

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

**Seventy-Seventh Session
May 28, 2013**

The Senate Committee on Natural Resources was called to order by Chair Aaron D. Ford at 2:35 p.m. on Tuesday, May 28, 2013, 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 Aaron D. Ford, Chair
Senator Mark A. Manendo, Vice Chair
Senator Tick Segerblom
Senator James A. Settelmeyer
Senator Pete Goicoechea

GUEST LEGISLATORS PRESENT:

Senator David R. Parks, Senatorial District No. 7

STAFF MEMBERS PRESENT:

Michael J. Stewart, Policy Analyst
David S. Ziegler, Supervising Principal Research Analyst
Patricia Devereux, Committee Secretary

OTHERS PRESENT:

Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation
Leo M. Drozdoff, P.E., Director, State Department of Conservation and Natural Resources

Chair Ford:

We will open the hearing on Assembly Concurrent Resolution (A.C.R.) 7.

ASSEMBLY CONCURRENT RESOLUTION 7: Urges the Office of the Governor to continue working with the Legislature to consider the potential impact of

listing the greater sage grouse as an endangered or threatened species and to develop strategies to preclude the listing. (BDR R-207)

David S. Ziegler (Supervising Principal Research Analyst):

I was the policy analyst assigned to the 2011-2012 interim Legislative Committee on Public Lands. Assembly Concurrent Resolution 7's sponsor and chair of that Committee, Assemblywoman Maggie Carlton, Assembly District No. 14, asked me to present the resolution today.

Assembly Concurrent Resolution 7 urges Governor Brian Sandoval to continue to involve the Legislature in efforts to preclude the listing of the greater sage-grouse as endangered under the Endangered Species Act of 1973 (ESA). The resolution was introduced on behalf of the Legislative Committee on Public Lands. The U.S. Fish and Wildlife Service (USFWS) made a "warranted but precluded finding" that a determination on the status of the greater sage-grouse must be made by fall 2015.

In earlier sessions, Legislators expressed concern about the likely impacts on Nevadans of the ESA listing and urged all interested parties to be proactive in protecting and restoring sage grouse habitat. On March 30, 2012, the Governor's Greater Sage-grouse Advisory Committee was established by Executive Order 2012-09. The group's strategic plan to restore habitat and foster sage grouse was released in July 2012.

During the interim, the Legislative Committee on Public Lands was briefed on the sage grouse issue by the Bureau of Land Management, the Department of Wildlife and the USFWS on their efforts to prevent the ESA listing. The Legislative Committee on Public Lands also received a recommendation from the Governor's Greater Sage-grouse Advisory Committee. The resolution's genesis was a concern that no representative from the Legislative Branch had been invited to serve on the Governor's Greater Sage-grouse Advisory Committee. Members of that committee felt the Legislature has an important role in appropriating necessary resources and making germane policy decisions concerning the sage grouse listing.

At an August 2012 work session, the Legislative Committee on Public Lands voted to recommend adoption of "a resolution emphasizing the potential impacts on Nevada's urban and rural areas of listing the sage grouse as an endangered species and urging the Governor to incorporate the continuing

involvement of the Legislature in efforts to preclude the listing.” The result was A.C.R. 7.

Chair Ford:

At the beginning of this Session, the sage grouse listing issue was one I understood would not be contentious because we all agree the greater sage-grouse needs to stay off the ESA list.

Senator Settlemeyer:

I appreciate the resolution’s concept but need some details. I served during the interim as the legislative representative on the Governor’s committee to study the ESA listing possibility further.

Doug Busselman (Executive Vice President, Nevada Farm Bureau Federation):

The Nevada Farm Bureau Federation supports A.C.R. 7 because whatever cooperation there can be between all of Nevada’s citizens is a good idea. I am a member of the Sagebrush Ecosystem Team, although I am not speaking on its behalf. I have been involved in the sage grouse issue for a long time.

SENATOR SEGERBLOM MOVED TO ADOPT A.C.R. 7.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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Chair Ford:

We will close the hearing on A.C.R. 7. We will begin our concur/not concur discussions.

Michael J. Stewart (Policy Analyst):

Senate Bill (S.B.) 72 relates to horse tripping as outlined in my handout ([Exhibit C](#)).

SENATE BILL 72 (3rd Reprint): Makes various changes concerning cruelty to animals. (BDR 50-114)

The Assembly Committee on Natural Resources, Agriculture and Mining adopted two amendments. Amendment No. 688, in [Exhibit C](#), makes notable changes to the bill, and Amendment No. 836 was a follow-up to Amendment No. 688. Amendment No. 836 removes language in Amendment No. 688 that would have required cities and counties to issue permits for horse-tripping events when animals are caught by the legs and then released. It changes the definition of "horse tripping," removes language in Amendment No. 688 that added charreadas to the list of events exempt from the bill's provisions if an animal dies, restores language regarding prohibitions against organizing or sponsoring events that include horse tripping and moves provisions to different areas in the bill.

Chair Ford:

Amendment No. 836 was supported by S.B. 72's sponsors, Senator Manendo, and Assemblywoman Lucy Flores, Assembly District No. 28. Amendment No. 688 was drafted by Assemblyman Richard (Skip) Daly, Assembly District No. 31. I would recommend the Committee not concur with S.B. 72 and take it to conference committee so we can concur on the bill with just Amendment No. 836.

Senator Manendo:

That is correct. I have an email from Assemblywoman Flores asking us to not concur with Amendment No. 688 and to concur with Amendment No. 836. I am comfortable with that.

Chair Ford:

I recommend the Committee not concur with S.B. 72.

Senator Segerblom:

Can we concur on a bill with one amendment but not another?

Chair Ford:

I have been advised that we can concur with all or none of a bill's amendments. The bill must go to conference committee if we do not concur.

Mr. Stewart:

Senate Bill 229 is the Tahoe Regional Planning Agency (TRPA) bill.

SENATE BILL 229 (1st Reprint): Contingently amends and repeals the Tahoe Regional Planning Compact and the provisions of Senate Bill No. 271 of the 2011 Session. (BDR 22-726)

The Assembly Committee on Natural Resources, Agriculture and Mining changed S.B. 229 with Amendment No. 680, as provided in my handout ([Exhibit D](#)). It represents a compromise between California and Nevada to continue their participation in the Tahoe Regional Planning Compact. In its current form, S.B. 229 repeals most of the provisions of S.B. No. 271 of the 76th Session, including changing the voting requirements of the TRPA Governing Board. It also repeals Nevada's threat to withdraw from the Compact, depending on certain actions by California and the U.S. Congress.

Amendments to the Compact would include that the TRPA must act in accordance with the Compact when adopting or amending regional plans and the TRPA Planning Commission must ensure new regional plans reflect changing economic conditions and the effects of regulation on commerce. California must agree to cooperate with Nevada in seeking to have Congress ratify changes to the Compact, declare support for and implement the updated regional plan adopted in December 2012 and acknowledge the authority of either state to withdraw from the Compact, pursuant to state laws. Governor Sandoval must issue a proclamation if California has withdrawn from the Compact by January 1, 2014. If that proclamation were not issued, the provisions of S.B. No. 271 of the 76th Session would not be repealed.

Chair Ford:

The bill before us is a grand compromise with which all parties agree. Is that correct?

Senator David R. Parks (Senatorial District No. 7):

All parties agree on the bill's current form.

Leo M. Drozdoff, P.E. (Director, State Department of Conservation and Natural Resources):

The bill reflects a fair compromise by the Legislature, Office of the Governor and the state of California.

Chair Ford:

I recommend we concur on S.B. 229 with Amendment No. 680.

Mr. Stewart:

Senate Bill 230 proposes to initiate the creation of a memorial to Nevada's fallen soldiers as outlined in my handout ([Exhibit E](#)).

SENATE BILL 230 (2nd Reprint): Provides for the design, construction or installation and maintenance of a memorial dedicated to Nevada's fallen soldiers. (BDR S-553)

The Assembly Committee on Government Affairs submitted Amendment No. 843, in [Exhibit E](#). It would provide for a committee including volunteers and the Nevada Veterans' Services Commission to design the memorial. It would also create the Nevada Fallen Soldier Memorial Gift Account in the General Fund to pay for its construction and maintenance.

Senator Parks:

Caleb S. Cage, Executive Director, Office of Veterans' Services, wrote me that the amendment's wording is acceptable, and he recommends the bill's passage.

Chair Ford:

I recommend we concur on S.B. 230 with Amendment No. 843.

Mr. Stewart:

Senate Bill 399 relates to special fuels, specifically biodiesel and biomass-based diesel blends. My detailed handout ([Exhibit F](#)) provides all the amendments.

SENATE BILL 399 (3rd Reprint): Revises provisions relating to special fuels. (BDR 51-1052)

The Assembly Committee on Natural Resources, Agriculture and Mining submitted two amendments: Amendment No. 823 and Amendment No. 875. Amendment No. 823 would redefine biofuels, regulate their sale, revise the definition of "special fuel," specify the existing tax rate for special fuels applies to certain products and provide conversion rates for taxing compressed natural gas. Amendment No. 875 removes jet fuel from the definition of "special fuel" in Amendment No. 823 as inconsistent with the NRS. The correction was made in Amendment No. 875.

Chair Ford:

Senate Bill 399's sponsor, Senator Ruben J. Kihuen, Senatorial District No. 10, told me he would concur with both amendments. I recommend we concur on the bill.

After conferring with Mr. Stewart on our decision to not concur on S.B. 72, I understand that a new version of Amendment No. 688 was created and added to Amendment No. 836, to which the Committee did not object. If we like the deletions listed in the bill's third reprint—the final pages of [Exhibit F](#)—it has to go to conference committee. The third reprint does not include Assemblyman Daly's requirement that horse-tripping events be appropriately permitted by counties. We will repeal our decision to not concur on S.B. 72.

Senator Settlemeyer:

I see that Assemblywoman Flores voted to pass the third reprint of S.B. 72, so I do not believe she disagrees with its provisions.

Senate Committee on Natural Resources
May 28, 2013
Page 8

Chair Ford:

Correct. The third reprint of S.B. 72 is the agreement between Senator Manendo and Assemblywoman Flores. Seeing no more business before the Senate Committee on Natural Resources, I adjourn this meeting at 3:01 p.m.

RESPECTFULLY SUBMITTED:

Patricia Devereux,
Committee Secretary

APPROVED BY:

Senator Aaron D. Ford, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	1		Attendance Roster
S.B. 72	C	25	Michael J. Stewart	Concur/not concur discussion on bill
S.B. 229	D	46	Michael J. Stewart	Concur/not concur discussion on bill
S.B. 230	E	4	Michael J. Stewart	Concur/not concur discussion on bill
S.B. 399	F	11	Michael J. Stewart	Concur/not concur discussion on bill