

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

**Seventy-Sixth Session
March 22, 2011**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Maggie Carlton at 1:36 p.m. on Tuesday, March 22, 2011, in Room 3161 of the Legislative Building, 401 South Carson Street, Carson City, 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/76th2011/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:

Assemblywoman Maggie Carlton, Chair
Assemblyman Joseph M. Hogan, Vice Chair
Assemblyman Paul Aizley
Assemblyman Elliot T. Anderson
Assemblyman David P. Bobzien
Assemblywoman Irene Bustamante Adams
Assemblyman John Ellison
Assemblyman Ed A. Goedhart
Assemblyman Ira Hansen
Assemblyman Kelly Kite
Assemblyman Harvey J. Munford
Assemblywoman Peggy Pierce

COMMITTEE MEMBERS ABSENT:

Assemblyman Pete Livermore (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Amelie Welden, Committee Policy Analyst
Randy Stephenson, Committee Counsel
Judith Coolbaugh, Committee Secretary
Sherwood Howard, Committee Assistant

OTHERS PRESENT:

None

Chair Carlton:

[There was no roll call.] We have one bill draft request (BDR) to introduce.

BDR 51-82—Repeals obsolete provisions regarding the Advisory Council on the Metric System. (Later introduced as [Assembly Bill 451](#).)

I will entertain a motion.

ASSEMBLYMAN BOBZIEN MOVED TO INTRODUCE BDR 51-82.

ASSEMBLYMAN HOGAN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN LIVERMORE WAS ABSENT FOR THE VOTE.)

Chair Carlton:

I am opening the work session on [Assembly Bill 19](#).

[Assembly Bill 19](#): Revises provisions governing the issuance of certain fishing licenses and permits. (BDR 45-471)

[Mrs. Carlton directed the Committee's attention to the work session document for [A.B. 19](#) ([Exhibit C](#)), and read the summary of the bill.] Is there any discussion on this measure? [There was none.] I will remind the Committee that Mr. Livermore did have a concern about the trout stamp. We did some investigating on the issue, and it was decided to not include the trout stamp requirement in the bill. This bill is an expansion of existing language in *Nevada Revised Statutes* (NRS) 502.077. The whole concept of the bill is to get children out fishing. Are there any questions? [There were none.]

Assemblyman Aizley:

I like to bring this objection up at every session. I want to know why fishing licenses are not issued for a year from the date of purchase. It should be the same time period as a driver's license. I am always told it cannot be done, and it never happens. I will revisit the issue in two years.

Chair Carlton:

Are there any other discussions or questions on the bill? [There were none.] I will entertain a motion.

ASSEMBLYMAN ELLISON MOVED TO DO PASS
ASSEMBLY BILL 19.

ASSEMBLYMAN ANDERSON SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN LIVERMORE WAS
ABSENT FOR THE VOTE.)

I am opening the work session on Assembly Bill 167.

Assembly Bill 167: Enacts provisions for the protection of the waters of this State from aquatic invasive species. (BDR 45-847)

This is the bill on aquatic invasive species (AIS). On your work session document ([Exhibit D](#)) bullet points are used to separate the different parts of the bill. There are two proposed amendments to the bill. The first is from the Governor's Office proposing to cap the annual AIS decal fee at \$10. Therefore, the fee could start at a lower amount and go up to a maximum of \$10. That is the typical method used for establishing fees in a bill.

The second amendment was proposed by the Chair to reduce the penalty from a category E felony to a misdemeanor for the first offense of knowingly and intentionally introducing AIS into Nevada waters. Any subsequent violation would be a category E felony. I will hear Mrs. Bustamante Adams' comments on the amendments first as she is the bill's sponsor.

Assemblywoman Bustamante Adams:

I was grateful to have these two amendments. They were very welcome. It was also great to have the support of the Governor's Office, and I was happy to answer any individual concerns that were brought to me.

Assemblyman Goedhart:

I have been given assurances that the bill will allow a police officer to establish inspection stations in the boat launch vicinity. Is that correct?

Chair Carlton:

We have people in the audience nodding in the affirmative, so we have received confirmation.

Assemblywoman Pierce:

Where does the fee appear in the bill?

Chair Carlton:

The fee is referenced on page 5, section 6, subsection 4, lines 22 to 24 of your work session document.

Assemblyman Kite:

I would like to direct a question to a witness in the audience.

Chair Carlton:

We usually do not take testimony during a work session, but if it is a question we cannot answer, we will bring them up to the witness table.

Assemblyman Kite:

I will direct my question to you and the bill's sponsor. I understand that Lake Mead is also a part of the National Park Service. The Park Service also needs to step-up to the plate. I am having difficulty with the establishment of a statewide program when I am not sure what the program is, or how it will be enforced when it is in place. I also do not know what the future costs will be to administer the program.

Chair Carlton:

It sounds like a philosophical problem.

Assemblyman Kite:

If we are going to do this, we need to do it right—not partially. The Park Service needs to do their part, or the state's efforts will be almost futile. It is not a philosophical problem. A \$10 decal stamp fee on a boat is about the cheapest item you can purchase for a boat. If we are going to start a program, and I do believe it is necessary to protect our waters, we need to do it properly, not halfway.

Chair Carlton:

As this bill moves forward, we will have the option of sending a letter to the National Park Service informing them of the state's program and asking them for their cooperation. We cannot make them do anything, but we can send them a message that we think this is an important issue, and we can request their assistance and support to successfully accomplish the task.

Assemblyman Kite:

The two proposed amendments went a long way to satisfy some of my concerns, but I still feel, if we are going to do this, we need to do it right.

Chair Carlton:

Is there anyone in the audience who wishes to comment on this issue? [There was no one.]

Assemblywoman Bustamante Adams:

There is a draft of an implementation plan already in place that involves several stakeholders. It is not ready for final submission.

Assemblyman Bobzien:

Whenever we have a new program, the regulations that actually put the legislation into practice have to come back to the Legislative Commission for review. We can also monitor the program. We have those concerns on the record, and we will have future opportunities to weigh-in on those issues.

Chair Carlton:

The regulations are for the public, and they will put the legislation into practical operation.

Assemblyman Hansen:

The intent of the bill is excellent. There is no question that a problem exists. It appears to me to be a classic case of closing the barn door after the problem has already occurred. We are also talking about regulating 54,000 boats in the state with six people to do the enforcing. It will be the boaters' version of a California "bug station." The ability to block and stop the transmission of AIS is about zero. It would only take one person in one boat with some contaminated water left in an intake exhaust pipe to infect another body of water. We had testimony that AIS can be introduced by simply wearing felt-soled waders. A witness suggested the waders should be regulated or outlawed.

I am still concerned that a second violation's resulting charge would be a category E felony. I do not believe this law will stop the spread of AIS,

and the program will grow astronomically in an attempt to catch-up. Therefore, we are setting up a "bug station" program to stop something that is already here and will spread naturally anyway. The bulk of the 54,000 boats are in southern Nevada. In an expanded effort to combat the infestations, boat owners will have to pay a decal fee which will support the new boat inspection program. If Nevada did not already have AIS in its waters, I think this would be a good step to take. However, AIS are already here, and our ability to actually regulate them to the degree necessary to prevent their transmission is questionable. My concern is not so much philosophical; it is practical. Once you get a government program going it becomes a self-perpetuating bureaucracy.

Assemblyman Goedhart:

In section 2, subsection 6, the minimum fine is \$25,000. I have rarely seen such a high fee for an offense. I agree with the philosophy and practicality of the bill. My concern is the amount of the civil penalty. It does not give a judge much leeway when he cannot issue a fine smaller than \$25,000.

Chair Carlton:

I would like to point out that the fine monies are deposited into the Wildlife Account in the State General Fund, and are used to remediate the damages, restore habitats, remove AIS from the contaminated waters, and defray any other costs. I, too, had some concerns about the size of the base amount. However, when you add up all the costs for restoration and repair, the total amount will be very high. If the bill for mitigation and remediation goes over \$250,000, which is the fine cap, the taxpayers will be paying for the rest of the bill. The fines are high, but I believe appropriate.

Assemblyman Anderson:

Since this bill does not cover AIS that are already infesting our waters, is it just to stop new infestations?

Assemblywoman Bustamante Adams:

Yes, that is correct. It is a comprehensive program that includes education and other implementation issues. It is not solely directed at AIS we already have.

Assemblywoman Pierce:

The infestation of quagga mussels in Lake Mead is probably a lost cause, but a similar program at Lake Tahoe has been successful. They are holding the line, and they are learning new methods to control AIS. For example, they are using tarpaulins on the bottom of the lake to smother the mussels. Other than Lake Mead, this program could work to protect our other bodies of water.

Assemblyman Ellison:

The two amendments have helped the bill's language a lot. I am concerned how six part-time employees are going to be able to inspect that many boats. High-risk waters include Wild Horse Reservoir and the South Fork Reservoir in Elko County. The South Fork Reservoir extends all the way to the Humboldt Sink. A person introducing AIS into these waters could do so at any point along the waterway from Winnemucca to Elko. Wild Horse Reservoir waters extend into the entire Snake River drainage area to the north. A person could go anywhere along the Humboldt River in Elko County and dump AIS into the water. He is not limited to using the reservoirs to introduce AIS.

Chair Carlton:

The language indicates these are high-risk areas.

Assemblyman Ellison:

There is no way these waters could be monitored.

Chair Carlton:

So, your concerns are enforcement.

Assemblyman Ellison:

It would be impossible.

Chair Carlton:

Sometimes bill language does not come out of drafting exactly the way you want it to, but you should never let "perfect" be the enemy of "good." No bill will be able to address every single issue, but it is a good start towards protecting these waters. Whether or not a bill balances enough of the objectives to be viable is what we have to consider. That is part of the decision-making process in developing public policy on an issue. Are there any other comments on the bill?

Assemblyman Hansen:

Mr. Livermore was very concerned about this bill. Is it possible to delay the vote on this bill until he has a chance to weigh-in on it at the Committee's next hearing?

Chair Carlton:

No, it was scheduled for work session today. Mr. Livermore did not ask me to remove it from today's agenda when we discussed his absence today. I am sure he can keep working with Mrs. Bustamante Adams on it. Since the bill is being amended, it will be a while before it gets to the floor. There is time for

Mr. Livermore to go over any issues, and we will allow him to register a vote afterwards, if he chooses to do so.

Assemblyman Hansen:

Would his vote count if it is taken after today's vote?

Chair Carlton:

He can register his vote with the Committee secretary. The two-thirds vote is for floor bills, not committee passage.

Assemblyman Hansen:

Okay.

Assemblywoman Bustamante Adams:

Mr. Livermore did approach me and the Department of Wildlife. We, individually, answered his questions. If he has any other questions, I would be happy to work with him on them.

Assemblyman Bobzien:

This is an example of how a bill's language and provisions will not be able to satisfy everyone. I was unhappy to see the felony violation modified. The bill's language is not as tough as I would like it to be, but it is a great start. I applaud Mrs. Bustamante Adams for working with everyone and coming up with a workable compromise. I would like to make a motion.

Chair Carlton:

I will entertain Mr. Bobzien's motion.

ASSEMBLYMAN BOBZIEN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 167 WITH THE TWO AMENDMENTS PROPOSED
IN THE WORK SESSION DOCUMENT.

ASSEMBLYWOMAN PIERCE SECONDED THE MOTION.

Chair Carlton:

Is there any comment on the motion? Hearing none, we will take the vote.

THE MOTION PASSED. (ASSEMBLYMEN ELLISON, HANSEN, AND
KITE VOTED NO. ASSEMBLYMAN LIVERMORE WAS ABSENT
BUT CAN REGISTER HIS VOTE.)

I am opening the work session on Assembly Joint Resolution 5.

Assembly Joint Resolution 5: Urges the Federal Government to engage in discussions regarding the mitigation of water contamination in Nevada which resulted from certain nuclear activities that were conducted in this State by the Federal Government. (BDR R-895)

There is an amendment to the bill. Mr. Goedhart, as the bill's sponsor, is the amendment acceptable to you? The work session document for A.J.R. 5 has been distributed to you ([Exhibit E](#)).

Assemblyman Goedhart:

Yes, I have talked to Mr. Davis who proposed the amendment, and I am fine with it.

Chair Carlton:

Since this amendment was not discussed at the hearing on the bill, is there anyone who would like to comment on the amendment? The amendment adds the following words: ". . . Nevada, regarding the mitigation, containment and restoration of water contamination in Nevada . . ." to line 41 on page 2. Is there any discussion on the proposed amendment? [There was no discussion.] Are there any questions on the amendment? [There were none.] I will accept a motion.

ASSEMBLYMAN KITE MOVED TO AMEND AND DO PASS
ASSEMBLY JOINT RESOLUTION 5.

ASSEMBLYMAN HANSEN SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN LIVERMORE WAS
ABSENT FOR THE VOTE.)

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

The meeting is adjourned [at 2:05 p.m.].

RESPECTFULLY SUBMITTED:

Judith Coolbaugh
Committee Secretary

APPROVED BY:

Assemblywoman Maggie Carlton, Chair

DATE: _____

EXHIBITS

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

Date: March 22, 2011

Time of Meeting: 1:36 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 19	C	Assemblywoman Maggie Carlton	Work Session Document
A.B. 167	D	Assemblywoman Maggie Carlton	Work Session Document
A.J.R. 5	E	Assemblywoman Maggie Carlton	Work Session Document