

**MINUTES OF THE
SENATE COMMITTEE ON NATURAL RESOURCES**

**Seventy-third Session
March 23, 2005**

The Senate Committee on Natural Resources was called to order by Chair Dean A. Rhoads at 2:01 p.m. on Wednesday, March 23, 2005, in Room 2144 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Dean A. Rhoads, Chair
Senator Mike McGinness, Vice Chair
Senator Mark E. Amodei
Senator Bob Beers

COMMITTEE MEMBERS ABSENT:

Senator Bob Coffin (Excused)
Senator Michael Schneider (Excused)
Senator Maggie Carlton (Excused)

STAFF MEMBERS PRESENT:

Linda Eissmann, Committee Policy Analyst
Jonathan Sherwood, Committee Secretary

OTHERS PRESENT:

Peter Krueger, Nevada Petroleum Marketers and Convenience Store Association
Don Henderson, Director, State Department of Agriculture
Edgar Roberts, Administrator, Motor Carrier Division, Department of Motor Vehicles
David Thain, D.V.M., State Veterinarian, State Department of Agriculture
Terry Crawford, Director, Department of Wildlife
Doug Busselman, Nevada Farm Bureau
Larry Johnson, Coalition for Nevada's Wildlife
Michael Montero, Nevada Cattlemen's Association

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Leo Drozdoff, Administrator, Division of Environmental Protection, State
Department of Conservation and Natural Resources
Daryl E. Capurro, Nevada Motor Transport Association

Chair Rhoads opened the hearing on Senate Bill (S.B.) 165.

SENATE BILL 165: Specifies permissible uses by State Department of
Agriculture of certain fees and other money. (BDR 50-1136)

Peter Krueger, Nevada Petroleum Marketers and Convenience Store Association, said the bill would increase the efficiencies of the weights and measures program within the State Department of Agriculture. Mr. Krueger said there was an inspection fee of 55 mills, which he said equaled a little more than 1/20th of a penny. He said the inspection fee was collected from people who imported gasoline, diesel fuel and lube oils into the State. By statute, the funding initially was allocated to the State Department of Agriculture to fund a portion of the weights and measures program. He said 50 mills of the fee was allocated to the General Fund and the remaining 5 mills remained in the State Department of Agriculture. He said S.B. 165 would reallocate the 50 mills from the General Fund to the State Department of Agriculture for use within the weights and measures program. He said section 1 of S.B. 165 would establish an account within the Department to accept the funds.

Chair Rhoads asked if the State Department of Agriculture would require more employees as a result of this bill. Don Henderson, Director, State Department of Agriculture, said the imported-fuel-inspection fee would pay for new staffing requirements to manage the account. He said the inspection fee is a volume-based fee and as more growth occurs within the State, the money from the fee would also increase. Chair Rhoads asked if the fee money was in the budget. Mr. Henderson said it was not currently in the Governor's budget. He said S.B. 165 would amend the budget. Mr. Henderson spoke from prepared testimony about S.B. 165 ([Exhibit C](#)). He said the Department of Motor Vehicles (DMV) actually bills the assessment to the involved industry. He said this is done because DMV keeps all the records on fuel consumption. He said the administrative cost to do this for DMV is roughly \$10,000. Mr. Henderson said the State Department of Agriculture was willing to work with the DMV to recover those administrative costs. He proposed an amendment to S.B. 165 ([Exhibit D](#)) because some language was left in the law that did not pertain to the intent of the bill.

Chair Rhoads asked why there were no fiscal restraints placed on the S.B. 165. Mr. Henderson said no new employees would be needed at the present time. He said employees might be needed in the future. Senator Beers asked how often a single shot of money, such as in Assembly Bill (A.B.) 105, occurred for the State Department of Agriculture. Mr. Henderson said the single shot of money in A.B. 105 was the first one he had seen in seven years.

ASSEMBLY BILL 105: Makes appropriation to State Department of Agriculture for acquisition of equipment for State Sealer of Weights and Measures. (BDR S-1223)

Senator Beers asked if the need for replacement of equipment within the Department had been suppressed by the enthusiasm for the General Fund contribution. Mr. Henderson said that was the case. He said there was an equipment-replacement plan in place for the larger pieces. He said the plan was generally every ten years to replace equipment. Senator Beers asked what the long-term projections were in regard to the weights and measures program if S.B. 165 passed. Mr. Henderson said the program would operate well for at least the next two bienniums if not more.

Edgar Roberts, Administrator, Motor Carrier Division, Department of Motor Vehicles, said the DMV had no current position on S.B. 165. He said because the DMV collects the assessment fee, the Committee needed to be aware of *Nevada Revised Statute* (NRS) 590.130. He said NRS 590.130 stated all expenses incurred in carrying out the provisions of NRS 590.010 to 590.150 inclusive, must be paid out of funds provided by direct legislative appropriation. He said because the DMV is charged with the responsibility of collecting the inspection fee, but is not funded for the collection, all expenses incurred by the DMV are a charge against the fund. Chair Rhoads asked if the proposed amendment was a solution for the problem addressed by Mr. Roberts. Mr. Henderson said the proposed amendment did not address the issue. Mr. Henderson said the context of S.B. 165 allowed the State Department of Agriculture to work with the DMV to cover the administrative fees. Chair Rhoads asked if the issue could be worked out without legislation. Mr. Henderson said yes.

Chair Rhoads closed the hearing on S.B. 165 and opened the hearing on S.B. 192.

SENATE BILL 192: Prohibits importation into Nevada of certain live animals to protect State from effects of chronic wasting disease. (BDR 50-648)

Mr. Henderson said S.B. 192 was being introduced by the State Department of Agriculture to address a serious wildlife-disease issue. David Thain, D.V.M., State Veterinarian, State Department of Agriculture, presented the Committee with a prepared set of notes on S.B. 192 ([Exhibit E](#)). Dr. Thain said S.B. 192 would help prevent the introduction of chronic wasting disease into the State. Dr. Thain said S.B. 192 would not affect producers of alternative livestock since there were no farmed Rocky Mountain elks. He said the market for Rocky Mountain elk was slow due to reduction in the price for antlers.

Terry Crawford, Director, Department of Wildlife, spoke in support of S.B. 192.

Doug Busselman, Nevada Farm Bureau, spoke in support of S.B. 192. He said the Nevada Farm Bureau supports a permanent ban on the importation of any wildlife species susceptible to chronic wasting disease.

Larry Johnson, Coalition for Nevada's Wildlife, spoke in support of S.B. 192.

Michael Montero, Nevada Cattlemen's Association, spoke in support of S.B. 192. He said the Nevada Cattlemen's Association supports a permanent ban on the importation of animals susceptible to chronic wasting disease.

Chair Rhoads closed the hearing on S.B. 192.

Chair Rhoads proposed three bill draft requests (BDRs) for introduction.

BILL DRAFT REQUEST 49-431: Creates a position of Weed Control Coordinator within State Department of Agriculture. (Later introduced as Senate Bill 293.)

SENATOR AMODEI MOVED TO INTRODUCE BDR 49-431.

SENATOR BEERS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS COFFIN, CARLTON AND SCHNEIDER WERE ABSENT FOR THE VOTE.)

BILL DRAFT REQUEST 49-1154: Revises provisions governing distribution of grants of money by State Conservation Commission to conservation districts. (Later Introduced as [Senate Bill 294](#).)

SENATOR MCGINNESS MOVED TO INTRODUCE BDR 49-1154.

SENATOR AMODEI SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS COFFIN, CARLTON AND SCHNEIDER WERE ABSENT FOR THE VOTE.)

BILL DRAFT REQUEST 51-658: Revises provisions governing motor vehicle fuel and petroleum products. (Later introduced as [Senate Bill 295](#).)

SENATOR AMODEI MOVED TO INTRODUCE BDR 51-658.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS COFFIN, CARLTON AND SCHNEIDER WERE ABSENT FOR THE VOTE.)

Chair Rhoads opened the work session on S.B. 16.

SENATE BILL 16: Authorizes use of money in Fund for Cleaning Up Discharges of Petroleum by State for cleanup of discharges involving petroleum and other discharges under certain circumstances. (BDR 51-662)

Chair Rhoads said there was a proposed amendment under tab B of the work session document provided to the Committee ([Exhibit F](#), original is on file at the Research Library).

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Leo Drozdoff, Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources, spoke from a prepared statement about the proposed amendment to S.B. 16 ([Exhibit G](#)).

Daryl E. Capurro, Nevada Motor Transport Association, spoke in support of the proposed amendment to S.B. 16.

Chair Rhoads closed the work session on S.B. 16.

SENATOR BEERS MOVED TO AMEND S.B. 16.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS COFFIN, CARLTON AND SCHNEIDER WERE ABSENT FOR THE VOTE.)

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Chair Rhoads adjourned the meeting of the Committee on Natural Resources at 2:47 p.m.

RESPECTFULLY SUBMITTED:

Jonathan Sherwood,
Committee Secretary

APPROVED BY:

Senator Dean A. Rhoads, Chair

DATE: _____