

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

**Seventy-third Session
April 27, 2005**

The Senate Committee on Natural Resources was called to order by Chair Dean A. Rhoads at 2:10 p.m. on Wednesday, April 27, 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 Michael Schneider
Senator Maggie Carlton

COMMITTEE MEMBERS ABSENT:

Senator Bob Coffin (Excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Kelvin D. Atkinson, Assembly District No. 17
Assemblyman Pete Goicoechea, Assembly District No. 35
Assemblywoman Genie Ohrenschall, Assembly District No. 12

STAFF MEMBERS PRESENT:

Linda Eissmann, Committee Policy Analyst
Jonathan Sherwood, Committee Secretary

OTHERS PRESENT:

Norman Parsons, President, Nevada Groundwater Association
Mark Moyle, Nevada Groundwater Association; Nevada Hay Connection
Doug Busselman, Nevada Farm Bureau

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Hugh Ricci, P.E., State Engineer, Division of Water Resources, State Department
of Conservation and Natural Resources
Steve K. Walker, Truckee Meadows Water Authority
Bjorn (BJ) Selinder, Churchill County; Eureka County Commissioners
Andy Belanger, Southern Nevada Water Authority; Las Vegas Valley Water
District
Bruce Arkell, Nevada Sportsman Coalition
Patty Wagner, Management Analyst, Department of Wildlife
Larry Johnson, Coalition for Nevada's Wildlife
Don Henderson, Director, State Department of Agriculture
Morgan Baumgartner, Nevada Resort Association
Lynn P. Chapman, Nevada Eagle Forum
Kaitlin Backlund, Nevada Conservation League
Robert R. Loux, Executive Director, Agency for Nuclear Projects, Office of the
Governor
Dan Musgrove, Clark County
Joe L. Johnson, Toiyabe Chapter Sierra Club

Chair Rhoads opened the hearing on Assembly Bill (A.B.) 80.

[ASSEMBLY BILL 80 \(1st Reprint\)](#): Revises provisions relating to wells.
(BDR 48-982)

Assemblyman Pete Goicoechea, Assembly District No. 35, spoke from a prepared statement ([Exhibit C](#)) in support of A.B. 80. Chair Rhoads asked why the bill was necessary. Assemblyman Goicoechea said the bill would address well-abandonment issues and allow for further use of abandoned wells if the state engineer sees fit to use them. Chair Rhoads noted there was a fiscal note on the original draft of A.B. 80 and asked if the amended version removed that fiscal note. Assemblyman Goicoechea said the bill had been amended to remove any fiscal impacts.

Norman Parsons, President, Nevada Groundwater Association, spoke in support of A.B. 80. He said the bill would allow for continuing education for well drillers, which was necessary due to increasing technology changes. He said current developments in research allowed for improved methods in well abandonment. He said the state engineer should have the ability to waive the current laws regarding well abandonment in order to implement more efficient procedures and technology. Chair Rhoads asked if there was language present in current

law which would allow the state engineer to make these changes in well abandonment. Mr. Parsons said there was no such language present in current law, but A.B. 80 would give him the ability. Chair Rhoads asked how continuing education was funded. Mr. Parsons said the education was typically done by various groundwater associations throughout the country and by seminars held by suppliers at no cost to the State. Chair Rhoads asked if the money in the application fee for drilling a well went to the State. Mr. Parsons said the money actually came from well drillers licensing fees. Assemblyman Goicoechea said the continuing education for well drillers would come from the *Nevada Administrative Code* (NAC) and the state engineer through regulation.

Mark Moyle, Nevada Groundwater Association, said current abandonment procedures for wells were expensive and the methods were inefficient. He said A.B. 80 would allow for improvements in abandonment in ecological and economic ways. Chair Rhoads asked how the bill would change the well-abandonment procedures. Mr. Moyle said the bill would allow the state engineer to review and revise the current NAC regarding well abandonment.

Doug Busselman, Nevada Farm Bureau, spoke in support of A.B. 80.

Hugh Ricci, P.E., State Engineer, Division of Water Resources, State Department of Conservation and Natural Resources, spoke in support of A.B. 80 in its amended form.

Steve K. Walker, Truckee Meadows Water Authority, spoke in support of A.B. 80 in its amended form.

Bjorn (BJ) Selinder, Churchill County; Eureka County Commissioners, spoke in support of A.B. 80 in its amended form.

Senator Schneider asked if Clark County no longer drilled wells. Mr. Ricci said there were a number of wells being drilled in Clark County. Senator Schneider asked if the City of Las Vegas was continuing to drill wells. Andy Belanger, Southern Nevada Water Authority; Las Vegas Valley Water District, said the Southern Nevada Water Authority offered assistance to well owners required to connect to city water lines. He said residents of Las Vegas were required to connect to city water if their property was within 180 feet of city water lines and their well had failed. Mr. Belanger said if the resident's well worked

properly, then connection to the city water was not required. He explained if the resident's well failed, the state engineer had the option to deny an application to drill another well. He said residents in Las Vegas could still drill a domestic well, provided they were 360 feet from existing water lines.

Chair Rhoads closed the hearing on A.B. 80 and opened the hearing on A.B. 379.

ASSEMBLY BILL 379 (1st Reprint): Authorizes person to act on behalf of another to obtain license, tag or permit from Department of Wildlife under certain circumstances. (BDR 45-1006)

Bruce Arkell, Nevada Sportsman Coalition, spoke from a prepared statement ([Exhibit D](#)) explaining A.B. 379. Chair Rhoads asked if the Board of Wildlife Commissioners had discussed the issues presented in A.B. 379. Mr. Arkell said he did not know. Assemblyman Kelvin D. Atkinson, Assembly District No. 17, said Mr. Arkell's son had worked on the bill and had presented it to the Board. Chair Rhoads asked if the Board would support the bill. Assemblyman Atkinson said the Board did support the bill. Chair Rhoads asked how A.B. 379 would affect the application process. Mr. Arkell said the bill would only affect those who have applications filled out by someone else on behalf of themselves. He said the bill would standardize the process for Internet applications and paper applications. Chair Rhoads asked if the bill would cost the Department of Wildlife more money. Mr. Arkell said he did not believe it would. Chair Rhoads asked about the fiscal impact associated with A.B. 379. Assemblyman Atkinson said the fiscal note had been removed after the bill had been amended. Mr. Arkell explained the original bill had a fiscal impact because it focused on revisions regarding out-of-state hunters, but those provisions had been removed from the current bill. Chair Rhoads asked how many applicants used power of attorney. Mr. Arkell said he did not know and that was the problem. Chair Rhoads asked if someone could apply multiple times for a tag. Mr. Arkell said someone could have a tag agency apply throughout the western states with their name and receive multiple tags. He said if someone did not receive a tag, an agency could reapply the following year.

Senator Carlton asked how many tags were available to the more than 100,000 applicants. Patty Wagner, Management Analyst, Department of Wildlife, said the Department of Wildlife (DOW) had approximately 115,000 applications from nearly 50,000 applicants. She said approximately

15,000 tags were issued. Senator Carlton asked if resident and nonresident applications were treated equally. Ms. Wagner said they were not treated equally. Senator Carlton asked if there had ever been discussion at the DOW for people who did receive a tag to be ineligible to receive a tag the following year, thus giving other people an opportunity to get a tag. Ms. Wagner said there were some species of animals in which a waiting period was required after receiving a tag. Senator Carlton said a constituent requested an age preference be given to the older hunters. Ms. Wagner said there was a junior hunt program which allowed younger hunters to have a better opportunity to get a tag. She said there was no support from county advisory boards to give a special advantage to senior hunters. She said in the DOW research, seniors were just as successful in drawing tags as were the younger hunters. Senator McGinness asked if the multiple applications from hunters were for different tags. Ms. Wagner said hunters would send in applications for different types of tags, resulting in lopsided numbers.

Chair Rhoads asked what percentage of the 15,000 tags issued went to out-of-state hunters. Ms. Wagner said until 2005, the DOW had allocated between 5 and 10 percent of the tags to nonresidents. She said in 2005, the DOW had begun using a complicated formula to determine the tags issued to nonresidents and approximately 14 percent would go to out-of-state hunters. Chair Rhoads asked why guides received a large number of tags. Ms. Wagner said nonresident applicants were required to have a guide. She said guides were not allowed to have more than 30 tags.

Chair Rhoads asked if the DOW supported A.B. 379. Ms. Wagner said the DOW felt the bill was unnecessary. She said the bill would penalize some applicants. Ms. Wagner read from a written statement ([Exhibit E](#)) in opposition to A.B. 379. Senator Carlton asked if the concerns expressed by Ms. Wagner had been expressed to the Assembly Committee on Natural Resources, Agriculture and Mining. Assemblyman Atkinson said the concerns had not been stated to the Assembly Committee.

Larry Johnson, Coalition for Nevada's Wildlife, spoke in support of A.B. 379. He said the bill was primarily directed at tag brokers. Chair Rhoads asked how tag brokers worked. Mr. Johnson said an individual could sign up with a company, such as Cabela's, to submit applications on behalf of that individual. Mr. Johnson said tags were often sent to a post office box in another state and it was impossible to know if the right individual had the tag issued unless that

person were caught and inspected. Chair Rhoads asked if the tag was issued with the applicant's name on it. Mr. Johnson said it was. Mr. Johnson said some tag brokers had the tag sent directly to the applicant, but in some instances, tags were sent to a post office box in care of the broker. Mr. Johnson addressed Senator Carlton's question of an age preference by saying most hunters in the State opposed any preferential treatment to an age group. He said if preference was to be given, it ought to be given to young hunters. Senator Carlton said her concern came from people who relocated to Nevada later in life.

Ms. Wagner said the DOW required the physical address of an applicant who applied for a hunting tag. Chair Rhoads asked if duplicate applications were rejected. Ms. Wagner said if two applications were submitted for the same species, only one would be accepted.

Chair Rhoads closed the hearing on A.B. 379 and opened the hearing on A.B. 181.

ASSEMBLY BILL 181: Removes requirement that person obtain license to act as cash buyer or agent of cash buyer of farm products or livestock. (BDR 50-980)

Assemblyman Goicoechea spoke from written testimony ([Exhibit F](#)) in support of A.B. 181. He said for a person who bought hay and paid with cash, a cashier's check or paid a 90-percent deposit, no licensing was necessary. Chair Rhoads asked if California hay buyers did not want to pay the licensing fee. Assemblyman Goicoechea said the California hay buyers did not want to fill out the paperwork for the license. Senator Carlton asked to where the money from the licensing was directed. Assemblyman Goicoechea said the money went to the State Department of Agriculture. He explained his concern was that California hay buyers would go to other states if forced to get a license if they were paying in cash. Senator Beers asked why buyers had to be licensed to purchase hay. Assemblyman Goicoechea explained that before current law was written, buyers from other states would come and promise payment at a later date and then not pay since there was no way to track them. He said the law required payment or a 90-percent deposit before the hay could be taken from the buyer.

Mark Moyle, Nevada Hay Connection, said previous legislation was introduced because buyers were able to take hay without up-front payment. He said sellers had become more sophisticated and therefore, requiring buyers who use cash to be licensed was unnecessary. Senator Beers asked why the State did not eliminate licensing requirements for buyers and have the buyers establish good credit with the sellers. Mr. Moyle said the bill would eliminate licensing for buyers using cash, but the option would remain for a license requirement if the seller requested it. He said it would remove the burden of responsibility from those who were already creditworthy. Assemblyman Goicoechea said the bill would provide an assurance to the seller in the form of cash or a license and bond. Senator Carlton asked if the bill would make the job of agriculture enforcement officers more difficult in inspecting hay loads. Assemblyman Goicoechea said agriculture enforcement officers were always at truck-inspection stops on the highways and would still be able to do their job.

Don Henderson, Director, State Department of Agriculture, spoke from a prepared statement ([Exhibit G](#)) concerning A.B. 181. He explained agriculture enforcement officers did not have probable cause to pull over a truck with hay in order to check for a license in either cash or credit purchases. He said the State Department of Agriculture would not be enforcing the program, but it would be the sellers of hay. Chair Rhoads asked if a driver entering California was required to show the license and bond. Mr. Henderson said he did not know. Mr. Moyle said alfalfa hay was inspected when entering California, including the paperwork. Senator Beers expressed concern that small hay sellers would be lulled into a false sense of security and the potential for false licenses existed. Mr. Moyle said a large percentage of hay in Nevada was purchased with cash and the security of a license was unnecessary for those buyers. Assemblyman Goicoechea said the ability to provide a false license number already existed and the bill would not increase or decrease that risk.

Senator Schneider asked if a state that produced larger quantities of hay had similar regulations to Nevada. Assemblyman Goicoechea said many states had some form of regulation but did not require a license or bond. Senator Schneider asked if A.B. 181 was giving the government more control over hay transactions. Assemblyman Goicoechea said the bill would be less restrictive and allow the sellers to police the buyers. Senator Carlton asked why licensing was not universal. She said if the bill would eliminate the license requirement for cash buyers, all license requirements should be eliminated. Mr. Henderson said

license fees were necessary to defray administrative costs of bonding and enforcement of hay transactions.

Chair Rhoads closed the hearing on A.B. 181 and opened the hearing on Assembly Joint Resolution (A.J.R.) 4.

ASSEMBLY JOINT RESOLUTION 4 (1st Reprint): Urges Federal Government to recognize unsuitability of Yucca Mountain as site for repository to store and dispose of spent nuclear fuel and high-level radioactive waste. (BDR R-199)

Assemblywoman Genie Ohrenschall, Assembly District No. 12, spoke from prepared statement ([Exhibit H](#)) in support of A.J.R. 4.

Morgan Baumgartner, Nevada Resort Association, spoke in support of A.J.R. 4. She said placing a nuclear waste site at Yucca Mountain would negatively impact tourism in the State. Chair Rhoads asked if any of the resorts or hotels in the State had ever taken a survey of the tourists staying at those places if they would return to Nevada if nuclear waste was stored at Yucca Mountain. Ms. Baumgartner said no such survey had been conducted but would address it to the Nevada Resort Association. Chair Rhoads said he had spoken with some tourists who said they would not return if nuclear waste was stored in Nevada. Senator Carlton said many people in the casinos in Las Vegas have asked about the Yucca Mountain project. Assemblywoman Ohrenschall gave the Committee copies of a statement from a constituent concerning experiences in New Mexico and the U.S. Department of Energy ([Exhibit I](#)). Assemblywoman Ohrenschall used a fact sheet from the U.S. Nuclear Regulatory Commission ([Exhibit J](#)) to explain the concept of "dirty bombs." Ms. Baumgartner requested the 1991 resolution from the Nevada Resort Association be placed into the record ([Exhibit K](#)).

Lynn P. Chapman, Nevada Eagle Forum, spoke in support of A.J.R. 4. She read from a document ([Exhibit L](#)) passed out to the Committee in regard to S.J.R. No. 27 of the 67th Legislative Session. She argued that the federal government was attempting to usurp the State's authority in various matters. She gave the Committee a postcard ([Exhibit M](#)) and said it illustrated the federal government's power. Ms. Chapman read a quote on a document ([Exhibit N](#)) regarding the power of government.

Kaitlin Backlund, Nevada Conservation League, spoke in support of A.J.R. 4.

Robert R. Loux, Executive Director, Agency for Nuclear Projects, Office of the Governor, spoke in support of A.J.R. 4. He said it was important for the Legislature to continually voice opposition to the Yucca Mountain project. Senator McGinness asked why A.J.R. 4 had come to the Committee. Mr. Loux said the current resolution was more focused in terms of the failings of the project.

Dan Musgrove, Clark County, spoke in support of A.J.R. 4 and wanted to answer Senator McGinness's question of what changes had been made to the bill. He said two technical changes were made to the original bill. He said the first change was a statement that Yucca Mountain was the only site being considered. Mr. Musgrove said the second change was a clarification of the use of the Caliente Rail Corridor as opposed to the original language which simply used the general term of rail corridor.

Joe L. Johnson, Toiyabe Chapter Sierra Club, spoke in support of A.J.R. 4.

Chair Rhoads closed the hearing on A.J.R. 4.

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Chair Rhoads adjourned the meeting of the Senate Committee on Natural Resources at 4:11 p.m.

RESPECTFULLY SUBMITTED:

Jonathan Sherwood,
Committee Secretary

APPROVED BY:

Senator Dean A. Rhoads, Chair

DATE: _____