

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

**Seventy-sixth Session
May 20, 2011**

The Senate Committee on Natural Resources was called to order by Chair Mark A. Manendo at 3:44 p.m. on Friday, May 20, 2011, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, 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 Mark A. Manendo, Chair
Senator David R. Parks, Vice Chair
Senator John J. Lee
Senator Dean A. Rhoads
Senator Michael Roberson

GUEST LEGISLATORS PRESENT:

Assemblywoman Maggie Carlton, Assembly District No. 14
Assemblyman Ira Hansen, Assembly District No. 32

STAFF MEMBERS PRESENT:

Michelle Van Geel, Policy Analyst
Charity Fowler, Counsel
Sandra Hudgens, Committee Secretary

OTHERS PRESENT:

Rebecca Hilton

CHAIR MANENDO:

Before we open the work session, Assemblywoman Maggie Carlton has something to put on the record.

ASSEMBLYWOMAN MAGGIE CARLTON (Assembly District No. 14):

About a week or so ago, I believe the room was packed and you had an overflow crowd in another room, I came before you to let you know that there had been a problem with some statements that were made on the record, and I'm here today with the actual verbatim minutes on those comments. So, in order to make sure that I say this correctly, Mr. Chairman, if you would allow me to read my statement into the record [[Exhibit C](#)], and then as we progress we can address changing the minutes and the State's record on this issue. I'm here before you today to correct some testimony that was made by Assemblyman Hansen on May 11 regarding [[Assembly Bill \(A.B.\) 322](#)].

Mr. Chairman, the minutes that you received in that meeting, as I stated in my previous statement, I had signed, but they had not been finally proofed, and I had not given permission for the minutes to be released yet. This is the correct minutes for that hearing [[Exhibit D](#)]. ... I want to make sure the Committee understands that our legal counsel would never make a statement that would imply that he was trying to circumvent the Nevada State Constitution.

CHAIR MANENDO:

We know that Randy Stephenson, Committee Counsel, would not imply he was trying to circumvent *The Constitution of the State of Nevada*. I will open the hearing on [A.B. 322](#).

[ASSEMBLY BILL 322](#): Revises provisions relating to wildlife. (BDR 45-150)

MICHELLE VAN GEEL (Policy Analyst):

I will read the work session document information on [A.B. 322](#) ([Exhibit E](#)). The first proposed amendment is from Dr. Gerald Lent, [Exhibit E](#). The second proposed amendment is a mock-up from Senator Lee, [Exhibit E](#).

SENATOR LEE:

I think there's been a gross miscarriage of justice. I think we have somebody in there that fit[s] the description, the older description of what a conservationist could have been in this particular verbiage. In the future, I think this just tightens this up. After this gentleman is no longer in that position, I think this tightens it up of

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what they're looking for on that commission. I feel good about that.

CHAIR MANENDO:
Do you mean tightens it up in that particular seat?

SENATOR LEE:
Right, in that one seat.

I appreciate and I like the bill. I do want to put it on the record that I think that the gentleman in the position right now should stay and continue in his term for one year and ... to finish it and be able to go out gracefully.

SENATOR LEE MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 322 WITH PROPOSED AMENDMENT 6940.

SENATOR RHOADS:
Does Senator Lee's amendment not include the other amendment?

CHAIR MANENDO:
Correct, it does not.

SENATOR RHOADS:
Does that mean the bill changes the way the conservation representatives are appointed? Is he appointed by the Governor and not with the three names the board sends to the Governor?

CHAIR MANENDO:
Correct.

SENATOR LEE:
I had no problem with people being brought forth through the local organizations. I wanted to give the Governor a chance to appoint the person he or she wanted.

SENATOR RHOADS:

If we let the Governor choose the director, we are eliminating the checks and balances. We might have a Governor one day who hates wildlife. If we keep it the way it is, we have checks and balances.

CHAIR MANENDO:

I do not know how many people make recommendations instead of the Governor on boards or commissions. The Governor is elected by the people, and that would be sufficient for the checks and balances. I have respect for the current director. Maybe people in the administration are looking for someone different. That does not preclude the director from being appointed to somewhere else on the commission.

MS. VAN GEEL:

I just wanted to clarify with Senator Lee. I think part of your motion was mentioning that the current member would continue and fulfill his current term? Is that correct? 'Cause addressing section 4 of the bill that would change that. Your mock-up didn't change that language in section 4, so I didn't know if your motion ... that would change in addition to your mock-up.

SENATOR LEE:

My motion was to amend and do pass the bill with Proposed Amendment 6940 with a verbal notice to the Governor that we think the current conservation representative should be able to stay and finish the job.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR RHOADS VOTED NO.)

CHAIR MANENDO:

I am sure the Governor is listening.

SENATOR LEE:

I met with the Governor a half hour ago and expressed my desires.

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CHAIR MANENDO:

We will hear Assembly Joint Resolution (A.J.R.) 5.

ASSEMBLY JOINT RESOLUTION 5 (1st Reprint): Urges the Federal Government to engage in discussions regarding the mitigation and containment of water contamination in Nevada which resulted from certain nuclear activities that were conducted in this State by the Federal Government. (BDR R-895)

MS. VAN GEEL:

I will read the explanation of A.J.R. 5 ([Exhibit F](#)). The sponsors of the bill were amenable to Senator Lee's amendment.

SENATOR LEE:

I wanted to make sure the federal government recognized Clark County would also have a mitigation issue. I do not know how the federal government will ever clean up the Nevada National Security Site. I wanted Clark County to be involved.

SENATOR LEE MOVED TO AMEND AND DO PASS AS AMENDED
A.J.R. 5.

SENATOR ROBERSON SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR MANENDO:

I have written remarks on A.B. 329 ([Exhibit G](#)). I have drafted a letter to express my intentions to the appropriate committees ([Exhibit H](#)).

ASSEMBLY BILL 329: Defines the term "wildlife" for certain provisions of law relating to water. (BDR 48-312)

MS. VAN GEEL:

The draft of the letter Chair Manendo passed out to the Committee is addressed to the chair of the Legislative Committee on Public Lands. Another appropriate committee could be determined when the Legislative Commission appoints the

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interim committees, probably in September 2011. I will now read the letter, [Exhibit H](#).

SENATOR RHOADS:

You made an excellent suggestion to have the Legislative Committee on Public Lands be the vehicle to discuss this further, especially with the federal agencies.

CHAIR MANENDO:

A final copy of the letter will be available to all Committee members and interested parties. Senator Rhoads, Senate Concurrent Resolution 9 is exempt from the deadline.

SENATE CONCURRENT RESOLUTION 9: Expresses opposition to the location of a proposed wind power project on Mount Wilson and Table Mountain.
(BDR R-1286)

REBECCA HILTON:

I appreciate your proposal because this needs to be looked at in detail.

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CHAIR MANENDO:

There being no further business, the Senate Committee on Natural Resources is adjourned at 4:11 p.m.

RESPECTFULLY SUBMITTED:

Sandra Hudgens,
Committee Secretary

APPROVED BY:

Senator Mark A. Manendo, Chair

DATE: _____

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 322	C	Assemblywoman Maggie Carlton	Written Testimony
A.B. 322	D	Assemblywoman Maggie Carlton	Excerpts from Minutes of Assembly meeting of March 31, 2011
A.B. 322	E	Michelle Van Geel	Work Session Document
A.J.R. 5	F	Michelle Van Geel	Work Session Document
A.B. 329	G	Senator Mark A. Manendo	Written Remarks on A.B. 329
A.B. 329	H	Senator Mark A. Manendo	Draft of a letter to the Legislative Committee on Public Lands