

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

**Seventy-Eighth Session
April 23, 2015**

The Senate Committee on Natural Resources was called to order by Chair Don Gustavson at 1:34 p.m. on Thursday, April 23, 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 Mark A. Manendo

COMMITTEE MEMBERS ABSENT:

Senator David R. Parks (Excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman Irene Bustamante Adams, Assembly District No. 42

STAFF MEMBERS PRESENT:

Alysa Keller, Policy Analyst
Matthew Nichols, Counsel
Carol M. Stonefield, Managing Principal Policy Analyst, Research Division
Gayle Farley, Committee Secretary

OTHERS PRESENT:

Charles Donohue, Administrator, Division of State Lands, State Department of
Conservation and Natural Resources
Steve Walker, Eureka County; Lyon County
Lynn Hettrick, Deputy Director, State Department of Agriculture
Neena Laxalt, Nevada Cattlemen's Association

Chair Gustavson:

I will open the hearing on Assembly Bill (A.B.) 144.

ASSEMBLY BILL 144 (1st Reprint): Makes various changes relating to the Land Use Planning Advisory Council. (BDR 26-554)

Assemblywoman Irene Bustamante Adams (Assembly District No. 42):

I was the chair of the Sunset Subcommittee of the Legislative Commission during the last interim with Senator Settelmeyer. The mission of the Sunset Subcommittee is to review all boards and commissions that are established by means of this body. We have the authority to recommend whether a board or commission should be continued, modified, terminated or consolidated with another entity. Assembly Bill 144 contains recommendations from the Sunset Subcommittee relating to the Executive Council of the Land Use Planning Advisory Council (SLUPAC).

The SLUPAC was created in 1973. There are 18 members appointed by the Governor, one from each county and one representative from the Nevada Association of Counties. The SLUPAC advises and provides the forum for all counties to share land use planning information.

The Executive Council of SLUPAC consists of the administrator of the Division of State Lands and four members who are appointed by this same Council. Members from Clark, Humboldt, Lyon and Storey Counties are members of the Executive Council. Some members of the Sunset Subcommittee expressed concerns that decisions being made by the Executive Council may not be representative of issues for a particular region.

The Sunset Subcommittee's first recommendation would be to establish that members of the Executive Council be elected by the entire membership of SLUPAC to represent the various and distinct geographic areas of the State.

The second recommendation is in regard to areas of critical environmental concern (ACEC). The *Nevada Revised Statute* (NRS) 321.655 defines areas of critical environmental concern (ACEC) as " ... any area in this State where there is or could develop irreversible degradation of more than local significance" Before decisions are made with regard to this issue, it should be presented to the entire membership instead of just the Executive Council.

Senator Goicoechea:

I have a concern about the term ACEC. This is a federal designation for various critical habitats and it could become a source of confusion.

Charles Donohue (Administrator, Division of State Lands, State Department of Conservation and Natural Resources):

Although ACEC is a federal designation, there is enough experience and knowledge at the local level that this should not be a problem. In addition, this would be a participatory action by the Council and would require the Governor's approval.

Senator Goicoechea:

I want to make sure we get this on the record because it appears to me in the language in section 2, subsection 4 of A.B. 144, the only time SLUPAC could be involved with planning would be if the land were under the federal designation as an ACEC. I realize this is a State law; however, I am concerned about the confusion it may cause.

Carol M. Stonefield (Managing Principal Policy Analyst, Research Division, Legislative Counsel Bureau):

I was the policy analyst for the Sunset Subcommittee during the last interim. This proposal requires decisions regarding ACEC and would not only be decided by the Executive Council, but the entire SLUPAC membership, with the Governor's approval.

Mr. Donohue:

The SLUPAC has broad responsibilities and works on more than ACEC issues. As the Council becomes further engaged in State resource concerns, it makes sense for each region to be specifically represented.

Senator Goicoechea:

I am still concerned about the language in section 1, subsection 4, lines 3 through 5.

Mr. Donohue:

This bill changes the composition and duties of the SLUPAC Executive Council with regard to planning of the ACEC. The SLUPAC has already begun setting these recommendations in practice. Elko, Humboldt, Storey and Clark Counties are now being represented individually. Elko County was recently elected to the

Executive Council because the commissioner from Lyon County no longer serves on SLUPAC. The Division of State Lands (DSL) participated in the Sunset Subcommittee meetings and provided testimony related to ACEC. The DSL supports A.B. 144.

Steve Walker (Eureka County; Lyon County):

Eureka County and Lyon County support this bill.

Assemblywoman Bustamante Adams:

I would like to discuss Senator Goicoechea's concerns further.

Senator Goicoechea:

I spoke with legal counsel. It is his opinion the reflection of areas of critical environmental concern in the language would be covered in statute. Section 1, subsection 4 states, that the Council shall make "final recommendations for land use planning policies in the area of critical environmental concern." If you take that under the federal definition, it would almost say that is all you can deal with. That is my concern.

Senator Gustavson:

I will bring A.B. 144 back to the Committee following further legal clarification and open the hearing on A.B. 79.

ASSEMBLY BILL 79 (1st Reprint): Revises provisions relating to agriculture.
(BDR 50-345)

Lynn Hettrick (Deputy Director, State Department of Agriculture):

This is a clean-up bill removing language and updating provisions of NRS 568.060. Section 1 eliminates references to 1975 language and clarifies the language establishing grazing board members. Section 2 is new language involving the reimbursement of diseased animals that may have to be destroyed by order to protect other animals and to prevent the spread of disease. Section 3 distributes fines revenues. Sections 4, 5 and 6 were deleted because this language was duplicated in A.B. 77.

ASSEMBLY BILL 77 (1st Reprint): Makes various changes relating to the regulation of agriculture. (BDR 49-346)

Section 7 amends NRS 446.020 by clarifying that mammals, fish, poultry and facilities that produce eggs are regulated under NRS 583. Section 8 defines a cottage food operation and section 9 implements civil penalties. Section 10 is in regard to inspection of imported potatoes intended for seed purposes. Sections 11 and 12 are definitions and the designation of money collected from fines. Section 13 strikes the penalty language. Sections 14 and 15 define inspections, certifications and shipment of agricultural products. Sections 16 and 17 are in respect to repealed sections and titles. Section 18 is the effective date of the bill. The Assembly voted unanimously in support of A.B. 79.

Neena Laxalt (Nevada Cattlemen's Association):

The Nevada Cattlemen's Association worked with the State Department of Agriculture and several different entities so this bill would work for everyone involved. The Nevada Cattlemen's Association is in full support of A.B. 79.

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Chair Gustavson:

There being no further testimony or public comment, the Senate Committee on Natural Resources is adjourned at 2 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	3		Attendance Roster