

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

**Seventy-Seventh Session
March 7, 2013**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Skip Daly at 1:33 p.m. on Thursday, March 7, 2013, in Room 3161 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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 Richard Carrillo
Assemblywoman Lesley E. Cohen
Assemblyman John Ellison
Assemblyman Ira Hansen
Assemblyman James W. Healey
Assemblyman Pete Livermore
Assemblywoman Heidi Swank
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

Assemblyman Paul Anderson (excused)

GUEST LEGISLATORS PRESENT:

None



STAFF MEMBERS PRESENT:

Amelie Welden, Committee Policy Analyst
Cheryl Williams, Recording Secretary
Steve Sisneros, Committee Assistant

OTHERS PRESENT:

Dagny Stapleton, representing Nevada Association of Counties
Steve Walker, representing Douglas and Eureka Counties

Chair Daly:

[Reviewed Committee policies and procedures.] We will do a work session on Assembly Joint Resolution 1 first.

Assembly Joint Resolution 1: Expresses the support of the Nevada Legislature for the designation of the Upper Las Vegas Wash as a national monument. (BDR R-487)

Amelie Welden, Committee Policy Analyst:

[Ms. Welden read a description of the resolution from the work session document ([Exhibit C](#)).] I am nonpartisan staff and do not advocate for or against any legislation. We heard Assembly Joint Resolution 1 on February 21. It is sponsored by Assemblyman Aizley. Assembly Joint Resolution 1 recognizes the Upper Las Vegas Wash as a unique and nationally important paleontological, cultural, and biological site. There were no amendments proposed. The Committee may recall that we heard several groups who testified in support of the resolution. Those groups included the Sierra Club, the Las Vegas Metro Chamber of Commerce, the Nevada Conservation League, the City of Las Vegas, and several other individuals. There was no opposition presented at the hearing.

Chair Daly:

I will accept a motion.

ASSEMBLYMAN HEALEY MOVED TO DO PASS
ASSEMBLY JOINT RESOLUTION 1.

ASSEMBLYMAN CARRILLO SECONDED THE MOTION.

We have a motion on the floor. Are there any questions?

Assemblyman Ellison:

We asked for the maps several times but we have not received them yet. I think they are important. I met with the sponsor of the bill and I think he did a great job on this. I am proud that he represents his area, but I will be in opposition to the bill.

Chair Daly:

Does anyone else have any comments? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN ELLISON, LIVERMORE,
AND WHEELER VOTED NO. ASSEMBLYMAN PAUL ANDERSON
WAS ABSENT FOR THE VOTE.)

We will now open the hearing on Assembly Bill 2.

Assembly Bill 2: Revises provisions governing the Land Use Planning Advisory Council. (BDR 26-175)

Dagny Stapleton, representing Nevada Association of Counties:

I am here to present Assembly Bill 2. With me today is Mineral County Commissioner Jerrie Tipton. She is the immediate past president of the Nevada Association of Counties (NACO) and she is familiar with this issue. This bill deals with the State Land Use Planning Advisory Council (SLUPAC). It is the advisory board to the State Land Use Planning Agency and a vehicle to distribute information to counties regarding public land use planning. It is also the advisory body regarding the development of plans and policies of federally owned lands in Nevada. It helps to resolve inconsistencies between land use plans of adjacent jurisdictions, in the event that those occur. Finally, SLUPAC develops regulations and recommendations on areas of environmental concern as they are designated by the government. It is made up of 17 members, with one member appointed from each county. The issues SLUPAC oversees are important to Nevada's counties, especially because 80 percent of our state is publicly owned. Assembly Bill 2 would add one additional seat to SLUPAC, which would be a nonvoting representative of NACO. It would also codify the nomination process for the board, whereby the County Commission selects nominees and forwards them to the Governor for appointment.

Assembly Bill 2 would also allow an appointee to SLUPAC to serve on one other state board, commission, or other body. Currently under Chapter 232 of the *Nevada Revised Statutes*, a gubernatorial appointee is prohibited from serving on more than one board. Most of the appointees to SLUPAC are county commissioners. However, other state boards and commissions are important to counties and may have limited candidates. This is especially true for small

counties, where there are sometimes a limited pool of people who have both the interest and background to serve on these boards. Some other state boards and commissions are important to counties, especially rural counties: the Board of Trustees of the Fund for Hospital Care to Indigent Persons, the Western Interstate Nuclear Board, and the Great Basin Ecosystem Task Force. Six of Nevada's 17 counties actually have only three county commissioners. It is likely that one of these commissioners is the representative on SLUPAC. It is also likely that one of these persons has the background and interest to be a representative to another Governor-appointed board, commission, or task force, especially if the other board or commission is one related to wildlife, public lands, and natural resources. Assembly Bill 2 would allow a sitting SLUPAC member to serve on one of these other boards. This gives the state and counties the opportunity to benefit from those appointees who have the expertise and interest to work on what are important issues to rural counties.

Assemblyman Ellison:

I read the bill and think it is great. The problem I have is taking out the language starting on line 19 on page 2 of the bill that says "members who are elected officials or representatives of local political subdivisions, one member from each county" after "The Governor shall appoint." Could you address that?

Dagny Stapleton:

Basically, this is clarifying the appointment process. It codifies that a county commission nominates up to three people and the Governor appoints from that list. What is taken out is addressed in the other language. It still ensures that there is one member from each county and it can either be a county commissioner or another person within that jurisdiction or county. Does that answer your question?

Assemblyman Ellison:

Did someone talk to the Governor's staff about this?

Dagny Stapleton:

We worked with the Division of State Lands on the creation of this bill. Actually, the genesis of this bill was from the SLUPAC committee and we have done it in partnership with the Division of State Lands and the Governor is aware of the bill.

Assemblyman Livermore:

I served on SLUPAC for four years and was appointed by the Carson City Board of Supervisors. I believe the three names were always a requirement of the list, but it is how you rank the list. Even though the Board of Supervisors includes a

couple of other names, the perceived value of those individuals was included in the transmission to the Governor's office. Is there any difference in this?

Dagny Stapleton:

No, the bill does not change that. It is the county commission that submits the three nominees and that does not change.

Chair Daly:

Seeing no other questions, I have a couple. You said that it is difficult if a county commissioner cannot serve on more than one board. You do not have that issue in the bigger counties or Carson City. Is there opposition to putting a population cap so it only applies to the smaller counties?

Dagny Stapleton:

I am not sure. I can check on that. It is an issue that ties more to the rural counties.

Chair Daly:

The way it is done now, the Governor could appoint one of the elected officials in the county. Now you have a nomination process, so if they only nominate one person, the Governor has to pick that person because they do not have a choice.

Dagny Stapleton:

Actually, the Governor can veto that choice and send it back. As we understand it, he does have a say. To address your last point, it does allow a member of SLUPAC to serve on another state board or commission, but only one.

Chair Daly:

That was going to be my other question because I wanted to make sure that was clear. Does it only apply to SLUPAC? You can be on SLUPAC and one other committee, which are two. I want to make sure that language is clear. Is that the way you are intending it?

Dagny Stapleton:

Yes, that is what we intended. This only applies to SLUPAC and it is only so a member of SLUPAC can serve on one additional board. It is not opening it up to any other boards or any more than one additional board.

Chair Daly:

How many counties only have three county commissioners?

Dagny Stapleton:

Off the top of my head, I do not know. I know that there are a handful.

Chair Daly:

It was a test and I bet you will know next time.

Dagny Stapleton:

You bet that I will.

Chair Daly:

Are there any other questions for the Committee? Seeing none, at this time we will open up the microphones to anyone in support of A.B. 2.

Steve Walker, representing Douglas and Eureka Counties:

Eureka County is one of your trivia-question counties. It has three county commissioners. I would suspect Mineral County also has three county commissioners. They are in support of this bill. The ability to be on two commissions instead of one is particularly important in Eureka County, because that has been limiting for them. From Assemblyman Ellison's point, it provides home rule and more input from the local level.

Chair Daly:

Are there any questions for Mr. Walker? [There were none.] Is there anyone else in support here or in Las Vegas? [There was no one.] We will move on to opposition to A.B. 2. [There was no one.] We will move on to neutral on A.B. 2. [There was no one.] We will close the hearing on A.B. 2. We will open it up to public comment. [There was none.]

Assemblyman Ellison:

Can we get together and talk about some of the bills before we go to work session? We could answer some of the questions that might come up. We do that on every other committee too.

Chair Daly:

Last Thursday or Friday, we posted that we were having work session today. Feel free to come and see me anytime. I want to direct you to the bill's sponsor. Emotionally, if you have some concerns or amendments, bring those things up. We try to follow open process and not have a meeting of the whole group outside of here, but individual communications are welcome. I am on several committees too. I read the work sessions as I can. When I have issues, I see the committee chair or the bill sponsor, but I am open to making sure that you get the information you need.

Assemblyman Ellison:

Thank you very much.

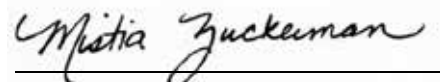
Chair Daly:

Is there anything else? The meeting is adjourned [at 1:51 p.m.].

RESPECTFULLY SUBMITTED:

Cheryl Williams
Recording Secretary

RESPECTFULLY SUBMITTED:



Mistia Zuckerman
Transcribing Secretary

APPROVED BY:

Assemblyman Skip Daly, Chair

DATE: _____

EXHIBITS

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

Date: March 7, 2013

Time of Meeting: 1:33 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.J.R. 1	C	Amelie Welden, Committee Policy Analyst	Work session document