

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

**Seventy-Fourth Session
April 11, 2007**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Jerry D. Claborn at 1:46 p.m., on Wednesday, April 11, 2007, in Room 3161 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Jerry D. Claborn, Chair
Assemblyman Joseph M. Hogan, Vice Chair
Assemblyman Kelvin Atkinson
Assemblyman David Bobzien
Assemblyman John C. Carpenter
Assemblyman Pete Goicoechea
Assemblyman Tom Grady
Assemblyman Ruben Kihuen
Assemblyman John W. Marvel
Assemblyman James Ohrenschall
Assemblywoman Debbie Smith

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
Randy Stephenson, Committee Counsel
Sherrada Fielder, Committee Secretary



OTHERS PRESENT:

Leo M. Drozdoff, Administrator, Division of Environmental Protection,
Department of Conservation and Natural Resources
Colleen Cripps, Deputy Administrator, Division of Environmental
Protection, Department of Conservation and Natural Resources
Russell A. Fields, President, Nevada Mining Association
Judy Stokey, Director, Government Affairs, Nevada Power and Sierra
Pacific Power
Starla Lacy, Director, Environmental Services, Nevada Power and Sierra
Pacific Power
Michael J. Elges, Chief, Bureau of Air Pollution Control, Division of
Environmental Protection, Department of Conservation and Natural
Resources
Kenneth Mayer, Director, Department of Wildlife
Doug Hunt, Deputy Director, Department of Wildlife

Chair Claborn:

[Meeting called to order. Roll called.] Today we have six bills in our work session. We have Assembly Bill 67 that was sitting in the archives. Mr. Drozdoff, would you like to tell us why you would like to have this Committee revisit this bill?

**Assembly Bill 67: Revises provisions governing the control of air pollution.
(BDR 40-568)**

**Leo M. Drozdoff, Administrator, Division of Environmental Protection,
Department of Conservation and Natural Resources:**

I would like to extend thanks to the Chair, and the Committee members for allowing us the opportunity to talk about this bill a little more. The Federal Clean Air Mercury rule is complex. We did not do a good job of explaining the ramifications of what not passing the bill would do. Everybody recognizes that the Clean Air Mercury rule needs some work. Our view is that we have taken a flawed federal program and made it fit Nevada's needs. I am not aware that there is any disagreement or opposition to the bill. If the bill is not passed there is likelihood that there will be a federal implementation plan which, for a variety of reasons, will be detrimental to the State in terms of industry, and environmental needs, etc. I can get into specifics, if you would like.

Assemblyman Bobzien:

Is it your understanding that Governor Jim Gibbons is in support of this section of the bill?

Leo M. Drozdoff:

Yes. It is my understanding that the Governor's Office supports this increase in fines.

Assemblywoman Smith:

Will there be ample opportunity for public input during that process?

Leo M. Drozdoff:

We decided that this was going to be a public process, but putting it in statute makes it clear. We know who the interested parties are. In addition to workshops and a regulatory hearing, we will have some informal meetings prior to the workshops.

Assemblywoman Smith:

I do not remember from original testimony what would happen if we did not pass the bill.

Leo M. Drozdoff:

We take responsibility for not being clear on that. You have our apologies.

**Colleen Cripps, Deputy Administrator, Division of Environmental Protection,
Department of Conservation and Natural Resources:**

There will be two processes. One would be to establish the public process to set up those regulations we develop. There will be an opportunity for interested parties to participate in how the public process that we establish in regulation will work. Second, once those regulations are established that public process will occur every year to determine how we would allocate the excess credits.

Assemblyman Carpenter:

Would you explain how you are going to retire a portion of the admission credits?

Leo M. Drozdoff:

We have a good idea of who our existing sources are and who our waiting sources are. We are confident that because Mojave had credits allocated to them under the federal plan, that there are excess credits available. These permits take years to get done. We will put in regulation the process and find a balance where we can make sure we can retire credits. We are going to ensure that we are not hamstringing our industry.

Assemblyman Carpenter.

How do the new plants which are being planned in White Pine County fit in?

Colleen Cripps:

We have been working with them regarding their permits. We have a good idea on what the mercury allocation would need to be for those facilities. They have agreed to install low-emitting units under our current program. That is more control than you would see under the federal program. We would be able to ensure that they have plenty of allocations. Those allocations come off the total number prior to anything that would go into that excess bin of allocations, and that excess bin is what we would retire out of. Anything that is planned would be allocated prior to any discussions about retirement, banking, or selling of credits.

[Chair Claborn left the meeting.]

Vice Chair Hogan:

Are there any questions? [There were none.]

Assemblyman Goicoechea:

What is the value of the mercury?

Colleen Cripps:

As of February 2007, it was \$1,050 per ounce.

Vice Chair Hogan:

We have an amendment to the proposed bill. Could we get an explanation of what is to be accomplished by the bill?

Leo M. Drozdoff:

There are two changes. [Read from the work session document ([Exhibit C](#)).]

[Chair Claborn returned to the meeting.]

Chair Claborn:

I have a question on your first amendment, Section 1, subsection 5. "It is also the public policy of this State to retire a portion of the emission credits" What is a portion?

Leo M. Drozdoff:

We know that the State has an excess primarily due to the fact that Mojave was factored into the federal rule. There are other reasons for this excess in terms of better removal, etcetera. This rule carries us through the year 2018, and we know who is out there in terms of existing industry.

Chair Claborn:

Over the years, how much are you going to accumulate? I do not like selling the stuff anyway.

Colleen Cripps:

The section and the amendment are tied together. It will be part of the public process that will determine how many of those credits will be retired. The allocation is an annual allocation. Every year we will look at each of the facilities to determine how much mercury these allocations are going to use, how much growth is occurring in the State, and how many allocations will go to those facilities which have agreed to install these low-emitting units. What is left will go through a public process to discuss how much of that should be banked, retired, or sold. There will be new companies and modifications to existing facilities that will require additional mercury allocations. We cannot predict an exact number. We felt, and the agreement has been, that a public process would provide the kind of credibility in vetting that we needed in order to move forward with this bill.

Chair Claborn:

How much of this are you going to sell? The last time you were in here, you told us how much you had and how much you could sell.

Colleen Cripps:

The number we gave you was the amount of money that the allocations, which are anticipated and would be in excess, could be worth.

Chair Claborn:

I researched that and it is worth \$105 an ounce. Committee, do you have any questions? [There were none.]

Russell A. Fields, President, Nevada Mining Association:

The Mining Association did not testify or appear at the February 26, 2007 hearing on this bill. We support A.B. 67 for the following reasons: it compliments existing federal and state regulations for mercury reduction from coal-fired power plants, and it takes advantage of a new opportunity to provide revenues to the State at no cost to Nevadans. We believe it is good public policy.

Chair Claborn:

Are there any questions for Mr. Fields? [There were none.]

Judy Stokey, Director, Government Affairs, Nevada Power and Sierra Pacific Power:

We are here in support of this bill, with the amendments.

Starla Lacy, Director, Environmental Services, Nevada Power and Sierra Pacific Power:

We believe the State of Nevada Clean Air Mercury Rule presents vast improvements over the federal rule. We are concerned that if the State is not allowed to have the ability to trade emissions, it will not have this rule approved, and we will have the federal rule instilled in Nevada. The revenue received can be used to fund the program. The total allocations are expected to change yearly. We know that our own emissions will change from year to year based on demand and other factors.

Assemblyman Carpenter:

How do you figure out the credits, or the amount of emission that will be in a new plant like the ones in Ely?

Starla Lacy:

In Ely, we are working with vendors to specify equipment. Based on the type of coal and the technology that we are using for emission controls, we will be given a base guarantee for what those emissions will be. We will have mercury monitoring installed in those units, so we will know on a real-time basis how much we are emitting.

Assemblyman Carpenter:

Who gives you those initial amounts?

Starla Lacy:

The actual amounts will come from the people who manufacture the equipment. We use those guarantees to propose what we believe our emissions will be. That goes into our permit application. Once we are up and operating, we will track actual emissions through mercury monitors. That will be reported to the State.

Assemblyman Carpenter:

Those people who are going to install this equipment guarantee that there will not be any more than a certain amount of mercury emissions?

Starla Lacy:

Correct. It is based not only on the design of the equipment, but also on the type of fuel that is burned.

Assemblyman Goicoechea:

With these record credits you would be required, because this is a new plant, to go out and buy credits in equal amounts to what you would be discharging. Is that correct?

Starla Lacy:

I would rather defer that question to the Nevada Department of Environmental Protection (NDEP).

Michael J. Elges, Chief, Bureau of Air Pollution Control, Division of Environmental Protection, Department of Conservation and Natural Resources:

As far as the allocations are concerned, the distribution would take place based on the amount of mercury that is measured and recorded over the year. Regarding the new units, such as the Ely project, there would be a distribution equal to the amount of actual emissions of mercury from each specific account. For existing sources, we would draw from their accounts in an amount that is equal to what they emitted that previous calendar year. We are keeping it to a one-to-one basis.

Assemblyman Goicoechea:

The only ones which would be brokered or sold would be those which might go out of the region. Is that correct?

Michael J. Elges:

That is correct. The methodology that we have put together is to ensure that we will not get in a situation where we are out of existing allowances within the State, and new industry has to go out and purchase those on the market. We have to make sure that those other bins, or accounts, are managed appropriately before we get down to the level we are talking about. Final access is a form of retirement, banking, or sale.

Vice Chair Hogan:

There is not a transaction based on an estimate, rather the credits will be bought a little more than a year after the start-up?

Michael J. Elges:

I wish it were that simple. The federal rule allowed us to do a calculation to estimate the first three years of expected emissions. The program is set up so the allocations were based on that initial estimate. The provisions, which are unique to Nevada, require a source to come back to us once they have measured that first complete year for the first three-year period. We have a true-up mechanism in place that accounts for the first three years. Once that is

done, we will be up and running on more consistent information. We will be doing the allocation on an annual basis and we will not have to use the estimated value.

Vice Chair Hogan:

The complexity of that start-up process has something to do with why we cannot specify how many credits we will have to retire or sell.

Michael J. Elges:

This is a federal program which we made more complex to try to fit our unique needs. We cannot provide you with a hard-line number because we do not know what that number is. We know that we have set up a structure that makes sure there is an adequate amount provided for our new industry, much like the Ely project. We have set aside a significant portion to deal with the existing units. We are trying to augment that with our push for better pollution-control devices which replenish those existing accounts. We believe there will be a significant reduction in those emissions, so we are routing them back to the initial accounts to make sure that everything is funded, first and foremost, within the State. The balance that remains will be divided through a banking, retirement, sale, or auction on the national market. That is a dynamic set of circumstances which have to take place. That is a lot of accounting before we can get down to the true numbers.

Chair Claborn:

Will you come back one of these days and let us know how many credits you have saved up?

Michael J. Elges:

If we did not feel that this program would reveal a lot of mercury reductions in Nevada, we certainly would not put this much effort into it. I am confident that the tracking on this will be impeccable.

Chair Claborn:

Are there any questions?

Assemblyman Carpenter:

From what you have said, you have to be careful before you start to retire these credits and sell them?

Michael J. Elges:

You are right. There are a lot of things in play with the program the way it is designed. We have tried, through the proposed amendments, to provide some clarity. We want to make sure all the affected stakeholders and all other parties

are part of the process in making those determinations. It is important that we do not get off on a tangent and manage these allowances inappropriately.

Chair Claborn:

Is there anyone who would like to speak on A.B. 67? [There were none.]
I will take a motion.

ASSEMBLYMAN BOBZIEN MOVED TO AMEND AND DO PASS AS
AMENDED ASSEMBLY BILL 67.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Mr. Bobzien, will you do the Floor summary? We will go to work session; the first item is Assembly Bill 573.

Assembly Bill 573: Revises certain provisions governing wildlife.
(BDR 45-1413)

Jennifer Ruedy, Committee Policy Analyst:

This bill was requested on behalf of the Department of Administration.
[Read from the work session document ([Exhibit D](#)).]

Chair Claborn:

Are there any questions to the amendment? [There were none.]

ASSEMBLYMAN GOICOECHEA MOVED TO AMEND AND DO
PASS AS AMENDED ASSEMBLY BILL 573.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

Is there discussion on the motion?

Assemblyman Carpenter:

It looks to me like they raised the fee with this amendment.

Kenneth Mayer, Director, Department of Wildlife:

We changed the amendment to a "child fishing" instead of a "family fishing" permit. You have a full fishing license. You can review the fee structure, but I do not believe we have changed the fees; we just added one.

Doug Hunt, Deputy Director, Department of Wildlife:

In the first amendment, the one-day permit for a primary adult was \$8, \$5 for a second person, and \$4 for a child. It is the same under item 2 in the new amendment. It is the same for the non-resident at \$17, \$11, and \$5. We added two options for resident annual fishing license holders, so they could take a second adult for \$5 and a child for \$4. It opens up greater opportunity for someone to take guests fishing for the day. The same thing is available for the non-resident annual fishing license holder. The secondary adult would be \$11 and \$5 for each child.

THE MOTION PASSED UNANIMOUSLY.

Chair Claborn:

We will move on to Assembly Bill 469.

Assembly Bill 469: Provides for the creation of a state park for the protection of certain paleontologically sensitive sites. (BDR 35-717)

Jennifer Ruedy, Committee Policy Analyst:

[Read from the work session document ([Exhibit E](#)).]

Chair Claborn:

This bill was sponsored by Assemblyman Harry Mortenson. Are there any questions for Mr. Mortenson? Would you explain how you arrived at \$50,000.00?

Assemblyman Mortenson:

The point of this bill is to study and best determine the use of the 315 acres, which the State owns and which is sensitive land because of the archeological and paleontological remains on the property. The land may be for a state park, it may be a park run by the University of Nevada, Las Vegas, or it may be run by a non-profit organization. It should not say "state park." All we have to do is cross out the word "state" in two places on the bill.

Chair Claborn:

There is an amendment in there already. We do not have to amend it again. Are there any questions? [There were none.] I will entertain a motion.

ASSEMBLYWOMAN SMITH MOVED TO AMEND AND REREFER
ASSEMBLY BILL 469 TO THE WAYS AND MEANS COMMITTEE.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Claborn:

We will hear Assembly Joint Resolution 9.

Assembly Joint Resolution 9: Urges Congress to allow certain proceeds from the Southern Nevada Public Land Management Act to be used for Nevada's state parks. (BDR R-693)

Jennifer Ruedy, Committee Policy Analyst:

[Read from the work session document ([Exhibit F](#)).]

Chair Claborn:

Are there any questions for Mr. Mortenson?

Assemblyman Grady:

Mr. Mortenson, are you concerned that by sending a resolution to open this up, that we may lose money from the federal government by it taking away the portion we are now receiving?

Assemblyman Mortenson:

I do not think so. We got this when Senator Harry Reid was not in a lead position in the Senate. Now he can safely guard this. At one time there was a provision in the Land Management Act bill that had state parks in it. It disappeared. We would like to get it back. State parks are always at the bottom of the barrel. The growth in southern Nevada requires more recreational facilities. We have not increased the parks, but we have grown immensely.

Chair Claborn:

Are there any more questions? [There were none.] I will entertain a motion. Mr. Mortenson, if this passes would you be willing to do the Floor summary?

ASSEMBLYMAN OHRENSCHALL MOVED TO DO PASS
ASSEMBLY JOINT RESOLUTION 9.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

Assemblyman Carpenter:

If Senator Harry Reid can get this through we need to load it up with about fourteen other things we need.

Assemblyman Mortenson:

The big pot of money is still sitting with the Bureau of Land Management. State Parks would have to put in a grant.

THE MOTION PASSED UNANIMOUSLY.

Chair Claborn:

Now we are getting into Assembly Bill 111.

Assembly Bill 111: Revises provisions governing the use of tags to hunt bighorn sheep or antlered bull elk. (BDR 45-119)

Jennifer Ruedy, Committee Policy Analyst:

[Read from the work session document ([Exhibit G](#)).]

Chair Claborn:

There was some confusion regarding the Heritage Trust tag. That has been amended back into the bill after we spoke with Mr. Stephenson. There is only one thing left in the bill. You are limited to one of each species. Is there any discussion?

Assemblyman Goicoechea:

In testimony we heard, it appeared there would not be any change in the next ten years because of the structure of the bonus points, is that correct?

Chair Claborn:

There is nothing in there to change at all. If someone killed a sheep in the last two years, he would be able to apply tomorrow. That is the intent of the bill.

Assemblyman Goicoechea:

Can we have clarification? Because your bonus points would carry forward, we would not change anything for the next ten years.

Chair Claborn:

Are you talking about losing your bonus points?

Assemblyman Goicoechea:

No. Would you be able to move ahead because you had bonus points? Would you be able to draw for the second tag? I need some clarification.

Chair Claborn:

If you killed one last year, you lose your bonus points anyway.

Assemblyman Goicoechea:

I am not talking about last year.

Chair Claborn:

You are saying if someone killed one six years ago? You then would be grandfathered in.

Assemblyman Goicoechea:

That person could go ahead and take the second sheep tag?

Chair Claborn:

Absolutely. If a person killed a sheep five years ago, he lost his bonus points up until that time. If you are buying just bonus points, and I think you can do that, you would carry those bonus points along with you.

Assemblyman Goicoechea:

The way this is structured, it does not matter if you killed a sheep in the past. Except if you killed one within the last five years, you are eligible to put in for a second tag.

Chair Claborn:

Absolutely.

J. Randall Stephenson, Committee Counsel:

This bill would be prospective in its application. Most legislation is prospective. That means that it will apply only from the day on which it becomes effective, which would be October 1, 2007. This should not apply to someone who got their big horn sheep five years ago.

Assemblyman Goicoechea:

Anyone who draws this year would not be able to draw another tag.

Chair Claborn:

Does everyone understand?

Assemblyman Grady:

If I put in for a tag this year and killed a sheep, I could request a tag for next year for a different species?

Chair Claborn:

Correct.

Assemblyman Goicoechea:

When we change the law, do we not take that cap away? I do not know what precludes you from putting in for a tag next year.

Chair Claborn:

It would not become effective until next year anyway.

Assemblyman Grady:

You could not put in for the same species again in your lifetime.

Kenneth Mayer, Director, Department of Wildlife:

You are right, Mr. Goicoechea. If you got drawn this year for desert sheep, you can apply next year. If you get a tag the following year, you are done. It is once in a lifetime.

Assemblyman Carpenter:

I think it is fair that if you kill one of these animals once in a lifetime, you can draw for the other species. I also think that with the limited amount of a certain species out there, that if you kill one of them you should not be allowed to kill another one of that same species.

Chair Claborn:

Are there any more questions?

Assemblyman Goicoechea:

If we pass A.B. 111, we open the process wide open again other than the bonus points.

Chair Claborn:

Everything is gone except the bonus points.

Assemblyman Goicoechea:

I think that because of the time frame from the effective date, it opens it up next year for everybody. If you killed a sheep last year, you can draw next year.

Chair Claborn:

That is correct. I will entertain a motion.

ASSEMBLYMAN CARPENTER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 111 WITH AMENDMENT 2 IN THE MOCK-UP.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

Chair Claborn:

Is there any discussion on the motion?

Assemblyman Bobzien:

In the second amendment, Section 1, subsection 3(b), "The provisions of the subsection do not apply to big game tag as obtained by bid or auction pursuant to subsection 5 of *Nevada Revised Statutes* (NRS) 502.250." I would have an objection to that two-tiered system. I applaud how that money is put to use, but I not think it is fair to distinguish between those tags that are auctioned, which people pay big money for, and the hunting opportunities that are available to the rest of Nevadans. I would object to the motion.

Assemblyman Carpenter:

It seems to me that this is a provision that Nevada Department of Wildlife (NDOW) wanted to have inserted into the bill to make sure that they could still auction off two of those animals, and I think that has been going on for a long time. I think that is a good amendment to the bill.

Chair Claborn:

I do too. During our discussion it was brought to our attention that we had left that out, so we amended it back in.

Assemblyman Goicoechea:

I agree with Assemblyman Bobzien. That is why we have some problems with the bill. We have established a two-tiered approach, and if you can afford it you can buy the tag anywhere, anytime. Yet, we are going to exempt the common person from the draw, from ever having a second opportunity. I have to oppose the bill for that reason. I know your intent on this bill, Mr. Chairman, and I agree we have to leave that amendment in place because of the dollars it generates for some good projects out there in the brush. The bottom line is I think the public is going to look at this and say that this has become a rich man's sport. We are taking it away from the common guy who is putting in the \$20 draw.

Assemblyman Atkinson:

I think Mr. Goicoechea said it all.

Chair Claborn:

Mr. Goicoechea, I do not understand that.

Assemblyman Goicoechea:

There is no way we can avoid it. The average sportsman is going to say we are precluding them from ever killing a second one, but the guy who has a \$100,000 can shoot them all week long.

Chair Claborn:

That could be true. These two tags are to build up funds for expenses for the hunting clubs that do volunteer work. It is ridiculous because this accounts for only two tags out of all the thousands of tags that they give out. I never would have opened this bill up if I thought it would take the money away from NDOW. My pleasure has always been to give them money. I will kill the bill right now, or do what you want me to do, but I will not take the money away from them.

Assemblyman Goicoechea:

I think we are on the same page. I think it is unfortunate that we are going to send that perception out there to the average sportsman.

Chair Claborn:

With all due respect, Mr. Goicoechea, you have to kill the first one first.

Assemblyman Goicoechea:

We heard testimony that the chances of drawing a second tiger draw are getting narrower.

Chair Claborn:

That is what I am trying to say. I cannot see your point.

Assemblyman Goicoechea:

Why are we going to stop that guy from "maybe" drawing the second tag? We are saying "you cannot do that," but the guy who has the money can afford to buy the second tag. It is a public perception.

Chair Claborn:

I do not want to jeopardize any funds that are coming to NDOW. If there is any way I can get out of this right now, I will do that. If it passes, you think that is the message, is that correct?

Assemblyman Goicoechea:

I think the average sportsman would get that perception. I commend you, and I know what you were trying to do with this. We do not have the ability to take the Heritage tags away because of what it would do to the revenues, and by passing that with the Heritage tags in place, we are creating an uneven playing field for the average sportsman.

Chair Claborn:

That is the way it has always been.

Assemblyman Carpenter:

It has always been that way, but if you had the big bucks you could buy one of these. If we want to get some kind of a level playing field, maybe we could put one more of these animals up and everybody could put it in a draw or a raffle for \$20 and make more money. I feel that in reality we are opening it up more to those people because they will be able to apply next year, or whenever, because we are starting all over again. We should get more people applying, and we should make more money.

Chair Claborn:

Is there any further discussion?

Assemblyman Goicoechea:

I agree with you, Mr. Carpenter. I think there is some merit in going to a special draw that allows the average person to be able to draw into the same pot that the Heritage has. It is a unique hunt.

Chair Claborn:

The motion on A.B. 111 is to Amend and Do Pass with Amendment 2.

THE MOTION FAILED. (ASSEMBLYMEN ATKINSON, BOBZIEN, GOICOECHEA, GRADY, MARVEL AND SMITH VOTED NO. ASSEMBLYMAN KIHUEN WAS ABSENT DURING THE VOTE.)

Chair Claborn:

The next bill is Assembly Bill 259.

Assembly Bill 259: Revises provisions governing wildlife. (BDR 45-100)

Jennifer Ruedy, Committee Policy Analyst:

[Read from the work session document ([Exhibit H](#)).]

Chair Claborn:

Is there any discussion on Assembly Bill 259?

Assemblyman Goicoechea:

Why do you want to change the Department of Wildlife to the Department of Fish and Game?

Chair Claborn:

There are only three things left in this bill. The change in the name is because NDOW has had a horrendous audit history regarding mixed monies, obligated funds, etc. We have a new Governor, a new Director, we have some new direction in NDOW, and with a new name it could move away from biodiversity. They have something called the Wildlife Action Fund. If this bill passed, NDOW agreed they would have until July 2008 to change the name. The change of name would give us a new start.

Assemblyman Goicoechea:

I support the rest of the bill. The fiscal note imposed by the name change is going to cost money. Whether they function as NDOW or Department of Fish and Game is immaterial. I like the language in Section 26, subsection 2 about the annual audit report. I think that is a good step ahead, and I like the \$200,000 for predator control. Because I am from the brush, and I understand what a lion can do, I am supportive of that item. I do not see the sense in changing the name and the fiscal impact it generates. If you move away from that, I would support the bill.

Chair Claborn:

That is one thing that I cannot do. We all have commitments, and NDOW has agreed to this. I have gutted this bill to where there is nothing left in it.

Assemblyman Goicoechea:

I respect your position on that, Mr. Chair.

Assemblyman Carpenter:

Did you say that NDOW agreed to the name change?

Chair Claborn:

Yes, I did.

Assemblyman Carpenter:

Would Mr. Mayer come forward and state that?

Chair Claborn:

I hate to put Mr. Mayer on the spot.

Kenneth Mayer, Director, Department of Wildlife:

We are neutral on this. Whether it is the Department of Fish and Game or the Department of Wildlife, as long as it does not affect our ability to work with our federal partners, and that the money flow does not structurally change what we can do as a agency, we remain neutral. Everyone has a personal opinion on

whether we should or should not change the name. At this point that would be up to this Committee.

Assemblyman Bobzien:

I believe we have accomplished something through the consideration of this bill. Your assessment is correct. We have a new person at the head of NDOW. I would echo Mr. Goicoechea's concerns about the name change and the fiscal impact it would generate, but I would go one step beyond. I do not think it is immaterial what you call the agency. Under the name of NDOW it speaks much more adequately to the sporting and non-sporting partnerships that conservationists have in this State, as well as the management and promotion of our wildlife heritage. That is my opposition to the name change.

Assemblyman Ohrenschall:

Does the representative from NDOW know how much it would cost to change the name?

Kenneth Mayer:

There are 24 offices, 24 signs, stenciling on windows, patches, seals for the doors, stationery, etc. We talked about a phased-in approach during which we can use up some things within a period of time. All new vehicles would have new logos. This is not something we would have to do tomorrow, based on this bill.

Chair Claborn:

This could be phased in until July 2008.

Assemblyman Marvel:

There is the \$200,000 appropriation in the bill. If this goes to Ways and Means, one of the questions which will be asked is how the money is going to be spent?

Chair Claborn:

I would hope some of it would be spent on predator control. They can spend it however they want because it is not mandated for a specific purpose.

Assemblywoman Smith:

I have sat in meetings with you and Mr. Mayer to talk about what can be done to encourage NDOW to develop a comprehensive program to do something about the mountain lions. The bill is gutted; on the mountain lion issue it truly is other than the \$200,000 appropriation. Because of that issue and the name change, I cannot support this bill. The bill does not address the concerns about the mountain lion other than the reporting, which I believe we can get anyway,

and the \$200,000 appropriation. I think what has been accomplished is the commitment from the Department to implement several items that will do something about the mountain lion problem. I cannot support the bill, but I appreciate what you have accomplished, Mr. Chairman, by bringing the bill forward.

Chair Claborn:

Thank you, Ms. Smith. You are right. We have sat down with NDOW, and we have visited all of our concerns. Is there any more discussion?

Assemblyman Carpenter:

The financial report is a big step forward and more important than the name change. What would you do if the Committee took the name change out and passed the bill?

Chair Claborn:

If the Committee took the name change out, what would I do? I work for the Committee.

Assemblywoman Smith:

The Committee is trying very hard to put together something to support your efforts. We may have the votes to go one way or the other. As the sponsor of the bill, what would you like for us to do?

Chair Claborn:

What I would like for this Committee to do is vote "yes" on the bill.

Assemblywoman Smith:

What would you like for us to do about the amendment? Is it your preference that the bill be amended, or not?

Chair Claborn:

If this bill goes down in flames, it goes down in flames.

Assemblyman Atkinson:

I agree with Ms. Smith. I am hesitant to make a motion that you do not want to have done on your own bill. Your choices are either to accept what the Committee is doing, or the Committee votes "no", and your bill goes up in flames.

Assemblyman Goicoechea:

I believe in the bill. I think it can do a lot of good for the State of Nevada.

Chair Claborn:

What do you want? I will pull the bill. Mr. Marvel, we have only three things in the bill: the \$200,000 appropriation, the change of name, and the provision for a report on fees collected and money spent. I will entertain a motion.

ASSEMBLYMAN CARPENTER MOVED TO AMEND AND DO
PASS ASSEMBLY BILL 259.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

Chair Claborn:

Is there discussion on the motion?

Assemblyman Goicoechea:

Does this bill automatically rerefer to Ways and Means because of the appropriation?

Chair Claborn:

Yes, I believe so.

Assemblyman Goicoechea:

Would you include that in your motion, Mr. Carpenter?

Assemblyman Carpenter:

I would like to respond to your "whipped pup" comment. You have done more than anyone to bring to the forefront the situation, and if we are going to have deer, we have to take care of the predators. The financial aspect is most important to the Department because when the next audit comes up, it will be a clean audit. We will not have all of this talking and bickering, and that is a great thing you have done. I want you to accept the credit for what you have done. You can feel good about this bill because you have accomplished something.

Chair Claborn:

I appreciate that. You know how much I respect your opinion. Is there any more discussion? We have a motion on the Floor, and we have a second.

THE MOTION PASSED. (ASSEMBLYMAN CLABORN VOTED NO.)

Chair Claborn:

Since it goes to Ways and Means, there will not be a summary on this bill. Is there any old business to come before the Committee? Is there any new business? [There was none.]

[Meeting adjourned at 3:39 p.m.]

RESPECTFULLY SUBMITTED:

Christina Van Fosson
Committee Secretary

Patricia Evans
Transcribing Secretary

APPROVED BY:

Assemblyman Jerry D. Claborn, Chair

DATE: _____

EXHIBITS

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

Date: April 11, 2007

Time of Meeting: 1:46 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
AB 67	C	Jennifer Ruedy, Committee Policy Analyst	Work Session Document
AB 573	D	Jennifer Ruedy, Committee Policy Analyst	Work Session Document
AB 469	E	Jennifer Ruedy, Committee Policy Analyst	Work Session Document
AJR 9	F	Jennifer Ruedy, Committee Policy Analyst	Work Session Document
AB 111	G	Jennifer Ruedy, Committee Policy Analyst	Work Session Document
AB 259	H	Jennifer Ruedy, Committee Policy Analyst	Work Session Document