

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

**Seventy-Seventh Session
May 16, 2013**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Skip Daly at 2:27 p.m. on Thursday, May 16, 2013, in Room 3161 of the Legislative Building, 401 S. Carson St., 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 nelis.leg.state.nv.us/77th2013. 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 Skip Daly, Chair
Assemblyman Paul Aizley, Vice Chair
Assemblyman Paul Anderson
Assemblyman Richard Carrillo
Assemblywoman Lesley E. Cohen
Assemblyman John Ellison
Assemblyman Ira Hansen
Assemblyman James W. Healey
Assemblyman Pete Livermore
Assemblywoman Heidi Swank
Assemblyman Tyrone Thompson
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Michael Roberson, Clark County Senatorial District No. 20



STAFF MEMBERS PRESENT:

Amelie Welden, Committee Policy Analyst
Randy Stephenson, Committee Counsel
Cheryl Williams, Recording Secretary
Ashlynd Baker, Committee Assistant

OTHERS PRESENT:

John P. Sande III, representing Western States Petroleum
Wayne Seidel, Administrator, Motor Carrier Division, Department of
Motor Vehicles
Brett J. Scolari, representing Bio Diesel of Las Vegas, Inc.

Chair Daly:

[Roll was called. Rules and protocols were explained.]

We will be doing a work session today. There is one bill we will not do, which is Senate Bill 245 (1st Reprint). We may or may not take them out of order. The only other bill that may be held over for a later meeting is Senate Bill 399 (1st Reprint). We may get it done today. I know everyone has other things to do this afternoon, including myself.

We will begin with Senate Bill 72 (1st Reprint).

Senate Bill 72 (1st Reprint): Makes various changes concerning cruelty to animals. (BDR 50-114)

Amelie Welden, Committee Policy Analyst:

[Ms. Welden read an explanation of the bill and proposed amendment from the work session document ([Exhibit C](#)).]

You may remember that there was an amendment proposed at the hearing by Senator Manendo and Assemblywoman Flores. Further changes have been suggested since then. There is a mock-up available as part of the work session document for Senate Bill 72 (1st Reprint). This mock-up was prepared at the direction of the Chair.

Chair Daly:

We are going to try not to take any more clarifying testimony from the audience unless someone has a specific question that I cannot answer. The way it is written is very narrow. It is not intended to, and actually does not, affect any other events that do not include the roping of the legs of a horse. If you were

not required to get a permit before, you are not required to do so under this bill. If we are going to require a permit to be obtained, it does require that the local government make a permit available. There is a provision that does not override a county ordinance, but it says if people have to get a permit, the county has to make one available, and if the local government has an ordinance that is more restrictive, you have to give them the permit if they apply and they will comply with everything else.

I will accept a motion to amend and do pass as presented in the mock-up.

ASSEMBLYWOMAN SWANK MOVED TO AMEND AND DO PASS
SENATE BILL 72 (1ST REPRINT).

ASSEMBLYWOMAN COHEN SECONDED THE MOTION.

Chair Daly:

Are there any questions or comments?

Assemblyman Ellison:

I addressed my concerns to you previously. I will be voting no on this bill. Although you have worked hard on the proposed amendments, I still have some problems with the bill based on reality.

Assemblyman Hansen:

Having had a lot of communication with some Mexican rodeo people, and having done a little homework in the meantime on this bill, I think this was really a convenient target, in that I do not think anyone here has ever seen a Mexican rodeo. This is actually an art and we are talking about very valuable horses. I do not think they are intentionally harming these animals. I believe it is extremely exaggerated. Without having been to an American rodeo, if you were to look at the examples they give of calf roping on those same websites, you would definitely think that the American rodeo should be outlawed. Even though I agree this has been completely watered down to almost nothing, I am going to vote no on principle. I think this is an attempt at appeasement and it is not going to work. I think we have singled out a group that has been unfairly labeled, simply because of our own lack of visitation to a Mexican rodeo.

Chair Daly:

In order to clarify things before we actually take the vote, I will go through what the bill does.

The definition of horse tripping is the same definition that was presented in the amendment when we heard the bill. All we have done is move it to the front, into the definition sections where it belongs.

Section 1, subsection 5 has almost exactly the same language that was presented for paragraphs (a) and (b), although there was some language added about other compensation other than a fee for attendance. In addition, it states an event cannot be organized that includes a horse-roping event unless a permit is obtained under subsection 5. The person shall not have the event without getting the permit. When we require the permit, we then have to tell the cities and counties that if we are going to require a permit to have an event that includes roping the legs of a horse in a rope and release fashion, they have to give them the permit if they apply. If there is an ordinance that is more restrictive than the state law and they comply with everything else, notwithstanding those provisions, the city or county has to give them the permit so they can have their event. If they do not get the permit, they are in violation of the law. If they actually trip a horse in any fashion on purpose, they are in violation. If they get the permit for an event that ropes the legs of a horse and then release it, and there is an accident at that event, they get the same relief as a regular rodeo or livestock show.

Essentially, that is what the bill does. There was a lot of work done on this. I have spoken with the counties and the commissioners in Clark County. Some agree and some do not. I think this will work. It is very narrow. It will not affect any traditional rodeo, livestock show, et cetera, unless there is an event that includes the roping of the legs of a horse. In that case, you can get a permit and you can do it. However, you cannot intentionally trip.

Are there any further questions from the Committee? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN ELLISON, WHEELER,
AND HANSEN VOTED NO.)

Chair Daly:

I will assign the floor statement to myself. We will move to Senate Bill 73.

Senate Bill 73: Revises provisions relating to cruelty to animals. (BDR 50-55)

Amelie Welden, Committee Policy Analyst:

[Ms. Welden read an explanation of the bill from the work session document ([Exhibit D](#)).]

You may remember, testimony indicated these revisions better reflect the intent of Senate Bill No. 223 of the 76th Session.

Chair Daly:

There were no amendments on this bill. As Ms. Welden said, this is just to clarify the original intent of the bill.

I will accept a motion to do pass.

ASSEMBLYMAN PAUL ANDERSON MOVED TO DO PASS
SENATE BILL 73.

ASSEMBLYMAN CARRILLO SECONDED THE MOTION.

Chair Daly:

Are there any comments or questions?

Assemblyman Hansen:

I want to make sure that the record does reflect the confidentiality factor. We had a long discussion of the potential of someone abusing this; in other words, if one neighbor is mad at another neighbor and makes a phony case that he is abusing his dog. There is a due process protection factor.

Chair Daly:

Yes. As I recall, those questions were asked to law enforcement that were here that day. When there is an active investigation, they do not disclose the name of the person who complained. The only time that would come forward is if there is an actual prosecution, as I recall.

Are there any other questions? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

Chair Daly:

I will assign the floor statement to Assemblywoman Swank. We will move to Senate Bill 82 (1st Reprint).

Senate Bill 82 (1st Reprint): Urges the Board of Wildlife Commissioners to review the hunting of black bears. (BDR S-409)

Amelie Welden, Committee Policy Analyst:

[Ms. Welden read an explanation of the bill and proposed amendment from the work session document ([Exhibit E](#)).]

I did go through a little bit more detail on the bill summary when we discussed the bill on Tuesday, so I will not go through all of that now. However, you may remember an amendment was still under discussion at that time. There is a mock-up attached to today's work session document that shows the results of that discussion. It was an amendment prepared at the direction of the Chair with input from the Board of Wildlife Commissioners, as well as Nevada Political Action for Animals.

The amendment changes language in subsection 3 of section 11.7. [Ms. Welden read from the proposed amendment ([Exhibit E](#)).]

Chair Daly:

I do know that the amendment came late and I hope people had a chance to review it. This is the one we had on work session the other day. We did take additional clarification testimony from the Board of Wildlife Commissioners and Ms. Schwamberger. Those parties agree that this language meets both of their goals in a better fashion.

I will accept a motion to amend and do pass with the proposed amendment.

ASSEMBLYMAN THOMPSON MOVED TO AMEND AND DO PASS
SENATE BILL 82 (1ST REPRINT).

ASSEMBLYWOMAN COHEN SECONDED THE MOTION.

Chair Daly:

Are there any questions or comments?

Assemblyman Hansen:

Having been involved with this since the beginning, the only thing about this that disturbs me is there is somewhat of a sense that the Department of Wildlife (NDOW), in its efforts to establish the season, did not already have productive and meaningful conversations. They went out of their way to work with every single possible party and came up with this hunt. No matter what they do, including shutting down the entire Tahoe Basin as a compromise, they have been unable to completely satisfy the opponents to this hunt. All this is doing is, in effect, keeping open a wound that should have been healed by the fact that the hunt went forward successfully, all the things NDOW said would happen have happened, there have been no horror stories, and they do a yearly analysis of these hunts anyway. It does not hurt anything to do this. There are people who will not accept the scientific evidence that NDOW has brought forward. The scientific evidence is overwhelmingly clear that this hunt was perfectly legitimate and now we are going to rehash the whole thing again.

I am voting no on this, simply because this has already been done. The department has done an excellent job, the commission has done an excellent job, the hunt went forward successfully, and here we are again. Next session, you watch, we will be back talking about it again.

Chair Daly:

Are there any other questions, comments, or concerns from the Committee? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN ELLISON AND HANSEN VOTED NO.)

I will assign the floor statement to Assemblyman Thompson. We will move to Senate Bill 133 (1st Reprint).

Senate Bill 133 (1st Reprint): Requires the State Engineer to allow a county to participate in an advisory capacity in the development and implementation of a plan relating to the appropriation of water for beneficial use under certain circumstances. (BDR 48-631)

Amelie Welden, Committee Policy Analyst:

[Ms. Welden read an explanation of the bill from the work session document ([Exhibit F](#)).]

Chair Daly:

I will accept a motion to do pass.

ASSEMBLYMAN CARRILLO MOVED TO DO PASS
SENATE BILL 133 (1ST REPRINT).

ASSEMBLYMAN ELLISON SECONDED THE MOTION.

Chair Daly:

Are there any comments or questions? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

Chair Daly:

I will assign the floor statement to Assemblyman Ellison. We will move to Senate Bill 134 (1st Reprint).

Senate Bill 134 (1st Reprint): Revises provisions governing animals. (BDR 48-249)

Amelie Welden, Committee Policy Analyst:

[Ms. Welden read an explanation of the bill from the work session document ([Exhibit G](#)).]

Chair Daly:

I will accept a motion to do pass.

ASSEMBLYMAN WHEELER MOVED TO DO PASS
SENATE BILL 134 (1ST REPRINT).

ASSEMBLYMAN ELLISON SECONDED THE MOTION.

Chair Daly:

Are there any comments or questions? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

Chair Daly:

I will assign the floor statement to Assemblyman Wheeler. We will move to Senate Bill 181 (1st Reprint).

[Senate Bill 181 \(1st Reprint\):](#) Revises provisions relating to fishing.
(BDR 45-178)

Amelie Welden, Committee Policy Analyst:

[Ms. Welden read an explanation of the bill from the work session document ([Exhibit H](#)).]

Chair Daly:

I will accept a motion to do pass.

ASSEMBLYMAN THOMPSON MOVED TO DO PASS
SENATE BILL 181 (1ST REPRINT).

ASSEMBLYWOMAN SWANK SECONDED THE MOTION.

Chair Daly:

Are there any comments or questions? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

Chair Daly:

I will assign the floor statement to Assemblywoman Cohen. We will move to Senate Bill 213 (1st Reprint).

Senate Bill 213 (1st Reprint): Revises certain provisions relating to trapping. (BDR 45-450)

Amelie Welden, Committee Policy Analyst:

[Ms. Welden read an explanation of the bill and proposed amendments from the work session document ([Exhibit I](#)).]

Chair Daly:

As you recall, there was an amendment from the original bill. Like many pieces of legislation, not everyone was happy. We did not touch the visitation portion that came over from the Senate. We did refine some of the provisions regarding letting someone else borrow the trap, the letter requirements, and how we are going to mark the traps for registration. With discussion, the trappers and the Board of Wildlife Commissioners wanted to leave that to themselves in a regulation. The important point is they will be registered. How that is going to be done will be left to the Board of Wildlife Commissioners. I did speak with the sponsor of the bill yesterday and he seemed to be okay with it all.

I will accept a motion to amend and do pass with the first amendment.

ASSEMBLYWOMAN SWANK MOVED TO AMEND AND DO PASS
SENATE BILL 213 (1ST REPRINT).

ASSEMBLYWOMAN COHEN SECONDED THE MOTION.

Chair Daly:

Are there any comments or questions?

Assemblyman Hansen:

The registration is really what we are dealing with here. This was started by the trappers themselves, at their request in 1979. It stayed that way until 1995, when I actually had it amended from "shall" to "may." That was because of some abuses that occurred. The Legislature agreed with me, so this requirement has been in place since 1995.

I had extensive conversations with Senator Ford before any of the hearings. What we have in front of us today is pretty much what he and I discussed. Most of the Committee members may not know this, but I have been a trapper since I was 14 years old. It has been an important part of my livelihood.

I buttoned up on this for a variety of reasons. The bill, as it is, still has some weaknesses, so I am going to vote no on principle. Frankly, from where it was to where it is now, it is 99 percent better than what it could have been. Thank you, Chair Daly, for allowing me to be involved in some of those things. I think we have it down to where it is minimally harmful.

Chair Daly:

That is probably the nicest thing he has ever said about me, that it is better than it was.

Assemblyman Wheeler:

Looking at the policy, the Department of Agriculture is part of this policy. I am seeing there is still a \$2 million fiscal note, or has that been taken out by the amendment?

Chair Daly:

I believe it was taken out with the amendments on the Senate side. Ms. Welden thinks I am correct.

Assemblyman Wheeler:

I will be voting yes, but I would like to reserve the right to change my vote on the floor.

Assemblyman Ellison:

I talked to some of the people who worked on this very hard. They spent a lot of time back and forth out of my office. I really appreciated it, but I still have some problems with the bill. I have worries about what this bill could create in the future. I really appreciate the people who spent the time to work with me on this. I will be voting no on the bill.

Chair Daly:

Are there any other comments or questions? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN ELLISON AND HANSEN
VOTED NO.)

Chair Daly:

I will assign the floor statement to Assemblyman Healey. We will move to Senate Bill 371 (1st Reprint).

Senate Bill 371 (1st Reprint): Prohibits a person from intentionally feeding any big game mammal under certain circumstances. (BDR 45-838)

Amelie Welden, Committee Policy Analyst:

[Ms. Welden read an explanation of the bill from the work session document ([Exhibit J](#)).]

Chair Daly:

I will accept a motion to do pass.

ASSEMBLYMAN WHEELER MOVED TO DO PASS
SENATE BILL 371 (1ST REPRINT).

ASSEMBLYMAN ELLISON SECONDED THE MOTION.

Chair Daly:

Are there any comments or questions? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

Chair Daly:

We will move to Senate Joint Resolution 9.

Senate Joint Resolution 9: Urges the Director of the Bureau of Land Management to expedite the process for approving special recreation permits for certain uses of federal public lands in Nevada. (BDR R-1008)

Amelie Welden, Committee Policy Analyst:

[Ms. Welden read an explanation of the resolution and proposed amendment from the work session document ([Exhibit K](#)).]

Chair Daly:

I do want to thank Senator Jones for helping us with the amendment. I do believe it will be passed out of Committee. It may not be unanimous, but it is my intent to have it come out.

I will accept a motion to amend and do pass with the proposed amendment.

ASSEMBLYMAN HEALEY MOVED TO AMEND AND DO PASS
SENATE JOINT RESOLUTION 9.

ASSEMBLYMAN PAUL ANDERSON SECONDED THE MOTION.

Chair Daly:

Are there any comments or questions? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN DALY AND SWANK
VOTED NO.)

Chair Daly:

I will assign the floor statement to Assemblyman Paul Anderson. We will move to Senate Joint Resolution 14.

Senate Joint Resolution 14: Urges Congress to enact the Lyon County Economic Development and Conservation Act. (BDR R-1114)

Amelie Welden, Committee Policy Analyst:

[Ms. Welden read an explanation of the resolution from the work session document ([Exhibit L](#)).]

Chair Daly:

I will accept a motion to do pass.

ASSEMBLYMAN LIVERMORE MOVED TO DO PASS
SENATE JOINT RESOLUTION 14.

ASSEMBLYMAN WHEELER SECONDED THE MOTION.

Chair Daly:

Are there any comments or questions? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

Chair Daly:

I will assign the floor statement to Assemblyman Grady. We will move to Senate Joint Resolution 1 (1st Reprint).

Senate Joint Resolution 1 (1st Reprint): Expresses support for wild horses and burros in Nevada. (BDR R-115)

Amelie Welden, Committee Policy Analyst:

[Ms. Welden read an explanation of the resolution from the work session document ([Exhibit M](#)).]

Chair Daly:

I will accept a motion to do pass.

ASSEMBLYMAN WHEELER MOVED TO DO PASS
SENATE JOINT RESOLUTION 1 (1ST REPRINT).

ASSEMBLYWOMAN COHEN SECONDED THE MOTION.

Chair Daly:

Are there any comments or questions?

Assemblyman Hansen:

For the record, I did ask for an amendment, or at least a statement, that we at least get the herd management areas down to the level that is required under federal law. That amendment did not go forward. We have almost double the number of wild horses in Nevada than is actually supposed to be here. The federal government has failed to adequately manage those herds.

I also think the record should reflect that wild horses in Nevada are feral livestock. They are not native to the state. When we say things like they are an integral part of the ecosystem, it is inaccurate. They are not. I am voting no on this. There are some positive things to it and there are some economic things that people can do. However, I think we need to recognize that feral horses, because of the failure to adequately manage them, have actually done tremendous harm to the ranges of this state.

Assemblyman Wheeler:

The Senate passed Assembly Bill 264 out of the Senate Committee on Natural Resources. Included in that bill was an amendment that we made for the management of feral and stray horses in the Virginia Range.

I am wondering if we could not also use this to urge the U.S. Department of the Interior's Bureau of Land Management (BLM) to enter into cooperative agreements for the management of the horses on the federal ranges as well, which would take care of the problem Assemblyman Hansen just voiced, and also the fears of some of our horse groups here.

Assemblyman Ellison:

I probably know as much about wild horses as anyone in this room. I gathered them for years as a kid. I have seen these horses starve to death for lack of food and water because of the way they are managed. I am going to vote yes on this, but I would like to reserve my right to change my vote on the floor. I would like to see the other bill. This is only a resolution, which does not mean a lot. The problem is we are sending the wrong signal.

Assemblyman Wheeler:

Is there a way to amend this to include an urging of the BLM and the federal government to enter into cooperative agreements with local wild horse advocacy groups?

Chair Daly:

There is always a way, Assemblyman Wheeler. However, we can talk about that afterward. The protocol would be to speak to the sponsor. I do not think the sponsor is open to that. It is a resolution. You are probably not going to get the support you need in order to go forward. I would talk to the sponsor of the bill to see if there is any appetite for that. As someone said, resolutions are like letters to Santa. They do have some effect. I am personally not in support of this. I did tell the sponsor that if I have to vote to get it out of Committee, I would. I understand what you are saying. I have the same concerns that Assemblymen Ellison and Hansen stated. I do not dislike it enough to say I am not going to have a hearing or pass it out of Committee.

Assemblyman Hansen:

Asking BLM and the wild horse advocacy groups to go into a cooperative arrangement is like asking the pro-bear hunt people and the anti-bear hunt people to cooperate. I think we had better not go down that road because it will not work in a cooperative fashion. As Chair Daly said, this is a letter to Santa, but regardless, I think we should be sending in a letter to Santa a request that the government do, by their own laws, what they are supposed to do.

Chair Daly:

Are there any further comments or questions? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN HANSEN AND DALY
VOTED NO.)

Chair Daly:

We will move to Senate Bill 399 (1st Reprint). This bill is going to take a little bit of explanation. I am sorry about the late hour on this, but there is a second amendment on the Nevada Electronic Legislative Information System (NELIS) from Mr. John Sande ([Exhibit N](#)). We want to get some clarification from the Department of Motor Vehicles. This is an area of the law with which most of us are probably not that familiar. We want to make sure if it comes out of here, the policy works, the proper pieces of language are in the proper sections of the law, that we have met the scientific definitions we are talking about in this bill, and that we have a record specific enough so that the drafters can get the language correct to get a final rewrite on this.

**Senate Bill 399 (1st Reprint): Revises provisions relating to special fuels.
(BDR 51-1052)**

Amelie Welden, Committee Policy Analyst:

[Ms. Welden read an explanation of the bill and the amendment from the work session document ([Exhibit O](#)).]

There is a mock-up attached to the work session document, and there is a separate amendment ([Exhibit N](#)), as well.

Chair Daly:

If the Committee does not feel comfortable after we get the explanation, we can come back later tomorrow to make sure we get this right. Let me just say, and Mr. Stephenson can correct me if I am wrong, but the amendment attached to the work session document ([Exhibit O](#)) is the mock-up that Legal worked on with the Department of Motor Vehicles (DMV), with all of the definitions. Although it seems a little confusing, it can be used as motor fuel under *Nevada Revised Statutes* (NRS) 366.022, including kerosene and various things. Any other fuel is in a different chapter. The definitions of the specific fuels are in the chapter where we define what they are and they do not need to be in the tax section of the law. One of them has the definitions and the other one with the tax portion is the part DMV is concerned with. The new sections are the ones that Mr. Sande got to us late that will add a new definition into the definition sections and also be taxed at the same rate.

There is a further complication, from what I was told just before Committee, which is the conversion from gallons to pounds. In one area, they are required to sell it by the pound but we tax it by the gallon, so DMV makes that conversion. Mr. Seidel and Mr. Sande will make sure I did not miss anything.

John P. Sande III, representing Western States Petroleum:

I was very fortunate to get in contact with an expert from Chevron Corporation because this is an area that is constantly changing. This has also been approved by three other major oil companies. This is what they are doing in other states, and that has to do with the biodiesel definitions and renewable diesel. They say they now call renewable diesel "biomass-based diesel." There are two definitions on the first page of the draft we sent out. The definition was agreed upon by everyone; the proponent of the bill, as well as everyone else. This will put us at the top as far as having the best definition of biodiesel and biomass-based diesel. The other changes I will leave to DMV.

Wayne Seidel, Administrator, Motor Carrier Division, Department of Motor Vehicles:

We have reviewed that and, again, we are not the experts, but the definitions seem very reasonable to American Society for Testing and Materials (ASTM) and make sense. "Renewable" is a very generic term, just as "green" is. We believe they are correct and we will let the Legislative Counsel Bureau (LCB) review that and incorporate it into the bill.

The other thing brought forward from Chevron is that they sell in pounds and, per *Nevada Administrative Code* (NAC) Chapter 590, they are required to sell in pounds. We get their monthly reports and they report to us in pounds. We convert it to gallons and then we charge the 27-cent tax. They collect and get their 2 percent.

For clarification, we have no problem changing "renewable diesel" to "biomass-based diesel." Under section 3.5 of the amendment, where we have the new 126.67 cubic feet, we would like to add the word "compressed" before the words "natural gas." We would like to delete "liquid petroleum gas" and add the 5.660 pounds. It should read, "126.67 cubic feet of natural gas or 5.660 pounds shall be deemed to equal one gallon of special fuel." That clears that up and I believe it works for both parties and would be acceptable.

Strictly for cleaning up the section, the emulsion of water phased-hydrocarbon fuels have not been produced or sold in Nevada for almost 14 years. That could be deleted in two places, lines 14 and 15 of page 3, as well as page 2, lines 40 and 41 ([Exhibit O](#)).

That is all from the DMV to clean it up.

Chair Daly:

I just have one comment and I know there are a couple of questions. I need to follow up with the sponsor. I know that is going to be one of questions someone is going to ask. We want to make sure we get this right. I would like to hear from an expert from the State Department of Agriculture, since they are the ones who are doing this. The Department of Motor Vehicles is the expert in collecting the tax, they should be the experts on what the definitions would be, or at least have some ability to help us. I know it is only Thursday and we have tomorrow, but if the people who want this are not more timely about being here in the building to meet with Legal staff, working with me and through me, to get a clean copy of this, this bill may be in trouble. We do not know what is going to happen before the deadline.

Just because the fuel has not been sold here in 14 years, it still can be sold. I do not know if we want to get rid of the definition or the associated fee that may go with it. Someone may renew or revitalize the fuel, so I do not know if we need to do that. Do you have any comments on that?

Wayne Seidel:

I would defer to the Committee, the Chairman, and LCB.

Chair Daly:

If my staff is listening, I want to get someone from the State Department of Agriculture to help us. We do think we can get this done and get it done quickly. I will make our staff available, but only if you guys have the information available.

Assemblyman Healey:

Is the sponsor of the bill good with all of these amendments?

Wayne Seidel:

We have been working with Mr. Higgins, who has been the point person for Senator Kihuen. I believe his representative is here to follow up and fill you in.

Brett J. Scolari, representing Bio Diesel of Las Vegas, Inc.:

I am testifying on behalf of Sean Higgins today. Our client and Mr. Higgins have both reviewed the amendment proposed by Mr. Sande ([Exhibit N](#)) and the clarifications by the department. We are good with all of those.

Assemblyman Healey:

You are good with the changes, but is the sponsor good with them?

Brett Scolari:

I cannot speak for the sponsor of the bill, but he has given us the reins of this bill, as the primary proponent, to see it through. I am not sure if he has been in the loop on all of these clarifications. Maybe Mr. Sande knows that. I can at least deliver the message from our client, who has been the primary proponent of the bill.

Assemblyman Wheeler:

I am trying to clarify something here. On page 3 of the amendment, Section 3, subsection 1, it looks like you are adding the 27-cents-per-gallon tax back in that was taken out in the original amendment. Is that correct?

Wayne Seidel:

That is correct, Assemblyman Wheeler. This is so we get everything that runs on the highway.

Assemblyman Wheeler:

Thank you. You just lost my vote.

Chair Daly:

When I talked to the sponsor, it is my understanding that he was okay with the amendment, but we will double-check. We do want to make sure on that. My understanding on the tax, as well, is that these are existing taxes and there is nothing being changed. We have had several discussions on the amendments and the various things we are adding in to see if it was a new tax. We have been told by Legal it is not and does not require the two-thirds vote. I asked the same question, if it was going to require a two-thirds vote for these changes, but Legal told me no.

What I want to try to do is get this information. I think we have told the people who are interested in this, including Senator Kihuen, that we have one more day. We are going to recess this Committee meeting, so I need everyone to get together to get these changes in writing so the Committee can look at them, be comfortable with them, and make sure we have the definitions where the definitions belong, and that there is no issue with the tax, which you may feel free to follow up on, Assemblyman Wheeler, so we can move forward.

Are there any further questions from the Committee? [There were none.] You have the orders and the ball is in your court if it does not get done.

We are going to pull back S.B. 399 (R1) at this time. That concludes our work session. I will take any comments from the public.

Senator Michael Roberson, Clark County Senatorial District No. 20:

I am a member of the public and I represent Clark County. I see seven other representatives from Clark County on this Committee. I would just ask that you hear Senate Bill 245 (1st Reprint), which affects public safety in Clark County. It is a very simple bill, it is not controversial, it is functional home rule, and it lets every county govern themselves with regard to wild, captive animals. I simply ask that either today or tomorrow you take a vote on S.B. 245 (R1).

Chair Daly:

Are there any questions from the Committee on public comment? [There were none.]

Senate Bill 245 (1st Reprint): Enacts provisions relating to captive wild animals.
(BDR 20-161)

[Not heard in work session.]

[This meeting of the Assembly Committee on Natural Resources, Agriculture and Mining recessed at 3:30 p.m.]

[This meeting of the Assembly Committee on Natural Resources, Agriculture and Mining reconvened at 4:12 p.m., May 17, 2013.]

Chair Daly:

We have one bill on work session, which is Senate Bill 399 (1st Reprint). There was some discussion yesterday and we think it is ready. Committee members should have the work session document with the attached mock-up (Exhibit P). I have heard from the State Department of Agriculture, the Department of Motor Vehicles, and from Mr. Higgins, who said no good deed goes unpunished. I believe we have the issues worked out on renewable biomass diesel and diesel blend issues.

I will accept a motion to amend and do pass with the mock-up.

ASSEMBLYWOMAN SWANK MOVED TO AMEND AND DO PASS
SENATE BILL 399 (1ST REPRINT).

ASSEMBLYMAN PAUL ANDERSON SECONDED THE MOTION.

Chair Daly:

Are there any questions or comments from Committee members? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

Chair Daly:

I will open the microphones for public comment. [There was none.] We are in recess again to the call of the Chair [at 4:15 p.m.].

[This meeting of the Assembly Committee on Natural Resources, Agriculture and Mining reconvened at 1:10 p.m., May 20, 2013.]

Chair Daly:

We need to have a Committee bill draft request (BDR) introduced. I will entertain a motion to introduce BDR R-207.

BDR R-207—Urges the Office of the Governor to include the Legislature's continued involvement in considering the potential economic impact of listing the sage-grouse as an endangered species. (Later introduced as [Assembly Concurrent Resolution 7.](#))

ASSEMBLYWOMAN SWANK MOVED TO INTRODUCE BDR R-207.

ASSEMBLYMAN CARRILLO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Daly:

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

Meeting adjourned [at 1:12 p.m., May 20, 2013].

RESPECTFULLY SUBMITTED:

Cheryl Williams
Recording Secretary

RESPECTFULLY SUBMITTED:

Lori McCleary
Transcribing Secretary

APPROVED BY:

Assemblyman Skip Daly, Chair

DATE: _____

EXHIBITS

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

Date: May 16, 2013

Time of Meeting: 2:27 p.m.

| Bill | Exhibit | Witness / Agency | Description |
|------------------|----------------|--|--|
| | A | | Agenda |
| | B | | Attendance Roster |
| S.B. 72 (R1) | C | Amelie Welden, Committee Policy Analyst | Work session document |
| S.B. 73 | D | Amelie Welden, Committee Policy Analyst | Work session document |
| S.B. 82 (R1) | E | Amelie Welden, Committee Policy Analyst | Work session document |
| S.B. 133 (R1) | F | Amelie Welden, Committee Policy Analyst | Work session document |
| S.B. 134 (R1) | G | Amelie Welden, Committee Policy Analyst | Work session document |
| S.B. 181 (R1) | H | Amelie Welden, Committee Policy Analyst | Work session document |
| S.B. 213 (R1) | I | Amelie Welden, Committee Policy Analyst | Work session document |
| S.B. 371 (R1) | J | Amelie Welden, Committee Policy Analyst | Work session document |
| SJR 9 | K | Amelie Welden, Committee Policy Analyst | Work session document |
| SJR 14 | L | Amelie Welden, Committee Policy Analyst | Work session document |
| SJR 1 (R1) | M | Amelie Welden, Committee Policy Analyst | Work session document |
| S.B. 399 (R1) | N | John P. Sande III, Western States Petroleum | Proposed amendment |
| S.B. 399 (R1) | O | Amelie Welden, Committee Policy Analyst | Work session document, dated May 16, 2017 |
| S.B. 399 (R1) | P | Amelie Welden, Committee Policy Analyst | Work session document, dated May 17, 2017 |