

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

**Seventy-Fifth Session  
May 4, 2009**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Jerry D. Claborn at 1:49 p.m. on Monday, May 4, 2009, in Room 3161 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4406 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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/75th2009/committees/](http://www.leg.state.nv.us/75th2009/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](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblyman Jerry D. Claborn, Chair  
Assemblyman Joseph M. Hogan, Vice Chair  
Assemblyman Paul Aizley  
Assemblyman David P. Bobzien  
Assemblyman John C. Carpenter  
Assemblyman Pete Goicoechea  
Assemblyman Tom Grady  
Assemblyman Don Gustavson  
Assemblyman Harvey J. Munford  
Assemblyman James Ohrenschall  
Assemblyman Tick Segerblom

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator Michael (Mike) A. Schneider, Clark County Senatorial  
District No. 11

**STAFF MEMBERS PRESENT:**

J. Randall Stephenson, Committee Counsel  
Jennifer Ruedy, Committee Policy Analyst  
Judith Coolbaugh, Committee Secretary  
Cheryl McClellan, Committee Assistant

**OTHERS PRESENT:**

Ed Guthrie, Executive Director, Opportunity Village, Las Vegas, Nevada  
Brian M. Patchett, President and Chief Executive Officer, Easter Seals  
Southern Nevada, Las Vegas, Nevada  
James R. Lawrence, Administrator and State Land Registrar, Division of  
State Lands, State Department of Conservation and Natural  
Resources  
Christopher MacKenzie, Private Citizen, Carson City, Nevada  
Doug Busselman, Executive Director, Nevada Farm Bureau, Sparks,  
Nevada  
Kenneth E. Mayer, M.S., Director, Department of Wildlife

**Chair Claborn:**

[Roll was taken.] I am opening the work session, and the hearing on  
Senate Concurrent Resolution 3 (1st Reprint).

**Senate Concurrent Resolution 3 (1st Reprint)**: Expresses disapproval of certain  
civil actions brought and maintained against the livestock industry and the  
Bureau of Land Management in Nevada. (BDR R-496)

Ms. Ruedy will "walk" us through the resolution.

**Jennifer Ruedy, Committee Policy Analyst:**

This resolution was heard by the Committee on April 22, 2009, and it was  
requested by the Legislative Commission on Public Lands. It is similar to  
Senate Joint Resolution No. 12 of the 74th Session. [Read from prepared  
testimony submitted in writing ([Exhibit C](#)).]

**Chair Claborn:**

Are there any questions?

**Assemblyman Hogan:**

What, if any, would be the effect of a decision on our part to object to, or disapprove of, the types of civil actions outlined in this resolution?

**Assemblyman Segerblom:**

What impact would this resolution have if we pass it?

**Assemblyman Carpenter:**

In answer to my colleagues' questions, I think this resolution expresses this Legislature's disapproval of certain types of civil actions being filed and maintained against the livestock industry and the Bureau of Land Management (BLM) in this state. We all want to improve and maintain proper management of range lands, but the filing of these suits makes progress to develop exceptional range stewardship policies impossible. Also, it inhibits the development of water projects that help both wildlife and livestock. The main focus of the resolution is to show that the Legislature believes livestock have a place on the range along with all the other multiple users of the land. We should be allowed to continue grazing livestock on the public lands, and be able to do it in a manner that improves range management.

**Assemblyman Bobzien:**

I am glad that Ms. Ruedy referenced S.J.R. No. 12, which I did support last session. I agree with most of the comments made by Mr. Carpenter about the pervasiveness of these suits, and their questionable appropriateness. I have an issue with the language on lines 11-14 of page 2. The wording is distinctly different from the language I supported last session in S.J.R. No. 12. It goes beyond making a general editorial statement about these civil suits because it encourages the Attorney General to enter the legal battle. I am not comfortable with that section.

**Chair Claborn:**

Are there any more questions?

**Assemblyman Goicoechea:**

I think the critical part of that section is the language that states, "... to protect the interests of the State of Nevada ...." I would hope that the Attorney General does not get embroiled in a one-sided vendetta on behalf of the rural counties. I urge my colleagues to consider the fact that a number of these lawsuits being filed are frivolous and expensive not only for the state's agricultural community, but also for the state itself to defend.

**Chair Claborn:**

Are there any questions? [There were none.] I will entertain a motion.

ASSEMBLYMAN SEGERBLOM MOVED TO ADOPT  
SENATE CONCURRENT RESOLUTION 3 (1ST REPRINT).

ASSEMBLYMAN GUSTAVSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN BOBZIEN AND HOGAN  
VOTED NO.)

I am opening the hearing on Senate Concurrent Resolution 5 (1st Reprint).

[Senate Concurrent Resolution 5 \(1st Reprint\)](#): Commends the Wildfire Support  
Group. (BDR R-605)

Ms. Ruedy, will you "walk" us through the resolution?

**Jennifer Ruedy, Committee Policy Analyst:**

This resolution was also heard by the Committee on April 22, 2009. [Read from prepared testimony submitted in writing ([Exhibit D](#)).] At the Committee hearing, it was pointed out that there are two typographical errors in the language of the resolution. On page 2, lines 12 and 19, the word "Wildlife" is used instead of "Wildfire." An amendment to the resolution ([Exhibit E](#)) is included in your work session documents, which will correct the typographical errors.

**Chair Claborn:**

Let me go back to S.C.R. 3 (R1) for a moment. Mr. Carpenter, would you do the floor statement on that resolution? [Mr. Carpenter agreed to do so.] I will entertain a motion on S.C.R. 5 (R1).

ASSEMBLYMAN BOBZIEN MOVED TO AMEND AND ADOPT AS  
AMENDED SENATE CONCURRENT RESOLUTION 5 (1ST REPRINT).

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I am opening the hearing on Senate Bill 300 (1st Reprint). Senator Schneider will present the bill.

**Senate Bill 300 (1st Reprint):** Requires the acceptance of the donation of certain improvements on certain state land by the Division of State Lands of the State Department of Conservation and Natural Resources. (BDR S-974)

**Senator Michael (Mike) A. Schneider, Clark County Senatorial District No. 11:**

Senator Cegavske and I were joined by Assemblyman Manendo in sponsoring this bill. The three of us serve on the board of Opportunity Village. This bill addresses a piece of vacant, unimproved land which is located between Opportunity Village on West Oakey Boulevard in Las Vegas and the Easter Seals building. The land is owned by the state government. We would like to use this piece of land as a parking lot for Opportunity Village, the Easter Seals, and the community college. However, anyone could use it for public parking. We propose paving the land, and Opportunity Village will pay for those improvements. The land would continue to be owned by the state, and it could be sold if the state chooses to do so. It is an odd-shaped piece of land.

Opportunity Village serves the mentally retarded and handicapped in our community. We have a job training facility there for rehabilitation and a center for job placement, and we need additional parking spaces. Once a year, Opportunity Village puts on its main fund-raising event called the "Magical Forest." This event is held between Thanksgiving and New Year's, and it is a fantastic holiday display. We make about \$1.2 million annually on the Magical Forest. We need the additional parking for the event, but it would be used year-round.

We would be "borrowing" the land until the state decides to use it for something else. According to a study completed by the University of Nevada, Reno, Opportunity Village saves the state over \$50 million per year. Without the program, the state would have to pick up the cost of providing these services for people with special needs. I would be happy to answer any questions.

**Chair Claborn:**

Are there any questions?

**Assemblyman Segerblom:**

I have been to the Magical Forest event, and had a problem trying to find parking. I think this is a great use for this piece of property.

**Assemblyman Gustavson:**

Would the state be held liable for any accidents on the property?

**Senator Schneider:**

No, they would not. Liability insurance would be carried under the umbrella policy of Opportunity Village.

**Assemblyman Aizley:**

How big is the lot? How many cars can be parked there?

**Senator Schneider:**

I am going to defer that question to Mr. Guthrie. Opportunity Village will work with the community to secure donations for asphalt to pave the proposed parking lot.

**Ed Guthrie, Executive Director, Opportunity Village, Las Vegas, Nevada:**

We want to continue the public/private partnership we have with a number of different entities near our location. The parking lot that exists behind Opportunity Village is on land acquired by the community college for that use. Opportunity Village was able to work with the City of Las Vegas to get some of the asphalt donated for that lot, and it is used by Opportunity Village and the students at the community college. The College of Southern Nevada's population is growing, and Opportunity Village is serving 20 percent more clients this year than last. The number of people using Easter Seals' services is also increasing.

Parking for these facilities is spilling over into the community, and creating a problem for residents. One of the reasons we started the public/private partnership is to ensure that available parking spaces for residents in the local neighborhood were not taken up by college students, or by people seeking our services. This land would provide additional parking spaces for all three entities. Opportunity Village has already said it will place a liability rider on its insurance policy, and Easter Seals has also pledged to put a rider on theirs. The state will be doubly insured in case anything occurs on that property.

**Chair Claborn:**

All the improvements you make on the property will have to be left if you are ever asked to surrender the property back to the state. However, Opportunity Village has indicated that is not a concern. Whenever loaned property is developed you cannot take the improvements with you. I want to make certain that principle is understood.

**Ed Guthrie:**

We understand that, and we are willing to take that risk.

**Assemblyman Hogan:**

How many cars can be squeezed onto that lot?

**Ed Guthrie:**

We think it will provide parking spaces for about 50 cars.

**Chair Claborn:**

Are there any more questions? [There were none.]

**Brian M. Patchett, President and Chief Executive Officer, Easter Seals Southern Nevada, Las Vegas, Nevada:**

Easter Seals provides services to children with disabilities. Our program has been growing over the years, and so has the need for parking. We also have fund-raising events, and it is a problem to provide adequate parking for attendees. We are committed to putting a liability rider on our insurance policy to cover the proposed parking lot. Further, we fully understand the risk we are taking should the state decide to use the property for something else. I have submitted additional testimony in writing ([Exhibit F](#)), and I would be happy to answer any questions.

**Chair Claborn:**

Are there any questions? [There were none.]

**James R. Lawrence, Administrator and State Land Registrar, Division of State Lands, State Department of Conservation and Natural Resources:**

I am testifying in support of S.B. 300 (R1). The state has no immediate need for that property for any state agency use, and it does not plan on disposing of the property at the current time.

**Chair Claborn:**

Are there any questions?

**Assemblyman Carpenter:**

Can people just park in the dirt now?

**James R. Lawrence:**

It is my understanding that people are parking there now. Most of the property is improved, and other state agency buildings are there. We are talking about the unimproved portion of the property, and paving it for parking would make the area better and safer.

**Assemblyman Hogan:**

How many cars can be parked per acre? Do you know the acreage of the parcel?

**James R. Lawrence:**

I do not know the exact amount of acreage, but I would guess it is a two- to three-acre parcel.

**Assemblyman Gustavson:**

You indicated other state agencies adjoin this property. Do they have parking spaces available that could be used?

**James R. Lawrence:**

There is a fairly new mental health facility adjacent to the property, and I have not heard of any parking issues at that location. They could also use this parking lot.

**Chair Claborn:**

Are there any more questions? [There were none.] Is there anyone else who would like to testify in support of this bill? [There were none.] Is there any opposition testimony? [There was none.] Does anyone wish to testify from a neutral position? [There were none.] I will entertain a motion.

ASSEMBLYMAN OHRENSCHALL MOVED TO DO PASS  
SENATE BILL 300 (1ST REPRINT).

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

I am opening the hearing on Senate Bill 280 (1st Reprint).

**Senate Bill 280 (1st Reprint):** Enacts provisions governing hunting in the Carson Lake Wildlife Management Area. (BDR 45-156)

**Christopher MacKenzie, Private Citizen, Carson City, Nevada:**

Senator McGinness sponsored this bill, and since he could not be here to introduce the bill, he submitted his testimony to the Committee by letter ([Exhibit G](#)). About ten miles south of Fallon, there are 20,000 acres of federally-owned land known as the Carson Lake Wildlife Management Area. It is also commonly known as the "Greenhead Hunting Club." It has been a waterfowl habitat for over a century, and since 1976 it has been open to the public for the payment of a fee to the Greenhead Hunting Club. The property is



currently controlled by the Truckee-Carson Irrigation District (TCID) and the Bureau of Reclamation. The ownership of the property is now slated to be transferred to the state. The original date of the transfer was 2010, but it may be put off until 2012.

This bill proposes maintaining the existing fee hunters pay. However, instead of the funds going to the Greenhead Hunting Club, the TCID, and the Bureau of Reclamation, they will go to Nevada's Department of Wildlife (NDOW). Two meetings have been held by NDOW to ask hunters how they think the area should be utilized after the transfer of ownership. The overwhelming majority of the testimony supported continuance of the current operation. There are 400 to 700 hunters there on opening day, and the public has benefitted from the fee payments. The fund provides for a caretaker at the gate, and for expenses associated with the maintenance of an inventory of harvested animals and waterfowl. The Greenhead Hunting Club is operated as a nonprofit organization.

This bill will give NDOW the authority to continue to charge the fee for hunting privileges. The fees collected will go to NDOW for operation of the Carson Lake Wildlife Management Area, instead of going to the TCID and the Bureau of Reclamation. The Governor is in support because it is an existing fee, not a new one, that is being transferred from the federal government to the state. Both the Board of Wildlife Commissioners and the Nevada Waterfowl Association voted to support this bill, and they recommend passage.

**Chair Claborn:**

I like the idea, and I am glad that NDOW will oversee the operation instead of having it privatized. Are there any questions?

**Assemblyman Bobzien:**

Have you or the bill's sponsor been in contact with the Governor's Office about establishing a new state fee?

**James R. Lawrence:**

From my discussion with Ms. Jodi Stephens in the Governor's Office, this fee is considered to be an existing one because hunters are already paying it. The fee will be used to benefit hunters, and there has been no opposition to continuing the fee.

**Assemblyman Bobzien:**

I agree with that logic, and I appreciate the clarification.

**Chair Claborn:**

Are there any more questions?

**Assemblyman Grady:**

I am in full support of this bill. This measure fits in with Mr. Bobzien's apprenticeship bill. This is an ideal area to take young hunters for their first experiences. Probably on opening day of duck season, more hunters from Reno, Carson City, and Fallon go there than to any other place in our local area.

**Assemblyman Hogan:**

Besides the access for hunters during the season, does the general public have access to the area? Is it a recreational area?

**James R. Lawrence:**

Yes, it is open to public access. Traditionally, visitors, other than hunters, do not have to pay to access the area, but they do have to check-in at the gate. It is a large area with rough roads, and occasionally we have had hunters get lost at night. It is important to have a caretaker there.

**Chair Claborn:**

Are there any more questions? [There were none.]

**Doug Busselman, Executive Director, Nevada Farm Bureau, Sparks, Nevada:**

We support this bill.

**Kenneth E. Mayer, M.S., Director, Department of Wildlife:**

It will provide us with a funding source that we can leverage with matching Pittman-Robertson dollars. Nevada's Department of Wildlife is excited about this piece of legislation, and we have actually had non-consumptive users come to us to say they also want to pay the fee. People think enough of the area to want to voluntarily support it.

**Chair Claborn:**

It is a great program. Is there any opposition testimony? [There was none.] Does anyone wish to testify from a neutral position? [There was none.] I am closing the hearing on S.B. 280 (R1). I will entertain a motion.

ASSEMBLYMAN BOBZIEN MOVED TO DO PASS SENATE BILL 280  
(1ST REPRINT).

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The Subcommittee on S.B. 170 (R1) will meet upon adjournment of this hearing. Assemblyman Bobzien will take the floor assignment.

This meeting is adjourned [at 2:29 p.m.].

RESPECTFULLY SUBMITTED:

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Judith Coolbaugh  
Committee Secretary

APPROVED BY:

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Assemblyman Jerry D. Claborn, Chair

DATE: \_\_\_\_\_

**EXHIBITS**

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

**Date:** May 4, 2009

**Time of Meeting:** 1:49 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
S.C. R. 3 (R1)	C	Jennifer Ruedy	Work Session Documents
S.C. R. 5 (R1)	D	Jennifer Ruedy	Work Session Documents
S.C. R. 5 (R1)	E	Jennifer Ruedy	Proposed Amendment
S.B. 300 (R1)	F	Brian Patchett	Testimony
S.B. 280 (R1)	G	Christopher MacKenzie	Letter from Senator McGinness