

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON NATURAL RESOURCES, AGRICULTURE, AND
MINING**

**Seventy-Third Session
March 16, 2005**

The Committee on Natural Resources, Agriculture, and Mining was called to order at 1:30 p.m., on Wednesday, March 16, 2005. Chairman Jerry D. Claborn presided in Room 3161 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mr. Jerry D. Claborn, Chairman
Mr. Kelvin Atkinson, Vice Chairman
Mr. John C. Carpenter
Mr. Mo Denis
Mr. Pete Goicoechea
Mr. Tom Grady
Mr. Joseph M. Hogan
Mrs. Marilyn Kirkpatrick
Mr. John Marvel
Ms. Genie Ohrenschall
Mrs. Debbie Smith

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Amber Joiner, Committee Policy Analyst
Mary Garcia, Committee Secretary

OTHERS PRESENT:

Elwood Miller, Executive Director, Nevada Fire Safe Council
Ed Smith, Natural Resources Specialist, University of Nevada Cooperative
Extension; Chairman, Board of Directors, Nevada Fire Safe Council
DeLloyd Satterthwaite, Nevada Rangeland Resources Commission
Benny Romero, Nevada Rangeland Resources Commission
Dennis Hellwinkel, Nevada Farm Bureau

Chairman Claborn:

[Meeting called to order. Roll called.] We have a brief overview of the Nevada Fire Safe Council.

Elwood Miller, Executive Director, Nevada Fire Safe Council:

About this time of year in almost every presentation or group I meet with I'm asked, "What kind of a fire season are we going to have this year?" My pat answer is always, "It's going to be a bad one," because in times of drought, the fuel moisture content drops to the point where heavy fuels are easily ignited and can burn with great intensity, such as the season we had last year. In years like this when we have higher than normal moisture, or at least an abundance of moisture, it's the fine fuels that grow. Cheat grass grows tall and thick, so we're never out of a bad fire season. We live in a fire environment and we have to learn to live in that environment.

In 1999, the fire services in the State of Nevada came together to discuss a problem—fire behavior that was more unpredictable and explosive. They didn't see that changing as they looked ahead because of the abundance of fuel that had accumulated during the 100 years or so that we have had total fire suppression as a policy.

More communities were being threatened because more and more developments were occurring in high fire-threat areas. There was no grassroots organization across the state to develop local support and generate that for local action. There was no point of local contact to facilitate communication between the fire services and the communities that were threatened by wildfire. There was no local mechanism in many communities to accept grant funds to implement needed projects.

So what was the solution? The obvious solution is to increase fire suppression capability to add more engines, add more strike teams, and add more crews in order to increase the effectiveness of an initial attack. They also realized that you're not going to put a fire engine in front of every home and you're not going to be able to protect every structure, so there had to be an alternative solution.

[Elwood Miller, continued.] A resolution was passed calling for the development of a new organization, one that could convert the vision of a fire-safe community into reality. That new organization was given some guidelines:

1. It had to be an independent organization not attached to or under the wing of any fire service or agency.
2. It had to build from a strong foundation at the local level. It had to be a grassroots organization in order to effectively motivate the local action necessary.
3. It had to focus on assisting those communities that were at risk from wildfire.

The organization that was created as a result of that resolution was the Nevada Fire Safe Council. It became fully operational on January 1, 2002. The strategy developed by the Fire Safe Council to meet its mission, increase fire protection to at-risk communities, and lower the fire threat was to:

1. Assemble individual members of the Fire Safe Council into what we called "local community action groups," or chapters.
2. Secure cost-share incentive grant funding, primarily from federal sources as a result of the passage of the National Fire Plan in the year 2000.

There are three components to this strategy:

1. The individuals became members of the Fire Safe Council.
2. Those members were organized into chapters at the local community level.
3. Grant funding.

I want to briefly talk about those three elements and what we have accomplished. When we started on January 1, 2002, we had less than 50 members. Today, we have over 1,600 individual members of the Fire Safe Council across the state. When we started on January 1, 2002, we had zero chapters. We began the initiation of that organizing effort and today we have 24 chapters. There are about five additional communities on deck and we anticipate two applications for chapter status later this month.

The first large incentive grant for community projects [of about \$250,000] occurred just before January 1, 2002. Over the time period since then we have managed a total of \$4.6 million on behalf of at-risk communities to complete projects that reduce the fire threat and increase protection for those communities.

[Elwood Miller, continued.] On the cover sheet of the handout ([Exhibit B](#)), you can see the number and location of the at-risk communities that have been identified in the state and also the location of our chapters across the state. We also conducted educational programs to raise awareness in the communities and help people understand the wildfire threat that they face. We've conducted a survey of local chapter leaders and asked them to identify for us, and on a scoring basis, what the community was like before involvement of the Fire Safe Council and what it's like after involvement of the Fire Safe Council and the organization of the chapter.

The scoring system started with a score of 1, where there was little awareness, no involvement, little activity, and the risk level in the community was high, up to a score of 7 where there was excellent awareness, high level of involvement, great deal of activity, and the risk level was substantially reduced. Based on the scores given by our chapter leaders and the communities that we have, the average score before the Fire Safe Council was involved was about 1.5—poor in terms of the community awareness and involvement in the threat reduction activities. After the Fire Safe Council was involved and the chapter was formed, they rated that community at a score of 6.4—a substantial improvement.

When we talk about fuels across the state of Nevada, here are typical scenes from north to south, east to west. [Mr. Miller showed a PowerPoint presentation that is not available as an exhibit.] The pictures across the top show structures, dwellings, that are built in high fire-threat areas where the fuel loading is high, the continuity of the fuel is consistent, and the fire threat is very high.

In the middle picture is an access road that is the only road in and out of a community with heavy fuels right up against that road. In case of a fire breaking in that area, that access route may well be cut off.

Other photographs show dense, heavy fuels and high volumes of dead material. We see manzanita shrubbery with high levels of mortality right against dwellings. The center picture is a continuous forest scene that can support a crown fire. These fuel conditions exist all over the state. That's why a statewide effort is necessary.

As a result, it became very apparent to us that we needed a system to assess the fire threat of the communities and develop some system we could use to categorize the threat that they faced. A little over a year ago, we were funded by the Bureau of Land Management (BLM) to complete a statewide risk hazard assessment of all at-risk communities identified in the federal record. Those at-risk communities were identified by fire services across the state and include some 250 locations where human life could be threatened by wildfire. That

study was initiated about a year ago with a press conference here in Carson City hosted by our Governor and Senator Harry Reid. It was hailed as a landmark effort to take a complete look at the fire threat faced by communities. When we complete this project, we will have community wildfire protection plans in place for all at-risk communities in the state of Nevada, an unprecedented and rather remarkable achievement.

[Elwood Miller, continued.] The fire threat levels we have assessed and developed range from "extreme" to "low," with "high" and "moderate" in the middle. In the preliminary results, it appears that 19 communities across the state of Nevada are in what we would call "extreme" threat condition. Forty-four are "high," 103 are in a "moderate" condition, and 54 are in "low" condition. The "dispersed rural" refers to those wide open spaces in Nevada, those wide, large valleys where we have scattered ranch dwellings. It was not possible to assess them in the same way as we assessed communities, though we did include them in the report with recommendations as to the kinds of mitigating measures they could take to protect themselves against wildfire.

I want to emphasize that even though a community might be in a low or moderate risk or threat level, even low or moderate fires can cause substantial loss of homes and structures. This kind of analysis will give us an excellent handle for all our counties and all the fire services, as well as the Fire Safe Council, in addressing and prioritizing the work that lies ahead.

We haven't just been planning; we have also completed about 40 projects in the last 3 years. We have 16 projects on our work schedule for this coming fire season. The pictures show some of the work that's been done. Upper middle shows a hand crew working in the piñon-juniper fuel type, upper right shows work that's been done in the Tahoe Basin utilizing equipment like you see in the lower right, where cranes are brought in to remove high hazard trees that are close to structures or in some way threatening a building, a home, or are too hazardous to move without that specialized equipment.

[This picture] is along the Mt. Rose Highway where probably one-third to two-thirds of the trees have been removed. The slash and stems of the trees have been chipped and taken out of the community to reduce the fuel loading. The upper corner is a shaded fuel break where one-half to two-thirds of the trees have been removed and the ground fuels have been cleaned up to provide a barrier for the community. The area right in the middle of the left center picture that looks like a clearing is actually that fuel break. It shows you what the fuel break looks like from a distance. It's called "shaded" because not every tree, every shrub, is removed, but enough is removed that the volume of fuel is reduced to lower fire intensity and allow firefighters a better opportunity to get

in and control the fire safely. We have managed about 13 threat mitigation projects for at-risk communities across the state per year.

[Elwood Miller, continued.] On December 3, 2004, we invited the fire services in the state to participate in an evaluation of the Fire Safe Council. It was a resolution by the fire services that gave birth to the Fire Safe Council, and at that time we committed that we would return to them after we'd been in operation for a time and ask them the question, "Has the Nevada Fire Safe Council fulfilled the expectations that were outlined in the original resolutions? Has the Council filled that organizational gap that was identified?" After a day's deliberation, the resounding answer to that question was, "Yes."

I want to emphasize a partnership makes all this work. The Fire Safe Council, in filling the gap that was identified, brings private industry, private citizens, and public agencies together in a unified coalition to address the fire threat that faces our communities. Sierra Pacific Power Company is not on this list and they should be. They have worked hand in glove with us on power line right-of-way clearing, clearing hazardous fuels from around transformers, and other kinds of electrical facilities where fire starts may occur.

What kind of an organization do we put in place to accomplish all of this? We start with our individual members. The individual members elect a board of directors to represent them on the fire threat issue in the state of Nevada. Those individual members are organized into 24 local community chapters. All of those individuals are volunteers.

For two years we operated with a staff of an executive director and a part-time contract accountant. That was the staff that supported the volunteer part of the structure. Because of its size, when we began the statewide planning project we received additional funding to hire another position, a project coordinator who works hand in hand with the communities as they begin to implement the projects that need to be done, such as shaded fuel breaks, removing fuels along transportation routes, doing the area fuel reduction, et cetera, that are necessary in order to modify the intensity of the fire and allow firefighters the opportunity to suppress the fire. About a year ago we hired a contract public information person to assist us with our media message and to help us do a better job with the educational programs that we were offering to our community. For the three-year period, that is the staffing structure we had in place.

With the recommendation and support of the Tahoe regional chiefs, as well as the Tahoe Regional Planning Agency and the U.S. Forest Service in the Tahoe Basin, we recently agreed to incorporate the California side of the Basin

under the umbrella of the Nevada Fire Safe Council. There will be one fire safe council working in the Tahoe Basin. We are also proposing there be a part-time contractor hired to provide administrative assistance in grants management and application. That is our staffing as we move through 2005.

[Elwood Miller, continued.] Chapter expansion has grown at a rate of about 8 or 9 per year. There is no reason to believe this will slow down. Membership has grown at about an annual rate of 500 per year and there is no reason to expect a slowdown.

We manage about 13 projects a year. The work program for this coming year numbers 16. The demand for that is undoubtedly going to increase as the hundreds of projects being recommended in the planning process are approved and come to life. Over the past three years we've averaged about 3 educational programs in communities per month. With the growth of additional chapters, the pressure for this to increase will undoubtedly occur. We've submitted 14 proposals on an annual basis to acquire incentive cost-share funding for projects in the communities. We anticipate that writing proposals of this nature will continue or increase.

None of this happens without funding. We have relied totally on the availability of grant incentive funds and operating funds from federal sources—appropriations under the National Fire Plan of 2000. We anticipate, based on information we have at this time, those funds will slow from a stream to a trickle. To provide operating expenses for the Fire Safe Council and its supporting services requires about \$305,000 per year. We presently have about 21 percent of necessary funding to keep us going from July 1, 2005, to June 30, 2006. We have about 42 percent of the funding for the period July 1 to December 31, 2005. We have no commitments for funding beyond December 31, 2005. We are working with NACO [Nevada Association of Counties] and Senator Dean Rhoads of the Senate Natural Resources Committee to introduce a bill to secure state appropriations to help us get through this next biennium.

To this point, direct state support to the Fire Safe Council and the projects and efforts we've made has not been forthcoming. We have enjoyed tremendous moral support and the presence of individuals from the fire services of the Nevada Division of Forestry, from the [United States] Forest Service, and the BLM in terms of funding as well as expertise.

Ed Smith, Natural Resource Specialist, University of Nevada Cooperative Extension; Chairman, Board of Directors, Nevada Fire Safe Council:

Education of homeowners on how to do their part in reducing the fire threat is critical in resolving this issue. In response, the Nevada Fire Safe Council, as well

as the Cooperative Extension Service, BLM, ([Exhibit C](#)) have come together to sponsor a program entitled, "Living With Fire". Nevada is the only state that has come to agreement between federal, state, local, and private agencies over what to tell homeowners. We have a standardized set of recommendations, which is critical to an education program. A homeowner needs to hear the same thing from the Forest Service that he hears from the fire marshal or from the extension agent.

[Ed Smith, continued.] We have developed the "Living With Fire" publication and given permission to other states to use it. This publication is probably the most widely used homeowner education guide on wildfire threat reduction in the nation right now with over 2 million in print. Presentation materials have been developed to provide local fire services with high-quality, first-class educational materials to use in workshops for homeowners in various regions of the state. There are five versions based on hazardous fuel types or locations in the state of Nevada. For example, there is a Mt. Charleston-specific version; there's a Lake Tahoe Basin-specific version; a piñon-juniper; big sagebrush-bitterbrush type; as well as a big sagebrush-grass type. We have specific homeowner presentations based on where they live. In addition, we contracted with northern Nevada news celebrity Brent Boynton to narrate DVDs and VHS tapes of these workshops. We formed a partnership with Blockbuster Video Corporation in northern Nevada to distribute these materials for free to homeowners who need them. In the future, Scolari's Markets will also be distributing these materials for us.

A flyer called, "If You Have to Evacuate" has been prepared. In cooperation with the Nevada phone companies, we are now having evacuation instructions included in the phone books throughout the state. When a neighborhood must be evacuated, fire officials will be able to get on the radio or television and refer people to a certain page in the phone book. It will give them instructions on what they need to take, what they should wear, and how they should leave their homes.

Training for the landscape industry was recently completed. They are a critical partner in helping us resolve this issue. We know what is growing adjacent to someone's home has a profound influence on whether or not that house will survive a fire. The landscape industry is the professionals who deal with what's growing next to a person's home. If we can train these people to recognize what a wildfire hazard looks like and how to reduce that threat, we've just enlisted a lot of partners to help us in addressing this issue. When the landscape industry interacts with homeowners, the homeowners are ready to make a change. They're going to buy plants; they're going to have maintenance and pruning work done. The landscape industry could have a much greater impact

than any of us, and the Nevada Landscape Association has recently come on board as full partners.

[Ed Smith, continued.] In the near future there will be a half-hour, prime-time television special on Channel 8. We're hoping it will be aired on the anniversary of Carson City's Waterfall Fire. It will be commercial-free and will focus on what a homeowner should do before the fire, during the fire, and after the fire.

We are working on a "Living With Fire" website. It will be the nation's premier and most comprehensive website for homeowners containing information on how to reduce the fire threat to their home.

Assemblyman Goicoechea:

Could you describe the 13 projects completed last year?

Elwood Miller:

Between Carson City and Topaz Lake is a little community called Double Springs, or Spring Valley Double Springs. In that location we did mechanical mastication as well as hand crew work to provide a shaded fuel break around the perimeter, particularly on the south side of that community, to tie it in with some Forest Service work that had been done there. A second project was to reduce the fuels along routes of transportation within that community. A third project was to do what we call community-wide or area-level fuels reduction to reinforce the defensible space around the homes and on the larger, undeveloped properties.

In the Holbrook Junction area, another high fire threat area, we completed a fuel break along the west side of that community that tied into a fuel break that had been built by the Forest Service. We also helped them establish a fuel deposition area where homeowners could bring and deposit their fuels and contracted with a local business to chip those fuels and remove them from the community.

At Hidden Woods, a small community in the [Tahoe] Basin, we did a complete community wide fuel reduction project. Over 400 trees were removed from that community and brush was reduced by about 50 percent. When communities express a sincere desire, public agencies that manage the land around those communities become very interested in doing their part in being a good neighbor to that community. The cost of that project to the Fire Safe Council was about \$50,000—\$55,000. The Tahoe-Douglas Fire Protection District supplemented that with about \$15,000 in cash, plus \$20,000 in-kind labor and in-kind contributions from the community.

[Elwood Miller, continued.] On average the projects are costing about \$125,000—\$150,000 each. Most of [the expense] is to pay for contract labor except for what the community contributes. Last year we can document about \$300,000—\$400,000 in community contributions, mostly in labor but some in cash. In talking with our chapter leaders, we're convinced that's about 30 percent of what is actually contributed. It's not that difficult to get people to do the work. What's difficult is getting them to do the paperwork to document their time and their contributions.

We put in fuel breaks around Shanty Town in Elko County. Early next month we will complete installation of water storage to enhance the initial attack capabilities of that community.

We've cleared fuels away from the transportation routes as well as creating defensible space in the community of Mt. Wilson and to tie it in with what the Bureau of Land Management has done there.

At Mt. Charleston in Clark County, we have started the beginning phases of a fuel break there. Mt. Charleston is one of the top five most threatened areas in the state of Nevada because of the topography and the fuels that exist there and the narrow roads in and out.

Assemblyman Grady:

How do you recruit and retain members? Could you explain what your chapters are?

Elwood Miller:

Members are recruited by the chapters. An incident like the Waterfall Fire here in Carson City last summer increases our ability to recruit members. When individual members in a community want to focus their attention totally on the fire threat that faces their community, they can petition the State Board of the Fire Safe Council to be officially accepted with the Fire Safe Council as a local community chapter. They complete an application that identifies the chapter leaders and asks them to describe their decision-making process about the fire threat in their community.

[They are also] to define the boundary of their chapter, to name the chapter, to set three goals for that community and that chapter over the next two years, and to identify any work they've done in the past, any expertise they have invited to assist them, any fund raising they've been involved in, and whether or not they've had any kind of fuel or threat reduction activity. The Fire Safe Council is involved with the community throughout the process. The application is forwarded to the Board, the Board meets once a month, and the application is

considered. A simple majority of the Board approves the application. The chapter takes over at that point.

Assemblyman Marvel:

Has a bill draft been requested yet?

Elwood Miller:

Not that I'm aware of.

Chairman Claborn:

Our second presentation is an overview of the Nevada Rangeland Resources Commission.

DeLoyd Satterthwaite, Chairman, Nevada Rangeland Resources Commission:

The Commission was created several sessions ago. The Board's makeup includes members from each grazing board around the state, a member from the Cattlemen's Association, the Wool Growers Association, and the Farm Bureau, for a total of nine people. [The Commission receives] an assessment of 10 cents per AUM [animal unit month] for each permittee that grazes livestock on the public lands. The money was to be used for research, for surveys, to provide information to the general public, advertisement, promotion, and anything to benefit grazing on public lands. When 87 percent of a state belongs to the federal government, grazing on those lands becomes very important. This program is basically ranchers helping themselves.

We have created a brochure ([Exhibit D](#)), a listing of our accomplishments ([Exhibit E](#)), plus statistics for 2003-2004 ([Exhibit F](#)). We have advertised in *Range* magazine, we've helped with publication of several books by C.J. Hadley, and we've created radio spots. In addition we have participated in building a visitors' center in Great Basin Park, Baker, Nevada, where information about grazing on public lands in the state of Nevada is available. We are working on a website and a newsletter. When dealing with public relations issues it is very hard at times to see an immediate response [to our efforts]. We hope when an issue pertaining to public lands comes up people will remember something [produced by one of our] public relations programs.

Assemblyman Goicoechea:

As I look at your 2003–2004 statistics I am concerned that 37–40 percent of the people receiving invoices are out of compliance.

DeLoyd Satterthwaite:

That's true. This is state law; they have to pay this bill but some people do not understand. There is a provision that, if they don't agree with the program

we're trying to create, all they have to do is pay their bill. In the same envelope they [may] request a refund. We cannot get people to understand they have to do it this way. There is a provision within the law that if they do not pay we should contact the Office of the Attorney General (AG). That Office sends a letter. If it is still ignored, there are fines [that may be levied]. We thought that through education and persistence we could get them to follow the law, but they're not following the law.

Assemblyman Goicoechea:

The Rangeland Commission began six years ago; however, we're all aware that the statute [states that] at the point where over 50 percent of the people ask for a refund, [the Commission] will sunset.

DeLoyd Satterthwaite:

No. The sunset kicks in when [people request refunds of] 50 percent of the money collected.

Assemblyman Goicoechea:

I'm very concerned that we have a group of people paying \$100,000 and we have \$70,000 not being responded to at all. If we're talking fairness and equity, we need to do something. I know how hard it is to turn somebody in to collections, but the law has to be complied with.

DeLoyd Satterthwaite:

I understand completely. These figures will change slightly because we cut it off last Friday and there are still money and invoices being returned on a daily basis. We're ignoring those people owing less than \$10 because it costs more to pursue [than we would collect].

Don Henderson:

Money is still coming in. The cutoff date for refunds was February 15, so the Commission will no longer respond to requests for refunds. We're pretty close to where we were last year at this time in terms of the percent of refunds, but as more money comes in that percentage will drop. On average the requests for percent of paid invoices to be refunded is about 17—18 percent.

The Commission is strongly considering moving toward [sending people who do not pay] to collection. That is going to be a big controversial step, but in reality the law is the law. People need to pay this assessment and ask for a refund if they want it.

Assemblyman Goicoechea:

I agree. Money is still trickling in, but I looked at the 2003 statistics, and \$64,000 wasn't collected.

As I read the statute, it also allows for the AG's Office as well as the local district attorney to impose some of these penalties. Is that correct? [Mr. Henderson agreed it was.] It gets closer to home when it's your local DA [imposing the penalty], so maybe that's something we need to look at.

Don Henderson:

My experience has been that our local district attorneys are so overworked they're not interested in matters such as this, but we could certainly pursue that. The direction of the Commission so far has been [to send] a letter from the Attorney General's Office and if that doesn't work, turn those that exceed \$50 over to collection.

DeLoyd Satterthwaite:

I assumed when it was turned over to the Attorney General's Office that they pursued this, but they don't. They turn it over to a collection agency and we understand that if the bill is not more than \$50 they won't touch it. At our last meeting, anything that was under \$50 we wrote off.

Assemblyman Marvel:

Have you thought of publicizing the names of those who don't pay?

DeLoyd Satterthwaite:

We never have.

Assemblyman Carpenter:

Your handout mentions your financial support for publishing an investigative report on Western water. Is that available?

DeLoyd Satterthwaite:

Yes. That was done by *Range* magazine, C. J. Hadley, and those publications are available.

**Benny Romero, Vice Chairman, Nevada Rangeland Resources Commission;
Chairman, State Board of Agriculture:**

That's a very good recommendation. We'll be looking at that tomorrow [in our meeting]. Maybe we should publicize some of those names that are delinquent. Something has to be done. Regarding Mr. Carpenter's question about the water issue—it was a completely separate issue from *Range* magazine. It was distributed nationwide.

Chairman Claborn:

I would like to hear a report from our Vice Chair Mr. Atkinson, who was the chairman on a subcommittee on A.B. 32. Also on the committee were Mr. Goicoechea and Mr. Carpenter.

Assembly Bill 32: Makes certain information collected by State Department of Agriculture confidential. (BDR 50-657)

Assemblyman Atkinson:

Yesterday we met in a subcommittee to take up some issues we had with A.B. 32. The subcommittee's recommendations were as follows: That the Assembly Committee on Natural Resources, Agriculture, and Mining consider and approve a motion to amend and do pass A.B. 32. A mock-up of the final amendment voted on by the subcommittee and agreed on by the State Department of Agriculture, Nevada Farm Bureau, and the Nevada Press Association was recommended ([Exhibit G](#)).

There were two issues:

1. The portion that gives the Director the discretion to release confidential information under certain circumstances
2. The portion that allows other information to be kept confidential

These were two items we deleted and were originally proposed in amendments during testimony to the full Committee on March 2. I've asked Amber [Joiner] to make sure the Committee received a mock-up of the proposed amendment.

Chairman Claborn:

We will put this [A.B. 32] on a work session, get the amendment put together, and see if we can't get this passed on through.

Next we'll begin with our work session on three bills previously considered. Our Committee Policy Analyst, Amber Joiner, will take us through the work session document ([Exhibit H](#)).

Assembly Bill 112: Requires certain vessels to carry on board certain safety devices. (BDR 43-770)

Amber Joiner, Committee Policy Analyst:

A.B. 112 was sponsored by Assemblywoman Parnell and Senator Amodei. It was heard on March 14. A.B. 112 requires that a vessel 16 feet or more in length carry a safety device which is capable of being thrown and which has at least 60 feet of line attached. The safety device must be approved by the

United States Coast Guard and prescribed by the Board of Wildlife Commissioners. The device must be readily accessible for use in an emergency. The penalty for violations of this measure is a general misdemeanor.

This bill was introduced on behalf of DeeDee Petrilena, who testified that her husband's tragic drowning at Lake Mead last summer could have been averted had provisions such as those in A.B. 112 been in place (page 2 of [Exhibit H](#)). There was no testimony in opposition to the measure; however, there was some concern about the rope requirement. Some testified that a rope longer than 25 feet would be too long and might result in knots, delays in throwing the flotation device, or possibly hazardous conditions on deck.

Nevada's Department of Wildlife offered an amendment at the hearing on A.B. 112 that replaced Section 1, subsection 2. The proposed amendment included a definition of what it means for a personal flotation device (PFD) to be readily accessible for use in an emergency. During the discussion it was suggested that an amendment be made requiring at least 30 feet, so that in the future if it is determined that a longer rope is necessary, that requirement could be added to the *Nevada Administrative Code*.

Additionally, there was discussion that larger boats should have more than one PFD. The attached mock-up of the amendment ([Exhibit I](#)) integrates those suggestions. This mock-up amendment has been approved by the sponsors of the bill, as well as Fred Messman from the Nevada Department of Wildlife and DeeDee Petrilena. This proposed amendment changes the rope requirement from "60 feet" to "at least 30 feet." It also has a provision that requires vessels over 40 feet in length to have two devices, one on the port side and one on the starboard side.

There would be a fiscal impact on local government, as it would increase or newly provide for terms of imprisonment in county or city jail or detention facilities. There is no fiscal impact on state government. A fiscal note was submitted by the Nevada Department of Wildlife, but it indicates that there does not appear to be a fiscal impact on the agency from A.B. 112.

ASSEMBLYMAN MARVEL MOVED TO AMEND AND DO PASS
A.B. 112 WITH THE AMENDMENT PROVIDED BY STAFF
([EXHIBIT I](#)).

ASSEMBLYWOMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Assembly Bill 152: Revises provisions governing composition of and method of appointing members to Board of Wildlife Commissioners. (BDR 45-494)

Amber Joiner, Committee Policy Analyst:

A.B. 152 was sponsored Assemblyman Claborn, Assemblyman McCleary, Assemblywoman Ohrenschall, and Assemblyman Conklin. It was heard on March 9, 2005. A.B. 152 changes the procedure for appointing members to the Board of Wildlife Commissioners (page 4 of [Exhibit H](#)). This measure requires the Governor to notify the county advisory boards not later than 90 days before a member's term expires. The county advisory boards must then submit to the Governor the names of qualified nominees to replace the member. If the Governor receives the names of at least five qualified nominees no later than 30 days before the member's term expires, the Governor must appoint the new member from among those nominated. Otherwise, the Governor may appoint any qualified person.

This bill also amends the qualifications for membership on the Commission by requiring that one of the five members who have held a resident hunting or fishing license for at least three of the four years immediately preceding his appointment also be actively engaged in accounting.

The sponsor of the bill explained that the purpose of this measure is to have people appointed to the Board of Wildlife Commissioners from a list of qualified people provided by the county advisory boards. The measure also ensures that someone who is a fiscal expert and has experience managing money will have a voice on the Board.

Opponents to the measure were concerned that the bill says, "Actively engaged in accounting," which would exclude retired accountants, and which does not specify what the definition of an "accountant" is. Opponents further pointed out that staff currently provides fiscal advice on the budget. The use of the word "shall," which requires the Governor to choose a name from the nominee list, was also a concern. The argument was also made that requiring someone who has experience in accounting would undermine the Governor's ability to appoint the best candidate.

There were no proposed conceptual amendments submitted and there was no fiscal impact.

[Chairman Claborn turned the gavel over to Vice Chairman Atkinson.]

Assemblyman Claborn:

We heard [A.B. 152] on March 14. This bill would replace one of the Wildlife Commission members on the Board with a person who would have some ability or experience in accounting. [The information in] this handout ([Exhibit J](#)) was caught during an audit. This is a simple bill. Under NRS 503.120, this Legislature has the power to implement the policies and criteria of these appointed boards. If we as a legislative Body have the power to implement, we also have the power to make changes. I'm trying to make a change. We will not lose anybody off the Board, we'll not lose a hunter or a fisherman, we will gain by having somebody on [the Board] who's an accountant. I simply want to replace a member of the Wildlife Board with someone who has some experience in accounting. If we had appointed someone with a background in accounting to the Wildlife Commission, this ([Exhibit J](#)) might not have happened.

I promise constituents that I will represent them to the best of my ability, and I will try to make Nevada a better place to live for them and their families. I am asking this Committee to help me keep my promise to my constituents by supporting A.B. 152.

Assemblyman Goicoechea:

I need clarification. This bill allows the membership on the Wildlife Commission to be nominated by the county advisory boards. Are we only talking about the five members that are not defined in statute, or all nine members?

Assemblyman Claborn:

All nine Wildlife Commissioners.

Assemblyman Goicoechea:

Are we talking about the four members outside of statute? The conservationist is appointed by the Governor without being on the nomination list; [as is] the member involved in ranching; the member involved in farming; and [a member of the general public]. Are we only talking about the final four that would be nominated?

Amber Joiner:

No, They would all be appointed that way.

Assemblyman Goicoechea:

You're saying they all would have to be nominated the way [A.B. 152] presently reads? That's how I read it.

Assemblyman Claborn:

We're just talking about the one [Board member]. The criteria are already set for the other members; a rancher, a farmer, a conservationist. A regular citizen is the one I would like to see be an accountant or have some accounting ability.

Assemblyman Goicoechea:

This bill also includes the nomination by the county advisory boards and I want to get clarification. Will the people engaged in conservation, farming, ranching, and the [member] from the general public be nominated? The way I read the bill they would be, and I don't think that's fair to the Governor.

Amber Joiner:

The way the bill is worded right now it would indicate that all of the members would be selected from the list. Any time a vacancy appeared this list procedure would then ensue. I can clarify that with Legal to make sure, but that is my understanding.

Assemblyman Goicoechea:

In all fairness to the Governor, [we could] ask him to make those appointments and then ask for the nomination to come from the county advisory boards on the remaining positions. That might give the Governor a little flexibility. I don't want to hold this bill any longer. I know Steve Robinson from the Governor's Office did offer to meet and see if we could find some middle ground on this with some of the Committee members. I would have to vote "no" on [A.B. 152] the way it's structured.

Assemblyman Claborn:

[The members] are all appointed by the Governor off a list. Of the four that [have] criteria, farmer, rancher, and conservationist, it's the other one that's just at random, so to speak. I'd like to see an accountant. I'm not trying to take anything away from the Governor.

Assemblyman Goicoechea:

But this bill does take away his ability to appoint, I believe.

Assemblyman Claborn:

It wouldn't be any different than the other three members. We set the criteria and the Governor appoints the Board.

Assemblyman Goicoechea:

With this bill, though, the "county advisory board shall submit to the Governor the names of qualified nominees to replace the members not later than 30 days before the expiration of the term of each member." I think the Governor's Office

did have some issues with that. I personally think that he should be allowed to select his conservationist, the member from farming, the member from ranching, and the member representing the general public. The Governor should be able to make those selections and just allow the county advisory boards to nominate the remaining four positions. I'm requesting an amendment to the bill.

Assemblyman Denis:

What we're talking about here is the local boards would submit names to the Governor and he'd have a list. He would select those names from the list to fill the farming, conservation, ranching, and public, and the accountant. Is that correct? He has to pick off the list the county boards are giving him, is that the intention?

Vice Chairman Atkinson:

It is all nine members.

Assemblyman Claborn:

All those board [members] are picked off a list. He doesn't have to. If there's not a qualified accountant on the list, he can put who he wants to on [the board]. They're all on a list from the advisory boards to begin with.

Assemblyman Goicoechea:

No, there is no list today.

Assemblyman Denis:

That's what I'm wondering. Currently, right now, how does the Governor do it? [The advisory boards] can submit names to [the Governor] if they want to, correct?

Assemblyman Goicoechea:

There is no requirement for a list.

Assemblyman Denis:

This legislation is saying to the Governor, "You have to pick off of this list."

Vice Chairman Atkinson:

This language is restricting him to the list, only.

Assemblyman Claborn:

That's correct.

Assemblyman Grady:

I would have to agree with Mr. Goicoechea. The way this bill reads, it will not do what the Chairman wants it to do, and I think if we send the bill through the way it is, there is no way the Governor will sign it. We were pretty much told the other day that the Governor would not sign this bill. If A.B. 152 goes through as it is, I will also vote no.

Assemblyman Claborn:

The Governor hasn't told me that. It's just a plain, simple bill.

Assemblyman Goicoechea:

Would the sponsor of the bill allow a friendly amendment if we can negotiate something with the Governor's Office? It would give the bill a better chance.

Vice Chairman Atkinson:

I know the bill is on today's work session document and the purpose was to take a vote on it today. Are we able to send it back? Is that what we're asking to do or even take it to a subcommittee to repair what Committee members think is wrong with the bill? I think what people are asking for is more clarification on the bill before we take a vote.

Amber Joiner:

Procedurally, if there is no action taken on the bill, it would sit there, and we could bring it up for another work session. That would be up to the Committee.

Vice Chairman Atkinson:

Mr. Chairman, it's your call. It's your bill. Do you want to vote on it as it is?

ASSEMBLYMAN CLABORN MOVED TO DO PASS A.B. 152.

ASSEMBLYWOMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION FAILED WITH ASSEMBLYWOMEN KIRKPATRICK AND SMITH AND ASSEMBLYMEN ATKINSON, CARPENTER, DENIS, GOICOECHEA, GRADY, HOGAN, AND MARVEL VOTING NO.

Assemblywoman Kirkpatrick:

Just so I understand the process, I didn't get to ask that we take A.B. 152 back to a subcommittee.

Vice Chairman Atkinson:

I asked the Chairman if that's what he wanted to do and he said no.

Assemblywoman Kirkpatrick:

Do we get discussion before that? Now the bill is dead. Is it too late to go back to subcommittee?

Vice Chairman Atkinson:

We did suggest both options and Mr. Chairman said no, he would take a chance and take a vote today. Once the vote is taken, the bill is dead.

Assemblyman Claborn:

I liked the bill as I had it written. I don't want to settle for anything less. As far as I'm concerned, I lost it.

Vice Chairman Atkinson:

We have to respect that, Mr. Chairman. With that being said, I hand [the gavel] back to you.

Assembly Bill 173: Revises area in which person is authorized to hunt with certain game tags. (BDR 45-992)

Amber Joiner, Committee Policy Analyst:

A.B. 173 was sponsored by Assemblyman Sherer and was heard on March 9. It revises and makes consistent the description of the area in which the holder of any elk, deer, or antelope compensation tag may hunt. The area includes the private land of the owner, lessee, or manager and any surrounding area which extends not more than one mile from the private land (page 6 of [Exhibit H](#)).

The sponsor of the bill pointed out that currently those who receive compensation tags for elk, deer, or antelope may sell the tags, which then can be used to hunt anywhere within the unit or units in which their private land is located. This is a problem because the units are large and compensation tags are being used far from the property where they were earned. This measure makes smaller the area where a compensation tag may be used.

Opponents were concerned that because people currently sell compensation tags, changing the area where they are allowed to hunt could create a problem. It was also pointed out that animals such as elk travel far distances and may not be near the property they damaged when hunting season arrives. Also, the

concern was raised that a one-mile limit would be hard to enforce and that most hunters do not know where the one-mile cutoff is from the damaged property.

ASSEMBLYMAN MARVEL MOVED TO INDEFINITELY POSTPONE
A.B. 173.

ASSEMBLYMAN CARPENTER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

[The meeting was adjourned at 2:59 p.m.]

RESPECTFULLY SUBMITTED:

Mary Garcia
Recording Attaché

Terry Horgan
Transcribing Attaché

APPROVED BY:

Assemblyman Jerry D. Claborn, Chairman

DATE: _____

EXHIBITS

Committee Name: Committee on Natural Resources, Agriculture, and Mining

Date: March 16, 2005

Time of Meeting: 1:30 p.m.

Bill	Exhibit	Witness / Agency	Description
N/A	A	N/A	Agenda
N/A	B	Elwood Miller/Nevada Fire Safe Council	Briefing Paper, Organizational Chart, Draft of Senate bill, letter from Senator Dean Rhoads, Annual Membership Meeting brochure
N/A	C	Ed Smith/Nevada Fire Safe Council	"Living With Fire" flyer
N/A	D	DeLoyd Satterthwaite/ Nevada Rangeland Resources Commission	Information brochure – Nevada Rangeland Resources Commission
N/A	E	DeLoyd Satterthwaite	Nevada Rangeland Resources Commission accomplishments
N/A	F	DeLoyd Satterthwaite	2003-2004 grazing season billing statistics
AB 32	G	Jerry Claborn	Proposed Amendment to A.B. 32
ABs 112 152 173	H	Amber Joiner, Committee Policy Analyst	Work Session Document
AB 112	I	Amber Joiner	Proposed Amendment to A.B. 112.
AB 152	J	Jerry Claborn	Letter, news clippings