

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

**Seventy-sixth Session
April 1, 2011**

The Senate Committee on Natural Resources was called to order by Chair Mark A. Manendo at 3:24 p.m. on Friday, April 1, 2011, 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 Mark A. Manendo, Chair
Senator David R. Parks, Vice Chair
Senator John J. Lee
Senator Dean A. Rhoads
Senator Michael Roberson

GUEST LEGISLATORS PRESENT:

Senator James A. Settelmeyer, Capital Senatorial District

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Judy Stokey, NV Energy
Larry Bennett, US Ecology Lake Point Central
Doug Busselman, Nevada Farm Bureau

CHAIR MANENDO:

Today we will have a work session on Senate Joint Resolution (S.J.R.) 3.

SENATE JOINT RESOLUTION 3: Urges Congress to enact legislation to require the Secretary of the Interior to convey ownership of certain land to the State of Nevada to help fund education. (BDR R-90)

MICHELLE VAN GEEL (Policy Analyst):

The resolution was heard by this Committee on Wednesday, March 30, 2011. The resolution notes that because the federal government manages and controls an extensive amount of land in the State, Nevada is adversely affected in its ability to provide a quality education to its residents. No amendments were offered on the resolution as outlined in the work session document ([Exhibit C](#)).

SENATOR PARKS MOVED TO DO PASS S.J.R. 3

SENATOR LEE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR MANENDO:

We will assign this bill to Senator Roberson. We will now open the work session on S.J.R. 4.

SENATE JOINT RESOLUTION 4: Urges Congress to take certain actions concerning federal public lands in Nevada. (BDR R-212)

MS. VAN GEEL:

This resolution was heard by the Committee on March 23, 2011. The resolution notes that Nevada has an abundance of natural and renewable resources that are located on public lands managed and controlled by the federal government. The resolution urges Congress to ensure that the public lands in Nevada which are managed and controlled by the federal government remain open to multiple uses. The resolution also urges Congress to enact legislation ensuring the State and the affected local governments in Nevada receive a portion of the revenue received by the federal government for activities conducted on the federal public lands in Nevada, including the reinstatement of federal laws and policies whereby local governments receive appropriate rents and royalties for activities

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that generate electricity from geothermal resources. No amendments were offered on the resolution as outlined in the work session document ([Exhibit D](#)).

SENATOR RHOADS MOVED TO DO PASS S.J.R. 4.

SENATOR LEE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

CHAIR MANENDO:

We will assign this bill to Senator Rhoads. We will now consider S.J.R. 8.

SENATE JOINT RESOLUTION 8: Urges the Federal Government and certain other governmental entities to expedite and streamline the requirements for conducting mining operations in this State. (BDR R-1035)

MS. VAN GEEL:

This resolution was heard by the Committee on March 23, 2011. The resolution notes Nevada has vast deposits of minerals located throughout the State and that mining is one of the larger industries in the State. The resolution observes that mining operations are highly regulated by numerous governmental entities at the State and federal levels of government. The resolution urges the federal government and each governmental entity in the State that regulates the activities of mining operations in the State to expedite and streamline the procedure for obtaining permits and complying with any other requirement for conducting those mining operations in this State. When the bill was heard, the mock-up version of the resolution was presented by Senator Rhoads.

SENATOR RHOADS:

This proposed amendment clarifies what other minerals are included in the resolution as outlined in the work session document ([Exhibit E](#)).

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SENATOR RHOADS MOVED TO AMEND AND DO PASS AS AMENDED
S.J.R. 8.

SENATOR LEE SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR MANENDO:
We will assign this bill to Senator Rhoads.

We will now consider Senate Bill 120.

SENATE BILL 120: Revises provisions governing the Committee on High-Level
Radioactive Waste. (BDR 40-248)

MS. VAN GEEL:
This bill was heard by the Committee on February 23, 2011. The bill expands the scope of the Committee on High-Level Radioactive Waste to include the study and evaluation of other policies relating to the disposal of low-level radioactive waste, transuranic waste, spent nuclear fuel, certain other radioactive materials, and hazardous waste. The bill would also change the name of the Committee to the Committee on Radioactive Waste and Hazardous Waste.

There was an amendment that was offered by Larry Bennett, President of Larry Bennett and Associates, as outlined in the work session document ([Exhibit F](#)). Our Legal Counsel, Charity Fowler, prepared the mock-up you have today. It would remove all references to the term "hazardous waste" that were in the bill.

CHAIR MANENDO:
We did hear testimony on February 23, 2011. We will open the floor for public comment at this time.

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JUDY STOKEY (NV Energy):

I am here in support of the amendment that was offered by Mr. Bennett.

LARRY BENNETT (US Ecology Lake Point Central):

We support the amendment as shown in your work session documents.

SENATOR RHOADS MOVED TO AMEND AND DO PASS AS AMENDED
S.B. 120

SENATOR LEE SECONDED THE MOTION.

SENATOR LEE:

I sit on the Committee on High-Level Radioactive Waste. It would not be appropriate to include hazardous waste to the charge of that committee. That committee should continue to do the diligent work it has been doing.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR MANENDO:

Senator Lee will handle this bill. We will now consider S.B. 309.

SENATE BILL 309: Authorizes a person to remove from his or her property an animal for which he or she has, by contract, provided care and shelter under certain circumstances. (BDR 50-703)

SENATOR JAMES A. SETTELMAYER (CAPITAL SENATORIAL DISTRICT):

The bill pertains to removal of animals after a contract is completed. In Nevada law, if one rents a storage unit and ceases to pay the rent, there are provisions to deal with the property left in the unit. If one has a gym locker, there are provisions to deal with property left in it. There are landlord-tenant laws that dictate the disposition of property left behind when tenants vacate property.

The issue before us is what to do with an animal. I had a constituent renting a space on her land for keeping a horse. That contract ended because the renter stopped abiding by the terms of the rental contract. The renter stopped clearing

manure from the stall and eventually quit feeding the horse. The property owner took it upon herself to feed the horse and attempted to collect reimbursement from the renter. The property owner contacted the local constable, Paul Gilbert. Mr. Gilbert had to tell the property owner that there were no remedies in law for the situation.

Another similar situation occurred in Washoe County. An individual owned 250 cows and kept them on rented property. He quit feeding them. The property owner started feeding the cows and tried to collect reimbursement from the owner of the cows. He was unable to do so because there is no remedy in law for this situation. This bill seeks to provide such a remedy. Given the current economy, these type of situations may occur more frequently.

SENATOR LEE:

If you notify the person, he has 14 days from the postmark of the notice to respond. In that time period, the property owner continues to feed the animal. If the animal owner comes on the 13th day, then the property owner loses the costs incurred during that time. This bill requires no retroactive payment.

SENATOR SETTELMAYER:

It comes to the point where contractual negotiations are no longer working, and there is a disagreement between the two parties. Realistically, the property owner wants the animal owner and the animals to vacate. The problem occurs when the animal owner refuses to leave, which causes a hardship for the property owner.

SENATOR LEE:

In that case, if the property owner sells the animal for \$500 and has incurred \$100 in expenses, is the property owner bound to give the \$400 to the animal owner?

SENATOR SETTELMAYER:

Yes. The intent is that there should be no unjust enrichment. We borrowed language in *Nevada Revised Statutes* that related to similar cases where personal property was concerned.

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DOUG BUSSELMAN (Nevada Farm Bureau):

We support this bill. It provides protection for the property owner and resolves the issue with a succinct and achievable remedy that does not further complicate the situation.

CHAIR MANENDO:

There being no further public comment on S.B. 309, the hearing is now closed. There being no further business before the Committee, the meeting is adjourned at 3:43 p.m.

RESPECTFULLY SUBMITTED:

Leslie Sexton,
Committee Secretary

APPROVED BY:

Senator Mark A. Manendo, Chair

DATE: _____

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.J.R. 3	C	Michelle Van Geel	Work Session Document
S.J.R. 4	D	Michelle Van Geel	Work Session Document
S.J.R.8	E	Michelle Van Geel	Work Session Document
S.B. 120	F	Michelle Van Geel	Work Session Document