

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

**Seventy-fourth Session
April 13, 2007**

The Senate Committee on Natural Resources was called to order by Chair Dean A. Rhoads at 3:30 p.m. on Friday, April 13, 2007, 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 in 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 Joseph J. Heck
Senator Michael A. Schneider
Senator Maggie Carlton

COMMITTEE MEMBERS ABSENT:

Senator Bob Coffin (Excused)

STAFF MEMBERS PRESENT:

Susan E. Scholley, Committee Policy Analyst
Randy Stephenson, Committee Counsel
Shirley Parks, Committee Secretary

OTHERS PRESENT:

Roger Works, D.V.M., Deputy Administrator, State Department of Agriculture
Colleen Cripps, Ph.D., Deputy Administrator, Air and Waste Programs, Division
of Environmental Protection, State Department of Conservation and
Natural Resources

CHAIR RHOADS:

We will start our work session with Senate Bill (S.B.) 295 on price regulation of gasoline and diesel in your work session handout ([Exhibit C](#), original is on file in the Research Library).

SENATE BILL 295: Provides for the regulation of the price of gasoline and diesel fuel. (BDR 51-1170)

SENATOR SCHNEIDER:

The amendment is a transfer from the State Board of Agriculture enforcement to the Highway Department Inspectors, Pump Repairs and Inspection with power to cite violations. It places the fines money to the Highway Fund versus the General Fund, because we need to build new highways. It would change the cap on wholesale gas prices to a cap on the amount retailers are permitted to charge. That would be the average of all states west of the Mississippi River. In no way does it set the price of gas. It does not interfere with profit. What it does do is if someone charges \$5 a gallon, then they would also need to charge those in Tucson and Tulsa \$5 a gallon; it would be the average. There is no system to the pricing, and they price at will. This amendment came from my constituents, and I know you mentioned you had irate constituents in Elko. There does not seem to be any consistency in pricing. I defer to the Committee to get their arms around the problem.

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

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION FAILED. (SENATORS AMODEI, HICKS, MCGINNESS AND RHOADS VOTED NO.)

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CHAIR RHOADS:

Go on to S.B. 329.

SENATE BILL 329: Prohibits certain activities relating to the transportation and possession of animals in motor vehicles. (BDR 50-950)

SUSAN E. SCHOLLEY (Committee Policy Analyst):

The bill makes it a misdemeanor to leave a cat or dog unattended in a car during extreme heat or cold or other endangering conditions. It allows certain persons to use reasonable force to remove the animal from the car. Section 3 makes it a misdemeanor to allow an animal to ride in the cargo portion of a motor vehicle

unless the cargo area is enclosed or equipped with certain side rails or the animal is tethered or caged. There are certain exemptions such as police animals and dogs used for hunting.

Three amendments have been proposed ([Exhibit C](#)). Senator Rhoads proposed to delete section 3. The second amendment was proposed by the Nevada Sheriffs' and Chiefs' Association to add a search and rescue animal to the list of exemptions and to the definition of police animal. The third amendment came after the hearing from the Pet Network Animal Friends of Nevada to add clarification to the hunting exemption, and make provision when an animal is removed from the car. You may want to take them one, two and three.

CHAIR RHOADS:

We will first take section 3, which outlaws a dog in the back of a pickup unless chained. I suggest that section be deleted.

SENATOR CARLTON:

I understand where you are coming from, but I am opposed. I have walked through parking lots, past pickup trucks and have dogs charge the side of the truck, scaring me. I was not sure if the dog would hop out and become loose in the parking lot. This is to provide the people who are around these animals with some protection, as some animals can be dangerous.

SENATOR MCGINNESS MOVED TO DELETE SECTION 3, PAGE 3,
LINES 5 TO 32 OF S.B. 329.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR CARLTON VOTED NO.)

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CHAIR RHOADS:

The Nevada Sheriffs' and Chiefs' Association amendment would add "an animal that is used by a member of a search and rescue organization in this State that is under the direct supervision of a sheriff."

SENATOR HECK MOVED TO ADOPT THE AMENDMENT TO S.B. 329.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:

The third amendment is a dog that is in the act of hunting a species of game mammal is exempt.

Ms. SCHOLLEY:

The third proposed amendment has two parts. The first part would limit the exemption for hunting dogs to a dog that is in the act of hunting a species of game mammal. Currently, it is a dog that is transported or used for, so this would narrow the exemption further. Remember, this is the section relating to leaving a dog or cat unattended in a car; it would narrow the exception. The second part is attempting to make a provision for what happens when the peace officer or animal control officer has to break into a car and rescue the animal. This provides that that animal be taken to a Humane Society, veterinarian or animal control, and some effort then be made to notify the owner of the animal where the animal can be picked up. The owner would be liable for reasonable expenses of boarding the animal for the time it was being held or possibly for the locksmith breaking into the car. These two parts of the amendment could be separated in terms of incorporating them into the amend and do pass.

CHAIR RHOADS:

Committee, you want to strike the amendment, delete section 3 and add number two to the bill.

SENATOR MCGINNESS MOVED TO AMEND AND DO PASS AS AMENDED S.B. 329.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR CARLTON VOTED NO.)

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Ms. SCHOLLEY:

Senate Bill 366 in its original form proposed that animals raised as food would be removed from the jurisdiction of the Nevada Department of Wildlife ([Exhibit C](#)). During the hearing on this bill, a suggestion was made that perhaps the Australian Red Claw Crayfish could be added to the "alternative livestock" provision, which allows certain species, if they are born and reared in captivity and raised on private property to produce meat or other by-products, to be allowed. The proposal would be a conceptual amendment to S.B. 366 to allow the Australian Red Claw Crayfish to be included in the exception similar to, or based upon, the "alternative livestock" provision since crayfish are not livestock per se. In effect, they would now come under, as I understand it, the State Department of Agriculture, because they would be eligible to be raised on private property to produce food.

SENATE BILL 366: Prohibits the Department of Wildlife from exercising jurisdiction over animal husbandry relating to animals intended to produce food for human consumption. (BDR 45-1328)

CHAIR RHOADS:

Is this amendment sponsored by Senator Beers?

Ms. SCHOLLEY:

Yes, that is correct. Senator Beers did request this conceptual amendment.

CHAIR RHOADS:

Is there someone here from the Department of Agriculture?

ROGER WORKS, D.V.M. (Deputy Administrator, State Department of Agriculture):
As discussed previously, our biggest concern had to do with other species and this narrows the scope. The biggest concern we have within the State Department of Agriculture is we do not have a lot of experience with this animal species, certainly not to degree the Department of Wildlife does. Consequently, if we were to take that on, it would represent a financial burden in that we would need to recruit biologists familiar with this. My understanding in listening previously was the concern of the Department of Wildlife about the potential for these animals to be a nuisance species introduced into other hot springs around the State, creating harm. Again, we would be back in the same situation, even if we did have a permit, of trying to police this in a way that none of those animals left the premises alive. I think that was the original problem.

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CHAIR RHOADS:

Committee, if we did pass this bill, we would have to send it to the Senate Committee on Finance if it is going to require a position.

SENATOR AMODEI:

This will have to go to Finance.

SENATOR AMODEI MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 366.

SENATOR HECK SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR CARLTON VOTED NO.)

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CHAIR RHOADS:

We will open the work session on S.B. 422.

SENATE BILL 422: Requires the State Environmental Commission to establish a program for the reduction of greenhouse gases emitted by affected units in this State. (BDR 40-678)

MS SCHOLLEY:

This bill is sponsored by Senator Titus. In its original form it required the establishment of a statewide program for controlling greenhouse gases. At the hearing, the sponsor proposed an amendment which is in your notebook, Exhibit C. It effectively changes it to a registry of greenhouse gases and collecting information.

SENATOR MCGINNESS:

Was there a fiscal note? They talk about additional people needed to accomplish this.

MS. SCHOLLEY:

In the original form it may have, but I do not know about the amendment.

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COLLEEN CRIPPS, PH.D. (Deputy Administrator, Air and Waste Programs, Division of Environmental Protection, State Department of Conservation and Natural Resources):

We have looked at the amended version. In our Wednesday testimony we discussed the amendment we would need to make to the fiscal note. We will still require one staff person. We recommended a mechanism to pay for the funding of that person for the first couple of years of this program.

SENATOR CARLTON MOVED TO AMEND AND DO PASS AS AMENDED S.B. 422.

SENATOR SCHNEIDER SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR MCGINNESS AND SENATOR AMODEI VOTED NO.)

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CHAIR RHOADS:

We will go to S.B. 486 ([Exhibit C](#)). This bill has no amendments.

SENATE BILL 486: Makes various changes concerning the ownership of brands for livestock. (BDR 50-622)

SENATOR MCGINNESS MOVED TO DO PASS S.B. 486.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR RHOADS:

Now on to S.B. 487.

SENATE BILL 487: Revises provisions relating to water resources in certain counties. (BDR 48-183)

Ms. SCHOLLEY:

This bill creates the Northern Nevada Water Authority (NNWA) with jurisdiction to provide services relating to water and wastewater in certain portions of Washoe County. The bill enumerates the power of the NNWA. It creates the Northern Nevada Water Planning Commission as an advisory body. It also creates a temporary interim legislative committee to oversee the activities of the NNWA with a sunset date of 2011.

You have in your notebooks, [Exhibit C](#), tabs A, B, C, D and E for the five amendments submitted on this bill. Tab A is the joint amendments from the Truckee Meadows Water Authority (TMWA) and the Washoe County Department of Water Resources. These are, essentially, the same amendments presented at the Monday hearing, with two minor changes on the first page.

The second amendment is under tab B, which was proposed by the Truckee Meadows Regional Planning Agency (TMRPA) to change "be consistent with" to "conform to," which is more in keeping with other sections of the bill.

Tab C is the Sun Valley General Improvement District (SVGID) amendments proposed at the hearing and shown in the underlined areas. This relates to eminent domain issues and to service-area planning. Behind it is another amendment provided after the hearing, which goes to the membership of the authority. It proposes to include the SVGID as an original member of the joint powers authority.

Tab D has the amendments submitted by the LSC Development, Incorporated by Brent Scolari from Jones Vargas law firm. They mostly apply to water-importation issues and restricting the NNWA's ability to be involved in water importation.

Finally, tab E is an amendment submitted by Senator Amodei that relates to minor changes of the name of the interim Legislative Committee.

SENATOR AMODEI:

The TMWA amendment under tab A is acceptable. We Committee members have been told that amendment has been endorsed by the Washoe County Commission. The TMWA Board, Sparks City Council and Reno City Council have all endorsed it. It contains the provision allowing them to continue

attempting to work towards the achievement of a joint powers agreement until January 1, 2008.

Tab B, which is TMRPA is not objectionable to me, but for the most part is technical in nature.

The amendment at tab C, which is SVGID, is acceptable. It also requires Sun Valley as a general improvement district be included in the process whereby the joint powers agreement is sought to be achieved by January 1, 2008. I have no objection to that since the committee's work product anticipated both general improvement districts being a part of that. I also have correspondence in that regard from Neena Laxalt on behalf of the South Truckee Meadows General Improvement District (STMGID) requesting they be included in the same context as Sun Valley ([Exhibit D](#)). That is interesting in view of Mr. Cohen's testimony before the Committee, but I understand he does not speak for the board. To be consistent with what the Committee did, STMGID ought to be included in those joint powers agreements discussions in the same context as Sun Valley. I have no objection to the Sun Valley proposed amendment, so long as STMGID is included.

Under tab D is the LSC Development, Incorporated's proposed amendment. I spoke with Mr. Scolari who is their lobbyist. They want to withdraw the importation portions of that amendment, which means their amendment would consist of amending section 29, subsection 19, regarding the exercise of eminent domain that this authority could not condemn water rights. I have no objection to the addition of those three words.

The last one at tab E was from the Southern Nevada Water Authority (SNWA) stating we make clear in legislative intent, that oversight authority sought to be established by this proposed legislation would apply to this entity, if created, and not to the SNWA since oversight authority for them already exists in the interim Legislative Committee on Public Lands.

SENATOR HECK:

Refer to the amendment submitted by Mr. Scolari that was changed in section 29, subsection 19 and was stricken in the mock-up, [Exhibit C](#). Are they putting it back in and then adding "excluding water rights?"

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SENATOR AMODEI:
Yes.

I move to amend and do pass with the amendments, those being the amendment at tab A of the work session document; the amendment at tab B of the work session document; the Sun Valley General Improvement District amendments at tab C, but also adding "for purposes of joint powers agreement;" the inclusion of "the South Truckee Meadows General Improvement District;" the amendment in tab D, being only an amendment to section 29, subsection 19, which would allow this entity to exercise the power of eminent domain in the manner provided by law for the condemnation of private property, this being the new language excluding water rights, and then back to the existing language, "for public use to take private property within the planning area necessary the exercise of its powers;" and for tab E, in concept somewhere in the bill, we would indicate that the oversight authority sought to be created herein is that over the entity sought to be created in the Truckee Meadows, and not over the Southern Nevada Water Authority, since that oversight authority already exists in a different committee.

SENATOR AMODEI MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 487.

SENATOR MCGINNESS SECONDED THE MOTION.

SENATOR HECK:
Does the Southern Nevada Water Authority have the power of eminent domain?

SENATOR AMODEI:
Yes they do.

THE MOTION CARRIED. (SENATOR HECK AND SENATOR CARLTON
VOTED NO.)

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CHAIR RHOADS:

There being no further business before the Senate Committee on Natural Resources, we are adjourned at 3:59 p.m.

RESPECTFULLY SUBMITTED:

Laura Adler,
Committee Secretary

APPROVED BY:

Senator Dean A. Rhoads, Chair

DATE: _____