

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

**Seventy-Eighth Session
February 17, 2015**

The Senate Committee on Natural Resources was called to order by Chair Don Gustavson at 1:30 p.m. on Tuesday, February 17, 2015, 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 Don Gustavson, Chair
Senator Pete Goicoechea, Vice Chair
Senator James A. Settelmeyer
Senator David R. Parks
Senator Mark A. Manendo

STAFF MEMBERS PRESENT:

Alysa Keller, Policy Analyst
Matthew Nichols, Counsel
Gayle Farley, Committee Secretary

OTHERS PRESENT:

Rebecca L. Palmer, State Historic Preservation Officer, Administrator, Office of Historic Preservation, State Department of Conservation and Natural Resources
David Petersen, Operations and Finance Manager, Commission on Tourism, Department of Tourism and Cultural Affairs
Bob Ostrovsky, Chair, Commission for Cultural Affairs, Department of Tourism and Cultural Affairs
Kay A. Scherer, Deputy Director, State Department of Conservation and Natural Resources
Bob Haughian, Chief, Operations Division, Department of Wildlife
Tim Rubald, Program Manager, Conservation Districts Program, State Department of Conservation and Natural Resources

Chair Gustavson:

We have three bills to be heard today. We will begin with Senate Bill (S.B.) 20.

SENATE BILL 20: Changes the name of the Commission for Cultural Affairs and moves the Commission to another department of the State Government.
(BDR 33-319)

Rebecca L. Palmer (State Historic Preservation Officer, Administrator, Office of Historic Preservation, State Department of Conservation and Natural Resources):

The State Department of Conservation and Natural Resources (DCNR) prepared S.B. 20 at the request of the director of the Department of Tourism and Cultural Affairs, Claudia Vecchio. The bill moves the Commission for Cultural Affairs from its current position in the Department of Tourism and Cultural Affairs to the DCNR, where my division acts as the administrative and technical staff for the Commission. This alignment is recommended because the current situation is a holdover from when the State Historic Preservation Office (SHPO) was in the Department of Cultural Affairs. It has been with the DCNR for two biennia. Senate Bill 20 also proposes a name change from Commission for Cultural Affairs to Commission for Cultural Centers and Historic Preservation. This would help alleviate any confusion when the Commission is no longer in the Department of Tourism and Cultural Affairs. This bill makes no changes to the composition, membership, mission, policies or procedures of this Commission. Finally, at Director Vecchio's request, S.B. 20 proposes an alteration to the composition of the Commission on Tourism.

Chair Gustavson:

Is the structure of your commission going to be different?

Ms. Palmer:

No. The composition of the new Commission for Cultural Centers and Historic Preservation will remain identical to the old Commission for Cultural Affairs.

Senator Settlemeyer:

If a structure is more than 40 years old, does it fall into your purview?

Ms. Palmer:

Yes, that would be my division.

David Petersen (Operations and Finance Manager, Department of Tourism and Cultural Affairs):

I am in support of S.B. 20. I have a few words I would like to get on the record:

When the Department of Tourism and Cultural Affairs was established in 2011, the State Office of Historic Preservation (SHPO) was moved to the [State] Department of Conservation and Natural Resources. However, the commission that it works with on all the grant funding remained within the Department of Tourism and Cultural Affairs organizational structure. This is simply an administrative realignment, placing the Commission for Cultural Affairs proposed to be named the Commission for Cultural Centers and Historic Preservation, into the department for which its assigned agency is housed. The Department of Tourism and Cultural Affairs recommended this change to the [State] Department of Conservation and Natural Resources to ensure the organizational structure ensured maximum agency performance and accountability. The only impact for the Department of Tourism and Cultural Affairs is within the Division of Tourism. Last Session we enlarged the Nevada Commission on Tourism to include as nonvoting ex officio members, the Chairs of the Boards for the Division of Museums and History, the Nevada Arts Council, the Nevada Indian Commission Board and the Commission for Cultural Affairs. This change would eliminate the Chair of the Commission for Cultural Affairs from the Nevada Commission on Tourism. We will miss the participation and insight of this member, but we work closely with SHPO and attend their Commission meetings, so know we will be kept abreast of the information activities of the sister agency. This concludes the testimony of the Department of Tourism and Cultural Affairs.

Bob Ostrovsky (Chair, Commission for Cultural Affairs, Department of Tourism and Cultural Affairs):

In 1991, this Commission was created by the Legislature to distribute \$1 million a year in grant funds. This amount grew to \$3 million a year and sometimes the amount available was nothing. Every session, Legislators were inundated with requests to fund individual projects and if, at the end of the session, there was additional money, it was distributed. An independent commission was established to distribute those funds on a competitive basis through grants. This is not State General Fund money, but it is bonded money, and is for

conservation projects throughout the State. As this Commission is completely serviced and staffed by DCNR, it seemed inappropriate to leave it as a holdover in the Department of Tourism.

Senator Manendo:

Do you remember who introduced that bill in 1991?

Mr. Ostrovsky:

I think it may have been Senator Raggio.

Senator Parks:

I do remember changes we made in 2011. Is there a revised table or organizational chart, so we can see this new alignment?

Ms. Palmer:

The office moved in 2011 from the disbanded Department of Cultural Affairs to DCNR. The SHPO has acted as administrative and technical staff for the Commission for Cultural Affairs since 1991.

Senator Parks:

Did you go through some review of a table of organization charts that showed how everything was going to interface because of the passage of this bill?

Ms. Palmer:

No, we did not do an organizational chart.

Senator Parks:

I am still slightly confused.

Kay A. Scherer (Deputy Director, State Department of Conservation and Natural Resources):

When SHPO was first formed, it resided in the DCNR and the Department staffed this Commission. It then moved to Cultural Affairs where it resided for a period. When Cultural Affairs was disbanded, DCNR was informed that SHPO was returning. Ms. Vecchio contacted us prior to this Session expressing her concerns about the Commission's staff residing in one department while the agency resided in a different department. This bill is bringing that alignment back to bring the renamed Commission under DCNR with the staffing provided by SHPO to remove any confusion.

Senator Parks:

I would still like to see a new organizational chart to establish how this change affects the other organizations referenced in earlier testimony.

Chair Gustavson:

Ms. Palmer, can you put a chart together and bring it to the Committee?

Ms. Palmer:

Yes.

Senator Gustavson:

We will close the hearing on S.B. 20 and open the hearing on S.B. 41.

SENATE BILL 41: Revises provisions governing the stamp required for the hunting of migratory waterfowl. (BDR 45-364)

Bob Haughian (Chief, Operations Division, Department of Wildlife):

I have provided a brief information document ([Exhibit C](#)) for the Committee. The purpose of this bill is to amend *Nevada Revised Statute* (NRS) 503.135 to allow the Department of Wildlife (NDOW) participation in the United States Fish and Wildlife Service (USFW) Federal Electronic Duck Stamp (E-Stamp) Program. This is an opportunity to allow waterfowl hunters to purchase a federal duck stamp through the electronic process. Federal duck stamps have been offered by USFW since 1934. It was introduced as a means of additional support for federal licensing. For hunters or collectors to purchase a stamp right now, they must to go to our office, the post office or a retailer.

An invitation was sent out last year inviting as many as 15 states to participate in 2014, 2015 and 2016. We submitted an application and are anticipating selection in this program; however, we cannot be successful without amending the statute.

Senator Goicoechea:

I did not realize that you have to be 16 years of age to have a duck stamp.

Mr. Haughian:

The federal stamp is required after the age of 16, and the State stamp is required after the age of 12.

Chair Gustavson:

What is the cost of the Nevada stamp?

Mr. Haughian:

The cost of the Nevada stamp is \$10.

Chair Gustavson:

We will close the hearing on S.B. 41. Do we have a motion?

SENATOR SETTELMAYER MOVED TO DO PASS S.B. 41.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Gustavson:

I will open the hearing for S.B. 45.

SENATE BILL 45: Revises provisions governing the distribution of grants of money by the State Conservation Commission to conservation districts. (BDR 49-361)

Tim Rubald (Program Manager, Conservation Districts Program, State Department of Conservation and Natural Resources):

There are 28 conservation districts in the State. Each of these districts has five elected board members and one appointed member. These are volunteer boards. The background on S.B. 45 dates back to last Session. The budget for DCNR was increased \$40,000 per fiscal year for use as an ongoing competitive grant fund to assist the districts in quickly completing projects in the Sagebrush Ecosystem Program as 25 of the 28 districts have sage grouse habitat. Following the Session, the regulation process began to establish the funding pool and its requirements. It was recognized by both program staff and the Legislative Counsel Bureau Legal Division that in order to establish this fund as originally intended, a small change in the statute was necessary. As the statute reads today, it requires all legislative appropriations to be distributed equally by the State Conservation Commission to those districts determined to be qualified. Because of the urgency related to the sage grouse issue, the Commission

approved regulations that provided specific qualifications for the grant program. The Commission was able to fund 14 of the 17 applications received in the required equal amounts. The proposed small change reflected in S.B. 45 will allow the Commission to provide these funds to the districts on a truly competitive basis. There is high demand for funding projects to help improve habitat for the sage grouse. Many of the districts have projects designed for this purpose. This will allow the Commission to choose those projects with the highest priority for the ecosystem and the sage grouse.

Senator Manendo:

Who else receives these grant funds?

Mr. Rubald:

This is only for the conservation districts per statute.

Senator Manendo:

Thank you. I will research further.

Chair Gustavson:

How do you choose what districts receive these funds?

Mr. Rubald:

If this bill is approved, the standards for those grants will be set in the regulations.

SENATOR GOICOECHEA MOVED TO DO PASS S.B. 45.

Senator Settlemeyer:

For disclosure, I used to be chair of Nevada State Conservation Commission. My brother-in-law is currently on the Commission, and I am still a member on four district boards. Before we go any further, I would like to see Senator Manendo's questions answered. The Legislature appropriates through the Interim Finance Committee (IFC) or the Assembly Committee on Ways and Means. Originally, the Legislature voted to allocate all conservation districts \$5,000 each. There were various enterprising counties that decided to form multiple conservation districts. Consequently, we have 28 districts instead of the original 17. Douglas County, served by the Carson Valley Conservation District, actually serves Carson City and sections of Lyon County. There were years when the money was reduced to \$3,000 and one year only \$2,500 was

allocated. This is not really grant money. The way the statute is written, this money must be divided equally. You cannot create a competitive grant situation where everyone gets the same amount. I support this bill, but would like Senator Manendo to get his answers prior to entertaining a motion unless he now feels comfortable.

Senator Goicoechea:

I withdraw my motion. I do not see a reason to push the bill. I understand it and if someone is uncomfortable with it, that is fine.

Chair Gustavson:

The Chair agrees. We will schedule this for our next work session.

Senator Parks:

I am in support of this bill, but it may need to be referred to the Senate Committee on Finance.

Senator Settelmeyer:

Senator Parks, the money has already been appropriated in previous years. This is just a mechanism to allow us to distribute it.

Senator Manendo:

Let us move this on; I can get my answers later. I do not want to delay the process.

SENATOR MANENDO MOVED TO DO PASS S.B. 45.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Gustavson:

The Committee has a bill draft request (BDR) that requires introduction. Bill Draft Request 46-482 revises provisions governing pit lakes.

BILL DRAFT REQUEST 46-482: Revises provisions governing pit lakes. (Later introduced as [Senate Bill 173](#).)

SENATOR GOICOECHEA MOVED TO INTRODUCE BDR 46-482.

SENATOR MANENDO SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Gustavson:

There being no further business before the Committee, this meeting is adjourned at 2:10 p.m.

RESPECTFULLY SUBMITTED:

Gayle Farley,
Committee Secretary

APPROVED BY:

Senator Don Gustavson, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	1		Attendance Roster
	C	3	Bob Haughian	Presentation