

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

**Seventy-fifth Session
March 31, 2009**

The Senate Committee on Natural Resources was called to order by Chair David R. Parks at 3:42 p.m. on Tuesday, March 31, 2009, 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 David R. Parks, Chair
Senator Allison Copening, Vice Chair
Senator Bob Coffin
Senator Bernice Mathews
Senator Dean A. Rhoads
Senator Mark E. Amodei
Senator Dennis Nolan

STAFF MEMBERS PRESENT:

Randy Stephenson, Committee Counsel
Michelle Van Geel, Committee Policy Analyst
Shirley Parks, Committee Secretary

OTHERS PRESENT:

Brandon Vaught, Project Coordinator, Tri-County Weed Control
Wes Henderson, Government Affairs Coordinator, Nevada Association of Counties
Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation
Scott Marsh, Noxious Weed Program Coordinator, State Department of Agriculture
Jason King, P.E., Deputy State Engineer, Division of Water Resources, State Engineer's Office
Don Smith, Vice Chairman, Coalition for Public Access
Kyle Davis, Policy Director, Nevada Conservation League

CHAIR PARKS:

Today's business opens with the hearing of Senate Bill (S.B.) 219. This is a bill that was presented on behalf of the Legislative Committee on Public Lands. We will then proceed to a work session on a number of proposals. We will begin with a status report on the bills we have heard.

MICHELLE VAN GEEL (Committee Policy Analyst):

This committee has received a total of 26 bills so far, and we have 5 scheduled for hearing this week and next week. Another 8 including the 5, we are doing in the work session today. This would leave three that we have heard that have not had an action. We are waiting for several amendments from the Legal Division. All of the other bills have been heard. We have 4 bills on the floor now, and 1 has been referred to another committee and 3 have been sent to the Assembly. One has passed both houses. With the deadlines near, this committee is doing really well.

SENATE BILL 219: Revises provisions governing assessments on real property located within a weed control district. (BDR 49-499)

SENATOR DEAN A. RHOADS, RURAL NEVADA SENATORIAL DISTRICT:

I will summarize S.B. 219 using my prepared remarks in ([Exhibit C](#)). During the legislative interim, the Committee on Public Lands received a recommendation from the Tri-County Weed Group, which includes Lincoln, Nye and White Pine Counties, concerning the creation of a weed control district by a board of county commissioners. Currently, Nevada Revised Statute (NRS) 555.215 requires that an assessment upon real property must be levied by the board of county commissioners in order to establish a weed control district. The Tri-County Weed Group has an interest in becoming a weed control district or sponsoring other weed control districts. They are a self sufficient entity and is permitted to take in grant money and other funds on its own.

Both the Tri-County Weed Group and its member counties recognize the value of creating weed control districts in the region, but they do not want to establish any new taxes to do so, especially when the Tri-County Weed Group is willing and able to pay for the expenses involved. A change in the statute to make the requirement for a real property assessment permissive will help them reach this goal.

The Public Lands Committee requests this simple bill which changes “shall” to “may” as it relates to the assessment requirement as a condition for creating a weed control district. I urge your support for this important measure.

BRANDON VAUGHT (Project Coordinator, Tri-County Weed Control):

I am the Noxious Weed Management Officer of Tri-County Weed Control. I have given you our promotional brochure and a handout which I will read for you ([Exhibit D](#)). Tri-County Weed Control was established in 2000, through a collaboration of Lincoln, Nye and White Pine counties. From its inception, the primary premise of Tri-County Weed Control has been that landowners are responsible for addressing the invasive weed problem on any lands they own or manage, whether public agencies or private individuals. With the extensive amount of governmental ownership of lands within Nevada and within the three counties covered by Tri-County Weed Control, it is not politically palatable for the private landowners to fund the cost for the entire program through taxes.

In order to get the program started without a tax levy for base funding, \$5,000 from each of the three participating counties was committed to Tri-County Weed Control. The money was repaid to the counties in exchange for services after the program established a revenue stream. In addition, the U.S. Bureau of Land Management, Ely District Field Office assisted significantly in the purchase of some of the equipment necessary to get the program started. With one spray truck and one employee, Tri-County became the first non-tax based comprehensive noxious weed control program in the west.

In 2001 Tri-County Weed Control completed the first treatment season and its total billing for that year was \$218,000. It impacted approximately 31,000 acres in the three county areas. This past season Tri-County Weed Control Group billed just over \$1 million. This is 5 times greater billing in 8 years of operation. In 2008 it impacted nearly 860,000 acres. To date Tri-county Weed Control Group has inventoried 14.5 million acres of land within the Tri-County area. This has all been done without the need for a tax levy. We are completely self sufficient. The Group has 2 electronically equipped spray trucks, 4 six wheelers, various additional equipment and a fleet of pick ups and SUVs.

Tri-County Weed Control has a concerned and proactive board of directors, which includes one commissioner from each of the 3 counties and 2 landowners from each of the 3 counties. They realize and understand the need for

Tri-County Weed Control to become a weed district, and they initiated the process. We have received the county commissioner's support. The major obstacle that prevents us from becoming a weed district and maintaining a "no tax needed" status is basically one word in the statutes governing weed districts, their formation and their operation.

Senate Bill 219 seeks to change the word "shall" to "may," leaving the option of whether or not to levy a tax for the operation of a weed district to the choice of the county.

SENATOR RHOADS:

Tri-County Weed Control has had a great deal of success recognizing and reducing noxious weeds. Would you elaborate on this?

MR. VAUGHT:

We send out surveyors, and they identify and map where the noxious weeds are located. The data is brought back to the office, and we are able to formulate a plan based on this information. The plan is then implemented with the spray personnel. These areas are continually watched, year after year.

CHAIR PARKS:

Are there any other weed control districts in Nevada?

MR. VAUGHT:

We are the only group.

SENATOR MATHEWS:

Do you use chemicals to control these noxious weeds? Do you sometimes burn the weeds off?

MR. VAUGHT:

Yes, that is one of our tools. We use chemicals on certain noxious weed. There are times when we burn, depending on the weed species.

WES HENDERSON (Government Affairs Coordinator, Nevada Association of Counties):

Nevada Association of Counties (NACO) is in support of S.B. 219. We commend the Tri-County Weed Control District for their efforts. We support any issue that gives county government more flexibility.

DOUG BUSSELMAN (Executive Vice President, Nevada Farm Bureau Federation):

The Nevada Farm Bureau Federation is offering an amendment ([Exhibit E](#)) to the bill. We do support the bill with the proposed language change. As we were going through the process of developing our policy on this issue, we supported the change from "shall" to "may." However, we were concerned that through the formation process of a weed control district, the land owners would be presented with the concept that the weed district being formed would not require taxation or assessment. Then, if things change and it is permissive, they can form without, but they can also create a process to levy assessment later. Our concern is if something should change, there should be a process to allow for the landowners to be consulted about the change. That is the spirit of our proposed amendment [Exhibit E](#).

SCOTT MARSH (Noxious Weed Program Coordinator, State Department of Agriculture):

We are in support of S.B. 219. This bill will help allow the creation of weed districts, not only in the Tri-County area, but statewide. Right now we have six active weed districts in the State that have regulatory authority. They are more capable of conducting regulation on lands within their districts. I believe this bill will encourage development of more weed districts. I also support the amendment offered by the Nevada Farm Bureau Federation.

CHAIR PARKS:

I will close the hearing on S.B. 219 and open the work session with S.B. 110.

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

MS. VAN GEEL:

Two amendments were offered for this bill and I have provided you with my summary of the bill and a mock-up amendment ([Exhibit F](#)). The first amendment was offered by Scott Marsh of the Nevada Department of Agriculture ([Exhibit G](#)). The second amendment was offered by Wes Henderson of NACO ([Exhibit H](#)).

MR. BUSSELMAN:

The Nevada Farm Bureau Federation policy is opposed to the establishment of a fine system. Even with the offered amendments, we would still be in opposition.

Senate Committee on Natural Resources
March 31, 2009
Page 6

SENATOR RHOADS:

I would suggest that Mr. Busselman prepare an amendment and bring it to our next work session.

CHAIR PARKS:

We will hold S.B. 110 and reschedule it for another work session. We will now review S.B. 204.

SENATE BILL 204: Revises provisions governing notice of an application for a permit to appropriate water. (BDR 48-1086)

MS. VAN GEEL:

Two amendments were offered for this bill and I have provided you with my summary of the bill and the proposed amendments by Matt Leck of the Southern Nevada Water Authority and Steve Walker of the Truckee Meadows Water Authority ([Exhibit I](#)).

The State Engineer, Division of Water Resources, supports the amendment offered by Mr. Leck.

SENATOR RHOADS MOVED TO AMEND AND DO PASS WITH THE TWO AMENDMENTS TO S.B. 204.

SENATOR COFFIN SECONDED THE MOTION.

SENATOR AMODEI:

Does the bill require us to post a notice outside the State?

JASON KING, P.E. (Deputy State Engineer, Division of Water Resources, State Engineer's Office):

This bill will not require us to advertise outside the state. It will be business as usual.

SENATOR COPENING:

In previous testimony, you mentioned you had an opposition based upon hydrologic effect language being subjective. Was that addressed to your satisfaction?

Senate Committee on Natural Resources
March 31, 2009
Page 7

MR. KING:
Yes.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR PARKS:
We will review Senate Joint Resolution (S.J.R.) 2.

[SENATE JOINT RESOLUTION 2](#): Urges Congress to take certain actions concerning wilderness areas and wilderness study areas. (BDR R-604)

MS. VAN GEEL:
I have provided you with my summary of S.J.R. 2 and a mock-up amendment ([Exhibit J](#)). The amendment language was offered by Tom Fransway, Chairman of the Humboldt County Commission. This would add three new clauses to the resolution. There was no opposition to the resolution or the amendment.

SENATOR RHOADS:
The original intent of the resolution was to bring to the attention of Congress and the Nevada Congressional Delegation the need to focus on bringing wilderness study areas back to multiple-use areas. The areas are non productive pieces of land. I and others thought the previously proposed NACO language was too much of a threat to our Nevada Congressional Delegation and this amendment softens the language to consult with the counties in the spirit of cooperation. That is the purpose of the proposed amendment.

DON SMITH (Vice Chairman, Coalition for Public Access):
I am speaking today in regard to the amendment language of S.J.R. 2. Our board reviewed the language in the amendment and is in total opposition to this resolution.

SENATOR AMODEI:
What is your concern?

MR. SMITH:
We object to the whole amendment. It guts the purpose of the resolution. We thought the reason for this resolution was to send a strong message to the

Senate Committee on Natural Resources
March 31, 2009
Page 8

Nevada Congressional Delegation to make them aware of the pending bill before the U.S. House of Representatives.

SENATOR AMODEI:

There are some strong opinions about this resolution. The rural counties experienced some of the process and received encouragement when they met with the 2008 interim Legislative Committee on Public Lands. As a result of the meeting, a proposal has been prepared that addresses land use issues in these counties. They have expectations that a strong message to the Nevada Congressional Delegation would express the necessity to cooperate with the land managers in planning and zoning of wilderness study areas. I cannot support the language changes in the amendment on page 3, lines 3 through 16 of the mock-up amendment [Exhibit J](#).

SENATOR RHOADS MOVED TO AMEND AND DO PASS AS AMENDED
S.J.R. 2.

SENATOR COFFIN SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR AMODEI VOTED NO.)

* * * * *

CHAIR PARKS:

We will review S.J.R. 7.

SENATE JOINT RESOLUTION 7: Expresses opposition to congressional enactment of the National Landscape Conservation System. (BDR R-983)

MS. VAN GEEL:

In summary, S.J.R. 7 had a verbal amendment offered on page 2, line 6, to delete the phrase "strong opposition to" and replace it with the phrase "rejection of" ([Exhibit K](#)).

SENATOR RHOADS:

This legislation is pending in Congress. It passed the U.S. Senate. It may have passed the U.S. House of Representatives.

Senate Committee on Natural Resources
March 31, 2009
Page 9

KYLE DAVIS (Policy Director, Nevada Conservation League):

This legislation has passed the U.S. House of Representatives, and the President signed it into law last Thursday, March 26, 2009. I oppose the resolution. If you want to go forward with the resolution, it would need new language that expresses an opposition of the congressional enactment of the bill.

SENATOR RHOADS:

I suggest we amend the language of S.J.R. 7 from the "congressional enactment" to reflect opposition to "this type of policy." It is a massive bill and there were no hearings held.

SENATOR RHOADS MOVED TO AMEND AND DO PASS AS AMENDED
S.J.R. 7.

SENATOR COPENING SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

CHAIR PARKS:

We will review S.J.R. 8.

SENATE JOINT RESOLUTION 8: Urges Congress to preserve the traditional power of the states over land and water use. (BDR R-984)

Ms. VAN GEEL:

The summary of S.J.R. 8 would include the same amendment as suggested in S.J.R. 7. On page 2, line 6, delete the phrase "strong opposition to" and replace it with the phrase "rejection of" ([Exhibit L](#)).

SENATOR AMODEI MOVED TO DO PASS S.J.R. 8.

SENATOR MATHEWS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Senate Committee on Natural Resources
March 31, 2009
Page 10

CHAIR PARKS:

This concludes the work session. There is no further business to come before the Senate Committee on Natural Resources. The meeting is adjourned at 4:25 p.m.

RESPECTFULLY SUBMITTED:

Shirley Parks,
Committee Secretary

APPROVED BY:

Senator David R. Parks, Chair

DATE: _____