrator of the Division of State Lands; (3) requires that the additional funds generated by those special license plates be distributed directly, on a quarterly basis, to the Mount Charleston Town Advisory Board or its successor; and (4) requires the Board to use and grant the money so distributed to it only for the support of programs for the natural environment of the Mount Charleston area. Thus, this bill does not change the permissible uses of the additional funds generated by the special license plates for the support of the natural environment of the Mount Charleston area. Rather, it simply changes the identity of the governmental entity entrusted to administer and distribute those funds.

Senate Joint Resolutions

SJR3: Urges Congress to enact legislation to require the Secretary of the Interior to convey ownership of certain land to the State of Nevada to help fund education.

WHEREAS, The State of Nevada and other western states face unique challenges in providing the best education to their residents due to vast acreages of untaxable federal lands within their borders; and

WHEREAS, Early in Nevada's history, the Congress of the United States recognized the importance of supporting public education in Nevada and established school trust lands in Nevada to help fund education in the State; and

WHEREAS, When the Territory of Nevada was admitted to statehood, the Federal Government provided Nevada with two sections of land in each township for the benefit of common schools, which amounted to 3.9 million acres, while other territories that were subsequently admitted to statehood received four sections of land in each township for the benefit of common schools; and

WHEREAS, The land originally granted by the Federal Government to Nevada for common schools was not providing sufficient revenue for education because the land included large sections that were undesirable or difficult to survey; and

WHEREAS, In 1880, it was necessary for Nevada to agree to exchange its 3.9 million acres for only 2 million acres of its own selection, as Nevada had an immediate need for public school revenues; and

WHEREAS, The disproportionately small amount of land received from the Federal Government for the benefit of common schools contributes only a small amount of revenue for the schools in

Nevada in comparison to other states and places an excessive burden on the financial resources of each county in Nevada; and

WHEREAS, In Nevada, approximately 87 percent of the land, which amounts to approximately 61 million acres, is held by the Federal Government; and

WHEREAS, In 15 of the 17 counties in Nevada, more than 50 percent of the land is held by the Federal Government, and in 4 of the 17 counties, more than 90 percent of the land is held by the Federal Government; and

WHEREAS, The management and control of such an extensive amount of the land in Nevada by the Federal Government has an adverse effect on the ability of Nevada to provide a quality education to its residents; and

WHEREAS, Nevada and the other western states are falling behind in education funding as measured by the growth of expenditures per pupil; and

WHEREAS, The difficulty experienced by Nevada and the other western states in providing a quality education to their residents is exacerbated by projections that enrollment in public schools from 2007 to 2019 is expected to increase by approximately 34 percent in Nevada and the other western states, but increase by less than 1 percent in the remaining states in the United States; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 76th Session of the Nevada Legislature urge Congress and the Nevada Congressional Delegation to enact legislation requiring the Secretary of the Interior to convey ownership of federal land located in Nevada from the Federal Government to Nevada to help fund education for the residents of Nevada and to put the education system of Nevada in parity with that of the other states in the United States; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

**SJR4: Urges Congress to take certain actions concerning
federal public lands in Nevada.**

WHEREAS, The Federal Government manages and controls approximately 87 percent of the land in Nevada; and

WHEREAS, Nevada has an abundance of natural resources, including vast areas of land suitable for raising livestock, large deposits of gold, silver, copper and other minerals, and plentiful renewable resources, including, without limitation, sun, wind and geothermal resources that may be used to generate electricity; and

WHEREAS, Many of those renewable resources are located on public lands managed and controlled by the Federal Government; and

WHEREAS, Activities that occur on those public lands increase the demand for services provided by the State of Nevada and local governments in Nevada; and

WHEREAS, The State of Nevada and local governments are limited in their ability to collect taxes or other fees from the Federal Government or from the users of public lands to fund services provided by the State and local governments; and

WHEREAS, The Federal Government receives revenue from the licensing and permitting of activities that occur on those public lands, including mining, grazing livestock and generating electricity from renewable resources; and

WHEREAS, There have been efforts to curtail the practice by the Federal Government of sharing a portion of that revenue with the State of Nevada and local governments, including curtailing the practice of sharing with the counties a portion of the revenue derived from the lease of public lands and royalties from the generation of electricity from geothermal resources; and

WHEREAS, The provisions of S.3587 were recently introduced in the United States Senate, and require the Secretary of the Interior to establish a competitive leasing program for wind and solar energy development on federal public lands; and

WHEREAS, The provisions of S.3587 require the sharing of a portion of the revenue from the competitive leasing program with the counties from which the revenue is derived, thereby creating a beneficial and meaningful role for counties in Nevada; and

WHEREAS, The proposed budget submitted to Congress by the United States Department of the Interior for federal Fiscal Year 2011 calls for the permanent elimination of the counties' share of royalties from the generation of electricity from geothermal resources; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 76th Session of the Nevada Legislature hereby urge Congress:

1. To ensure that the public lands in Nevada that are managed and controlled by the Federal Government remain open to multiple uses; and
2. To enact legislation ensuring that the State of Nevada and the affected local governments in Nevada receive a portion of the revenue received by the Federal Government for activities conducted on the federal public lands in Nevada and ensuring that such sharing includes, without limitation, the reinstatement and continuation of federal laws and policies whereby local governments receive appropriate rents and royalties for activities which generate electricity from geothermal resources; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

SJR5: Expresses opposition to certain proposed actions concerning wild horse and burro herds on federal public lands in Nevada and urges Congress to take certain actions concerning those herds.

WHEREAS, The Federal Government manages and controls approximately 87 percent of the land in Nevada, much of it being rangelands populated with herds of wild horses and burros; and

WHEREAS, Those rangelands are subject to multiple uses, including livestock grazing, hunting, wildlife viewing and other recreation, and as such, a healthy rangeland is vital to the economic well-being of Nevada; and

WHEREAS, The populations of wild horses and burros, if left unmanaged, double approximately every 5 years, threatening the rangelands with overgrazing and placing increased pressure on the ability of the rangelands to support livestock grazing and existing native species of both plants and animals; and

WHEREAS, Wild horses and burros are not indigenous species in the rangelands but were introduced by humans, and it is thus the responsibility of humans to manage the populations of wild horses and burros in the rangelands; and

WHEREAS, Pursuant to the provisions of the Wild Free-Roaming Horses and Burros Act, 16 U.S.C. §§ 1331 et seq., the Secretary of the Interior is required to manage wild free-roaming horses and burros in a manner that is designed to achieve and maintain a thriving natural ecological balance on the public lands and to determine appropriate management levels of wild free-roaming horses and burros in a given area in such a manner as to preserve and maintain a thriving natural ecological balance and multiple-use relationship in that area; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 76th Session of the Nevada Legislature hereby express opposition to any

proposed expansion of wild horse and burro herd management areas within Nevada and to the creation of any wild horse and burro preserves on public lands in Nevada; and be it further **RESOLVED**, That the members of the Nevada Legislature hereby express opposition to any amendments to the Wild Free-Roaming Horses and Burros Act, 16 U.S.C. §§ 1331 et seq., that would, if enacted, allow any growth of wild horse and burro herds in Nevada, allow the expansion of wild horse and burro herd management areas in Nevada, allow the creation of wild horse and burro preserves on public lands in Nevada or in any other way negatively impact Nevada; and be it further

RESOLVED, That the members of the Nevada Legislature hereby urge Congress to take steps necessary to ensure that the Secretary of the Interior complies with existing laws and regulations relating to wild horses and burros; and be it further

RESOLVED, That in complying with those laws and regulations, the Bureau of Land Management is hereby urged to manage the rangelands in Nevada in a manner which ensures the increased health and availability of those rangelands for multiple uses; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation, the Secretary of the Interior and the Director of the Bureau of Land Management; and be it further

RESOLVED, That this resolution becomes effective upon passage.

SJR6: Claims sovereignty under the Tenth Amendment to the U.S. Constitution. (Same as AJR4)

WHEREAS, The Tenth Amendment to the Constitution of the United States reads as follows: "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people"; and

WHEREAS, The Tenth Amendment defines the total scope of federal power as being that specifically granted by the Constitution of the United States and no more; and

WHEREAS, The scope of power defined by the Tenth Amendment means that the Federal Government was created by the states specifically to be an agent of the states; and

WHEREAS, Today, in 2011, the states are demonstrably treated as agents of the Federal Government; and

WHEREAS, Many federal laws are directly in violation of the Tenth Amendment to the Constitution of the United States; and

WHEREAS, The Tenth Amendment ensures that we, the people of the United States of America and each sovereign state in the Union of States, now have, and have always had, rights the Federal Government may not usurp; and

WHEREAS, Section 4, Article IV, of the U.S. Constitution says, "The United States shall guarantee to every State in this Union a Republican Form of Government," and the Ninth Amendment states that, "The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people"; and

WHEREAS, The United States Supreme Court has ruled in *New York v. United States*, 112 S.Ct. 2408 (1992), that Congress may not simply commandeer the legislative processes of the states by compelling the states to enact and administer federal programs; and

WHEREAS, A number of proposals from previous administrations and some now pending from the present administration and from Congress may further violate the Constitution of the United States; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the 76th Legislature of the State of Nevada hereby claim sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the Federal Government by the Constitution of the United States; and be it further

RESOLVED, That this resolution serves as notice and demand to the Federal Government to cease and desist, effective immediately, mandates that are beyond the scope of these constitutionally delegated powers; and be it further

RESOLVED, That all compulsory federal legislation which directs states to comply under threat of civil or criminal penalties or sanctions or which requires states to pass legislation or lose federal funding be prohibited or repealed; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the Senate and the Speaker of the House of Representatives, and each member of the Nevada Congressional Delegation with the request that this resolution be officially entered in the Congressional Record as a memorial to the Congress of the United States of America; and be it further

RESOLVED, That this resolution becomes effective upon passage.

SJR8: Urges Congress to enact legislation or take other appropriate action to expedite and streamline the requirements for conducting mining operations in this State.

WHEREAS, Since the earliest days of statehood, the State of Nevada has been known for containing vast deposits of minerals located throughout the State, including copper, gold, silver, lithium, molybdenum, barite and other minerals essential to the security, economy, technological innovation, conventional and renewable energy infrastructure and daily life of the United States; and

WHEREAS, Because of the availability of those mineral deposits, mining is an important industry in the State of Nevada and has traditionally provided many high-paying jobs for local communities and has contributed to the communities in other ways such as investing in infrastructure and services for those communities; and

WHEREAS, The reliance of the United States on foreign sources of many important minerals impedes economic recovery, limits economic growth and creates vulnerabilities in the chain of supply that potentially threatens the national security of the United States; and

WHEREAS, Increasing the amount of production of Nevada's minerals, including, without limitation, copper, gold and silver, that are exported worldwide would aid in the reduction of the trade deficit of the United States and would thus be highly beneficial to the national economy; and

WHEREAS, Mining supports a significant portion of the local economies of rural Nevada and creates jobs that pay employees an average of \$81,800 per year; and

WHEREAS, Exploration for minerals is a source of capital investment in Nevada, supports the discovery of new mineral deposits that may become future or expanded mines, contributes significantly to state and local tax revenues and provides other economic benefits to Nevada and local economies in Nevada; and

WHEREAS, Because approximately 87 percent of the land in Nevada is managed and controlled by the Federal Government, most mineral exploration and mining activities occur entirely or partially on federal land and permits must be secured for those activities from the Bureau of Land Management and the United States Forest Service; and

WHEREAS, The permitting processes of the Bureau of Land Management and the United States Forest Service for mineral exploration and mine development are the source of significant and problematic delays that cost jobs, injure Nevada's economy and impede national economic interests; and

WHEREAS, An estimated 2,500 high-paying mining jobs are currently being delayed for an unspecified and unreasonable period because those permitting processes often require 3 years or longer to complete; and

WHEREAS, Delays in the permitting process for mineral exploration projects are creating a significant delay in the rate of discovery of new mineral deposits that may be developed into new or expanded mines; and

WHEREAS, Delays in the permitting process and the resulting reduction in the rate of discovery of new mineral deposits are significant reasons that gold and silver production from mines in Nevada has declined dramatically in the last decade, which has resulted in unrealized jobs and tax revenues that would otherwise be generated from those mines; and

WHEREAS, The process of the Bureau of Land Management for the review and publication of notices in the Federal Register announcing the intent of the Bureau of Land Management to prepare an environmental impact statement and the availability of draft and final environmental impact statements often add up to 1 year to the mine permitting process; and

WHEREAS, Expediting the permitting processes of the Bureau of Land Management and the United States Forest Service to materially diminish the time required to approve mineral exploration and mine development projects would make a significant contribution to Nevada's economy and the national economic interests by increasing mining and mineral exploration jobs and increasing tax revenues from mining, including, without limitation, revenues from sales and use taxes, net proceeds taxes, modified business taxes and property taxes; and

WHEREAS, Implementing procedures to expedite the permitting of mineral exploration and mine development projects is of equal importance to the economy of Nevada and the United States as the similarly expedited permitting schemes already endorsed for renewable energy projects; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 76th Session of the Nevada Legislature hereby urge Congress to enact legislation or take other appropriate action directing the Secretary of Agriculture, the Secretary of the Interior, the Chief of the United States Forest Service, the Director of the Bureau of Land Management, the Director of the Nevada State Office of the Bureau of Land Management and the Forest Supervisor for the Humboldt-Toiyabe National Forest to pursue, together with the appropriate governmental entities in this State, methods and procedures that expedite or may expedite the permitting processes for mineral exploration and development of mines in this State; and be it further

RESOLVED, That the Secretary of the Interior and the Director of the Bureau of Land Management are hereby urged to eliminate any burdensome and unreasonable delays associated with the process of the Bureau of Land Management for the review and publication of notices in the Federal Register; and be it further

RESOLVED, That, cooperatively with the appropriate governmental entities in this State, the Secretary of Agriculture, the Secretary of the Interior, the Chief of the United States Forest Service, the Director of the Bureau of Land Management, the Director of the Nevada State Office of the Bureau of Land Management and the Forest Supervisor for the Humboldt-Toiyabe National Forest are hereby urged to establish streamlined permitting time frames consistent with the goals of this State for economic recovery and with national economic interests; and be it further

RESOLVED, That such a streamlined permitting process must include the following requirements:

1. The Bureau of Land Management should approve or deny any project that requires a notice within 15 calendar days after the date of submittal of a complete notice application;
2. The United States Forest Service should approve or deny any small exploration project that may be evaluated with a categorical exclusion within 4 months after the date of submittal of a complete application for the small exploration project;
3. The Bureau of Land Management and the United States Forest Service should approve or deny any project that requires an exploration plan of operation within 4 months after the date of submittal of a complete application for the plan of operation;
4. The Bureau of Land Management's process for review and publication of notices in the Federal Register announcing the intent of the Bureau of Land Management to prepare an environmental

impact statement or announcing the availability of a draft and final environmental impact statement should be completed in 2 weeks; and

5. The Bureau of Land Management and the United States Forest Service should approve or deny a plan of operation for a mining project within 12 months after the date of submittal of a complete plan of operation for that mining project; and be it further

RESOLVED, That Congress is hereby urged to enact legislation or take other appropriate action directing the Secretary of Agriculture, the Secretary of the Interior, the Chief of the United States Forest Service, the Director of the Bureau of Land Management, the Director of the Nevada Office of the Bureau of Land Management and the Forest Supervisor for the Humboldt- Toiyabe National Forest to provide quarterly progress reports to Congress, the Speaker of the Nevada Assembly, the Majority Leader of the Nevada Senate and the Governor of Nevada setting forth the following information:

1. A list specifying each proposed mineral exploration and mining project that the Bureau of Land Management and the United States Forest Service are reviewing and the date that the Bureau of Land Management and the United States Forest Service began reviewing each of those projects;

2. The anticipated target date on which each proposed mineral exploration and mining project permit will be approved or denied;

3. An assessment of the performance of the Bureau of Land Management and the United States Forest Service in meeting the streamlined permitting objectives;

4. If the streamlined permitting objectives have not or may not be met, a detailed explanation of the reasons for failing to meet those objectives; and

5. Any additional resources that the Bureau of Land Management and the United States Forest Service need to meet the requirements of the streamlined permitting process; and be it further

RESOLVED, That Congress is hereby urged to enact legislation or take other appropriate action directing the Secretary of Agriculture, the Secretary of the Interior, the Chief of the United States Forest Service, the Director of the Bureau of Land Management, the Director of the Nevada State Office of the Bureau of Land Management and the Forest Supervisor for the Humboldt- Toiyabe National Forest to take all necessary steps to provide adequate staffing and resources consistent with achieving the streamlined permitting objectives; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

SJR12: Expresses opposition to the designation of certain public lands as Wild Lands and urges the Secretary of the Interior to rescind the order requiring that designation.

WHEREAS, The management of the public lands in Nevada and in the Western United States for multiple uses is necessary for economic stability, is critical to the future of this State and is an important part of the culture and heritage of this State; and

WHEREAS, Prudent application of sustainable principles for multiple use allows the State's renewable and abundant natural resources to be of value to all, while protecting the many unique and sensitive parts of this State; and

WHEREAS, The multiple-use management of the lands administered by the Bureau of Land Management in this State has contributed to the well-being of this State and the nation through the development of energy and minerals, the production of food and fiber, the preservation of habitat and native species and the provision of recreational opportunities; and

WHEREAS, The economies of Nevada's rural counties are heavily reliant on activities which are conducted on lands administered by the Bureau of Land Management; and

WHEREAS, The Taylor Grazing Act of 1934 established the legal obligation and responsibility of the Federal Government to safeguard livestock grazing rights on public land as part of the cultural and social fabric of the West; and

WHEREAS, Generations of economically viable livestock grazing operations in Nevada have been forged by families combining private and public land resources that contribute to local economies and are the catalyst for preserving open space in many rapidly developing areas; and

WHEREAS, Management of the unreserved federal lands administered by the Department of the Interior is required under the Federal Land Policy Management Act of 1976 to be incorporated consistently into agency management plans in partnership with state³ and local planning agencies; and

WHEREAS, On December 23, 2010, the Secretary of the Interior issued Secretarial Order No. 3310, directing the Bureau of Land Management to inventory and designate lands with wilderness characteristics under a new agency definition of "Wild Lands" and diverting funds from critical agency needs; and

WHEREAS, The Bureau of Land Management has inventoried lands with wilderness characteristics as part of the agency's Resource Management Planning process, pursuant to the requirements of the National Environmental Policy Act of 1969; and

WHEREAS, Secretarial Order No. 3310 seeks to establish a new level of land designation in Nevada and throughout the West based on the new definition of Wild Lands; and

WHEREAS, The revised guidance provided by Secretarial Order No. 3310 grants the Bureau of Land Management broader authority to restrict energy development, livestock grazing, mineral extraction and recreational activities; and

WHEREAS, The active management of public lands in Nevada contributes to the health and biodiversity of the resources of this State, and potential designation of those lands as Wild Lands could jeopardize that active management, leading to resource degradation, creating unnecessary duplication of existing wilderness designations and increasing the complexity of the permitting process for all users of public lands; and

WHEREAS, Jobs generated through the multiple use of public lands are well-paying jobs which sustain many families in this State and are the economic backbone of Nevada's rural communities; now, therefore, be it

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That the members of the 76th Session of the Nevada Legislature hereby urge the Secretary of the Interior to rescind Secretarial Order No. 3310; and be it further

RESOLVED, That those members of the Nevada Legislature hereby urge Congress to honor the long-standing commitment it has made to managing the multiple use of public lands in Nevada and the Western United States; and be it further

RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to the President of the United States, the Vice President of the United States as the presiding officer of the United States Senate, the Speaker of the House of Representatives, each member of the Nevada Congressional Delegation, the Secretary of the Interior and the Director of the Bureau of Land Management; and be it further

RESOLVED, That this resolution becomes effective upon passage.

SJR13: Proposes to amend the Nevada Constitution to establish the Trust Fund for State Parks.

RESOLVED BY THE SENATE AND ASSEMBLY OF THE STATE OF NEVADA, JOINTLY, That a new section, designated Section 6, be added to Article 9 of the Nevada Constitution to read as follows:

Sec. 6. 1. There is hereby created the Trust Fund for State Parks.

2. Money in the Trust Fund for State Parks must be held in trust and used exclusively for the acquisition, improvement, preservation and maintenance of state parks for the benefit of the residents of this State.

3. The Legislature shall provide by law for the investment and administration of the money in the Trust Fund for State Parks and may take such actions as appropriate to encourage endowments, gifts and other donations for the Fund.

4. The Legislature may provide by law for the imposition of an annual registration fee not to exceed \$5 per noncommercial motor vehicle for deposit in the Trust Fund for State Parks.

And be it further

RESOLVED, That Section 5 of Article 9 of the Nevada Constitution be amended to read as follows:

[Section] ***Sec. 5.*** The proceeds from the imposition of any license or registration fee and other charge with respect to the operation of any motor vehicle upon any public highway in this State and the proceeds from the imposition of any excise tax on gasoline or other motor vehicle fuel shall, except costs of administration, be used exclusively for the construction, maintenance, and repair of the public highways of this State. The provisions of this section do not apply to the proceeds of any tax imposed upon motor vehicles by the Legislature in lieu of an ad valorem property tax ***[.] or to the proceeds of any fee imposed by the Legislature for deposit to the Trust Fund for State Parks established pursuant to Section 6 of Article 9.***

Assembly Concurrent Resolutions:

ACR3: Urges proactive protection and restoration of the population and habitat of the greater sage grouse in Nevada.

WHEREAS, The status of the population and habitat of the species of wild bird known as the greater sage grouse has been extensively considered in recent years throughout the natural range of the greater sage grouse, which includes the states of California, Colorado, Idaho, Montana, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington and Wyoming; and **WHEREAS**, In the past, significant efforts have been made by numerous governmental agencies and conservation groups to address the issue of the possible listing of the greater sage grouse as an endangered or threatened species under the Endangered Species Act of 1973, 16 U.S.C. §§ 1531 et seq.; and

WHEREAS, In 2005, the Nevada Legislature adopted Senate Concurrent Resolution No. 15, File No. 48, Statutes of Nevada 2005, at page 3022, in which the efforts of those agencies and groups were recognized and all persons involved were encouraged to contribute their efforts to maintain their successful strategies to ensure that greater sage grouse populations and habitat could be

restored and an ecological crisis averted; and

WHEREAS, On March 23, 2010, after extensive litigation, the United States Fish and Wildlife Service issued its findings and habitat of the greater sage grouse; and

WHEREAS, In those findings, the United States Fish and Wildlife Service indicated that both the rangewide population of the greater sage grouse and a distinct population segment of the greater sage grouse located in portions of California and Nevada warranted listing as an

endangered or threatened species, but the listing was currently precluded because of the listing of other species having a higher priority; and

WHEREAS, Although the greater sage grouse has been designated as a candidate species, the United States Fish and Wildlife Service has indicated it will continue to monitor the status of the greater sage grouse to determine whether that designation or level of priority should be changed; and

WHEREAS, The Natural Resources Conservation Service of the United States Department of Agriculture maintains several programs to provide limited federal assistance to owners of land who wish to join in efforts to conserve habitat for wildlife, including the Wildlife Habitat Incentive Program, which provides up to 75 percent cost assistance to improve fish and wildlife habitat, and the Environmental Quality Incentives Program, which offers financial and technical assistance to eligible farmers, ranchers and landowners to install or carry out approved conservation practices on eligible agricultural land; and

WHEREAS, In 2004, the *Greater Sage-Grouse Conservation Plan for Nevada and Eastern California* was published under the direction of former Governor Guinn, which contained an assessment of greater sage grouse populations in Nevada, the risks facing those populations, strategies to reduce those risks and methods to carry out and monitor the effectiveness of those strategies; and

WHEREAS, Acquiring and maintaining sufficient sources of money and other funding to carry out the *Greater Sage-Grouse Conservation Plan for Nevada and Eastern California* and other federal, state and local programs to assist in conserving wildlife habitat and creating projects to ensure the health and habitat of the greater sage grouse throughout its natural range is absolutely essential to prevent the listing of the greater sage grouse as an endangered or threatened species; now, therefore, be it

RESOLVED BY THE ASSEMBLY OF THE STATE OF NEVADA, THE SENATE CONCURRING, That the members of the 76th Session of the Nevada Legislature hereby urge each state and local governmental agency, each user of public lands, each member of a conservation group and any other person who is involved in activities to improve the population of the greater sage grouse and to prevent the greater sage grouse from being listed as an endangered or threatened species to engage in those activities in a positive and proactive manner to ensure the protection and restoration of the population and habitat of the greater sage grouse and to mitigate any future damage to that habitat and population in Nevada; and be it further

RESOLVED, That the members of the 76th Session of the Nevada Legislature hereby recognize the need for acquiring and maintaining sources of money and other funding to assist in the efforts to protect and restore the habitat and population of the greater sage grouse and encourage all persons involved to continue in their efforts to acquire and use those sources of money and other funding for that purpose; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Governor, the Director of the State Department of Conservation and Natural Resources, the University of Nevada Cooperative Extension and the Director of the Department of Wildlife for distribution to the conservation groups which have participated in the effort to prevent the greater sage grouse from being listed as an endangered or threatened species.

AJR5: Urging the Federal Government to engage in discussions with the State of Nevada and Nye County, Nevada,

regarding the mitigation and containment of water contamination in Nevada which resulted from certain nuclear testing and storage activities that were conducted by the Federal Government in Nye County, Nevada. (Same as SCR2)

WHEREAS, The Federal Government has conducted numerous public, secret and classified activities and military exercises in Nevada that have resulted in the contamination of the water supply in this State with radioactive material and other hazardous contaminants; and

WHEREAS, The Nevada National Security Site, formerly the Nevada Test Site, which is located in Nye County, Nevada, approximately 40 miles north of Pahrump, Nevada, and 65 miles northwest of Las Vegas, Nevada, was established by the Federal Government in 1950 for the purposes of detonating nuclear devices and conducting other public, secret and classified nuclear tests in connection with the research and development of nuclear weapons for use by the Armed Forces of the United States; and

WHEREAS, From 1951 until 1992, the Federal Government conducted 100 atmospheric nuclear tests and 828 underground nuclear tests at the Nevada National Security Site, which resulted in the detonation of 1,021 nuclear devices; and

WHEREAS, Approximately one-third of the underground nuclear tests at the Nevada National Security Site were conducted directly in aquifers, and many other underground tests were conducted above and below the water table; and

WHEREAS, Radioactive particles have migrated via water from the Paiute Mesa area of the Nevada National Security Site toward Beatty, Nevada; and

WHEREAS, The United States Department of Energy has estimated that nuclear testing at the Nevada National Security Site left behind more than 300 million curies of radionuclides, making the Site one of the most radioactively contaminated places in the United States; and

WHEREAS, Since 1961, Area 5 and Area 3 within the Nevada National Security Site have been primary storage and disposal sites of the Federal Government for low-level and mixed low-level radioactive waste; and

WHEREAS, A study conducted on behalf of Nye County concluded that nuclear testing at the Nevada National Security Site has polluted approximately 1.6 trillion gallons of water in this State; and

WHEREAS, The aforementioned activities of the Federal Government in Nevada have had a deleterious effect on the environment of this State and have resulted in the contamination of the interconnected surface and subsurface waters, groundwater and aquifers of a large geographic area of Nevada with radioactive and other contaminants; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the members of the 76th Session of the Nevada Legislature respectfully urge the Federal Government to engage in discussions with the State of Nevada and Nye County, Nevada, regarding:

1. The mitigation and containment of water contamination in Nevada which resulted from nuclear testing and storage activities that were conducted by the Federal Government at the Nevada National Security Site; and

2. The restoration of any water contaminated because of those activities; and be it further **RESOLVED**, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to the Secretary of Defense, the Secretary of Energy, the Chairman of the Joint Chiefs of Staff, the Administrator of the Environmental Protection Agency and each member of the Nevada Congressional Delegation; and be it further

RESOLVED, That this resolution becomes effective upon passage.

AJR6: Requests that Congress and the Federal Highway Administration designate a portion of U.S. Route 93 as an interstate highway.

WHEREAS, Congress enacted the Federal-Aid Highway Act of 1956 to authorize and fund construction of the Interstate Highway System; and

WHEREAS, Congress enacted the National Highway System Designation Act of 1995, which empowered the Secretary of Transportation of the United States Department of Transportation to make modifications to the National Highway System and to designate a highway as a route or a future route on the Interstate System; and

WHEREAS, Infrastructure for transportation systems play an integral role in supporting the diversification and expansion of the workforce and economy; and

WHEREAS, Nevada is uniquely positioned by virtue of its location and favorable business climate to serve as a logistics and distribution center for the receipt, shipment and assembly of goods on the West Coast to points north and east; and

WHEREAS, Interstate 11 is a designation for a proposed interstate highway to run from the Mexican border in southern Arizona to Las Vegas, Nevada, and to eventually continue on to Reno, Nevada, and Seattle, Washington, and end at the Canadian border; and

WHEREAS, Proposed Interstate 11 would follow the route of U.S. Highway No. 93 from just outside Phoenix, Arizona, to Las Vegas, Nevada; and

WHEREAS, Such an interstate highway would allow Nevada to participate in the nationwide distribution of the increasing tonnage of goods and freight entering North America through the port of Punta Colonet, Mexico; and

WHEREAS, Such an interstate highway would allow Nevada to advance its interests in recreation and tourism, and increase participation in commercial trucking and the moving of freight, including the continued development of logistics and distribution centers; and

WHEREAS, Such an interstate highway would connect to the Interstate Highway 40 east to west corridor and assist in making Nevada the logistics, distribution and manufacturing capital of the West; now, therefore, be it

RESOLVED BY THE ASSEMBLY AND SENATE OF THE STATE OF NEVADA, JOINTLY, That the Nevada Legislature urges the Secretary of Transportation of the United States Department of Transportation to designate U.S. Highway No. 93 from just outside Phoenix, Arizona, to Las Vegas, Nevada, as a future Interstate System route and as part of the proposed Interstate 11; and be it further

RESOLVED, That the Nevada Legislature urges the Nevada Congressional Delegation to use its best efforts to propose such action and to encourage the Secretary of Transportation of the United States Department of Transportation to take such action; and be it further

RESOLVED, That the Chief Clerk of the Assembly prepare and transmit a copy of this resolution to each member of the Nevada Congressional Delegation and to the Secretary of Transportation of the United States Department of Transportation; and be it further

RESOLVED, That this resolution becomes effective upon passage.