

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

**Seventy-third Session
April 13, 2005**

The Senate Committee on Natural Resources was called to order by Chair Dean A. Rhoads at 1:39 p.m. on Wednesday, April 13, 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

STAFF MEMBERS PRESENT:

Linda Eissmann, Committee Policy Analyst
Jonathan Sherwood, Committee Secretary

OTHERS PRESENT:

Hugh Ricci, P.E., State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources
Gordon DePaoli, Truckee Meadows Water Authority; Walker River Irrigation District
Allen Biaggi, Director, State Department of Conservation and Natural Resources
Edwin James, Carson Water Subconservancy District
Steve Grabski, Administrator, State Sealer of Weights and Measures, State Department of Agriculture
Don Henderson, Director, State Department of Agriculture
Robert Buonamici, Chief Game Warden, Department of Wildlife

Chair Rhoads opened the work session on Senate Bill (S.B.) 62.

SENATE BILL 62: Revises provisions governing appropriation of public waters.
(BDR 48-681)

Hugh Ricci, P.E., State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources, spoke in support of S.B. 62. He said the bill would clarify what would happen today if an issue of water conveyance occurred. He explained the entire original bill was deleted and new sections were added as amendments (Exhibit D, original is on file at the Research Library). He said section 1, subsection 2 outlined that a confirmation of a report of conveyance must be returned to the applicant in a timely manner, and a notice of determination concerning the water right must be attached to the report. He said the statement at the end of the subsection, in which, if a conflict in ownership of the water right occurred, then a court of competent jurisdiction would have to adjudicate the issue was a proper amendment to the bill. He said another amendment to section 1, subsection 4, stated that if there is a deficiency in the report of conveyance, it is sent back with an explanation of why it was returned and would not be confirmed until the deficiency is corrected as stated in existing statutes. Chair Rhoads asked if the application is sent back to the applicant if a deficiency occurred. Mr. Ricci said the application would be returned with explanation. Mr. Ricci said if there was a conflict in the chain of title, an explanation is sent to the applicant why the report of conveyance could not be confirmed. Chair Rhoads asked if the applicant would have to take the issue to court if this occurred. Mr. Ricci said the applicant would need to take the conflict issue to a court of competent jurisdiction to determine the ownership of the water right. He said no further action would be taken until the court's decision was final. Mr. Ricci said section 1, subsection 6 was further clarification on what happens when the court enters its judgment confirming ownership. He said when the judgment becomes final, the successful owner of the water right would then send an application for a report of conveyance, to be processed by the State Engineer.

Gordon DePaoli, Truckee Meadows Water Authority; Walker River Irrigation District, said the new language would give Mike Howell, who testified before the Committee on April 4, 2005, a new opportunity to bring the water-right case before a court. He said if Mr. Howell was successful, he could take the judgment to the State Engineer and the permits would be adjusted accordingly.

SENATOR AMODEI MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 62.

SENATOR BEERS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chair Rhoads opened the work session 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)

Allen Biaggi, Director, State Department of Conservation and Natural Resources, gave a brief background of the development of the bill. He said he worked with a number of people to work out proposed amendments to the bill ([Exhibit D](#)).

Edwin James, Carson Water Subconservancy District, offered an amendment to S.B. 216 ([Exhibit C](#)) which would affect the advisory board on water resources planning and development. He said the rural counties needed adequate representation on the board. Mr. James said the amendment would allow two members to be added to the board who would represent the rural counties. Chair Rhoads said he had a discussion with Senator Dina Titus to cut the number of representatives on the board representing Clark County from six to five and adding one rural representative. Mr. James said if the language in the bill were amended to accurately reflect the term "rural," then he would support it.

Senator Carlton asked if Mr. Biaggi wanted the term "legislative declaration" in S.B. 216 because lawyers can interpret it in different ways. Mr. Biaggi said the language had been in the statute since 1977. He said the language had served the Department well and they had no problems with it.

SENATOR MCGINNESS MOVED TO AMEND AND DO PASS AS AMENDED S.B. 216.

SENATOR SCHNEIDER SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chair Rhoads opened the work session on S.B. 295.

SENATE BILL 295: Revises provisions governing motor vehicle fuel and petroleum products. (BDR 51-658)

Linda Eissmann, Committee Policy Analyst, gave an overview of S.B. 295 using a work session document provided to the Committee (Exhibit D).

Senator Carlton asked what the fiscal impact would be if the funds were transferred from the counties to the State General Fund. Steve Grabski, Administrator, State Sealer of Weights and Measures, State Department of Agriculture, said the fiscal impact would be minimal because in its history, the State Department of Agriculture sought compliance rather than assessed fines. He said \$200 would be a large number of fines for the Department in a year. He said the fuel industries sought compliance as opposed to having to pay fines. As a result, he said, the counties had received very little money in the past.

Don Henderson, Director, State Department of Agriculture, said the program of weights and measures came under *Nevada Revised Statutes* (NRS) 590, 581 and 582. He said NRS 582 directed the fines derived from penalties go into the General Fund, and S.B. 295 would make the three statutes consistent.

SENATOR AMODEI MOVED TO AMEND AND DO PASS AS AMENDED S.B. 295.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR CARLTON ABSTAINED FROM THE VOTE.)

* * * * *

Chair Rhoads opened the work session on S.B. 397.

SENATE BILL 397: Makes various changes relating to wildlife. (BDR 45-324)

Ms. Eissmann gave an overview of the bill and proposed amendments using [Exhibit D](#). Senator Beers said it seemed like overkill to seize an airplane or vehicle for fishing without a license. Ms. Eissmann said the vehicle seizure applied to hunting big-game animals without a license. Senator Beers said he did like the idea of open-ended seizure laws for hunting without a license. Senator Schneider asked if the airplane to be seized was used in the act of the crime. Senator Beers said the way the bill was written, information derived from an airplane is used. Senator Schneider asked what that meant. Ms. Eissmann said if an airplane flew over a herd of mule deer and those deer were then unlawfully killed by the operator of the same airplane based upon that information, the seizure law could be applied.

Robert Buonamici, Chief Game Warden, Department of Wildlife, said the vehicle seizure required the hunting and killing of a big-game animal. He said if an airplane is involved, the pilot is typically informing groups of poachers on the ground where the herd of animals is located. He said proof of intent is always required. Mr. Buonamici said no aircraft had been seized as of yet. He said the largest value of the provision was a deterrence factor. He said the issue of seized vehicles did not involve accidental killings of animals.

Senator Amodei said existing law already allowed for seizure of vehicles and aircraft. He asked if the new provision of vehicle seizure in the bill added more detail to the existing law. Mr. Buonamici said it was more detailed toward scouting for big-game animals and using the information to unlawfully kill those animals. Senator Amodei asked if the information in [S.B. 397](#) in regard to satellites referred to a global positioning system (GPS). Mr. Buonamici said the language was forward-thinking as the future of computers and satellite imagery was developing at a rapid pace.

SENATOR BEERS MOVED TO AMEND AND DO PASS AS AMENDED
[S.B. 397](#).

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

Senate Committee on Natural Resources
April 13, 2005
Page 6

Chair Rhoads adjourned the meeting of the Senate Committee on Natural Resources at 2:16 p.m.

RESPECTFULLY SUBMITTED:

Jonathan Sherwood,
Committee Secretary

APPROVED BY:

Senator Dean A. Rhoads, Chair

DATE: _____