

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

**Seventy-third Session
March 28, 2005**

The Senate Committee on Natural Resources was called to order by Chair Dean A. Rhoads at 1:30 p.m. on Monday, March 28, 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
Senator Bob Coffin
Senator Michael Schneider
Senator Maggie Carlton

GUEST LEGISLATORS PRESENT:

Senator Terry Care, Clark County Senatorial District No. 7
Senator Dina Titus, Clark County Senatorial District No. 7

STAFF MEMBERS PRESENT:

Linda Eissmann, Committee Policy Analyst
Jonathan Sherwood, Committee Secretary

OTHERS PRESENT:

Clay Thomas, Deputy Director, Department of Motor Vehicles
Colleen Cripps, Chief, Bureau of Air Quality Planning, Division of Environmental Protection, State Department of Conservation and Natural Resources
Michael R. Kerr, Deputy Executive Director, National Conference of Commissioners on Uniform State Laws
Leo Drozdoff, Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources
Peter Krueger, Nevada Petroleum Marketers and Convenience Store Association

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Renny Ashleman, Southern Nevada Home Builders Association; City of Henderson
Kaitlin Backlund, Nevada Conservation League
Michael R. Alastuey, Clark County
Allen Biaggi, Director, State Department of Conservation and Natural Resources
Joe L. Johnson, Toiyabe Chapter Sierra Club
Doug Busselman, Nevada Farm Bureau
Don Henderson, Director, State Department of Agriculture

Chair Rhoads opened the meeting with several bill draft requests (BDRs) for Committee introduction.

BILL DRAFT REQUEST 45-324: Makes various changes relating to wildlife.
(Later introduced as [Senate Bill 397.](#))

SENATOR AMODEI MOVED TO INTRODUCE BDR 45-324.

SENATOR COFFIN SECONDED THE MOTION.

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

BILL DRAFT REQUEST 40-401: Revises provisions concerning sanitation and recycling programs and grants. (Later introduced as [Senate Bill 396.](#))

SENATOR COFFIN MOVED TO INTRODUCE BDR 40-401.

SENATOR AMODEI SECONDED THE MOTION.

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

BILL DRAFT REQUEST 43-426: Provides for regulation of off-road vehicles.
(Later introduced as [Senate Bill 400.](#))

SENATOR COFFIN MOVED TO INTRODUCE BDR 43-426.

SENATOR AMODEI SECONDED THE MOTION.

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

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BILL DRAFT REQUEST 40-660: Transfers responsibility for operation of certain programs from Health Division of Department of Human Resources to Division of Environmental Protection of State Department of Conservation and Natural Resources. (Later introduced as [Senate Bill 395](#).)

SENATOR COFFIN MOVED TO INTRODUCE BDR 40-660.

SENATOR AMODEI SECONDED THE MOTION.

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

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BILL DRAFT REQUEST S-1299: Delays prospective expiration of exemption from certain sales taxes for certain products and systems that use renewable energy. (Later introduced as [Senate Bill 398](#).)

SENATOR COFFIN MOVED TO INTRODUCE BDR S-1299.

SENATOR AMODEI SECONDED THE MOTION.

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

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BILL DRAFT REQUEST S-1349: Makes appropriation to State Department of Agriculture to develop and provide technical assistance to farmers' markets. (Later introduced as [Senate Bill 399](#).)

SENATOR COFFIN MOVED TO INTRODUCE BDR S-1349.

SENATOR AMODEI SECONDED THE MOTION.

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

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Chair Rhoads opened the work session on Senate Bill (S.B.) 26.

SENATE BILL 26: Revises provisions governing distribution of money in Pollution Control Account to local governmental agencies. (BDR 40-397)

Linda Eissmann, Committee Policy Analyst, used the work session document provided to the Committee (Exhibit C) to give a summary of S.B. 26 and describe a proposed amendment from the Department of Motor Vehicles (DMV). Chair Rhoads asked if S.B. 26 had already been amended. Ms. Eissmann said no action had been taken on the bill. Senator Beers asked why the proposed amendment deleted the direction on how the money in the bill was supposed to be spent. Senator Beers said adding language to the bill on how the money was to be used would be a better way to amend S.B. 26.

Clay Thomas, Deputy Director, Department of Motor Vehicles, said the proposed language to be stricken from S.B. 26 came as a result of meeting with representatives of Washoe County and Clark County as well as other state agencies. He said the current grant programs were tied to stationary and general air-quality programs. He said restricting the usage, as originally proposed in S.B. 26, would have been devastating to the air-quality programs. Senator Beers asked if the various agencies involved with S.B. 26 would be satisfied with adding language to the original bill instead of deleting language as in the proposed amendment. Mr. Thomas said he did not see any problem with adding language to the original bill.

Colleen Cripps, Chief, Bureau of Air Quality Planning, Division of Environmental Protection, State Department of Conservation and Natural Resources, said the language could be struck entirely from S.B. 26 because elsewhere in statutes it states where the money is to be used. Senator Beers said his concern was the

money in S.B. 26 being used for purposes other than the intended air-quality programs.

Chair Rhoads closed the work session on S.B. 26 and opened the hearing on S.B. 263.

SENATE BILL 263: Adopts Uniform Environmental Covenants Act.
(BDR 40-359)

Senator Terry Care, Clark County Senatorial District No. 7, said the National Conference of Commissioners on Uniform State Laws (NCCUSL) proposed various uniform state acts ranging from arbitration to investing. He described the structure of the NCCUSL and the process of drafting a bill by the Conference. He said the purpose of the Conference was to gain uniformity of commerce across state borders. Senator Care said S.B. 263 would address uncertainties that arise when determining land usage. He said the idea was to get unused property back into the stream of commerce with appropriate safety mechanisms in place. He said he had seen no opposition to the bill. He gave the Committee a kit that detailed the Uniform Environmental Covenants Act (Exhibit D, original is on file at the Research Library). He also gave the Committee an e-mail he received from Leo Drozdoff, Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources, with some suggested amendments to S.B. 263 (Exhibit E). Senator Care said he agreed with the proposed amendments by Mr. Drozdoff. Chair Rhoads asked how the NCCUSL was funded. Senator Care said it was funded by the various states that make up the organization. He said the money from Nevada was requested by the Legislative Counsel Bureau.

Michael R. Kerr, Deputy Executive Director, National Conference of Commissioners on Uniform State Laws, said a large number of properties in the United States went underutilized or unused because of contamination on the property and fear of liability. He said long-term institutional controls placed on property by environmental agencies were sometimes not being recorded on the land records. He said S.B. 263 would address that issue and place long-term institutional controls on land records and ensure those controls are enforced. He said this would allow the purchaser of land and the local governments to know any environmental controls on the property.

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Mr. Drozdoff spoke from a prepared statement ([Exhibit F](#)) in support of S.B. 263.

Peter Krueger, Nevada Petroleum Marketers and Convenience Store Association, spoke in support of S.B. 263. He said it was his understanding the covenant was strictly voluntary for the landowner.

Renny Ashleman, Southern Nevada Home Builders Association; City of Henderson, spoke in support of S.B. 263.

Kaitlin Backlund, Nevada Conservation League, spoke in support of S.B. 263.

Chair Rhoads closed the hearing on S.B. 263 and reopened the work session on S.B. 26.

Senator Beers said he would be satisfied by leaving the stricken language in lines 27, 28 and 29 in section 1, subsection 4 of S.B. 26 and adding the words "emissions from on-road mobile, off-road mobile, and stationary sources" to section 1, subsection 4, line 29. Michael R. Alastuey, Clark County, said broadening the language in the bill was preferable to limiting it as in the proposed amendment. He said he was in support of S.B. 26 with the change Senator Beers had proposed.

SENATOR BEERS MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 26.

SENATOR AMODEI SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chair Rhoads opened the hearing on S.B. 216.

SENATE BILL 216: Transfers Division of Water Planning from State Department of Conservation and Natural Resources to Office of State Engineer.
(BDR 18-469)

Senator Dina Titus, Clark County Senatorial District No. 7, spoke from a prepared statement in support of S.B. 216 ([Exhibit G](#)).

Allen Biaggi, Director, State Department of Conservation and Natural Resources, said there was a critical need for water planning in the State. He said S.B. 216 would help accomplish that need. He said he wanted to revise some of the language within S.B. 216 and make water planning more cost-efficient for the future. Chair Rhoads asked if Mr. Biaggi was prepared with any proposed changes. Mr. Biaggi replied he was not presently ready with any changes. Senator Titus said she was looking for a way to revive the advisory committee on water resources. Chair Rhoads asked if there was currently an advisory committee on water resources to the State Engineer. Mr. Biaggi said there was a committee but it was relatively inactive.

Joe L. Johnson, Toiyabe Chapter Sierra Club, spoke in support of S.B. 216.

Ms. Backlund spoke in support of S.B. 216.

Doug Busselman, Nevada Farm Bureau, spoke in support of S.B. 216 and wanted to work with Senator Titus to make any changes necessary to the bill.

Chair Rhoads closed the hearing on S.B. 216 and opened the work session on S.B. 35.

SENATE BILL 35: Revises provisions governing certain transfers of water.
(BDR 48-425)

Ms. Eissmann gave a brief overview of S.B. 35 using [Exhibit C](#). Chair Rhoads submitted a letter of support from the Eureka County Board of Commissioners ([Exhibit H](#)).

SENATOR COFFIN MOVED TO DO PASS S.B. 35.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR BEERS WAS ABSENT FOR THE VOTE.)

Chair Rhoads opened the work session on S.B. 165.

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

Ms. Eissmann gave an overview of S.B. 165 using [Exhibit C](#). She said the State Department of Agriculture had proposed a new amendment to the bill, which was given to the Committee ([Exhibit I](#)). Chair Rhoads asked if all interested parties in the bill were satisfied with the proposed amendment. No one spoke in opposition to the proposed amendment.

SENATOR BEERS MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 165.

SENATOR COFFIN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Chair Rhoads opened the work session 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)

Ms. Eissmann gave a summary of S.B. 192 using [Exhibit C](#).

Senator Coffin asked if Rocky Mountain elk were not currently being used as a food source. Chair Rhoads said concern had risen because of mad cow disease and other similar diseases. Senator Coffin asked if the disease could transfer from the Rocky Mountain elk to cattle. Don Henderson, Director, State Department of Agriculture, said the diseases and their transmission were not greatly understood. He said the diseases did have long lives outside of their hosts, and thus, the possibility did exist of transmission from the elk to cattle.

SENATOR MCGINNESS MOVED TO DO PASS S.B. 192.

SENATOR SCHNEIDER SECONDED THE MOTION.

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THE MOTION CARRIED UNANIMOUSLY.

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Chair Rhoads adjourned the meeting of the Senate Committee on Natural Resources at 2:28 p.m.

RESPECTFULLY SUBMITTED:

Jonathan Sherwood,
Committee Secretary

APPROVED BY:

Senator Dean A. Rhoads, Chair

DATE: _____