

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

**Seventy-Eighth Session  
April 28, 2015**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Robin L. Titus at 1:32 p.m. on Tuesday, April 28, 2015, in Room 3138 of the Legislative Building, 401 South Carson Street, 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: [www.leg.state.nv.us/App/NELIS/REL/78th2015](http://www.leg.state.nv.us/App/NELIS/REL/78th2015). In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: [publications@lcb.state.nv.us](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Robin L. Titus, Chair  
Assemblyman Jim Wheeler, Vice Chair  
Assemblyman Nelson Araujo  
Assemblywoman Maggie Carlton  
Assemblyman Richard Carrillo  
Assemblywoman Victoria A. Dooling  
Assemblyman Chris Edwards  
Assemblyman John Ellison  
Assemblyman David M. Gardner  
Assemblyman Ira Hansen  
Assemblyman James Oscarson  
Assemblywoman Heidi Swank

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator Pete Goicoechea, Senate District No. 19

Minutes ID: 1032



**STAFF MEMBERS PRESENT:**

Susan Scholley, Committee Policy Analyst  
Jim Penrose, Committee Counsel  
Donna J. Ruiz, Committee Secretary  
Cheryl Williams, Committee Assistant

**OTHERS PRESENT:**

Jake Tibbitts, President, Nevada Association of Conservation Districts  
Joe Sicking, Chair, Area 1, State Conservation Commission, State  
Department of Conservation and Natural Resources; and Chair,  
Paradise/Sonoma Conservation District  
Andrew Zaninovich, representing Nevada Conservation League  
Maggie Orr, Vice Chair, Lincoln County Conservation District  
Doug Martin, Supervisor, Nevada Tahoe Conservation District

**Chair Titus:**

[Roll was called. Committee rules and protocol were explained.] I will open the hearing on Senate Bill 476 (1st Reprint).

**Senate Bill 476 (1st Reprint): Amends provisions relating to certain local districts. (BDR 49-826)**

**Senator Pete Goicoechea, Senate District No. 19:**

Senate Bill 476 (1st Reprint) was a committee bill out of the Senate Committee on Government Affairs. We did process it through the Senate Committee on Natural Resources. Unfortunately, by the time we got to the bill, we were very short on time. We do have an amendment that has been offered to this bill ([Exhibit C](#)). The amendment is a critical component of the bill.

There are 28 conservation districts in the state. Those conservation districts provide a great service to all the habitats and resources in this state. There are eight conservation districts in Elko County. I do not have to tell you that since 2009, we have dramatically reduced the funding available to the conservation districts. We have been working on additional funding this session.

Senate Bill 476 (1st Reprint) will allow each conservation district, either through the ballot process or in a mass meeting, which is how they presently elect their supervisors, to impose an assessment on themselves. Those funds would help fund the conservation district. There are many different numbers mentioned, but for every dollar invested, there could be a return as high as \$30 back to that area, resource, or habitat. This is a basic bill and will be enabling to the

conservation districts. It would allow them, by a vote, to impose an agreed-upon assessment. It could be 10 cents per acre on every parcel, or it could be \$5 on a parcel. They would need to agree on what the assessment would be. It would help to fund only their conservation district.

As mentioned, there are 28 conservation districts in the state. Unfortunately, they do not follow county lines, and typically, there is more than one conservation district in every county. It became apparent it would be problematic to do this in a general election or on a primary ballot unless the county happened to be one of those few conservation districts contained within one county. The amendment addresses the ability to elect in a mass meeting. The people who would be voting would be the people imposing the assessment on themselves and who care about the conservation districts. I will stand for any questions.

**Chair Titus:**

Are there any questions from Committee members?

**Assemblyman Ellison:**

How will the issue of assessment be voted on?

**Senator Goicoechea:**

That is what we struggled with in the Senate. Typically, it would be difficult to have a conservation district match the voting district or the precincts. There are some counties where it would work, and that is allowed for in the bill. If it were done in a conservation district meeting, those ballots would be similar to how they elect their supervisors. The ballots would go into the box and then be given to the county clerk to count.

**Assemblyman Edwards:**

You indicated the assessment would go across the entire conservation district. One of my concerns is I would have no idea what conservation district I am in. Until recently, I had never had any interaction with conservation districts. How do we make sure the voters actually know there will be a ballot measure or a mass meeting that could impact their wallet?

**Senator Goicoechea:**

Section 5, subsection 2, of the amendment requires the notice must be published in a newspaper once a week for 30 days prior to the date of the election. Although you may be in an urban area and oblivious to the conservation districts, all I can say is shame on you because they are returning a big service to you.

**Chair Titus:**

Seeing no further questions from Committee members, you may proceed with the presentation.

**Jake Tibbitts, President, Nevada Association of Conservation Districts:**

We are the proponents of this bill. Madam Chair, would you like me to walk through the bill and our amendment ([Exhibit C](#))?

**Chair Titus:**

I would like you to proceed with the bill with the amended language.

**Jake Tibbitts:**

Senator Goicoechea did a great job of giving the background of conservation districts. I would like to focus on the fact that conservation districts are locally elected bodies. Conservation districts grew out of the dustbowl period and helped turn this nation around when there was a tremendous amount of soil erosion. It was that grassroots local level that established the model law that Nevada eventually adopted.

The purpose of section 2 is with Nevada being over 80 percent federally administered land, much of the work the conservation districts do is working with the land management agencies. Section 2 simply clarifies that conservation districts have a special expertise and the ability to work with our federal partners as either a cooperating agency under the National Environmental Policy Act (NEPA) of 1969 or for general coordination under the Federal Land Policy and Management Act of 1976.

One of the amendments does fall under section 2, which was brought up during the Senate hearing. There was original language that did not get changed. The word "coordinating" is changed to "cooperating" in the amendment. That is to match the language of the NEPA.

Section 3 defines a parcel, which is essentially a legal parcel that has an assessor parcel number.

There is amended language in section 4. Section 4 speaks to the provisions of the act only applying after approval of the majority of the registered voters of the district. We have added, "or mass meeting of electors held in a centrally located public meeting place within the district." I would like to point out that all of the amended language related to the mass meeting of electors is copied language currently in *Nevada Revised Statutes* (NRS) Chapter 548.285 to allow for the election of supervisors. We are making it consistent within its own chapter.

Section 4 also speaks to the fee of up to \$25 that could be imposed per parcel. There has been some confusion and we have received feedback about setting a \$25 per parcel fee, but we are leaving it up to the locals providing enabling language for them to determine at the local level what they would want. It could be up to \$25. The petition and the ballot question would have to outline what that per parcel fee would be. As an example, if you look to Clark County where there are over 400,000 legal parcels, a very minor per parcel fee of 50 cents or less could raise a couple hundred thousand dollars for conservation practices in the county. The remainder of section 4 speaks to the money raised being placed into a fund for the conservation practices in accordance with NRS Chapter 548.

Moving on to section 5, it speaks to the county commissioners submitting the question to the voters after they have received a petition requesting the election. It also prescribes the amount of the proposed fee. The amended language states that the county commissioners shall direct the county clerk to do so, making the language consistent with NRS Chapter 548. The county clerk is over those elections, and the language makes it more clear that they are part of that. For the question to even be placed on the ballot, the petition has to come forward by a majority of the supervisors or at least 10 percent of the registered voters bringing it forward. There is a public process to even get the measure forward. Conservation districts all hold public meetings under the Open Meeting Law. After the petition comes forward, the county commissioners then direct that the question be submitted to the voters. If there is an ability within that district, they can do it in a special election, a general election, or in a mass meeting of registered voters within the district.

Section 5, subsection 2, was in the original language. It does provide that notice of the election or elections will run for at least 30 days in a newspaper of general circulation within the county in which the election is to be held.

In the amendment, we have added a new subsection 3 to section 5. Again, it is copied language from NRS Chapter 548.285, which speaks to how that mass meeting will be held. The voting would be by secret ballot. The ballots would be placed in a sealed box, and the box would be delivered unopened to the county clerk or designee. The electors would help tally the votes.

Subsections 4 and 5 of section 5 do not change.

Section 7 of the bill memorializes in statute that county commissioners can still, at their discretion, appropriate money to the districts if they chose to do so. I would like to acknowledge that many counties are great partners with the

conservation districts. They step up and understand the importance of putting this good work on the ground.

Sections 8 and 9 of the bill contain cleanup language. It speaks to the various agencies the conservation districts work with in this state. This is simply an update to change Soil Conservation Service to Natural Resources Conservation Service. We also added the federal partners we work with in the state. Even though the current language of the statute talks about any other federal agency, we felt it was worthwhile noting them by name.

Section 10 of the bill is the legislative determination. We have added to what is currently in the statute. Subsection 2 recognizes the importance of this locally led conservation and having the Legislature strive to provide appropriations to conservation districts at a level comparable to similar western states.

This body and the State Department of Conservation and Natural Resources have been very supportive of the conservation districts. We understand times are tight and there is only so much money to go around. We are very appreciative of this body and the Department stepping forward and continuing to fund conservation at the local level. As Senator Goicoechea mentioned, the dollars are a very wise investment with a great return. About \$30 is returned for every \$1 invested in local conservation districts. Many of the districts have stepped up and have done a lot of work related to greater sage grouse conservation and noxious weed control.

Sections 11 through 14 of the bill is cleanup language that the bill would now reference.

Section 15 moves into the next main topic we are trying to address. Currently, there are weed control districts throughout the state. The authority for those districts is located in NRS Chapter 555. One of the main program items for the majority of the conservation districts in the state is noxious weed control. We have vetted this with the State Department of Agriculture, which oversees NRS Chapter 555 and the conservation districts. They provided input into the crafting of this language and were onboard with this bill.

Essentially, section 15 allows a county commission to work with the conservation district board of supervisors to, upon mutual agreement, have the conservation district act ex officio as the weed district board of directors. What we are seeing is in many of these areas where there is a conservation district and a weed district, there are two entities providing the same service, splitting the funding, adding another layer of government, more open meetings, more paper, et cetera, but they are already working together. By request and

common sense, this enabling legislation would allow conservation districts and weed districts to combine in certain circumstances, but it is not dictated.

**Chair Titus:**

Are there any questions from Committee members?

**Assemblyman Edwards:**

You mentioned this has to be advertised 30 days prior to the election in the newspapers. Will you be advertising online as well? Many of the younger people do not read newspapers.

**Jake Tibbitts:**

The bill, as proposed, only mentions the newspaper. We want to make sure the public is aware. When we had originally proposed the bill, we would have liked it to be a ballot question. However, understanding all of the difficulties in bringing it into conformance with the other language in NRS Chapter 548 is why we added the mass meeting option. Currently, as the bill reads, it would only be in a newspaper of general circulation within the county. We would be happy to post the information on websites.

Earlier, Assemblyman Edwards mentioned not knowing what conservation district he is in. It is a two-way street, and those conservation districts should also be making themselves known. If there were to be a process coming forward to provide funding at the local level, the conservation districts need to be doing their due diligence by talking to people or they will not get the question passed. We hope people are familiar with the district they are in, but it is also the conservation district's obligation to make sure they are aware.

I would also like to mention that the Conservation District of Southern Nevada does a lot of great work. They do a lot of the clean water work in the city itself, and they have established various programs. Our main goal is to let people know what the districts are and to try to get them to support funding at the local level.

**Assemblyman Ellison:**

Section 5, subsection 1, of the bill states, "A board of county commissioners shall submit to the voters a question of whether to impose a fee...." Is this enabling legislation? Is this a new fee being proposed?

**Jake Tibbitts:**

The fee is not currently being imposed. Currently, there is no authority under the statute to allow conservation districts to have any tax levy or fee. I would like to note that 24 states have allowed conservation districts to do this.

We borrowed much of this language from what has been done in Wyoming. Wyoming added this enabling legislation many years ago. Wyoming has 34 districts, but only a handful have ever stepped up to do it. It does provide the opportunity. As far as whether this legislation is enabling, it says the county commission shall put the question on the ballot, but that is only after they have received a petition by at least 10 percent of the registered voters or a majority of the supervisors. It is enabling in the sense that it allows the people affected to be able to say whether it is worth it.

**Assemblyman Ellison:**

The county commissioners do have to put this to the voters and the voters will decide. Is that correct?

**Jake Tibbitts:**

Yes, that is correct. The county commissioners shall put it to a vote of the people if a petition comes forward to the commissioners to do so.

**Senator Goicoechea:**

I would like to clarify that for the record. You have to understand, in Elko County there would be eight districts. The fee may be imposed in one district, but it would not be countywide. This legislation is specific to a conservation district. Because this has to go through the county commissioners, it goes through the open meeting process and takes a board action. It is not something that will be done in a back room or under the cover of night.

**Assemblyman Wheeler:**

How often are these mass meetings normally held? What percentage of the people living in those districts actually show up to the meetings?

**Jake Tibbitts:**

These mass elections can be held every even-numbered year because that is when there are seats available for the supervisors. Again, it leaves it up to the county clerk in those counties who work with the conservation districts. It can be placed as a question on the ballot or it can be in a mass meeting. Certain conservation districts, such as White Pine Conservation District, place their election of supervisors every even-numbered year on the ballot so they do not need a mass meeting. Other districts, such as Eureka Conservation District, do have mass meetings because our county clerk has directed us to be able to do that. Some districts put it on their ballot, and some do not. The turnout of those mass meetings depends on the issues of the day.

In the Eureka Conservation District, we are grappling with many important issues regarding water and sage grouse. We had the highest turnout we have



ever had. We also had the most contested seats we have ever had. If there are not a lot of controversial issues, there may be only a couple dozen people who show up. It all depends on the issues. I would speculate that if there were a question about imposing a per parcel fee, the district would need to find a large facility to hold the meeting.

**Assemblyman Gardner:**

How many supervisors are there for these conservation districts?

**Jake Tibbitts:**

There are five elected supervisors per district, one appointed by the county, and one appointed if the district is within an incorporated city. There can be up to seven supervisors. The supervisors themselves can request to impose a fee or 10 percent of the voters of the district can request to impose a fee. It is a small body.

**Assemblyman Gardner:**

If there were five supervisors, three supervisors could take the question to the county and the county has to place it on the ballot, or 10 percent of registered voters could have it placed on the ballot. Is that correct?

**Jake Tibbitts:**

That is correct. A majority of the supervisors or not less than 10 percent of the registered voters of the conservation district.

**Chair Titus:**

Are there any further questions from Committee members? [There were none.]  
Is there anyone wishing to testify in favor of the bill?

**Joe Sicking, Chair, Area 1, State Conservation Commission, State Department of Conservation and Natural Resources; and Chair, Paradise/Sonoma Conservation District:**

I am an elected volunteer on my board. I stress volunteer because we do not draw salaries. As chair of the State Conservation Commission of the State Department of Conservation and Natural Resources, we discussed this bill and endorsed it unanimously at our last meeting. Conservation districts put the majority of projects coming out of the Sagebrush Ecosystem Program on the ground, and I think we do a pretty good job.

**Andrew Zaninovich, representing Nevada Conservation League:**

We are in support of this measure. We believe it would allow more flexibility for the conservation districts to better meet their needs and potentially allow better management for their natural resources.

**Maggie Orr, Vice Chair, Lincoln County Conservation District:**

I am also on the State Conservation Commission. I am here to speak for Lincoln County. We endorse this bill. I also spoke to our county commissioners and not one of them had any problems with the bill.

To address one of the earlier questions, Lincoln County has a mass meeting every year. For elections, we usually have between 50 to 75 people appear at our mass meetings.

**Doug Martin, Supervisor, Nevada Tahoe Conservation District:**

I am also the former district manager for the Nevada Tahoe Conservation District. Our district represents people in Washoe County, Incline Village, Douglas County, Kingsbury, and Zephyr Cove areas. We have been working on projects and representing people for quite a while, helping them through the maze of total maximum daily loading in the Tahoe Basin, Tahoe Regional Planning Agency requirements, mandatory requirements to retrofit homes for erosion control, et cetera. All of these projects take time, effort, and expertise. Many of the federal dollars at this particular time through the Southern Nevada Public Lands Management Act have gone away. Much of the funding we have is a 25 percent match from the Nevada Tahoe Bond Act. It is really important to be able to continue the work. We have partnerships with local governments, state agencies, and individuals throughout the Tahoe Basin. I am here to support this bill.

**Chair Titus:**

Is there any further testimony in support of the bill? [There was none.] Is there anyone wishing to testify in opposition? [There was no one.] Is there any neutral testimony? [There was none.] Are there any closing statements from the bill sponsor? [There were none.] I will close the hearing on S.B. 476 (R1). [([Exhibit D](#)) was submitted but not discussed.] I will open the work session on Senate Bill 44 (1st Reprint).

**Senate Bill 44 (1st Reprint): Makes various changes to provisions related to oil and natural gas. (BDR 46-344)**

**Susan Scholley, Committee Policy Analyst:**

Senate Bill 44 (1st Reprint) was heard in this Committee on April 23, 2015, and is sponsored by the Senate Committee on Natural Resources on behalf of the Division of Minerals. This bill revises the statutory limit on the fees set by the Commission on Mineral Resources for permits to drill oil or natural gas wells to \$2,000 for wells not hydraulically fractured and \$5,000 for hydraulically fractured wells. The bill also establishes a fee limit of \$400 for a request to change the terms of an existing oil or gas permit. Finally, it also raises the

statutory limit on the fee assessed on a producer of oil or natural gas from 20 cents to 30 cents for each barrel of oil or each 50,000 cubic feet of natural gas. There were no amendments proposed at the hearing. This measure will require a two-thirds majority vote on the Assembly floor. [Referred to work session document ([Exhibit E](#)).]

**Assemblyman Wheeler:**

I think our entire caucus needs to discuss this. I will vote yes to get it out of Committee, but I do reserve my right to change my vote on the floor.

**Assemblywoman Carlton:**

We have 35 days left of this Legislature. We have another meeting on Thursday and next Tuesday. My suggestion would be, if there is an issue, to possibly resolve the issue before we vote the bill out of Committee and go from there. I would hate to have Committee members vote one way and other caucus members vote another way. We end up with a train wreck between the third floor and the first floor before the Wally Warren clock. Because we still do have some time left, it may be worth having the discussion before we go too far down the road.

**Chair Titus:**

I do appreciate your comments. We did have a hearing on this bill last week and comments were made there. Do I hear a motion?

ASSEMBLYMAN WHEELER MOVED TO DO PASS  
SENATE BILL 44 (1ST REPRINT).

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

**Chair Titus:**

Is there any discussion?

**Assemblywoman Dooling:**

I will vote yes to get the bill out of Committee, but I would like to reserve my right to change my vote on the floor.

THE MOTION PASSED UNANIMOUSLY.

**Chair Titus:**

Assemblyman Gardner will take the floor statement. We will move to the work session for Senate Bill 417 (1st Reprint).

**Senate Bill 417 (1st Reprint)**: Prohibits the use of telemetry data to harass or take game mammals, game birds or other wildlife. (BDR 45-549)

**Susan Scholley, Committee Policy Analyst:**

Senate Bill 417 (1st Reprint) was heard in this Committee on April 23, 2015, and was sponsored by the Senate Committee on Natural Resources. The bill prohibits the use of information obtained from a radio signal or transmitting device to harass or take a game mammal, bird, or other wildlife, or for any other purpose, without written authorization from the Department of Wildlife. The bill also prohibits the use of location information obtained from Department records within one year after collection to harass or take a game mammal, bird, or other wildlife. The shorthand version is prohibiting the use of telemetry data to harass game mammals, birds, or wildlife. No amendments were proposed at the hearing. [Referred to work session document ([Exhibit F](#)).]

**Chair Titus:**

I will entertain a motion.

ASSEMBLYMAN GARDNER MOVED TO DO PASS  
SENATE BILL 417 (1ST REPRINT).

ASSEMBLYWOMAN DOOLING SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

**Chair Titus:**

Assemblywoman Dooling will take the floor statement. We will move to the work session on Senate Joint Resolution 11 (1st Reprint).

**Senate Joint Resolution 11 (1st Reprint)**: Proposes to amend the *Nevada Constitution* to preserve the right to hunt, trap and fish in this State. (BDR C-1001)

**Susan Scholley, Committee Policy Analyst:**

Senate Joint Resolution 11 (1st Reprint) was heard in this Committee on April 23, 2015, and was sponsored by Senators Hammond, Goicoechea, Gustavson, and others.

Senate Joint Resolution 11 (1st Reprint) proposes to amend the *Nevada Constitution* by adding a section preserving the right to hunt, trap, and fish. The measure also provides that the right to hunt, trap, and fish does not: (1) create a right to trespass on private property; (2) affect existing water rights; (3) diminish any other private right; (4) diminish local government

authority to regulate the use of its real property; or (5) prohibit the enactment of statutes or regulations to require a hunting, trapping, or fishing license or revocation or suspension of any license. There were no amendments proposed at the hearing. [Referred to work session document ([Exhibit G](#)).]

**Chair Titus:**

I will entertain a motion.

ASSEMBLYMAN WHEELER MOVED TO DO PASS  
SENATE JOINT RESOLUTION 11 (1ST REPRINT).

ASSEMBLYMAN OSCARSON SECONDED THE MOTION.

**Chair Titus:**

Is there any discussion?

**Assemblywoman Swank:**

When Senator Hammond presented the bill, he stated 17 state constitutions protect the right to hunt and fish. I have looked into the matter and want to make sure it is clear for the record that only five of those states, a small minority, actually mention trapping in the amendments to their constitution. If the reason to place this in our constitution is to protect a traditional way of life, there are many other traditional activities that I believe should also be included in the resolution. I do not believe that is actually why this is being proposed.

I want to make it clear that amending *The Constitution of the State of Nevada* is a very serious thing. Trapping is a small minority, and I will be voting no on this resolution.

**Assemblyman Edwards:**

I agree that the *Nevada Constitution* should be reserved for far more serious matters. Something of this nature should be a statutory law and kept in the Legislature. It should not be at the constitutional level. If we try to protect everything in the *Constitution*, it will begin to look like *Nevada Revised Statutes*. That is not what a constitution is for. I will be voting no on this resolution.

**Assemblyman Carrillo:**

I will be voting this out of Committee but will reserve my right to change my vote on the floor.

THE MOTION PASSED. (ASSEMBLYMEN ARAUJO, CARLTON, EDWARDS, AND SWANK VOTED NO.)

**Chair Titus:**

Assemblyman Hansen will take the floor statement.

Is there anyone here for public comment? [There was no one.] The meeting is adjourned [at 2:14 p.m.].

RESPECTFULLY SUBMITTED:

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Donna J. Ruiz  
Recording Secretary

RESPECTFULLY SUBMITTED:

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Lori McCleary  
Transcribing Secretary

APPROVED BY:

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Assemblywoman Robin L. Titus, Chair

DATE: \_\_\_\_\_

**EXHIBITS**

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

**Date:** April 28, 2015

**Time of Meeting:** 1:32 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
S.B. 476 (R1)	C	Jake Tibbitts, Nevada Association of Conservation Districts	Amendment
S.B. 476 (R1)	D	Lee Mathews, Lincoln County Conservation District	Letter in support
S.B. 44 (R1)	E	Susan Scholley, Committee Policy Analyst	Work session document
S.B. 417 (R1)	F	Susan Scholley, Committee Policy Analyst	Work session document
S.J.R. 11 (R1)	G	Susan Scholley, Committee Policy Analyst	Work session document