

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

**Seventy-Fifth Session
March 30, 2009**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Jerry D. Claborn at 1:40 p.m. on Monday, March 30, 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/. 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 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:

Assemblyman Harry Mortenson, Clark County Assembly District No. 42
Assemblyman Edwin (Ed) A. Goedhart, Assembly District No. 36
Assemblywoman Peggy Pierce, Clark County Assembly District No. 3
Senator David R. Parks, Clark County Senatorial District No. 7

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

David K. Morrow, Administrator, Division of State Parks, Department of Conservation and Natural Resources
Brad Kosch, Private Citizen, Carson City, Nevada
Helen Mortenson, representing the Nevada State Parks Cooperative Association and Protectors of Tule Springs, Las Vegas, Nevada
Thalia Dondero, Private Citizen, Las Vegas, Nevada
Michael Fischer, Director, Department of Cultural Affairs
Ronald M. James, State Historic Preservation Officer, Office of Historic Preservation, Department of Cultural Affairs
Patricia Rogers, Government Relations-Community Outreach Representative, Truckee Meadows Regional Planning Agency, Reno, Nevada
Joe Johnson, representing the Sierra Club, Toiyabe Chapter, Reno, Nevada
Tony Lesperance, Ph.D., Director, State Department of Agriculture
Ramona Morrison, Vice Chairman, State Board of Agriculture, State Department of Agriculture
K. Neena Laxalt, representing the Nevada Cattlemen's Association, Elko, Nevada; and Thomson, Inc., Indianapolis, Indiana
Robert Waldorf, representing the Blind Center of Nevada, Las Vegas, Nevada
Kyle Davis, representing the Nevada Conservation League, Las Vegas, Nevada
Leo Drozdoff, P.E., Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources
Dana MacDonald, Executive Director, Disability Resources, Sparks, Nevada

Joe Gregorich, Director, California Regional Policy and State Environmental Affairs, Technology Association of America, Sacramento, California

Ron Norton, Chief Executive Officer/Development Director, ComputerCorps, Carson City, Nevada

Ray Bacon, representing the Nevada Manufacturers Association, Carson City, Nevada

Randy J. Brown, representing AT&T Nevada, Reno, Nevada

Lea Tauchen, representing the Retail Association of Nevada, Carson City, Nevada

Peter Krueger, representing the Nevada Emission Testers Council, Las Vegas, Nevada

Lloyd Nelson, Services Manager, Emissions Program, Compliance Enforcement Division, Department of Motor Vehicles

Chair Claborn:

[Roll was called.] Today's hearing is videoconferenced to Las Vegas. Around 3:30 p.m., we are going to lose the telecast, so we will begin this hearing with the bills being simulcast to Las Vegas. Later in this hearing, we will have a work session. I am opening the hearing on Assembly Bill 289.

Assembly Bill 289: Provides protection for paleontological sites. (BDR 35-1084)

Mr. Mortenson, will you present your bill?

Assemblyman Harry Mortenson, Clark County Assembly District No. 42:

The reason for this bill is our state has some of the richest paleontological sites in the nation. The sites contain fossil deposits of ancient animals from the Ice Age. Recently dinosaur bones have also been discovered. We already have laws to protect archeological sites, but we do not have any to protect paleontological ones. I have a book with me that was published by the Nevada State Museum. [Mr. Mortenson showed the book to the Committee.] It is loaded with fossil sites that have been found throughout the state.

This bill does not have a fiscal note because the bill only inserts one word, "paleontological," at various places in the law's existing language. Given the state's current budget crisis, it is fortunate that no additional funding is required for this legislation. Currently, the Division of State Parks personnel guard historic landmarks, historic buildings, architectural sites, archeological sites, and recreational areas.

In the Las Vegas Wash, we have 13,000 acres of land loaded with Ice Age mammal fossils. We have identified 500 surface sites, and we know the fossils

go down 20 feet or more into the substrata. Therefore, an incredible amount of fossil resources are available. If we protect archeological sites, it seems logical that we extend the same protection to paleontological ones. These sites are of equal importance. I am going to turn the testimony over to the two experts who accompanied me today.

David K. Morrow, Administrator, Division of State Parks, Department of Conservation and Natural Resources:

[Read from prepared testimony submitted in writing ([Exhibit C](#)).]

Chair Claborn:

Are there any questions? [There were none.]

Brad Kosch, Private Citizen, Carson City, Nevada:

[Read from prepared testimony submitted in writing ([Exhibit D](#)).]

Assemblyman Mortenson:

I have a couple more points for the Committee to consider.

Chair Claborn:

Please wait while we answer a question.

Assemblyman Carpenter:

How are the fossils holding up at the Berlin-Ichthyosaur State Park?

Brad Kosch:

They seem to be holding up very well.

Assemblyman Carpenter:

Did they do some expansion at that Park in the last few years?

Brad Kosch:

Some small projects have been completed in the Berlin-Ichthyosaur State Park. A couple of doctoral dissertations have been done, but not on the ichthyosaurs themselves. These studies have been done on invertebrate fossils, and on evaluation of general sediment samples. The premise of one dissertation was the ichthyosaurs died from an up-welling in the ancient oceans along their ridge feeding zones. Another dissertation was completed on the taphonomy in the area where the animals died. It had been assumed that the ichthyosaurs beached themselves, but that premise was proven false. They died in deeper water. Surveys have been completed to identify where the fossils are exposed. The surveys include detailed Global Positioning System (GPS) locations of

30 different sites in the Park where fossils are monitored. There has been more management work done than anything else.

Assemblyman Carpenter:

Thank you. I would like to get out there someday.

Assemblyman Aizley:

How can a Nevada fossil be removed from the state? Are there no restrictions in place to prevent this activity?

Brad Kosch:

It is a permitting matter. The site of the removed fossil was probably on the Bureau of Land Management (BLM) lands. Since the fossils were on federal lands, only credentials and a permit for removal are required for anyone to take them.

Assemblyman Aizley:

Is it possible for the state to prevent the removal of fossil specimens from the state?

Brad Kosch:

I do not know that answer. However, I think cooperative agreements have been used in other states. These agreements are between federal and state agencies. This bill would add paleontological sites to these cooperative agreements. California, Utah, and North Dakota all have cooperative agreements between the state and federal government.

Assemblyman Munford:

Before I became a legislator, I was a history teacher. I was always told that the Spanish brought the first horses to this country. However, Assemblyman Mortenson told me there were horses roaming here before the Spanish period. How long ago was that?

Assemblyman Mortenson:

Yes, that is true. It was during the Ice Age. In the 13,000 acres in the upper Las Vegas Wash, we have found two kinds of horses. One is a large animal; the other is small. They roamed what are currently the backyards of Las Vegas houses until they became extinct for unknown reasons. No more prehistoric horses were left in this country until the Spanish brought their horses with them from Europe. It is from this breeding stock that the wild horses have proliferated.

I would like to elaborate on Mr. Aizley's question about shipping fossils out of state. We have not had a state paleontologist in this state to look after the fossils being discovered on state lands, and we have not had proper storage for those findings. When the federal government excavates fossils, it looks for a place that is well-managed, and has archival storage capacity. Already this session, I have a bill passed out of the Assembly Committee on Government Affairs which will create a position of state paleontologist. The bill has no fiscal note because we think we can handle the new position using existing personnel with no cost increases. If we can demonstrate to the federal government that we have adequate archival storage and a state paleontologist, I think they will let the fossils stay in our state.

Why is it important to collect these fossils and keep them? There is a scientific reason, and there is a commercial reason. I have distributed to the Committee a letter from Dr. Stephen M. Rowland ([Exhibit E](#)). He is a professor at the University of Nevada, Las Vegas who supports this bill. I toured his laboratories a few months ago. He described to me the work of a graduate student who took drilled tooth samples of an Ice Age animal to study the isotopic variations for different seasons and time periods. The student put the tooth samples in a mass spectrometer to make the isotopic determinations. The student was able to determine which periods were warm and which were cold. He could tell what type of vegetation may have existed during those periods. Recently, an article in the *Los Angeles Times* reported that fossils found in Nevada could possibly shed light on global warming issues by studying what had happened in the past and why. We could build a state-owned tourist destination facility similar to the one in Los Angeles, California at the La Brea Tar Pits. It is a major tourist draw for their area. We have far more diversity and species of fossils available in the Las Vegas Wash than they have at La Brea. A state museum with fossil skeletons, and a laboratory could be established.

Chair Claborn:

We are now going to Las Vegas for testimony.

Helen Mortenson, representing the Nevada State Parks Cooperative Association and Protectors of Tule Springs, Las Vegas, Nevada:

I am a member of the Nevada State Parks Cooperative Association, which is a nonprofit group that supports the Division of State Parks with exhibit interpretations, signage, and projects. The Association helps the Division every way it can. We operate gift stores in different state parks, including the Valley of Fire and Spring Mountain Ranch State Parks. The proceeds from sales are used to assist the Division of State Parks with special projects. The reason it is so important to pass this bill is it will be one of the foundation blocks for establishing a true paleontologically-friendly environment in our state.

It is a formalization of what the state needs to do. We can wish and collect all we want, but if we do not have the state's formal prerogative behind us, the fossil sites have no protection. These fossils represent an important non-renewable resource for the whole state.

Assemblyman Mortenson just showed the Committee a book that catalogs all Pleistocene fossil sites in the 17 counties. These sites are being ignored. Since the 1800s we have been recognizing these unique paleontological resources, and we want a law to protect these fossil sites on state lands. Recently, fossils of Ice Age camels, horses, and mammoths have been removed from the Rye Patch State Recreation Area. There is a huge site in southern Nevada totaling 1,000 acres that has been added to the National Register of Historic Places. The state has 315 acres within this site that lies on the Decatur Boulevard section line. The acreage is across the street from the Shadow Ridge High School where two professors have immersed the high school students in a National Science Foundation grant to study the paleontological fossils in the state's site. The 315 state-acres are surrounded by the 13,000 acre site administered by the Bureau of Land Management (BLM). Currently, the BLM is trying to decide whether or not the 13,000 acre site will be given to the cities and the county for development, or if it will be maintained as a natural resource area. We are on the cusp of what we need to do to protect our state lands, and I urge the Committee to provide this protection by supporting the passage of A.B. 289.

Chair Claborn:

Are there any questions?

Assemblyman Hogan:

This is more an observation than a question. I thought Mrs. Mortenson's reference to the La Brea Tar Pits was very appropriate since I have visited that location. Their facility provides a splendid presentation of the ancient animals that lived there. It also reminded me of a site in northeastern Utah where water undercutting the curve in an ancient streambed bed had exposed rocks with a tremendous number of ancient animal fossils. The site's facility had glass enclosed rooms built against the cliffs where the fossils were located. Walking through the facility and reading the explanations revealed a high-quality display. It was a fairly remote site, but there were many people there, including excited children. If you apply either of those well-developed sites and facilities to the raw material of our Las Vegas site, it gives you an idea of what we could do. Such a facility would help draw tourists to a family-oriented Las Vegas. Taking these steps to create a foundation for the Division of State Parks to protect and guide development in this fossil site resource is the focus of this bill. I support this bill.

Chair Claborn:

Are there any questions? [There were none.]

Thalia Dondero, Private Citizen, Las Vegas, Nevada:

I am in support of A.B. 289. I served on the State Park Commission when the 13 state parks were originally established. Park establishing was probably an easier and simpler process in those days. The last state park we created was the Berlin-Ichthyosaur State Park. This month's *Smithsonian* has an article about who owns America's fossils, and what fossils are being stolen and sold from ancient sites. If the fossils are being removed and sold, why is the state not profiting from it? The history of the paleontological areas is important if we are to understand what the fossils mean to us, and what they mean to school children's education. The other day I spoke to several classes of third graders. I took this heavy mammoth tooth with me. [Ms. Dondero held up the tooth, so it could be seen on the television monitor.] It came from the site Mrs. Mortenson referred to. The children knew about the dinosaurs and the fossils, and raised their hands with questions and comments. I thought what an excellent educational tool the fossils are. Our schools need these resources available to them for students to study. We need to ensure our fossils stay within our own state. Nevada probably has more fossils than any other state, and we need to protect these resources.

Chair Claborn:

Are there any questions? [There were none.] Is there anyone else in Las Vegas who wishes to give testimony?

Helen Mortenson:

I believe we are the only two witnesses here.

Chair Claborn:

We are returning the telecast to Carson City.

Assemblyman Mortenson:

Mr. Michael Fischer from the Department of Cultural Affairs would like to testify.

Michael Fischer, Director, Department of Cultural Affairs:

We are in support of the bill. Assemblyman Hogan's statements are right on point. Part of Nevada's economic recovery will come from sources not related to gaming. Cultural tourism can help with that recovery. We have been supporting this effort for a long time through the Nevada State Museum, and we are anxious to get going and do everything we can to expand support of cultural tourism. We are in strong support of this bill.

Chair Claborn:

Are there any questions?

Assemblyman Goicoechea:

This bill would extend to both public and private lands. Would there be any additional regulations or requirements for building plans? If a piece of private land is scheduled for development, and a significant ancient fossil site is found, who would oversee it?

Michael Fischer:

I cannot answer that question. I do not know the answer.

Assemblyman Goicoechea:

Would there be any oversight?

Assemblyman Mortenson:

I think this gentleman can answer the question.

Ronald M. James, State Historic Preservation Officer, Office of Historic Preservation, Department of Cultural Affairs:

Mr. Fischer and I are here in support of the bill in general. Nevada has a lot of very important paleontological resources, but the vast majority of them are on federal lands. My understanding of this bill and of the way planning processes work, the fossil material found on private land would be under the prerogative of local governments. Paleontological resources are a critical and non-renewable resource to the state. I am grateful to Assemblyman Mortenson for bringing this bill forward, and hope we can get something accomplished here.

Chair Claborn:

Are there any questions? [There were none.]

Patricia Rogers, Government Relations-Community Outreach Representative, Truckee Meadows Regional Planning Agency, Reno, Nevada:

[Read from prepared testimony submitted in writing ([Exhibit F](#)).]

Chair Claborn:

Are there any questions?

Assemblyman Hogan:

We have heard a great deal from the scientists, and now we are hearing from the lawyers. Ms. Rogers, you asked very good questions. I hope they are not presented in the spirit of blocking this legislation although the issues you raised

have to be addressed. At this point, we do not have any answers for you off the tops of our collective heads.

Assemblyman Aizley:

I think all your questions point to the need for a state paleontologist to answer the questions.

Chair Claborn:

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

Joe Johnson, representing the Sierra Club, Toiyabe Chapter, Reno, Nevada:

I am here to voice the Sierra Club's support of this bill. We would like to go on record as applauding the efforts of Assemblyman Mortenson in bringing this bill forward. It is a step in the right direction to provide protection for our natural heritage. In reviewing some of the concerns expressed by Ms. Rogers and the planning process for development, there are other terms in this section of the *Nevada Revised Statutes* (NRS) which are equally ambiguous. For example, the terms "scenic values" and "scenic and natural resources" are used. This terminology points to the need for definitions, and to the need for a scientist to define them. We thank you for the effort, and we encourage passage of this bill.

Chair Claborn:

Are there any questions? [There were none.] Is there anyone else who would like to give testimony for or against this bill? [There were none.] Is there anyone who would like to testify from a neutral position? [There were none.] I am closing the hearing on A.B. 289, and I am opening the hearing on Assembly Bill 426. Assemblyman Goedhart, the sponsor of Assembly Bill 354 is not here to testify, so we will hold that bill until he can be here.

Tony Lesperance, Ph.D., Director, State Department of Agriculture:

Someone went to get him. He is in another meeting.

Chair Claborn:

We are going to take a five-minute recess.

I am temporarily suspending the hearing on A.B. 426, and I am opening the hearing on Assembly Bill 354 since Assemblyman Goedhart has arrived.

Assembly Bill 354: Requires the Director of the State Department of Agriculture to appoint a person as a resource management specialist in the Department. (BDR 50-1027)

Assemblyman Edwin (Ed) Goedhart, Assembly District No. 36:

This bill could be considered a "jobs" bill. It will allow better usage of available resources in this state. There are many people in the rural parts of the state who realize they have to meet the challenge of economic diversification and expansion. In past years, it has been the urban areas that were leading the way in population growth. This bill will add a position to the State Department of Agriculture (DOA) for a person to be a resource management specialist for range management and water resources. You might question why we need such a position, and whether or not the state can afford to fund it. From my personal experience as a farmer and a rancher, Nevada water laws are difficult to understand for someone just coming into the state. We have an excellent regulatory structure in place as it relates to water laws. However, it can be confusing and overwhelming for someone coming to the state to purchase a range allotment, or water resource rights above or below ground.

Currently, no person is available to "walk" a potential capital investor through the water laws and process to purchase water resources. New investors create new jobs and opportunities for economic growth. Personally, I know of a few people who have steered clear of investing in this state because no one was available to help them with their investments, and to lead them through the process. Recently, the DOA's Board unanimously approved the *Nevada Board of Agriculture Water Policy Statement*. This statement was peer-reviewed, and accepted by Mr. Allen Biaggi, Director of the Department of Conservation and Natural Resources. This bill will permit resources to be viewed from a perspective other than regulatory. This new DOA position would be partially funded and would help people who have the resources, like range allotments or water rights, to navigate the "hoops and hurdles" of what many people perceive as a very complicated and confusing system. I have submitted a letter of support to the Committee from Mr. Hank Vogler, Chairman of the Nevada Rangeland Resource Commission ([Exhibit G](#)). I defer the rest of the discussion to Ms. Ramona Morrison.

Ramona Morrison, Vice Chairman, State Board of Agriculture, State Department of Agriculture:

In December 2008, the Board passed a water policy for the DOA. The DOA is charged with the specific purpose of protecting agriculture in this state. We addressed the issue of water, in particular, because without water there would be no agriculture in the state. It is an industry that produces nearly \$2 billion annually. Water is a serious issue that will ultimately affect Las Vegas and Reno, the urban areas, in terms of economic output. The Board has chosen to address the issue of the environmental impact of interbasin water transfers. We want to ensure that there is realistic and statistically sustainable monitoring of water as it is transferred from one basin to another, and to determine the

environmental and economic impact of these water transfers on the rural counties. A previous position was cut as a result of the hiring freeze. It dealt with some of the range resources, and issues that ranchers face on a regular basis. The person in that position served as an intermediary between the state and federal agencies for the livestock industry. There was no way to preserve the position which was vacant at the time of the hiring freeze. The Board has suggested that the two positions be combined since they both deal with similar issues and require similar expertise. Half the funding for the position would come from private sources and half from the state. We need legislative approval to create a new position. I would like to request that the Director of the DOA continue the discussion.

Chair Claborn:

Are there any questions?

Assemblyman Hogan:

I understand we are talking about a position within the DOA that would be half funded by non-government sources and half by the state. Is there any precedence for that type of arrangement? Is there any firewall to ensure that creating such a position would be in the interests of the state's population? I would like a further explanation of your plan to monitor interbasin water transfers. That terminology introduces a whole different area of concern.

Ramona Morrison:

I will answer the second question first. The way the Board's policy reads is that the DOA will take appropriate steps to ensure that all agricultural producers that may potentially be impacted by any water transfers will have statistically defensible ground water monitoring established. We all agree there is a water crisis in this state. I know the urban areas need water, but the Board's position is not anti-water transfers per se. The Board wants to make sure there are no unintended consequences from these water transfers that could ultimately impact everyone in the state. I will let Mr. Lesperance go into detail about the unintended consequences. It is fair to say from a policy point of view that "all the chips should be on the table," and that this legislative body will look at the whole picture instead of just a part. Also, it is fair to say that without agriculture in this state, which has been responsible for establishing usable water resources, much of the land would be too dry to support a large human habitation. From an environmental perspective, agriculture has had a positive influence in this state.

On your first question, this new position is a combination of two positions. One of the positions was already in the DOA. This bill would reinstate that position.

There is precedence within the DOA for creating this type of position with partial funding from the state.

Tony Lesperance, Ph.D., Director, State Department of Agriculture:

Ms. Morrison's testimony covered many of the important details. I would like to remind this Committee how important agriculture is to, and more specifically, how important "irrigated" agriculture is to this state. About 80 percent of the income agricultural products produce comes directly from irrigated agriculture whether it is growing row crops, or growing hay for sale or for winter fodder for herd maintenance. A tremendous amount of the countryside has changed because of agriculture. If you look at early history, the Spanish wanted nothing to do with the lands of the Great Basin. They called it the "Great Northern Mystery." They hated the place, and would not venture into it. The early explorers who did cross the Great Basin, primarily mountain men and trappers, had a bad habit of running out of food halfway across. That situation would be inconceivable in today's world. [Mr. Lesperance read the rest of his comments from prepared testimony submitted in writing ([Exhibit H](#)).]

Chair Claborn:

Are there any questions?

Assemblyman Bobzien:

I have two questions. I thought I heard you say that Mr. Biaggi, Director of the Department of Conservation and Natural Resources, was in support of this bill. Was that correct?

Tony Lesperance:

At the December 2008 State Board of Agriculture meeting, Mr. Biaggi was present, and testified that this water policy would help in the compilation of an economic analysis of the water resources in the state.

Assemblyman Bobzien:

His support was for the policy, not the bill. Is that correct?

Tony Lesperance:

Yes, that is correct.

Assemblyman Bobzien:

I understand the need for an ombudsman's function, as proposed by the bill, to help people understand the complexities of managing the state's water resources. I am sympathetic to having an "ag" voice heard when it comes to interbasin water transfers. I am concerned about section 1, subsection 3, paragraph (a), which states the person in this position will: "Manage all policy

and regulatory matters of the Department which affect the production of agriculture in this State, including without limitation, the use of water...." That is a very broad assignment of powers, in particular, in regulatory matters. Is there any precedence for funding such a position dealing with regulatory matters anywhere else in state government?

Tony Lesperance:

We have had split funding in the past, and this position would serve that arrangement well. That funding is there as long as the position exists. I believe the bill would have to be slightly amended to indicate that the regulatory activities would be confined to range and water issues. There are other regulatory matters within the DOA that would be out of the bailiwick of this person's position.

Assemblyman Bobzien:

I appreciate your explanation because the broad assignment of regulatory powers was making me uncomfortable. There is a fine line between regulatory communication with the water users and actually participating in the regulatory function of the DOA. I want to make sure we are not getting into an area where industry funding is impacting regulatory issues. That type of situation would be problematical, and possibly interpreted as a conflict of interests.

Assemblyman Goedhart:

The term "manage" policy is used instead of the term "set" policy. "Manage" implies watching what is happening, and understanding how a situation is evolving. This position would not usurp the authority of the pre-existing agencies that are staffed by hundreds of people. This person would be an advocate for the use of water on the range and in crop farming.

Assemblyman Grady:

I have a couple of questions. The idea sounds great on paper, but I can see a conflict quickly developing between the DOA and the Department of Conservation and Natural Resources. How is the DOA going to fund its half of the position when there are no funds available in the DOA's budget to do this? I would be extremely reluctant to fund a half-time position when the other half of the funding must be obtained from a private source. Is your plan to put the funding for the whole position in the DOA's budget, and hope to get half of the funds back from private sources?

Tony Lesperance:

The letter the Committee received from the Nevada Rangeland Resource Commission indicates they want to wait and see what the Legislature is going to do as we try to put this position together. Half of the funding would come

from the Commission if approved, and the other half would come from the State General Fund. I am not suggesting it will be an easy task to put the funding together. This bill was introduced to try to build a framework to make this position work.

Assemblyman Grady:

With the qualifications you are requiring, I would be reluctant to take a job where half of the pay may be funded, and the other half may come from another source. If that other half is not received, you would be out of a job. I do not think it is fair to the person holding the position.

Tony Lesperance:

I would not presume to hire anyone until all the details are tied together in a package. It is a proposal, but we realize some of these items will take time to put together. If and when we can get it put together, and the money becomes available, we would look for someone to hire.

Assemblyman Bobzien:

I need to get a sense of how the regulatory landscape goes together. How is this position going to operate? I think the DOA needs to provide the Committee with more specifics indicating which regulations would come under this position's purview.

Assemblyman Goedhart:

The DOA's purpose is to promote agriculture in this state, and agriculture is tied to water resources. The position would bring a voice to issues involving natural resources, range, water, and economics. If we have to tailor the bill's language to be more specific, we can do that. The people, who have expressed interest in contributing to the position's funding, are looking for a philosophical or policy decision by this Committee that indicates it embraces the concept of establishing such a position subject to the availability of funding for it. The DOA, through reorganization, has reduced 23 full-time positions (FTE) out of the 100 FTEs previously filled. The DOA has met and exceeded the Governor's budget recommendation. If the DOA knows it has this Committee's philosophical approval for creating this position, Mr. Lesperance and the DOA could find some additional cost savings to fund this position. It is a "can-do" Department that works on a "bare bones" budget. It covers a wide-range of agricultural activities throughout the entire state. The DOA should be commended for the job it does with limited funds.

Chair Claborn:

Are there anymore questions? [There were none.] Is there anyone else who would like to testify for this bill? [There are none.] We will hear from the next witness.

K. Neena Laxalt, representing the Nevada Cattlemen's Association, Elko, Nevada:

The Association supports appointing a resource management specialist. It understands there are budgetary constraints. As long as the position can be funded, the Association believes it is needed. [Prepared testimony was submitted in writing ([Exhibit I](#)).]

Chair Claborn:

Are there any questions?

Assemblyman Bobzien:

I am projecting there will be tension between this ombudsman assisting the industry, and the assisted-users in managing regulatory matters. As I read the testimony you submitted, it is not clear to me how the Nevada Cattlemen's Association views this situation. What is your vision of how this position would benefit the Association?

K. Neena Laxalt:

The two positions, at least for the livestock industry, would go hand-in-hand. More specifically, the Association is looking at the resource management specialist side of the position to assist their industry. Does that answer your question?

Assemblyman Bobzien:

Yes, it does.

Chair Claborn:

Are there any more questions? [There were none.] Is there any testimony against the bill, or from a neutral position? [There were none.] I am closing the hearing on A.B. 354, and opening the hearing on Assembly Bill 426.

Assembly Bill 426: Enacts provisions governing the recycling of certain electronic devices. (BDR 40-466)

Assemblywoman Peggy Pierce, Clark County Assembly District No. 3:

This bill enacts provisions to govern the recycling of electronic devices. I am going to turn the discussion over to Senator Parks, and I will comment at the end of his presentation.

Senator Parks, Clark County Senatorial District No. 7:

[Read from PowerPoint presentation submitted in writing ([Exhibit J](#)).]

I will answer any questions, and we have a witness to give testimony from Las Vegas, Mr. Robert Waldorf.

Chair Claborn:

We will be losing our Las Vegas simulcast at 3:30 p.m. Therefore, Mr. Parks, we will proceed as you wish.

Senator Parks:

I would like Mr. Waldorf to give his presentation. I have an additional handout for the Committee. It shows a comparison of current e-waste laws in the 18 states which currently have them ([Exhibit K](#)).

Robert Waldorf, representing the Blind Center of Nevada, Las Vegas, Nevada:

[Read from prepared testimony submitted in writing ([Exhibit L](#)).]

Chair Claborn:

Are there any questions? In your situation, do you charge by the pound for e-waste?

Robert Waldorf:

Since Nevada has no laws concerning e-waste, very few people are willing to pay to recycle electronic products in our state. Most people just throw them out, and they end up in dumpsters and local landfills. We have not been able to charge our customers for this service. Instead, we have been doing the e-waste recycling to create jobs, and to demonstrate our environmental responsibilities. By having the manufacturers of these electronic devices start the process by funding this bill, we will have a basis for collecting e-waste for resale. Three years ago, we averaged 16 cents per pound for electronics broken down into materials that we sold to other markets. Today, some of those same materials only bring in about 1 cent per pound. Therefore, people are just as likely to get rid of e-waste as garbage in a landfill.

Chair Claborn:

Is this a brand new concept?

Robert Waldorf:

No, this concept has been around. Eighteen states have similar plans for e-waste recycling. The only other state that has an advance fee is California. California started to charge consumers by placing a \$10 add-on fee on electronic items at the point of purchase. California collected all the money, while Nevada became an electronic device bootlegger state. People came over here, picked up cheap monitors, and took them back to California to collect the deposit fees. It is similar to a bottle bill where the empty bottle is returned for the advance deposit.

Chair Claborn:

Are there any other witnesses wishing to testify from Las Vegas?

Robert Waldorf:

No, I am the only one.

Chair Claborn:

We are going to bring the telecast back to Carson City.

Senator Parks:

My initial comments have been concluded. I yield the floor to other witnesses.

Assemblywoman Pierce:

The computer industry is 50 years old, and personal computers (PC) became ubiquitous about 25 years ago. Legislators all over the country, including myself, have been trying to create programs for the responsible recycling of electronic waste for the last 25 years. The computer industry has been very successful in "killing" these bills. Computer industry spokesmen said the bills were "killed" because they did not want a patchwork of different laws in different states. The industry said a federal law and a national program were necessary. The legislators in the different state houses naively believed that the computer industry would go back to Washington, D.C., and develop a national program for e-waste recycling. In reality, the industry just went back to Washington, D.C. and "killed" all the bills. So, we are still struggling with the problem of e-waste.

The European countries, Japan, and China are not struggling because they have programs in place. The fact is we are ending up with a patchwork of different laws governing the recycling of e-waste. People have PCs at home and at work that they are continuously replacing. More e-waste is being created by analog televisions that can no longer be used. This bill was designed in Oregon, and it has been passed in the state of Washington. We are trying to create a West Coast model bill for e-waste recycling, so we do not have a patchwork of

different state laws. Clearly, I am frustrated, and it will be interesting to see what the opposition comes up with this time. Some of them will say this is not the right year to pass this legislation with the economy being so depressed. I do not believe that is a reasonable objection to this bill.

Some of them will say that current computers are being made "green." It was the European Union that said to the industry, you will make "green" computers from now on. Sure enough, the industry figured out how to make "green" computers in record time. Which indicates to us, if you tell the computer industry this is how it is going to be, somehow they manage to rise to the occasion. I hope this Legislature and others will look the industry in the eye, and tell them they will do this because our environment requires it. There is no need for us to be bested by China in the area of environmental law. Future generations do not need to have us dumping e-waste in landfills. We also have to stop throwing out the valuable metals used in computers that we will just have to mine more of later. These electronic devices need to be recycled. A voluntary program is not getting the job done. I hope you will cast a critical eye on the opposition to this bill that you are about to hear.

Chair Claborn:

We are continuing testimony from witnesses in support of the bill.

Kyle Davis, representing the Nevada Conservation League, Las Vegas, Nevada:

I would like to add that electronic products are incredibly useful in our daily lives, but there are significant amounts of toxic materials used in their manufacture. Dumping these discarded electronic devices in landfills has the potential of polluting our ground water, which is our drinking water supply. The problem is compounded by the sheer volume of e-waste that we are generating, and dumping in our landfills. There are public health hazards that need to be considered. We will continually need more resources to produce these products when we could be recycling the material for new ones. This bill is not a new concept, and it is in place in other states. It is a program that will create a system to recycle e-waste, and it will help to protect our environment while wisely using our natural resources. We are in strong support of this bill, and we urge this Committee to pass it. We would be happy to work with the Committee on any problems that may arise because we would like to see this bill move forward.

Chair Claborn:

Are there any questions?

Assemblyman Goicoechea:

How much money will be generated from the fees that will be charged?

Chair Claborn:

Can Senator Parks or Assemblywoman Pierce answer the question?

Senator Parks:

A fiscal note has been submitted by the Department of Conservation and Natural Resources ([Exhibit T](#)). It indicates they are looking at a cost of \$500,000 to hire employees, acquire equipment, and provide for operating costs. I do not have an actual amount of revenue that would be generated by the program. The presumption is the program would generate a significant amount of money that would go back to the Department of Conservation and Natural Resources to underwrite the program. The program is intended to be self-funding.

Chair Claborn:

Mr. Drozdoff wishes to testify from a neutral position.

Leo Drozdoff, P.E., Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources:

I have submitted my prepared testimony in writing ([Exhibit M](#)). I can read from my testimony, or answer questions. Our position on the bill is neutral, but we did do a lot of work on the bill. We had discussions with our peers in Oregon that led us to develop the information contained in my testimony.

Chair Claborn:

Could you answer questions for us?

Leo Drozdoff:

Yes, I can.

Chair Claborn:

Are there any questions?

Assemblyman Goicoechea:

Did you have an opportunity to determine how much revenue would be generated from the fees?

Leo Drozdoff:

We did not. The reason why the Department is neutral on the bill is we are not certain whether or not A.B. 426 is in opposition to the Governor's position on having no new fees. We contacted our counterparts in Oregon who run the

Oregon E-Cycles program. Their program just began in 2007 when the law was passed, and the collection of e-waste began in January 2009. The only significant difference between Oregon law and the proposed law before you is this law includes a landfill ban on disposal of e-waste. We focused on what would be required of us to execute this law. There is a requirement for a contractor to handle certain services, so we guessed at how much that would cost. We estimated that four employees with their necessary operating equipment would be required to administer the program. The \$500,000 cost figure is only for the first year because, theoretically, the contractor costs are eliminated in the second year and beyond. We have not completed an analysis on how much the fee would need to be in order to cover these costs.

Assemblyman Grady:

I get upset when I see fiscal notes because they are often pivotal in determining whether the bill is supported, or "killed." I think you did a good job with your fiscal note, but it only goes half-way. It is not fair to the makers of the bill to say we are going to have \$800,000 in expense over the two-year period, and not address income. Income is as equally important as expense. I would like some information on the possible income figures that will be used to offset your expense amounts.

Chair Claborn:

Is it possible for you to do that, Mr. Drozdoff?

[Mr. Drozdoff did not answer.]

[Mr. Waldorf from Las Vegas interrupted the proceedings in Carson City.]

Robert Waldorf:

Mr. Chairman, this is Las Vegas.

Chair Claborn:

You may speak.

Robert Waldorf:

The way the bill works in Oregon is a staggered fee is divided up by market share to each of the manufacturers and producers of electronic devices. In Oregon, they identified about 200 manufacturers who paid the advance recycling fee. It brought in about \$380,000 to start the Oregon E-Cycles program. In Washington State, they identified a few more manufacturers and had about \$450,000 to start their program. In Nevada, after talking to the people who handle information for the consumer electronic industry, they estimated Nevada would have about 180 to 200 manufacturers paying the

advance fee. The amount collected—about \$350,000—would be used to initiate the program here. In Oregon, they use a third-party independent vendor as the state administrator for their program. That vendor is responsible for setting up collection sites, for identifying end-of-life processors, and for running the program. In Nevada, almost all of this work has already been done. The person who identifies the electronic devices manufacturers in Oregon works by the hour. It is not a separate division. In Oregon, they have one or two employees whose job is to answer the phone when the vendor is busy. I do not believe there will be a fiscal impact to the state on this bill. It is self-funding legislation. At the end of the year, when all the collections have been made, the figures are totaled, and a bill is prepared for the total collection cost. We would get 8 to 10 cents per pound for our collection efforts. This is consistent with collection bill totals in other states that have a similar model.

Chair Claborn:

Mr. Drozdoff, we need clarification on the operational costs. We need a letter of further explanation unless you are going to stay with the fiscal note your Department has submitted.

Leo Drozdoff:

I am going to stay with the fiscal note. I am not in a position to develop revenues based on fee collections because we have been given clear direction not to pursue new fees. I can only identify the costs associated with the program. We did contact the officials in Oregon, and modeled this fiscal note after their program.

[Mr. Claborn asked if another person at the witness table would like to speak.]

Leo Drozdoff:

You are referring to Eric Noack, Chief of our Bureau of Waste Management. If this bill is passed, he would be the one who will be running the program.

Dana MacDonald, Executive Director, Disability Resources, Sparks, Nevada:

Our organization is a private, nonprofit agency operating in Washoe County. We also run New-to-You Computers, which is a computer and electronics recycling and refurbishing program. We collect donations of computers and other electronic wastes from businesses and private individuals, and refurbish the equipment for resale in our store. The proceeds go to support our programs for people with developmental disabilities. The items that we are unable to refurbish are sold as scrap to a recycler. Those funds also go back to support our programs. We collect between 75,000 to 85,000 pounds of e-waste for recycling every month.

There are very good programs already operating in Nevada. Besides our New-to-You Computers program, there are other programs witnesses have testified to, or will be testifying about. I would ask the Committee to look at ways to fund the existing programs rather than create a whole new infrastructure. The organizers of the existing programs understand the situation, and they properly and responsibly manage the recycling of e-waste. There are other opportunities available through utilizing existing e-waste recycling programs without further financially impacting Nevada's businesses with a new program.

Chair Claborn:

Did you provide the Committee with any literature about your program?

Dana MacDonald:

I do have information I can provide to you. I did not bring it today because I was unprepared to testify.

Chair Claborn:

Could you do that, and send it to this Committee?

Dana MacDonald:

I would be glad to do that.

Chair Claborn:

Are there any questions?

Assemblyman Aizley:

You indicated you recycle other electronic e-waste devices. Could you list some of those?

Dana MacDonald:

We recycle everything except appliances. We recycle cell phones, printers, and paper products, plus we re-use as many of the computer components as we can.

Assemblyman Carpenter:

After you refurbish the donated computers, what do you do with pieces and parts left over? Do you sell them, or dispose of them in landfills?

Dana MacDonald:

We refurbish and resell as many of the electronic devices as we can in our retail store. The proceeds help fund our developmental disability programs. We also donate about 250 complete computer operating systems to adults and children

with disabilities. Everything left over is sold as scrap. We do not dispose of anything in landfills.

Assemblyman Carpenter:

Can you sell the refurbished computers to anyone, such as my wife and daughter?

Dana MacDonald:

Yes, we serve everyone. We also do computer repairs. If we cannot refurbish a computer, we still can use the different parts to repair other ones.

Assemblyman Carpenter:

Where is your establishment located?

Dana MacDonald:

We are located at 155 Glendale Avenue in Sparks, Nevada.

Assemblyman Goicoechea:

You mentioned your organization collected about 80,000 pounds of e-waste monthly. Can you estimate how much of the state's e-waste is being recycled?

Dana MacDonald:

I do not have a hard number on that. However, when we do the large computer recycling drives, we are overwhelmed by the numbers. For example, in January 2009, we did a collaborative recycling drive with the City of Reno, the City of Sparks, and the University of Nevada, Reno. It was a planned six-hour long drive at the Reno-Sparks Livestock Event Center. After three hours, we had more than exceeded our capacity to accept any more e-waste devices. We received 900 television sets within the first hour of the drive, and we had to turn away about 2,000 cars because we had used up all of our available storage and truck space to house them. The cost to recycle television sets is a "hard" cost. We have to pay to dispose of them; no revenue is generated.

Assemblyman Goicoechea:

Maybe someone waiting to testify will have the total e-waste recycling figure.

Chair Claborn:

Are there any more questions? Is there anyone wishing to testify from a neutral position? [There were none.] Is there anyone wishing to testify from a negative position?

Joe Gregorich, Director, California Regional Policy and State Environmental Affairs, Technology Association of America, Sacramento, California:

The Technology Association of America (TechAmerica) was formed three months ago by the merger of the American Electronics Association and the Information Technology Association of America. We are in opposition to A.B. 426. The "high tech" industry has become a leader in creating environmentally-sensitive products. We are currently looking at methods to reduce the amount of hazardous substances that are used in our products. We have worked with the European Union to become fully compliant with the Restriction of Hazardous Substances (RoHS) Directive. Many of our companies are going beyond the requirements of the RoHS Directive. TechAmerica has spent significant time and resources to create recycling programs for our products. These programs vary greatly depending on the product and the company.

Our opposition is based on some key reasons. The first reason is, as currently written, the bill would require manufacturers selling products in the State of Nevada to offer convenient collection services, including collection sites in every city and county above 10,000 in population. Secondly, we believe this requirement does not afford manufacturers proper flexibility. Current recycling programs include mail-back programs, collection events, or drop-off sites. Some companies partner with local nonprofit groups to do e-waste recycling. Further, the bill has established collection standards and penalties. It is unfair to require a manufacturer to be responsible for the actions or non-actions of others. The bill would penalize a manufacturer that fails to recycle a certain percentage of e-waste within a given year. Manufacturers do not have the ability to go into homes to take back an electronic device before the customer is willing to surrender it. For these reasons, TechAmerica is in opposition to this bill.

Chair Claborn:

Are there any questions? [There were none.]

Ron Norton, Chief Executive Officer/Development Director, ComputerCorps, Carson City, Nevada:

[Read from prepared testimony submitted in writing ([Exhibit N](#)).]

Chair Claborn:

After a five-minute recess, we will take any questions.

[Recess]

I am calling this Committee back to order. Are there any questions?

Assemblyman Carpenter:

How do you operate when you give all these free products away? Do you have businesses that support you?

Ron Norton:

We operate with the support of a variety of income sources. One primary funding source has been the recycling and sale of scrap metals accumulated by the collection of e-waste devices. However, in the last five to six months, that funding has drastically dropped, and in some cases it has gone down by 90 percent. We do have retail operations, such as thrift stores, to sell computers, and retail sales generate about 30 percent of our total funding. We operate programs, such as TechCamp, and other training programs that generate revenues. We have projects with other nonprofit organizations to set up their computer laboratories, and computer network systems. These programs also generate revenues.

Assemblyman Carpenter:

What percentage of the e-waste are you removing from the Carson City area?

Ron Norton:

We have been studying the e-waste recycling system to try to answer that question. The Environmental Protection Agency (EPA) believes nationally only 20 percent of e-waste is kept out of landfills. The EPA suggests that an ideal model would be to raise that figure to 35 percent. Locally in Carson City, Douglas, and Lyon Counties, we are keeping more than 70 percent of e-waste out of the local landfill in Carson City.

Chair Claborn:

Thank you. We will now hear from Mr. Ray Bacon.

Ray Bacon, representing the Nevada Manufacturers Association, Carson City, Nevada:

[Read from prepared testimony submitted in writing ([Exhibit O](#)).]

Chair Claborn:

Are there any questions?

Ron Norton:

Can I make another comment?

Chair Claborn:

Yes, proceed.

Ron Norton:

We have scheduled our second E-Cycle Day in Elko County. Last year, we collected about 40,000 pounds of e-waste in one day, and we anticipate about the same amount this year. We run the program in cooperation with the City of Elko.

Assemblyman Goicoechea:

I would like to know if you have similar programs in Winnemucca, Battle Mountain, and Ely.

Ron Norton:

Two years ago, Winnemucca invited us there in conjunction with Wal-Mart and other groups. We had a very successful E-Cycle Day. They have not had one since.

Chair Claborn:

We are still taking testimony from witnesses against A.B. 426. Is there anyone else who would like to speak?

Randy J. Brown, representing AT&T Nevada, Reno, Nevada:

From our position, opposition to the legislation is too strong a word. Our preference would be to amend. AT&T is an environmentally-conscious company. We support responsible recycling with a fleet of 90,000 vehicles that we are in the process of converting to alternative fuel sources. It is a pilot program, but the company believes strongly in the basic premise of this legislation. Our concern, which we have voiced to the sponsors of the bill, relates to the screen size of a wireless communication device. As these types of devices evolve, we are finding that a multi-jurisdictional device that is capable of viewing television, using the internet through a digital subscriber line (DSL), and emailing have screens that tend to be larger. In other states, such as Connecticut and New York, they have exempted wireless communication devices as a whole. We would like to work with the sponsors of the bill to come to agreement on language that would be more appropriate.

Chair Claborn:

Are there any questions? [There were none.]

Lea Tauchen, representing the Retail Association of Nevada, Carson City, Nevada:

[Read from prepared testimony submitted in writing ([Exhibit P](#)).]

Chair Claborn:

Are there any questions? [There were none.]

K. Neena Laxalt, representing Thomson, Inc., Indianapolis, Indiana:

[Read from prepared testimony submitted in writing ([Exhibit Q](#)).] They have three main concerns which are different product life expectancy, different market dynamics, and different residual value. These concerns are detailed on the supplemental handout I have distributed to the Committee ([Exhibit R](#)).

Chair Claborn:

Are there any questions? [There were none.]

Assemblywoman Pierce:

I would like to point out a couple of items. On page 9, line 39 of the bill, the language says, "To the extent practicable, use existing collection and transportation services and recycling centers...." This language proposes integrating efforts into the current system where applicable, so all facets of e-waste recycling can work together. Mr. Goicoechea, on page 4 of Mr. Waldorf's exhibit, it says, "Nevada recycles 10 to 12 percent..." of its e-waste. Although Mr. Waldorf's work is well-researched, I would be very surprised if this state actually recycles that much e-waste because our numbers for household items are not good at all. I would be happy if Nevada was recycling even 10 percent of its e-waste.

Chair Claborn:

We have some people here who would be happy to work on the bill's language with you.

Senator Parks:

We would like to work with anyone who is interested in developing suitable language for the bill. It is urgent that we move forward on some type of program, whether it is modeled after one state or another. Mr. Bacon indicated that programs, such as Mr. Norton's, would be eliminated. However, in states with e-waste recycling laws programs such as his have "blossomed." They have more work and more materials than they could ever have imagined. The donations are flooding in. We will work hard with whoever is interested in helping us work on the bill.

Chair Claborn:

There is no doubt something needs to be done. I am closing the hearing on A.B. 426, and I am opening the work session on Assembly Bill 414.

Assembly Bill 414: Makes various changes to the requirements for emissions inspections of certain vehicles. (BDR 40-821)

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 A.B. 414 ([Exhibit S](#)). [Read from the prepared work session documents submitted in writing.]

Chair Claborn:

Are there any questions?

Assemblyman Goicoechea:

If your vehicle is gas-powered and weighs more than 14,000 pounds you have to have an emission check. Is that correct?

Peter Krueger, representing the Nevada Emission Testers Council, Las Vegas, Nevada:

I will defer the answer to Mr. Lloyd Nelson.

Lloyd Nelson, Services Manager, Emissions Program, Compliance Enforcement Division, Department of Motor Vehicles:

All gasoline powered vehicles in Washoe and Clark Counties from 1968 on, regardless of size, require an emission test.

Assemblyman Goicoechea:

The test is required regardless of size. Is that correct?

Lloyd Nelson:

Yes, that is correct.

Assemblyman Goicoechea:

Diesel powered vehicles over 14,000 pounds do not require an emission test. Is that correct?

Lloyd Nelson:

Yes, that is correct. The new language in the bill would require the annual registration enforced emission test for vehicles up to 14,000 pounds. Diesel powered vehicles that are heavier than 14,000 pounds would be subject to the random roadside enforcement program in place of the annual registration enforced program.

Chair Claborn:

Are there any questions?

Assemblyman Grady:

In section 1, subsection 2, the language spells out the specific application of the \$6 fee. However, for the record, I want to confirm that the \$6 fee is only for vehicles in counties with 100,000 or more in population. It does not apply to all the counties. Is that correct?

Lloyd Nelson:

The remote onboard diagnostic equipment (ODE) program is voluntary. The \$6 fee is charged for any vehicle that is participating in the ODE program. The \$6 fee is the same as the amount charged for the traditional emission certificate. It would only be available in Washoe and Clark Counties.

Chair Claborn:

Are there any more questions?

Assemblyman Goicoechea:

I still have some concerns about how the Department of Motor Vehicles (DMV) will contact the owners of vehicles with an ODE reading that is out of compliance.

Peter Krueger:

This is a voluntary fleet program. The contact for the DMV will be the fleet manager, or someone in the organization who will receive notice if their vehicles are out of ODE compliance. They will be told to get it fixed, or face the consequences.

Chair Claborn:

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

ASSEMBLYMAN HOGAN MOVED TO DO PASS
ASSEMBLY BILL 414.

ASSEMBLYMAN GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN AIZLEY AND
SEGERBLOM WERE ABSENT FOR THE VOTE.)

Is there any public comment?

This meeting is adjourned [at 4:36 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: March 30, 2009

Time of Meeting: 1:40 p.m.

| Bill | Exhibit | Witness / Agency | Description |
|----------|---------|-------------------------------|-----------------------------------|
| | A | | Agenda |
| | B | | Attendance Roster |
| A.B. 289 | C | David K. Morrow | Testimony |
| A.B. 289 | D | Brad Kosch | Testimony |
| A.B. 289 | E | Assemblyman Mortenson | Letter from Dr. Rowland |
| A.B. 289 | F | Patricia Rogers | Testimony |
| A.B. 354 | G | Assemblyman Edwin A. Goedhart | Letter from Mr. Vogler |
| A.B. 354 | H | Tony Lesperance | Testimony |
| A.B. 354 | I | K. Neena Laxalt | Testimony |
| A.B. 426 | J | Senator David R. Parks | PowerPoint Presentation |
| A.B. 426 | K | Senator David R. Parks | Comparisons of State E-Waste Laws |
| A.B. 426 | L | Robert Waldorf | Testimony |
| A.B. 426 | M | Leo Drozdoff | Testimony |
| A.B. 426 | N | Ron Norton | Testimony |
| A.B. 426 | O | Ray Bacon | Testimony |
| A.B. 426 | P | Lea Tauchen | Testimony |
| A.B. 426 | Q | K. Neena Laxalt | Testimony |

| | | | |
|-------------|---|-----------------|-------------------------------------|
| A.B. 426 | R | K. Neena Laxalt | Supplemental Handout on Concerns |
| A.B. 414 | S | Jennifer Ruedy | Work Session Document |
| A.B. 426 | T | Jennifer Ruedy | Fiscal Note |