

The History of Bullfrog County

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If it had been named Yucca, Cannon, or even, Atomic County, no one would have given it a second's notice. But the 144 square miles of volcanic moon-scape 115 miles northwest of Las Vegas named Bullfrog County by the '87 Nevada legislature has already enjoyed national press attention. From a state boasting grocery store slot machines, legal prostitution and happily married showgirls, zero-population Bullfrog County hardly seems abnormal. Unfortunately, what is hardly abnormal is the process of politics-as-usual that created the controversy surrounding the newest county in the U.S.

The story begins in Washington D.C. in 1982. The Nuclear Waste Policy Act of 1982 initiated the U.S. government's search for a permanent repository for high-level radioactive waste produced by the nation's 100 commercial nuclear reactors. In addition, the counties which were to be tested for housing the dump, and the county ultimately receiving the waste facility, were allowed to tax the federal government for its use of county land. Counties so chosen would receive at least \$5 million of these Grants Equal To Taxes (GETT) funds each year while being tested or housing the dump.

In spite of the GETT funds, Nevadans adamantly opposed housing the dump in Nevada. That is, until 1986.

In June '86, Nye County lost a significant portion of its tax base when the American Borite Company closed its operations in the county. Raising property taxes to help fund incomplete, county building projects was impossible: the county already had the highest tax rate in Nevada. To help finance

the \$5.7 million county budget, lobbyists were sent to Washington to lobby for building the dump in Nye County.

But Nye County officials were not alone in their desire for the federal money that would come with the dump. The '87 Nevada Legislature convened with a strong commitment by other county legislators, especially from Clark County, to get their piece of the federal pie, should the dump come to Nevada.

When behind-the-scenes negotiations for distribution of the millions in federal dollars broke down between Nye and Clark County legislators, each side submitted legislation to resolve the conflict.

May 5 '87, State assemblymen May and Hickey (both D-NLV) introduce Assembly Bill 756 to create Bullfrog County. The name is taken from a mining district named for the greenish, gold-speckled ore mined near Rhyolite about 1910. All federal monies received for the dump would be distributed to all Nevada counties by three commissioners appointed by the governor. Clark County would receive the most money.

May 7. State Senator Rebelsberger (D-Pahrump) introduces Senate Bill 595 to create a special tax district for the proposed dump. Federal monies would be distributed by a complex formula favoring Nye County, involving population and miles of county roads & railroads used to transport the waste.

June 18. Due to a coalition of Clark County legislators, AB 756 is approved by both houses of the legislature at 3am on the last day of the longest session in Nevada history. Senator Raggio calls the bill "a mockery of our system. When historians look back, they're going to laugh at us." May says,

"We had to get Nye County out of the way somehow."

July 1. Assured by Attorney General McKay that it is constitutional, Governor Bryan signs the bill creating Bullfrog County, the 18th Nevada county. The bill also establishes a property tax rate of \$5 per \$100 of assessed value, the highest allowed by state law. The federal government will have to pay \$8 to \$25 million per year to Nevada while using Bullfrog County land to test for or house the dump.

July. It is discovered that AB 756 neglects to provide for dispersal of federal tax revenue received. Nye County Commissioners consider suing the state for creating Bullfrog County.

July 25. Anti-nuclear protest groups, including American Peace Test, plan protests in Bullfrog County. Because there is no police force in the county, federal officials would have to arrest the protestors who trespass on federal land in Bullfrog County. Peace activists hope the federal arrests lead to trials in federal courts and allow them to voice their message in Las Vegas federal courts. Previous arrests were made by Nye County officials; trials, in Beatty justice court.

Aug. 6. The Nye County Commission votes to sue the state to test the constitutionality of AB 756. McKay, who must defend the bill, says, "Just because a piece of legislation is poorly drafted with little thought about what the ramifications are going to be, that does not necessarily render the legislation unconstitutional."

Aug. 8. Nye County officials ask the governor to call a special session of the legislature to repeal AB 756. Bryan says he's not interested.

Aug. 11. Top Nevada of-

ficials take public positions regarding Bullfrog. Rep. Vucanovich says it sends mixed signals to the U.S. Congress. Bryan and Senator Reid support it, saying the bill gives protection to Nevada, and that it does not send a signal to Washington that Nevada wants the dump. Senator Hecht says, "I won't pass judgement. Whatever the state does, I go along with."

Aug. 28. Hecht calls the creation of Bullfrog County unconstitutional because it's an obvious attempt to get federal funds by discriminating against the federal government, and says Bryan should not have allowed it. "I would have vetoed it."

Bryan counters by calling Hecht, "wishy-washy".

Aug. 30 - Sept. 2. Bullfrog County gains national press attention in major U.S. newspapers. The stories are straightforward accounts that focus on the county's lack of population, the sky-high property tax, and Nevada's continued resistance to the dump in Nevada.

Sept. The strike against REECO begins. The absence of thousands of workers coming to work in Nye County means more tax revenue lost by the county.

Sept. 2. Bryan appoints the three Bullfrog County Commissioners. Chairman of the commission - Mike Mellner, a Reno attorney.

Dorothy Eisenberg, past president of League of Women Voters, and David Powell, a real estate broker are also appointed. Both live in Las Vegas. Each will receive \$1/yr. for serving. Sept. 11. The Commission on High Level Radioactive Waste [seven Nevada legislators] tours European waste dumps on \$28,000 received from taxes on commercial nuclear reactors.

Sept. 19. Hecht raps Bryan's support of

Bullfrog and says AB 756 "signals Nevada's surrender on the dump issue." Bryan counters by calling Hecht slow and ineffective in opposing the dump.

The U.S. Board of Geographic Names meets in Reno and approves the name Bullfrog County, along with place names like Crater Flat Wash and Lathrop Wells Cone. It doesn't approve Dead Yucca Ridge, Exile Hill or over 20 other names submitted to honor relatives and friends.

Sept. 21. The Nevada Commission on Nuclear Projects go to Washington D.C. to declare that Nevada does not want the dump.

Oct. 4. Nye County residents hand out and sign a petition "to vent some anger towards Clark County legislators who created Bullfrog County." The petition demands federal monies generated from Bullfrog County be used to dig a canal from Lake Mead (to be renamed Bullfrog Lake) to Bullfrog County so "it could have its own bullfrogs." T-shirts with frogs Tom (Hickey), Dick (Bryan), and Paul (May) sitting on top of toilets, sell well in Nye County.

Oct. 7. The Nye County DA files suit in Esmeralda District Court in Goldfield, suing Bryan, McKay, and the state legislature for creating Bullfrog County. The suit claims AB 756 violates 37 provisions of the U.S. and Nevada Constitutions, including failure to guarantee trial by peers of to form a school district in the county.

Travis T. Hipp, Carson City radio talk show host, publishes and hands out the two-page *Bullfrog Times Picayune*, its first newspaper. Hipp says, "Bullfrog County is a joke and also dead real. So is the paper."

The Bullfrog County Commission meets for the first time ... by conference call between the three

commissioners in Las Vegas and Carson City. Their first ordinance opposes placing the dump in Bullfrog County. Nevada open meeting laws dictate that notice of their meeting be posted in public places within their county, but there are no public places in the county. The Deputy DA says notices posted in Carson City will suffice.

Oct. 21. About 30 anti-nuclear activists from American Peace Test hike into Bullfrog County, anticipating arrest by federal officials. Dept. of Energy security declines to arrest them because they are only trespassing on "not-so-secret parts of the test site."

Oct. 22. Running out of food and water and unable to return to their vehicles under their own power, the protestors ask DOE security for help. Security officials bus the protestors back to their vehicles.

Oct. 29. McKay calls AB 756 illegal and says he can't defend the law since he thinks it's unconstitutional. Bryan says that based on McKay's opinion, he will not defend AB 756 against the Nye County suit and adds that he only signed the bill because McKay said it was OK. McKay says he said it was OK, but "expressed some concern" to Bryan.

Oct. 31. Hecht says Bullfrog County was "just plain, bad policy," and Bryan should abolish the county. Bryan says that Hecht, as a lawyer, should know that he, as governor, is powerless to abolish laws; only the legislature can do so.

Nov. 2. Nye County continues to reel from the loss of tax revenues due to the long strike against REECO.

Nov. 4. Hecht sends a letter to every U.S. Congressman calling Bullfrog County a mistake and places most of the blame on Bryan.

see History, ss 8