

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

**Seventy-Fifth Session
May 11, 2009**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Jerry D. Claborn at 1:35 p.m. on Monday, May 11, 2009, in Room 3161 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 5100 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/. 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 Paul Aizley
Assemblyman David P. Bobzien
Assemblyman Tom Grady
Assemblyman Don Gustavson
Assemblyman Harvey J. Munford
Assemblyman James Ohrenschall
Assemblyman Tick Segerblom

COMMITTEE MEMBERS ABSENT:

Assemblyman John C. Carpenter (excused)
Assemblyman Pete Goicoechea (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

None

Chair Claborn:

[Roll was taken. The hearing was videoconferenced from Las Vegas, and Mr. Claborn chaired the hearing from Las Vegas.] I am opening a work session. However, we will not be hearing Senate Bill 110 (1st Reprint) which was scheduled.

Senate Bill 110 (1st Reprint): Authorizes the State Quarantine Officer to adopt regulations specifying a schedule of administrative fines for certain violations relating to noxious weeds. (BDR 49-500)

I am opening the hearing on Senate Bill 170 (1st Reprint).

Senate Bill 170 (1st Reprint): Revises provisions governing payment for work performed for the operation and maintenance of ditches. (BDR 48-1059)

I would like Mr. Bobzien to present the Subcommittee recommendation report on this bill.

Assemblyman Bobzien:

We had two Subcommittee meetings on May 1 and May 4, 2009, to deal with a number of different issues on this bill. I would like to summarize the two primary concerns addressed in the Subcommittee's report and the work session document ([Exhibit C](#)). The first issue dealt with "...providing notice to persons from whom expenses could be recovered before commencing certain large capital improvements projects." If the capital improvements would alter the fundamental nature of the ditch, the ditch owner would have to give the ditch user notice in advance.

The other issue was the need to narrow the scope of the bill's language "...that allowed certain expenses to be recovered 'from each person receiving water through the ditch'...", so retail customers of a water company would not be included in the assessment of fees. There is a mock-up amendment ([Exhibit D](#)),

which provides language to satisfactorily address both of these issues. [Mr. Michael Pagni who previously testified at the hearings on this bill requested a copy of his written testimony be included ([Exhibit E](#)). He was unable to attend the hearing today.]

Chair Claborn:

Is everyone satisfied with the new language that was developed to address these issues?

Assemblyman Bobzien:

Yes, that is correct. The three members of the Subcommittee and the interested parties we worked with were in agreement.

Chair Claborn:

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

ASSEMBLYMAN SEGERBLOM MOVED TO AMEND AND DO PASS
SENATE BILL 170 (1st REPRINT).

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CARPENTER AND
GOICOECHEA WERE ABSENT FOR THE VOTE.)

I am opening the hearing on Senate Bill 219 (1st Reprint).

[Senate Bill 219 \(1st Reprint\)](#): Revises provisions governing assessments on real property located within a weed control district. (BDR 49-499)

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

Jennifer Ruedy, Committee Policy Analyst:

I have distributed to the Committee a copy of the work session document for this bill ([Exhibit F](#)). This bill was heard by the Committee on April 29, 2009. It "...removes the requirement that a board of county commissions levy an assessment on all real property in a weed control district, and instead make the levy discretionary." Further, it is required that the board of county commissioners "...hold at least one public hearing to entertain applications for the exclusion of land from the weed control district..." This hearing is to be held "...before levying an assessment on real property in the district, if the district was originally created with the understanding that there would not be an assessment." There were no amendments submitted for this bill.

Chair Claborn:

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

ASSEMBLYMAN SEGERBLOM MOVED TO DO PASS
SENATE BILL 219 (1st REPRINT).

ASSEMBLYMAN GRADY SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN CARPENTER AND
GOICOECHEA WERE ABSENT FOR THE VOTE.)

Assemblyman Aizley:

I would like clarification on a point. The bill in front of us is a first reprint. Should the motion be "amend and do pass" instead of just "do pass"? [Mr. Aizley's question was inaudibly answered by another member of the Committee. The answer was a "do pass" motion is all that is required.]

Chair Claborn:

Is there any public comment? [There was none.]

Assemblyman Hogan:

Mr. Claborn, could you repeat the question?

[There were technical difficulties with the audio transmission from Las Vegas.]

Chair Claborn:

Is there any public comment?

Assemblyman Hogan:

There are approximately 12 members of the public here. I do not know if they are interested in commenting on these bills, but I will relay your request. Does anyone in the audience here in Carson City wish to comment on the two bills that we just acted on? Apparently not. Mr. Claborn, you may want to assign floor statements. If that is done, we can move on to your next item on the agenda.

Chair Claborn:

Mr. Bobzien will take the floor assignment on S.B. 170 (R1), and Mr. Hogan will do the floor statement for S.B. 219 (R1).

Assemblyman Hogan:

We have that information.

Chair Claborn:

Last Friday, Senate Bill 411 (1st Reprint) was referred to our Committee, so we will hear it on Wednesday, May 13, 2009. The Subcommittee on Senate Bill 132 (1st Reprint) will meet in this room immediately following the adjournment of this hearing. We need to have S.B. 132 (R1) ready for the Committee to hear on Wednesday. If it is not ready, it will "die."

This meeting is adjourned [at 1:48 p.m.].

RESPECTFULLY SUBMITTED:

Judith Coolbaugh
Committee Secretary

APPROVED BY:

Assemblyman Jerry D. Claborn, Chair

DATE: _____

EXHIBITS

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

Date: May 11, 2009

Time of Meeting: 1:35 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 170 (R1)	C	Assemblyman David P. Bobzien	Work Session Document and Subcommittee Recommendation Report
S.B. 170 (R1)	D	Assemblyman David P. Bobzien	Proposed Mock-up Amendment
S.B. 170 (R1)	E	Jennifer Ruedy	Testimony from Mr. Michael Pagni
S.B. 219 (R1)	F	Jennifer Ruedy	Work Session Document