MINUTES OF THE
SENATE COMMITTEE ON NATURAL RESOURCES

Eightieth Session
April 4, 2019

The Senate Committee on Natural Resources was called to order by Chair Melanie Scheible at 4:02 p.m. on Thursday, April 4, 2019, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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 Melanie Scheible, Chair
Senator Chris Brooks, Vice Chair
Senator Dallas Harris
Senator Pete Goicoechea
Senator Ira Hansen

GUEST LEGISLATORS PRESENT:

Senator Ben Kieckhefer, Senatorial District No. 16
Senator Keith F. Pickard, Senatorial District No. 20
Senator James A. Settelmeyer, Senatorial District No. 17

STAFF MEMBERS PRESENT:

Alysa Keller, Committee Policy Analyst
Erin Sturdivant, Committee Counsel
Christine Miner, Committee Secretary

OTHERS PRESENT:

Jeff B. Knight, State Entomologist, State Department of Agriculture
Jacqueline Sandage, Great Basin Beekeepers of Nevada
Linda Groves, Great Basin Beekeepers of Nevada
Del Barber, Great Basin Beekeepers of Nevada
Eddie Dichter, Current Planning Manager, City of Henderson
Debbie Gilmore, Hall's Honey

Jon Hamel
Albert Sindlinger
David Sharpless
Laura McSwain
Dan Phillips
Kelly Crompton, City of Las Vegas
John Endter
Kevin Licciardello
Dylan Shaver, City of Reno
Daniel Fenwick, Bees4Vets
Kyle Davis, Nevada Conservation League
Jan Brisco, Executive Director, Tahoe Lakefront Owners' Association
Garrett D. Gordon, F. Heise Land and Livestock Company
G. David Robertson, F. Heise Land and Livestock Company
Neena Laxalt, Humboldt River Basin Water Authority; Central Nevada Regional Water Authority
Todd Lowe
Patrick Donnelly, Center for Biological Diversity
Tobi Tyler, Sierra Club, Toiyabe Chapter
Bradley Crowell, Director, State Department of Conservation and Natural Resources
Charlie Donohue, Administrator, Division of State Lands, State Department of Conservation and Natural Resources
Barbara Jones
Steve Walker, Truckee Meadows Water Authority
Oz Wichman, General Manager, Nye County Water District
Terry Graves, Vidler Water
Tim Wilson, Acting State Engineer and Administrator, Division of Water Resources, State Department of Conservation and Natural Resources
Cadence Matijevich, Administrator, Division of Consumer Equitability, State Department of Agriculture
Peter Krueger, Nevada Petroleum Marketers and Convenience Store Association
Andrew MacKay, Executive Director, Nevada Franchised Auto Dealers Association
John Sande IV, Nevada Franchised Auto Dealers Association; Western States Petroleum Association

CHAIR SCHEIBLE:
We will begin with our work session on Senate Bill (S.B.) 96.

SENATE BILL 96: Creates a grant program to award grants of money to certain organizations applying for federal funds to finance certain projects related to public lands. (BDR 26-510)

ALYSA KELLER (Committee Policy Analyst):
I will read the summary of the bill and the amendment from the work session document (Exhibit C).

SENATOR GOICOECHEA:
An amendment was proposed by the Nevada Association of Conservation Districts and was not accepted. Are conservation districts included in where it says "community organizations"?

CHAIR SCHEIBLE:
The new amendment includes conservation districts. It is not as the District had proposed, because it did not comport with current statutes. The bill does include conservation districts, though.

SENATOR GOICOECHEA:
The testimony at the hearing was clear that these are matching funds and never intended to be used, for example, for land or water acquisitions. The $500,000 will not be used in the same way as the funds from the Question 1 program. The bill intends for the funds to be used as matching funds for organizations seeking federal funds, not acquiring property, building trails and so forth.

SENATOR HANSEN:
I thought the proposed amendment by the District is included in the bill.

CHAIR SCHEIBLE:
The amendment includes conservation districts. The amendment proposed by the District included additional language and did not meet legal standards to fit into the *Nevada Revised Statutes* (NRS), according to the Legal Division.

I will entertain a motion.

SENATOR HANSEN MOVED TO AMEND AND DO PASS AS AMENDED S.B. 96.

SENATOR BROOKS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SCHEIBLE:
I will move to S.B. 400.

SENATE BILL 400: Revises provisions governing the auditing and bonding of public livestock auctions. (BDR 50-634)

MS. KELLER:
I will read the summary of the bill and the amendment from the work session document (Exhibit D).

CHAIR SCHEIBLE:
I will entertain a motion.

SENATOR HANSEN MOVED TO AMEND AND DO PASS AS AMENDED S.B. 400.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR SCHEIBLE:
We will move to S.B. 417.

SENATE BILL 417: Revises provisions governing public sales of livestock. (BDR 50-371)

MS. KELLER:
I will read the summary of the bill and the amendment from the work session document (Exhibit E).

SENATOR GOICOECHEA:
As the sponsor of the bill, I support the amendment.

CHAIR SCHEIBLE:
I will entertain a motion.

> SENATOR BROOKS MOVED TO AMEND AND DO PASS AS AMENDED S.B. 417.
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> SENATOR HANSEN SECONDED THE MOTION.
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> THE MOTION PASSED UNANIMOUSLY.

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CHAIR SCHEIBLE:
We will close the work session and open the hearing on S.B. 389.

SENATE BILL 389: Prohibits a person from owning or possessing an apiary within certain areas of this State. (BDR 49-1018)

SENATOR KEITH F. PICKARD (Senatorial District No. 20):
I will present S.B. 389 which limits apiaries in certain areas of Nevada. The purpose of the bill is to address the risks of the health and welfare of our children and pets posed by killer bees within southern Nevada.

A managed beehive is called an apiary. Nevada's control of apiaries and bees is found in NRS 552 and 554 and is regulated by the State Department of Agriculture. *Nevada Revised Statutes* 554 provides for a quarantine for the Africanized honeybee (AHB).

Nevada is mostly rural countryside with most of its population concentrated in Clark County. The residential areas of the County are a mix of various densities of development. Some are highly dense and some are less so. There is a mix of areas with larger lots on the outskirts of the community and the denser

residential areas toward the interior. Some have densities of six homes per acre and others a half-acre or more. This bill focuses on the areas of the R-4 and R-6 zones, or quarter acre and one-sixth acre and smaller.

I was approached by a group of residents in a neighborhood in my district in Henderson. It concerned a long-standing problem in their neighborhood. A hobbyist had set up a dozen hives on his lot of 0.16 of an acre or about 6,500 square feet. The photo appearing on the screen from my visual presentation and the submitted aerial photo (Exhibit F) show the lot in a red boundary on the lower left portion of the map. This is the first neighborhood that raised the issue. Families had been driven indoors because their backyards had been overrun by bees from the neighboring property. I will acknowledge, bees do not come with identification, so we do not know for certain where the bees originated, but the average beehive is 50,000 to 70,000 bees. A dozen hives produce 600,000 bees. This area has six lots per acre; chances are good the bees originated in the offending lot. The families also experienced swarms in their yards.

The picture on the next screen is an over-the-fence view of the lot in question. They have a pool for a source of water that was occasionally empty. There were as many as a dozen hives as shown by the next slide.

A good and effective beekeeper will manage his or her hives. Part of the process is to ensure the hive requeens periodically, particularly in the Africanized areas. Management of the queens is important. If one queen gets out, the bees swarm and enter neighbors' yards and can mate with the Africanized drones, and this produces AHBs in the next generation.

The neighbors' children were stung repeatedly. Several of the children had become sensitized and some were allergic. Bee stings can result in anaphylactic shock and this puts lives in jeopardy. Given the difficulty in obtaining EpiPens, the risks go up.

European honeybees (EHB) are relatively docile and do not attack unless their hives are attacked. They are agitated when AHBs rob their hives. European honeybees can become agitated and defensive in the area of the quarantine.

Both EHB and AHB produce good honey. The problem arises when large populations of AHBs are brought in by hobbyists. If a swarm is found within

southern Nevada, unlike northern Nevada, which does not have a problem with AHBs, those swarms cannot be kept. They have to be destroyed. A swarm in northern Nevada, where the AHB problem does not exist, can be managed by capturing it.

There is a problem called colony collapse disorder (CCD) in the Country. Many people have responded by calling for hobbyists to keep bees on their properties to augment the bee population. This practice is unnecessary in Nevada as there is little evidence of CCD. Nevada has a robust bee population. Beekeeping in dense or urban areas creates a nuisance to neighbors and can pose a significant danger to those living there.

Mr. Jeff Knight, the State Entomologist, corrected me in that there is some evidence of CCD in Nevada. The State Department of Agriculture studies the AHB population.

JEFF B. KNIGHT (State Entomologist, State Department of Agriculture):
One of my duties as the State entomologist is to oversee the apiary program for the State Department of Agriculture. The Department considers all feral bee colonies and swarms within the quarantine zone as AHBs. If they are collected, they need to be requeened or destroyed. Regulations require an Africanized colony, or if the genetic composition of Africanization is considered a disease, be requeened within 30 days. All unmanaged or abandoned apiaries are considered Africanized within the quarantine zone.

How do the hives get Africanized? When new queens go on mating flights, they mate with 1 to 40 males. If these queens are in the AHB zone, the majority of the males are Africanized. I have heard the EHB queens prefer AHB drones. The AHBs are more aggressive and better at getting to the queens.

The CCD came about in 2004-2005. After studying it for years, the causes are mismanagement of the colonies, poor health and nutrition of the hives and new pests and diseases. The annual National Honey Bee Pest Survey is funded by the U.S. Department of Agriculture (USDA). Proper management of the colonies prevents the colonies from death. There is less of a bee problem in Nevada than other parts of the U.S. Nevada has one of the lowest rates of CCD.

The varroa mite is the number one problem in bee colonies. The mite transmits disease and viruses to the bees.

SENATOR PICKARD:
The bee problem in southern Nevada is real. Several dogs, including a police dog, have been attacked and killed. A horse in Pahrump has been killed. There have been a dozen people attacked. These are just the media reports. There is an informational article from the *San Joaquin Agricultural Law Review* titled "Attack of the Killer Bees: Will Regulation Save Us?" (Exhibit G contains copyrighted material. Original is available on request of the Research Library.) There is a USDA report titled, "What's Buzzing with Africanized Honey Bees?" (Exhibit H contains copyrighted material. Original is available on request of the Research Library.) These publications describe the problem and the inability of the industry to stop AHB invasions. The USDA report discusses the propensity of the EHB queen to prefer AHB males. When EHB queens leave the hives and mate with AHB males, it increases the AHB population.

There is a push for this to remain a local issue. We have a patchwork quilt of rules regarding bees within Clark County. The quarantine goes beyond the borders of Clark County, affects all of Lincoln County and a good portion of the populated area of Nye County. The map of the area in the visual presentation shows this. The purpose of the bill is to bring uniformity to the quarantine area and protect the children and animals there.

There is a report discussing the experiences of Puerto Rico where they have been able to reduce the aggressive AHB population there. The report suggests it is a result of genetic mutation resulting in lower aggression and the isolated nature of the island, making it a different experience from the situation in the continental U.S. According to USDA findings, it is impossible for the EHB population to ever crowd out the AHB population.

Senate Bill 389 addresses a small subset of the overall beekeeping industry. There is no dispute that bees are important pollinators in Nevada. Bees are not the only pollinators, but are critical to pollinating our gardens and fruit trees. The AHBs are also pollinators and are plentiful in southern Nevada. There are benefits for homeowners to keep bees on their properties. Senate Bill 389 seeks to strike a balance between the homeowner's individual interests in increasing their gardens yields and the neighbors' rights to use their yards without the threat or fear of bees. Many of the fears may be unfounded, but they are real, and people deserve to use their yards free of fear.

CHAIR SCHEIBLE:
How do you pass the *United States v. Lovett*, 328 U.S. 303 (1946) test?

SENATOR PICKARD:
I am not sure to what you are referring to.

CHAIR SCHEIBLE:
It sounds like a bill of attainder to me.

SENATOR PICKARD:
This is to ensure there is a uniform rule across the quarantine area. It includes three Nevada counties and eight jurisdictions. Some have regulations and some do not. Some of the regulations differ among jurisdictions. The issues are in the dense residential neighborhoods.

CHAIR SCHEIBLE:
In the presentation, there was a photo of an individual's backyard. Is this going to affect anyone else that you know?

SENATOR PICKARD:
Yes, there is discussion about registration for beekeeping. Most beekeepers are not registered, so it is impossible to know how many exist. I have been contacted by at least a dozen concerned citizens. This is a good estimate of the issues. There are one to two dozen homes keeping bees or considering placing bees. Part of the problem is education. There are robust groups of people in northern Nevada, like the Great Basin Beekeepers, who provide education. There is no educational program in southern Nevada except for what is offered through the University of Nevada, Las Vegas cooperative extension. Six months ago, there were no requests to them for a class in beekeeping.

SENATOR HANSEN:
There is a proposed amendment (Exhibit I) that has not been discussed. Does the amendment clarify for the bill that this proposed law only applies to the quarantine area?

SENATOR PICKARD:
Yes, the amendment resulted due to the nature of the legislative process and its deadlines. The bill was not written as I had hoped and time prevented a rewrite. To resolve this, the amendment clarifies the limit. Rather than using a

population cap, the leadership of the Great Basin Beekeepers suggested stating it in terms of the quarantine area. This is the ultimate intention of the bill on this issue.

SENATOR HANSEN:
The citizens who met with me were under the impression it applied to Reno, Sparks, and all of Nevada. My brother was a beekeeper, known as Mr. Flannery on North Truckee Lane. People called him to ask for colonies to be placed in their yards for fruit tree pollination. I have never heard from anyone with a problem of their neighbors keeping bees. Does S.B. 389 only apply to urban areas in the quarantine area?

SENATOR PICKARD:
Yes, that is correct.

SENATOR GOICOECHEA:
Will it be illegal to keep bees, even if a lot in the quarantine area is 12,000 feet or less and is surrounded by a section of sagebrush?

SENATOR PICKARD:
That is correct. There are R-1, R-2 and R-3 zones within the city of Henderson. It does not preclude hives on those. Hives will be prevented in the residential neighborhoods within the densely populated areas of the quarantine.

CHAIR SCHEIBLE:
Why is this being done at the State Legislature instead of at the local level?

SENATOR PICKARD:
With the patchwork quilt of regulations and rules, it is difficult to understand what the regulations are from one area to the next. It is appropriate to address it at the State level when an issue exceeds the borders of a county. That is the basis for Dillon's Rule. It is to ensure the Legislature keeps control and allows for a uniform set of rules throughout the State.

The bill does not affect anyone outside of the quarantine area. This does not apply to a great number of the population. There is little agriculture in the quarantine area, but primarily home gardens and fruit trees. There are ample populations of pollinators. Moths and flies are also pollinators. Flies are used in onion fields to pollinate because bees do not like to pollinate in these fields.

There is little evidence to suggest that the agricultural areas in Clark, Nye and Lincoln Counties lack pollination.

CHAIR SCHEIBLE:
Who is having a bee problem outside of Henderson inside the quarantine area?

SENATOR PICKARD:
I have had calls from areas in the east part of Las Vegas Valley. The neighborhood shown on the map in the presentation is an area in the center along Interstate 15 and in the eastern section of Las Vegas. Another area is just north of Interstate 215 on the west side. Spanish Ridge is just to the side. The issue is not limited to just the City of Henderson.

CHAIR SCHEIBLE:
Have these problem areas been inspected by local authorities?

SENATOR PICKARD
It depends on the jurisdiction. The lot in Henderson was inspected by Mr. Knight and I do not know of the others. Some of the jurisdictions do not have rules and regulations and do not make inspections. There is no enforcement for registration requirements.

SENATOR GOICOECHEA:
What programs does the State Department of Agriculture have to deal with the problem?

MR. KNIGHT:
If there is a call of an aggressive colony in a backyard, the Department responds and takes a sample. If the sample shows Africanization, the owner will be notified to requeen the hive or destroy the colony. There have been several calls per year on possible Africanization. This does not include managed colonies.

There was one death in Nevada from AHBs. A company was removing a colony of bees from a structure in southern Nevada. A gentleman who was killed by the bees was not wearing the required protective equipment. A permit is required by the Department for anyone moving a colony in southern Nevada. The permit determines the fee the company or person is charging to do the job and makes sure the person or company is a beekeeper and knowledgeable in how to remove and transport bees.

SENATOR GOICOECHEA:
Do you deal with the bee issue on a case-by-case basis?

MR. KNIGHT:
Yes, on a case-by-case basis. The Department does a national honeybee test survey, but it does not include the test for Africanization. It is only for the six or so viruses affecting bees.

CHAIR SCHEIBLE:
Did the only death caused by bees in Nevada happen when someone handled bees without the proper equipment?

MR. KNIGHT:
Yes. It was two-and-one-half years ago. The colony of bees was being removed from a structure. Two of the three people had suits on. The person operating the vacuum cleaner to suck the bees out of the structure was not wearing protective gear and was stung several thousand times.

SENATOR PICKARD:
The instances reported in the newspaper reveal there have been five dogs killed, including a police dog, and six people injured, several of whom were hospitalized. This is in Clark County. One horse was killed and two people were injured and hospitalized in Pahrump.

SENATOR HARRIS:
Will you clarify the present quarantine area from the map on the visual presentation? Is it parts of Lincoln County, Clark County and a small portion of the southern part of Nye County? Will this bill only apply to those regions?

SENATOR PICKARD:
That is correct.

SENATOR HARRIS:
Will the people in the audience who live in Clark County or Lincoln County or the southern part of Nye County raise their hands?

CHAIR SCHEIBLE:
Would you explain how the quarantine boundaries were determined? Is the quarantine imposed by federal regulations?

MR. KNIGHT:
The quarantine area was established in the late 1990s when the AHBs arrived in Nevada. The State quarantine area under *Nevada Administrative Code* (NAC) 554 was determined by the Department in areas where AHBs are found. The Department will expand the zone anywhere AHBs are found. It has been approximately ten years since there have been any reports.

CHAIR SCHEIBLE:
Will all those in attendance in Carson City and Las Vegas who are in opposition to S.B. 389 please stand. The camera will show there are a considerable number of people standing.

JACQUELINE SANDAGE (Great Basin Beekeepers of Nevada):
I am a master beekeeper from the University of Montana. If AHBs migrate to northern Nevada, it will impact people there. The system of beekeeping and the effects of AHBs can be addressed through structural procedures and processes of hive management, not quarantining urban areas or banning or prohibiting them.

I spoke with Cameron Jack, Apiculture Lecturer at the Honey Bee Research and Extension Laboratory in Florida, the largest honeybee research center in the world. The center is in a heavily Africanized area. There are no quarantine areas there. They rely on beekeepers as their best line of defense.

According to the University of Georgia Extension, beekeepers are the best defense Americans have against AHBs. Citizens and lawmakers need to understand this. In the fear that accompanies the arrival of AHBs, some groups may want to ban beekeeping in their municipalities. Without beekeepers, the density of docile EHBs in an area will decrease, leaving that area open to infestation by AHBs. It is equivalent to "abandoning territory to the enemy."

In 2005, Texas discontinued their quarantine because they found the beekeepers were not the problem with the spread of AHBs. The quarantine proved that the spread of AHBs in Texas is the result of natural migration of the insect.

The beekeepers of northern Nevada see this as erroneous legislation. To put this in perspective, dogs kill 28 people per year and other mammals 52. Bees, wasps and hornets combined kill 58 people annually in the U.S. Most of these deaths

are due to anaphylactic shock. There are 33,000 motor vehicle traffic deaths each year. We are focusing on the wrong safety issue.

European honeybees do not prefer AHB drones. African queens produce more drones. It is a law of statistics.

LINDA GROVES (Great Basin Beekeepers of Nevada):
I am a master beekeeper and I own the Bee Magic Educational and Learning Center. The Great Basin Beekeepers of Nevada have submitted a letter of clarification and I will refer to this in my testimony (Exhibit J).

Senator Pickard stated that S.B. 389 is not as he expected. I disagree with signing a bill that does not come close to reflecting your intentions knowing amendments can fix it. This may be the way some Legislators operate with excuses. As a registered voter and concerned beekeeper, I am not in agreement with this. It has led to unnecessary obstacles. The Senator assured us the amendment would correct the information and be part of S.B. 389 and only affect southern Nevada. The amendment was created to "quiet down" the loud buzzing in the north.

This is a local issue. Henderson, Nevada has created sufficient regulations to manage local bees. The statutes of NRS are sufficient. I see no support for this bill. The legislative opinion poll had 1,269 votes against the bill and only 8 comments for the bill. Over 1,000 signatures have been collected by the northern Nevada beekeepers against the passage of S.B. 389.

DEL BARBER (Great Basin Beekeepers of Nevada):
I will read from my written testimony (Exhibit K) opposing S.B. 389.

EDDIE DICHTER (Current Planning Manager, City of Henderson):
The City of Henderson opposes S.B. 389. There is a necessity for regulations allowing apiaries to safely operate in residential and non-residential zones within the City. This ensures public safety and secures essential natural resources for agriculture and food production. The City hired a consultant to help it develop a code. The apiary ordinance was developed and adopted on August 21, 2018, aiming to ensure responsible beekeeping in Henderson.

During the process, staff spent six months researching state, county and city apiary ordinances nationwide. The staff interviewed nationally recognized

experts, meeting with stakeholder groups of experts. These were comprised of members of the Bureau of Land Management, Springs Preserve, State Department of Agriculture, University of Nevada Cooperative Extension, local beekeepers and residents.

The City's apiary regulations are comprehensive and built on the foundation of extensive research throughout the State and the Country. The City reviewed 24 ordinances around the Country to be sure we had the best of the best.

A preliminary draft of the Apiary Ordinance was made available to residents and stakeholders for review. The input received strengthened the Ordinance.

Some of the items in the code address number and size of hives per lot size, distance separation from property lines, compliance with home occupation provisions, landscaping requirements, eliminating grandfathering rights, penalty for violation and proper beekeeping management practices. It is intended to avoid nuisance impacts on surrounding properties and persons and to protect public health, safety and welfare.

Senate Bill 389 is too restrictive and conflicts with the City's goal of allowing apiaries in a variety of neighborhood types. This bill will create a potential inequity of allowing an apiary on one residential lot, but not on another nearby residential lot based on 12,000 square feet. The amendment states 12,000 square feet is the minimum lot size, but does not address zoning. There are still possibilities of having 12,000 square foot lots in various zoning districts and in those dense areas shown on the presentation map.

The ordinance standards take into account the number of hives by square footage. There is a sliding scale of square foot increases. It is best practice to allow local communities to determine what works best in the jurisdiction, with input from residents and experts in the field.

The City developed a map and put a 1,000 foot buffer around the subject property, and came up with 17 properties within that buffer that would meet the 12,000 square foot provision. Even if the lot square footage is modified, the bees close to the dense urban areas are not eliminated. The City code will restrict more on the lots over 12,000 square feet. The bill does not have a limit on the number of hives or any other requirements and standards. The City does.

It developed standards. The 12,000 square foot lot would be limited to 4, and stringent requirements and standards for beekeepers will need to be met.

The subject property in Henderson with the 12 hives is correct. That is why the City developed standards and regulations. That property is now in compliance with the City regulations. The property has two hives as of the inspection three weeks ago. Henderson regulations may not work for all jurisdictions, so the best practice is to allow the local jurisdictions to develop standards that work for their communities.

CHAIR SCHEIBLE:
Do you confirm the offending property issue has been solved?

MR. DICHTER:
Yes, it has. The property is in total compliance with Henderson's apiary ordinance.

DEBBIE GILMORE (Hall's Honey):
I am well invested in Nevada and its people, beekeepers and the apiary industry. I will read from my written testimony (Exhibit L) opposing S.B. 389.

JON HAMEL:
I am a member of three bee clubs in northern Nevada. I oppose S.B. 389. Senator Pickard wrote in an email to me on April 2:

> But in the end, this bill will not affect beekeeping in Northern Nevada as AHB populations do not tolerate the colder climate. So you have nothing to worry about here. Only those that would introduce concentrations of hives in densely populated areas under quarantine will be affected.

I have not seen the amendment, but S.B. 389 indicated that unless a person owns more than an acre of land, that person could not own a hive. I would ask the bill be tabled until we have an opportunity to review it.

On April 1, Senator Pickard wrote a response to a statement he made on the radio that all bees in Nevada are Africanized. He wrote, "No, I think I said all bees in Southern Nevada are Africanized according to the Nevada Department of Agriculture. If I said 'all bees' I misspoke." I responded, "Is that true? If so, it

would appear that you have spoken a lie to the public with the apparent purpose of inciting groundless fear into the public in order to gain public support for S.B. 389."

This panel needs to understand the genesis of the thought process that resulted in the bill. The final corrected statement by Senator Pickard is not true. Not all bees in Nevada are Africanized nor are all bees in southern Nevada Africanized. The Senator indicated that this information comes from the State Department of Agriculture. From my study of this subject across the states of Texas, New Mexico and Arizona, it appears the comments by the Senator are false. I request the Committee determine if the information created by the Department was peer reviewed and determine if an audit of the data and methods used by the Department exist for review.

ALBERT SINDLINGER:
I am a local beekeeper and have been keeping bees for 25 years. I own Sierra Nevada Honey. The issue in S.B. 389 is a local issue. The fear is overblown. The solution to tone down Africanized hives is to introduce more EHBs. It goes both ways, not just that the AHBs will get worse. Bees fly in a two to eight miles radius, depending on the year and the climate. Bees do not read our laws and will fly where they need to fly.

When a horse sweats, it mimics the angry bee response. Bees can be terrifying and I had a good friend almost die from anaphylactic shock. The fear that bees are going to come and create a disaster has been overblown. It is a scare and it should be kept local, not in State law.

DAVID SHARPLESS:
I oppose S.B. 389. I am the owner of the property in question that prompted this bill. I will read from my letter of opposition (Exhibit M).

LAURA MCSWAIN:
I will read highlights from my written testimony (Exhibit N) in opposition to S.B. 389.

DAN PHILLIPS:
I am a beekeeper in northern Nevada. I agree with the opposition testimony on S.B. 389. I do not understand the need for the bill. The bill seems to create more laws that are already in place. The quarantine area is limited to southern

Nevada. Since the offender has complied and cleaned up his hives, the bill should be let go.

KELLY CROMPTON (City of Las Vegas):
The City of Las Vegas aligns itself with the comments of the City of Henderson. The amendment goes in a better direction than the bill, but local governments have adequate control to manage the bee issue through animal nuisance or zoning ordinances.

JOHN ENDTER:
I agree with the comments in opposition to S.B. 389. Africanized bees take up residence anywhere they can. We do not see them in a beehive. The gentleman killed when removing bees was removing bees from the walls of a house where AHBs had taken up residence. He was not removing them from an apiary. The AHB issue will not go away by removing the apiary. The problem will compound if the EHBs are not there to overpower the AHBs. It will allow the AHBs to take up residence anywhere. Managed beehives are not the issue.

KEVIN LICCIARDELLO:
I have been a beekeeper for a few years and my neighbors thank me. There is an abundance of berries and fruit growing on their properties. It is amazing to see the reaction of The Boy Scouts of America in the garden. I oppose S.B. 389.

DYLAN SHAVER (City of Reno):
The City of Reno is opposed to S.B. 389. Whether it is to be or not to be, it is an issue best left under local control. The City is stung by the bill and the amendment because it does not agree conceptually with the idea of ceding authority to determine this issue to a State or federal regulator. It can be managed by traditional code and enforcement processes of the City. The City of Reno Master Plan, "Reimagine Reno," emphasized urban agriculture as a priority for our City and our community. It is important not to yield authority to regulate that. I will now fly.

DANIEL FENWICK (Bees4Vets):
Bees4Vets teaches beekeeping to veterans with post-traumatic stress disorder or traumatic brain injury. Bees are calming to people with these two disorders. The bees teach the veterans to stay in the moment; to stay present. Bees go through a lot before they sting. They want to chase you away. When they

sting, they die. Senate Bill 389 will damage our program. Part of the program is on a large apiary where we teach students for the first year. In the years thereafter, veterans can maintain bees in people's backyards.

Yellow jackets and paper wasps nesting in yards are what attack people in their backyards. Ridding of honeybees will not fix this. Drone flooding encourages more EHB beekeeping to get more drones in the air to outnumber the AHBs. When the AHBs mate, there will be more EHB genetics and the hives become gentler in the areas surrounding the apiaries with the EHBs.

KYLE DAVIS (Nevada Conservation League):
The Nevada Conservation League opposes S.B. 389.

SENATOR PICKARD:
I appreciate the testimony today. Since the AHB population cannot live in a colder climate, this bill will not affect those in northern Nevada. Cities cannot yield power they do not possess. The State has occupied the field of apiaries and the ability to regulate or quarantine them. Nevada is a Dillon's Rule state.

Henderson deviated from the ordinances it used as a model. It included the home occupation standard. Important history was eliminated from its testimony. The issue in Henderson exists outside of Henderson, as well. It began four years ago with a complaint about the individual whose lot is the subject of the issue as identified in my visual presentation. There was no apiary ordinance, as suggested. The City allowed it under its home occupation standards. It includes the requirement the entire operation of the home occupation be kept completely within the home. This does not work. When that was not enforced, an apiary ordinance was created to allow the hives. This was tied back to the home occupation standard, which still requires the entire operation be kept within the home and does not produce sales that would generate vehicular traffic, as this apiary does. The suggestion that this apiary is in compliance is false. It is acknowledged that Henderson regulations will not work for other jurisdictions. The experts from the USDA report, Exhibit H, contradict some of the testimony today. It is not possible to push out the AHB population with EHBs.

I like bees and food as do others. This bill is a response to a real problem where children were being stung in their yards and the parents found they could not enjoy their yards. There are other areas in Las Vegas, besides Henderson, where the problem exists. I urge your support of S.B. 389.

CHAIR SCHEIBLE:
What poses a greater danger in dense residential neighborhoods, bees or guns?

SENATOR PICKARD:
Undoubtedly bees. There are more AHBs and more people encounter them and are frightened by these bees than are threatened by a gun in these yards.

CHAIR SCHEIBLE:
I will close the hearing on S.B. 389 and open the hearing on S.B. 280.

SENATE BILL 280: Revises provisions relating to state lands. (BDR 26-975)

SENATOR JAMES A. SETTELMEYER (Senatorial District No. 17):
The initial impetus of S.B. 280 started in Douglas County when having to deal with legislation to take pier and buoy fees and transfer them out of NRS and put them into the NAC. This would allow more time for all parties to discuss what accurate fees should be for piers and buoys. The Legislative Commission disagreed with the fees that were determined by the State Department of Conservation and Natural Resources. To me, the fees should be put back into NRS. The fees determined by the Department are unreasonable and I propose to triple the original fees. The Legislature will be able to adjust the fees. The fee proposed in the bill for a residential pier is $150 annually.

Newport Beach, California charges $105 for a 195 square foot pier. The fee for a 1,000 square foot pier in Oregon is $250 annually. In Utah, the charge is $225 for 3 years. In Washington, buoy fees are $175 annually. If the numbers in S.B. 280 seem inappropriate, a meeting with the Director of the Department to restructure the numbers is reasonable. His addition of zeros on the previous numbers are problematic. None of the sponsors of S.B. 280 have heard nor spoken with the Director, which is not the legislative process.

The navigable water provision in S.B. 280 is included under NRS 322. This does not change the ability of individuals to access a river or lake. With the provisions of NRS 537 or NAC 322, there is fear that current navigable bodies of water will be excluded. A 1970 court case governing Nevada, *State Engineer v. Cowles Brothers, Inc.*, 478 P.2d 159 (Nev. 1970) states the Supreme Court has asserted the issue of navigability is a judicial question. What the bill is doing is putting into law that codification. In *PPL Montana, LLC v. Montana*, 565 U.S. 576 (2012), a unanimous ruling, which is rare, it was

decreed that a river's navigability is to be determined on a "segment by-segment" basis. That is the language in S.B. 280.

This bill will not restrict access to the Colorado River. That river was fully adjudicated in *Arizona v. California*, 383 U.S. 268 (1966). The Supreme Court declared the Colorado River as a navigable body of water. As part of that same decree, the Virgin River is automatically included because it is a navigable body of water as a tributary to the Colorado River.

Lake Tahoe was adjudicated in *Davis v. U.S.*, 185 F.2d 938 (1950). The Truckee River is fully decreed within the 1944 District Court of Nevada, which adjudicated Washoe Lake because it is an outlet of the Truckee and clearly listed within that decree. Walker Lake is adjudicated by the Walker River decree. Winnemucca Lake is included in the *State Engineer v. Cowles Brothers* decree. It covers all bodies of water the State of Nevada has declared navigable.

Senate Bill 280 states adjudication is a judicial matter to be dealt with by a court and on a segment-by-segment basis per U.S. Supreme Court law.

SENATOR BEN KIECKHEFER (Senatorial District No. 16):
The majority of my interest in S.B. 280 relates to the pier and buoy fees which stem from a change made in statute in 2017 that put it under regulatory authority. It had previously always been in NRS. It was intended for all parties to come to a consensus together on what a fair fee structure would be for piers and buoys, which had not changed in many years. It was agreed the fees should increase.

The fees in S.B. 280 triple current fees. The regulatory process stalled at the Legislative Commission. The old fees are still being implemented. The primary payers of the fees reside in my and Senator Settelmeyer's districts. There are a couple in Clark County, but not many.

JAN BRISCO (Executive Director, Tahoe Lakefront Owners' Association):
I have submitted a handout (Exhibit O) to support my verbal presentation. The original legislative intent was to charge for the issuance of permits. A copy of the excerpted statute, NRS 322.120, is highlighted in Exhibit O. The policy and annual fees were set in 1994 by the State Legislature and remain relevant today. At that time and today, the annual permit fee for a pier is $50 and $30 for a buoy. The fee is intended to support the State's program costs. This fee

was never envisioned to be a fee for the use of the Division of State Lands the way it is being reviewed today. That policy should be carefully examined.

To make that paradigm shift now is to completely turn the original statute upside down and create a completely different policy that is not based on a factual legal or logical basis. Senate Bill 280 seeks to correct the errors and regain our legislative footing to implement what should be fair and appropriate permit fees for the program.

During the regulatory process, fees charged by other states were researched. It was an unfair task since each state has its own statutory authority and it is like comparing apples to oranges. When we compare Nevada pier fees with California fees, Nevada fees are higher. Washington does not charge an annual fee, just a permit fee.

The concept of fair market value is a turn of phrase that has been misconstrued during the regulation making process. Following the passage of S.B. No. 512 of the 79th Session, which granted authority to the State Land Registrar to adjust the fees for recreational structures, the valuation process was based on faulty and flawed data. It circumvented the public process. Had it been handled differently, we would not be here today.

It is a mistake to change decades long policy in favor of a fair market value system and approach, with value being added by the pier or buoy to the upland property. Instead, it should be fair market value of submerged State land, because that is what is being occupied by the structures.

There is an aerial photo of eastern Incline Village in Exhibit O. The Hyatt pier is shown at the top of the left page. This photo was taken during drought conditions. To highlight the ownership between private property and State land, the private land is at the water's edge. Most of the piers exist on private properties. Only a small portion of the piers extend beyond. Public and commercial piers extend much further into Lake Tahoe.

Most of the value of the piers are over private land. When the regulatory process valued a pier at $1 million, the appraiser did not take into account the portion in private ownership. Instead, it attributed the entire pier to the increased upland value for the proposed fees.

Tahoe Lakefront Owners' Association is not of the opinion that Nevada intends to assume the value of a pier on private land as attributable to State land. This is a concept to be considered carefully.

Lakefront owners are paying their fair share for piers and buoys as part of their property taxes. The fees will also apply to other lakes and rivers in Nevada. The charges will mirror those of Lake Tahoe. No fair market value or other approach was taken for the other State lakes and rivers.

Piers and buoys are only used a few months of the year and provide a valuable public purpose. They benefit through safe harbor in times of distress, whether boating, swimming or paddle boarding. They also provide aids for navigation to inexperienced boaters to keep them safe in unsafe waters. The Association can offer a compromise to resolve this matter and is open to this discussion at any time.

SENATOR BROOKS:
In section 1 of S.B. 280, what is being accomplished by defining navigable body of water and river? Why have that definition apply for title purposes? What will this clarification fix?

SENATOR SETTELMEYER:
This is about control. If a body of water is navigable, it is open for the public to utilize. Per federal law, people can use rivers throughout Nevada for navigation.

If a person needs to move a structure in the river or do a push-up for irrigation purposes, this is a right given by the decrees. By law, the U.S. Army Corps of Engineers (USACE) has to approve this. I am chair of the conservation district in Douglas County and am aware of the requirements. In Nevada, one must also get approval from the Division of State Lands.

Whether a river is adjudicated or not, in an emergency situation where one needs to operate quickly to save a crop or land, one must not have to deal with another bureaucratic agency. The Nevada Supreme Court decreed this in *State Engineer v. Cowles*. The U.S. Supreme Court stated so in *PPL Montana, LLC v. Montana.* These are court rulings that should be codified. Without this codification, these rulings will result in litigation. The intent of section 1 of S.B. 280 is to ensure the law is followed.

SENATOR BROOKS:
Can you give me a hypothetical or real example of when you have had to deal with that to help understand having to do something on a body of water?

SENATOR SETTELMEYER:
A portion of my property was eaten away by a flood two years ago on a river under the State's jurisdiction. The river rose and caused lost property damage which needs to be fixed. I have been unable to fix it. The costs are $60,000 to $80,000. The damage is not just above the high water mark, which I own. I still pay taxes to the center of the river. I am required to go through USACE and the Division of State Lands for permits because *State v. Bunkowski,* 503 P.2d 1231 (1972) requires it on this river. This problem came about again last summer, but that is my burden. I look at some of my constituents in other areas who do not have that law affecting their properties. They should not have to go through the same headache I have to with two government agencies when the law clearly says I only need to go through one.

SENATOR GOICOECHEA:
The concerns are in the context of the Humboldt River, which has never been adjudicated as navigable. We do not deal with a high water mark with this river.

The real consideration is the rest of the Humboldt. If bridges, piers and buoys are allowed, and it is not navigable, and fees are assessed, it becomes an issue for everyone along the Humboldt River. That is why the Virgin, Colorado, Walker and Carson Rivers are adjudicated in court as navigable. The ground between the high water mark and the water is considered State land and it has jurisdiction over that land. The intent is to ensure other jurisdictions will not require adjudication, especially in eastern Nevada.

SENATOR SETTELMEYER:
When the State owns it, the rules change and creates it as a doctrine and navigable servitude. I no longer own my land, yet I get the privilege of paying property taxes on it. It is a servitude, not an easement. The courts have been clear that this is a judicial question, because it is such a high bar. Property is taken without any form of compensation, yet the property owner is liable for taxes.

CHAIR SCHEIBLE:
I understand that this is forward thinking for other places that may see piers or buoys at some point, but is it appropriate to implement the same fees elsewhere as in Lake Tahoe? Are you open to having different fees in different areas?

SENATOR SETTELMEYER:
Anything is on the table, and we are amenable to that discussion. The State will not lose significant revenue in the two years between Legislative Sessions. Maybe the language should state that in Tahoe this is the rate, and a different rate for others when a request is presented. Perhaps give the Department the ability, provisionally, to utilize the fees and ask for adjustments for the locale.

There is a proposed amendment (Exhibit P) from Garrett D. Gordon. If it improves the bill, I am okay with it.

GARRETT D. GORDON (F. Heise Land and Livestock Company):
The F. Heise Land and Livestock Company supports S.B. 280. We have submitted a proposed friendly amendment Exhibit P.

G. DAVID ROBERTSON (F. Heise Land and Livestock Company):
I have been practicing water law in Nevada for over 35 years. The amendment, Exhibit P, was requested by the F. Heise Land and Livestock Company. This amendment adds a new section 5 with the following language: "The application and fee provisions of this Act shall not apply to agricultural use of navigable river waters where such waters, and any improvements related thereto, have been adjudicated by a court of law".

I have copies of several decrees adjudicating water rights as examples of federal court decrees. I have brought the Orr Ditch Decree controlling the Truckee River, the Walker Decree controlling the Walker River and the Alpine Decree controlling Carson River. The decrees specifically indicate there is an injunction preventing anyone from interfering in any way with those who irrigate from those rivers. The amendment is intended to avoid any potential litigation that might come from the passage of S.B. 280. The federal and State courts will be clear that State lands cannot interfere with the federal and State decrees that control the irrigation structures and the irrigation out of the rivers. Senator Settelmeyer has agreed to accept the amendment.

SENATOR HANSEN:
Some of the Boy Scouts of America were floating down the Humboldt River, which is not adjudicated. They started at South Fork, and near Battle Mountain they encountered a barbed wire fence strung across the river. The scouts were threatened with trespassing for being on the river, not on the bank. Were these scouts trespassing under present Nevada Law?

MR. ROBERTSON:
The Nevada Supreme Court decisions in *State Engineer v. Cowles* in 1970 and reinforced by *State v. Bunkowski* in 1972, make it clear that only the court can determine navigability. This is also based on U.S. Supreme Court precedence. If the Legislature states the Humboldt River is a navigable river, I suppose on a *prima facie* basis, people could rely on that. However, until a court determines that the Humboldt River is navigable, then legally it is not.

SENATOR HANSEN:
So legally, are the scouts trespassing because the river has not been adjudicated as navigable?

MR. ROBERTSON:
If the Nevada Legislature determines the Humboldt River as navigable, then there is a *prima facie* case to be made that the River is navigable. It would not be fully established under the law until a court approved it.

SENATOR HANSEN:
Would it be trespassing if under Nevada law the river is navigable, but the court has not approved it?

MR. ROBERTSON:
I do not know if it is a trespass, but since the court has not approved it, it is not considered a navigable waterway.

SENATOR HANSEN:
If a person is on a navigable body of water, would this person be trespassing who is fishing while walking on the bottom of the river?

MR. ROBERTSON:
Since it is State land, it is up to the State to decide if that is allowed.

SENATOR HANSEN:
My understanding is this would not be trespassing. But others have said it is trespassing. You are the expert on water law, what do you say?

MR. ROBERTSON:
I am not an expert on trespassing. I am an expert on water law. The bottom of an adjudicated river in Nevada belongs to the State. This indicates it is public land.

SENATOR GOICOECHEA:
If a person has five non-agricultural acres on the edge of an adjudicated navigable river, would this person be subject to the fee provisions in the law?

MR. ROBERTSON:
The court adjudicates all the water rights with a list of those with water rights. If the person is an adjudicated water right owner, this person is not subject to the fees.

SENATOR GOICOECHEA:
This brings up another issue on the Humboldt River. The water rights from Argenta to Battle Mountain have been transferred to Pershing County; therefore, those are not part of the adjudicated water right but clearly are agricultural property. Would they be subject to the fees?

MR. ROBERTSON:
It is my understanding under S.B. 280, even with the amendment, the property owner on the Humboldt River, not an adjudicated river, would be subject to the fees.

NEENA LAXALT (Humboldt River Basin Water Authority):
The Humboldt River Basin Water Authority supports S.B. 280.

TODD LOWE:
I am a Lake Tahoe lakefront property owner. I support S.B. 280. This bill represents a fair adjustment to the pier and buoy fees. Misinformation and perceptions do not match reality. I know what it is like living on the Lake, how it is used and what it is like to own and operate a pier and buoy.

The fee structure on the Lake is a great value, even with the proposed increased fees in S.B. 280. This is what is expected of the elected representatives. Our expectations include concerns with health care, schools and safety. Nevadans want our representatives to bring us great deals with the best and fairest solutions. The bill creates the opportunity to do this.

The lakefront owners in Lake Tahoe are a mix of those with means and those, like me, an engineer who has been lucky enough to own property on the Lake. Wealthy people sometimes have airplanes, and this model applies here. An airplane owner must get a registration permit with the Federal Aviation Administration every three years. The cost is $5. For a $20 million jet, the fee is $200,000 each year. The State benefits and the owners pay their fair share of the fees. My neighbors and I feel the fees to be proposed prior to S.B. 280 are just another tax and not fair.

MR. DAVIS:
The Nevada Conservation League opposes S.B. 280. The bill raises serious questions about public access to Nevada waters. The issue of navigability and public trust is unclear and is a complicated legal process. It is still unclear how navigability is determined.

On statehood, Nevada was given title to the bed and banks of the State navigable rivers. Navigability is determined a number of ways. Some are declared navigable in statute. There exists a definition in Nevada regulations that defines navigable waters in NAC 322.060.

The greatest issue is recreational access to waters. This new legislation precludes a more robust conversation about this issue. In a previous session, there was discussion about the Walker River. There were people claiming the river was not considered navigable. There were documented instances of the public being kept away from fishing the River because of the legal construct these people considered to be in place.

Senator Settelmeyer has done some respectful research on this issue. It is not easy to find all of the answers to this issue, and there are still legal concerns to be taken into account when looking at making changes to this section of the law. There could be serious impacts on public access to the waters.

The jurisdiction of the Clean Water Act is another issue. The term navigable applies to the applicability of the Clean Water Act.

In S.B. No. 512 of the 79th Session, the pier and buoy fees were removed from statute and put in regulation. The fees have been in statute and unchanged since 1993. Recent history has shown the lack of adjustment of fees at each legislative session. It is important for the Division of State Lands to determine what the correct value is for use of State lands. State lands belong to all Nevadans and it is fair to be compensated for the use of the land.

The Division went through a thorough process to determine a fair value for the use of State lands. The process is not finished. It was characterized this was rejected by the Legislative Commission. It was not rejected, but deferred. The current annual fee for a buoy is $25, and $50 is the pier fee. The Division proposes the fee for a pier in 2020 at $250. It will increase to $500 in 2021 and $750 in 2022. The appraisal done for the Division by a Nevada certified appraiser found the value of the piers in Lake Tahoe to be $12,000. The fees as put forward by the Division to $750 over a 3-year period keeps the fees below similar structures in California. Pier fees in California consider square footage of the pier. During the regulatory process, the issue of calculating fees based on square footage of the pier was not acceptable, nor was considering what portion of the pier lies on private or public land.

As part of the previous legislation on the fees, any amount over $65,000 is to be dedicated to working on projects under the environmental improvement program in the Lake Tahoe Basin. The fees are appropriate and help the overall environment of Lake Tahoe.

SENATOR GOICOECHEA:
Are piers and buoys in Lake Tahoe assessed a tax, although on State lands?

MR. DAVIS:
I am not sure and would defer to the Division.

SENATOR HANSEN:
A court has decreed that Carson, Walker and Truckee Rivers are navigable bodies of water. Can the State Legislature determine the Humboldt River as a navigable body of water? Will that allow public access? The Boy Scouts were

confronted by a barbed wire fence on the Humboldt and it has been determined by law that they were potentially trespassing.

MR. DAVIS:
It is a legal question and I am not an attorney. The State has declared certain bodies of water navigable in statute: Colorado River, Virgin River and Winnemucca Lake. It is an open question as to whether the State declaration is good enough to ensure the trespassing issue.

SENATOR HANSEN:
It would be a first step. If S.B. 280 passed with the definition of navigable body of water or river, could it be said the Humboldt River is navigable under State law? The issue of blocking public access by one landowner on an entire river system is wrong. The citizens of Nevada should be allowed reasonable access to the larger rivers, like the Humboldt. Because the Humboldt River has not been declared navigable, the issue continues to arise.

MR. DAVIS:
This is a good question and I agree this is an issue. It is a complicated legal issue, but my read of the bill is that it subjects navigability to two separate tests. It must be "used in ordinary condition as a highway of commerce over which trade and travel are or may be conducted" and "has been adjudicated as navigable for title purposes". If S.B. 280 passes, even if the State passes a law declaring the Humboldt River as navigable, it would be in conflict with this portion of the law.

SENATOR HANSEN:
So, it would have to be adjudicated by a court. If the Legislature passed a law adjudicating it, would a person have the right to cross it until it is adjudicated in a court of law?

MR. DAVIS:
That is my understanding.

SENATOR GOICOECHEA:
The Humboldt was adjudicated by the Bartlett Decree.

SENATOR HARRIS:
What is the average value of homes subject to the fees proposed by the Division?

MR. DAVIS:
I do not know. The fees in regulation and the bill proposed will apply to use of all State waters. In this situation, it is primarily about Lake Tahoe.

PATRICK DONNELLY (Center for Biological Diversity):
There are two things attempting to be done with S.B. 280. One has to do with buoys and the other with the fundamental altering of how Nevada looks at the navigability of waters. There are broader implications than buoys. Those who own the buoys are deriving benefit from a public resource. If these individuals are not paying for the conservation and rehabilitation of that public resource, then it lies to the rest of Nevada. Payment should be in accordance with the value being derived from that public resource.

Navigable waters entail certain protections. Limiting the scope of declaring waters navigable could limit protections on Nevada's waterways. This does not affect other waters in the U.S., but there is much wrangling about those waters. There have been restrictions, and the Center for Biological Diversity is in court with the Environmental Protection Agency on new U.S. water rules. At times there is a trend toward more delegated federalism than having state regulations take supremacy. Nevada may unintentionally be wading into muddy waters.

TOBI TYLER (Sierra Club, Toiyabe Chapter):
The Sierra Club, Toiyabe Chapter opposes S.B. 280. I will read from my written testimony (Exhibit Q).

BRADLEY CROWELL (Director, State Department of Conservation and Natural Resources):
The State Department of Conservation and Natural Resources is neutral on S.B. 280, although there are concerns. It shares the goal of setting fees at the appropriate level. I regret not being able to meet with Senator Settelmeyer prior to the hearing. It is ironic we are here considering the bipartisan passage of S.B. No. 512 of the 79th Session. As dictated by that bill, the Department went through the regulatory process and followed all required administrative

procedures. The Department was not aware of the discomfort with the outcome of the regulations.

The Department does not have an opinion about setting fees in NRS or NAC. If the Department is required to create routine regular updates of the fees, that is workable. Another 25 years of outdated fees and difficult adjustments through regulation is not an option.

The proposed Nevada fees will not be higher than in California. The proposed fee for a residential buoy is $250, up from $30. A residential pier will be $750, up from $50. A residential buoy in California averages $377 and a residential pier averages $1,350.

CHARLIE DONOHUE (Administrator, Division of State Lands, State Department of Conservation and Natural Resources):
I serve as Administrator of the Division of State Lands and as the State Land Registrar. I will read from my written testimony (Exhibit R).

SENATOR HANSEN:
There is public access to Lake Tahoe on the California side halfway up to the high water mark. On the Nevada side of the Lake, public access is not available because of a six-foot high dam at the Truckee River which raises the water an extra six feet during periods when the reservoir is full. Does the State take a position on that? Availability to some spots are denied by private landowners who claim to own the lake, but by law they only do to a point. California split the difference, but Nevada has not.

MR. DONOHUE:
The Legislature declared that the ownership of Nevada sovereign land is lakeward of 6,223 feet elevation. The private adjacent upland owner owns down to 6,223 feet, the low water mark. The dam in Tahoe City artificially raises it and those waters act as a reservoir over private property.

SENATOR HANSEN:
Has the bed and bank concept of public access ever been applied to the Humboldt River?

MR. DONOHUE:
The eight bodies of water in Nevada considered navigable do not include the Humboldt River. It has never been asserted by the State Legislature and no one has moved through a court case to prove otherwise.

BARBARA JONES:
I am part of a family of original property owners at Lake Tahoe. I support not raising the pier fees too high as many of the property owners are not rich, even though property is owned as a family unit. I am against more controls on the water situation.

SENATOR KIECKHEFER:
I look forward to engaging with Mr. Crowell and Mr. Donohue to come to a mutual resolution on the pier and buoy fees issue. There are many people living on the shores of Lake Tahoe who are very wealthy, but not all of them. Substantial increases in fees and a drive to increase the cost of living in Nevada is new. There is a reaction by my constituents who live on Lake Tahoe that they are often targeted because they are seen as those with deep pockets and can afford to pay. In Washoe County, the assessor changed valuation for these people and overcharged for property taxes by $40 million. The County was forced to repay the individuals after a court case found they were targeted. The dynamic should be balanced and put back into NRS. An escalator can be found to avoid returning each Legislative Session to negotiate this. My fears were realized in taking this issue out of NRS, which prompted me to vote against the bill in 2017.

SENATOR SETTELMEYER:
We are willing to sit with the Department to discuss the pier and buoy fees. My door has been open since this bill came alive. I would be agreeable to a Consumer Price Index, putting it on autopilot. That is fair and let us have that discussion.

My family was part of the Alpine Decree. For 58 years, my family went through court litigation for the final resolution of the case. It was the longest court case settled in U.S. history. Those who wish to challenge the navigability of other rivers are in violation of the Nevada Supreme Court case *State Engineer v. Cowles* and in violation of the U.S. Supreme Court determination that navigability is completely a judicial issue. Senate Bill 280 codifies Nevada Supreme Court law and U.S. Supreme Court law. This is not about access to

waters. It is about who owns the bed and bank below the waters and the issue of control. One should be able to go through as minimal a number of government agencies as possible.

SENATOR HARRIS:
Do either of you know the average cost of a home that would have to pay the buoy fee?

SENATOR KIECKHEFER:
I do not know an average cost. On the Incline Village side of Lake Tahoe, some homes are selling for $20 million and some for much less. Douglas County has different valuations. Homes and properties are valuable. The idea of changing the entire mechanism by which we assess permit fees based on the upland value of the property converts the nexus for charging the fee. It is applying a property tax onto the owners who already pay tax through the assessment process. The shift in the dynamic of how the fees are calculated and assessed is the sticking point.

SENATOR SETTELMEYER:
I represent all of Douglas County. I used to represent the shore zone of Incline Village as a member of the State Assembly. The constituents' property values of Washoe County are double those values in Douglas County. A law based on Incline Village is problematic for the constituents in Douglas County. Many of the families in Incline have been there for a long time and own it because they did not have to buy it. Attrition contributes to the demise of these residents.

SENATOR HARRIS:
I want to assess the actual impact on the people who are subject to the fees. This is not to suggest the fee should be tied to the property value.

SENATOR GOICOECHEA:
Do you know if the piers and buoys are taxed by the assessor?

SENATOR SETTELMEYER:
It is part of their county assessed valuation appraisal. It adds value to their property. In other states, the determination of assessment lines goes out 10 feet to 20 feet. In Nevada, with the 6-foot issue, it needs to go out further.

SENATOR KIECKHEFER:
I will get the information for the Committee.

CHAIR SCHEIBLE:
I will close the hearing on S.B. 280 and open the hearing on S.B. 250.

SENATE BILL 250: Revises provisions relating to the dedication of water rights. (BDR 48-664)

SENATOR SETTELMEYER:
There is a practice in Nevada in some municipalities and jurisdictions to sell dedicated water rights when unused. The issuance of two-acre feet of water per home is typical. A development of 25 homes is allowed 50-acre feet of water. If that is not needed, some jurisdictions are selling the excess to other developers. This is double selling of water rights. If water is dedicated to a project in perpetuity, it should remain so.

The proposed amendment (Exhibit S) by the Truckee Meadows Water Authority (TMWA) replaces S.B. 250 in its entirety. The language in the bill caused a problem for TMWA. It pools its water. The resources are available to everyone in its jurisdiction. It is able to balance water distribution when there are issues and changes. The amendment allows the banking process and if TMWA no longer needs the dedicated amount, it must first offer it back to the original entity that dedicated it.

SENATOR GOICOECHEA:
Does the State Engineer become involved when documenting the water and who holds the rights when the dedication is changed, and how much water is being banked? Does the State Engineer track the banked water and if it was reconveyed, keep track of what entities were involved?

SENATOR SETTELMEYER:
No, it is up to the municipality to keep track. The amendment states a public process is required and "... adopting a resolution declaring the water right to be surplus property no longer required for utility purposes and offering to reconvey the water right to the person or entity who dedicated the water right". The responsibility is on the municipality. Most communities tend to know neighbors' water and if someone is reselling it.

SENATOR GOICOECHEA
I am concerned with 40 years from now, a person might try to reconvey to a successor or whoever owns the property at that point.

SENATOR SETTELMEYER:
That is the intent. The reality is they will never want to do this, and this is the idea of the bill, to prevent this process from occurring.

SENATOR GOICOECHEA:
For banked water and in this scenario, is it true a municipality cannot build more houses with the excess?

SENATOR SETTELMEYER:
Yes, that is the goal and aim of the bill. Dedication of water to a subdivision is most likely from an over-appropriated basin.

SENATOR HANSEN:
Are the interests of Vidler Water considered in the bill?

SENATOR SETTELMEYER:
I have been in communication with Vidler Water. Developers do not like the practice of their water rights being taken and sold. I worked with Vidler on an initial amendment, but it did not satisfy the concerns of TMWA. I worked with TMWA in conjunction with Vidler Water. The amendment version of S.B. 250 is supported by Vidler Water.

STEVE WALKER (Truckee Meadows Water Authority):
I will clarify some questions in S.B. 250 and the proposed amendment. The dedication of a water right is not retroactive. Section 1, subsection 1 states "... a sufficient supply of water for a new or modified water service ...". There are counties asking for over dedication of water rights for developments to use up permits in over-allocated basins. The amendment will not prevent this. Section 1, subsection 1, paragraph (a) states "... taking into consideration requirements for a sustainable water supply ...". This is part of what is happening. There are examples of this in Washoe County and Nye County, where there is the over-dedication requirement because they are trying to reduce the number of permitted water rights in a basin that is not over allocated, but over pumped. This allows for that.

Section 1, subsection 1, paragraph (b) gets to the issue as stated by Senator Settelmeyer. Subsection 2 indicates there can be mergers and acquisitions by water companies, and will not be impacted by this legislation.

Section 2 makes sure this is applicable in NRS 278 and is specific to that planning chapter.

The amendment, Exhibit S, is proposed by TMWA to address the issues it had with S.B. 250, which is not its bill. It supports the amendment, and any issues with the bill should be referred to Senator Settelmeyer.

MR. DAVIS:
The Nevada Conservation League supports S.B. 250 and the amendment, which stays within the spirit of the original legislation. The practice of requiring a dedication of water rights is a good practice in an effort to be sure there are water resources needed for developments. It does not make sense for water to be sold. It aids in allowing our basins to get further out of balance.

OZ WICHMAN (General Manager, Nye County Water District):
I have poured myself into the Pahrump Hydrographic Basin Groundwater Management Plan every day for the last seven years. If I am not physically working on it, I am thinking about it. Think about dedication of water rights to a subdivision as a personal item. We are looking at the bill in a way that we are separating our personal relationship with the utility from the mass management of water rights by a utility. An individual personal relationship serviced by a water utility is the day that lot was created and purchased, and water rights were dedicated in support of the lot. The owner paid more for the lot than for a lot that is dry. There are many dry lots in Nevada.

When the utility strips the water away and assesses what is referred to as "over dedication", this amendment calls it surplus. When the surplus is assessed, it is stripped and sold away. Whose water is being stripped away? When water is dedicated to a developer and given to a utility, it is managed by the utility in trust for the buyer of the lot. This bill is the hill to die on. The State Engineer assesses oodles of water for lots. The Engineer maintains an administrative guideline and assesses, by square foot, how much water is needed for each lot to ensure there is enough. Sometimes it is four times as much. That means when a drought comes, there are plenty of water rights not currently being pumped.

Balancing the Groundwater Management Plan for the Pahrump Basin is a huge job. If the water rights are stripped, when more houses are built they shall be pumped. If the practice of selling off water rights continues, it will drive the State Engineer to a point in the Basin where proofs will be called for. Curtailment of water can be enforced.

It is important to consider this bill as personal. The surplus amount for the Hydrographic Basin 10-162 in Pahrump Valley, or the over-dedicated portion in the Pahrump Groundwater Management Plan, is 11,000 acre feet. On a 50-year projection, and as housing development continues, the amount will be 25,000 acre feet of water. It is unlikely the over-dedicated water rights will ever be pumped.

Nye County Water District supports S.B. 250. It is important to understand how water gets dedicated and the process a developer takes to dedicate water. Twice Nye County Water District has requested the State Engineer issue an order for Basin 162 that does what the original S.B. 250 proposed.

In the proposed amendment, section 1, subsection 1, paragraph (b) where it states "... first adopting a resolution ...", I would strike that line and insert "... without first having the State Engineer ... ". The Engineer is the individual who assesses how much water is needed for each lot. At the end of that paragraph, the last four words could change to "the water right must be returned to the owner of the lot". The owner of any lot in a subdivision should have the option to sell the excess. What is the relationship of a lot owner with the utility provider? There is a relationship. The utility provider can decide there will not be a bill, but there will not be any water either. The waters reside with the individuals, which is most of the population of Nevada. Of the legislative bills coming forward, S.B. 250 is the most important bill.

SENATOR HANSEN:
You stated that the water belongs to the person who owns the lot. If there is surplus of water to a lot, would you allow the owner to sell the water right?

MR. WICHMAN:
If the water is stripped, whether by the owner or the utility, it reduces the amount of available water to the lot. This will drive the State Engineer and the property owners to the circumstances we have seen in California during the drought.

SENATOR HANSEN:
You suggested to personalize it, and if a portion of the two-acre feet for a lot is determined to be in surplus, the utility will use it in some other way than for its original intention. You suggest that since it is personal property dedicated for a specific lot, if it is surplus, it can be sold. Is that acceptable to you?

MR. WICHMAN:
It is up to the individual owner.

SENATOR HANSEN:
Are you saying it is sellable property by each individual owner of a lot?

MR. WICHMAN:
Yes, we looked at the records and tried to assign a water dedication for every lot for the community of Pahrump. For more than 50,000 lots, it took 6 months and produced a 600,000 field spreadsheet. It was a tough challenge, because there are generations of records. We could not cleanly and completely close the loop, but we came close.

SENATOR HANSEN:
When water right prices went sky high in the Reno-Sparks area, there were smart people who found owners of lots with extra water rights. Offers and transactions were made. It defeats the purpose of having a surplus for drought years. It would be personal until someone came with an offer of $25,000 for an extra acre-foot of water.

MR. WICHMAN:
I agree. It is risky to sell water off.

CHAIR SCHEIBLE:
Be sure to submit your proposed changes to the amendment. We want to come up with the best policy possible on this issue.

SENATOR GOICOECHEA:
I do not see the utilities selling off or giving back water being held in surplus. That is the intent of the bill—to establish and allow them to bank it. If the utility can move the water right without a resolution and offer it back, does it not make sense that the utility would hold that water as surplus bank water? That is what is best for the basin and the utility.

MR. WICHMAN:
The bill impacts so many levels on the water rights issue. It provides for a buffer for waters that were dedicated to hundreds of subdivisions, between what is pumped and what could potentially be pumped. I recommend that the utility not decide what surplus is. The State Engineer assesses what is required per lot up front and needs to be involved in the process if there is going to be a reassessment of surplus. This allows the Engineer to return the permit number and subdivision and work with the utility to reassess the surplus amount.

My frustration and confusion with this Legislative Session are bills that have to do with a drought relief board and basic protection for domestic well owners in the face of curtailment. Senate Bill 250 is the most important of all water bills because it impacts the most people in Nevada. Water lies with ownership of the property. Water right is in the name of the utility, but it holds the water in trust for the owner.

SENATOR GOICOECHEA:
There is a key issue to consider. There is one week and we do not want to lose this bill. Time is of the essence.

MS. LAXALT:
Humboldt River Basin Water Authority and the Central Nevada Regional Water Authority support S.B. 250 in its original draft. There may be possible unintended consequences in the amendment. The Water Authorities will work with the interested parties to ensure the end result is satisfactory for all.

MR. DONNELLY:
The Center for Biological Diversity supports the intent of S.B. 250. The amendment appears to follow the intent of the bill.

TERRY GRAVES (Vidler Water):
Vidler Water worked with Senator Settelmeyer and TMWA and supports S.B. 250 and the amendment.

TIM WILSON (Acting State Engineer and Administrator, Division of Water Resources, State Department of Conservation and Natural Resources):
The Division of Water Resources is neutral on S.B. 250 as written. I will read from my written testimony (Exhibit T).

SENATOR GOICOECHEA:
Do you prefer water to never be reconveyed?

MR. WILSON:
Yes, the Division is supportive of the concept in S.B. 250. It serves the purpose to ensure the water remains available to that subdivision. Once water is dedicated to a subdivision, it should remain in perpetuity for the life of the subdivision. It is important to include this in NRS.

The concerns of TMWA may be unfounded. As written, I do not think the bill will affect the way it administers its water rights by way of a water banking system. The water is still signed off in the same manner, and its subdivision maps are the same as other subdivision maps. An entity approaches the Division with a letter commitment from the water purveyor called the "will serve" letter that sets out the amount of water and which permits it is coming from. I deduct that amount of water from those permits in accordance to the dedication rates being used for that particular project. I sign off on the quantity of water for that subdivision. That is the way it should be in perpetuity.

SENATOR GOICOECHEA:
A system like TMWA depends on both groundwater and surface water flows and these are subject to drought scenarios. The dedication rate goes out the window if there is no water in the creek. When dealing with the surplus or blended bank amount of water, it allows the water from one well to be used to augment another, even for a short term. It has been dedicated, but unavailable dedicated water is a problem.

In the banking scenario, there are subdivision maps all over the valley with dedicated water rights. These rights are all in one pot. My concern is how to ever separate those.

MR. WILSON:
There is flexibility to use it through the various points of diversion along the Truckee River and the groundwater wells, to commingle the water and service the customers. The concern is with the actual water right permits and ensuring that the dedication made to a subdivision and to a parcel does not change. Waters are dedicated in a specific amount to a parcel in a subdivision, for example, 1.12-acre feet annually. Through conservation, if water use is only 0.5-acre feet per lot in a subdivision, the developer will call it surplus. The

developer can then use that surplus for another subdivision. The State does not want this.

The original dedication rate was set to have sustainability of the water resource for the life of a subdivision. There are some safeguards in the amendment, but it is not clear and the language is rough. I would be happy to participate in reworking the language, if necessary.

SENATOR SETTELMEYER:
When the original bill was authored, TMWA was concerned because it separates the water from the land and puts it into a water bank. If the State Engineer wants to reverse what they have done, it may lead to litigation. I will work with the State Engineer and concerned parties on both bills to bring forward good legislation.

CHAIR SCHEIBLE:
I will close the hearing on S.B. 250 and open the hearing on S.B. 308.

SENATE BILL 308: Revises provisions governing gasoline octane standards in this State. (BDR 51-259)

SENATOR PETE GOICOECHEA (Senatorial District No. 19):
I am bringing S.B. 308 which started as a bill dealing with longitude and latitude dedications where certain petroleum products can be sold. In Lincoln County, someone can buy 85 octane fuel in Pioche, but not in Caliente or Alamo. The 85 octane issue became one with hot starts and cold starts, and is regulated by the State Department of Agriculture.

CADENCE MATIJEVICH (Administrator, Division of Consumer Equitability, State Department of Agriculture):
The State Department of Agriculture is neutral on S.B. 308 in its original form. After discussion with the bill sponsor, the Department is willing to address additional policy on the subject matter with the language in our proposed amendment (Exhibit U). This will better address the original intent of the policy.

There are two parts to the proposed amendment Exhibit U. The first part of the amendment adds language to expressly authorize the State Board of Agriculture to consider adequacy of motor vehicle fuel supply to the rural communities in Nevada when adopting regulation specifications for motor vehicle fuel.

Language is added in section 1, as follows: "Which would allow for adequate supply of motor vehicle fuel in a county whose population is less than 100,000".

The second portion of the amendment deletes the language in the original version of the bill that would require the State Board of Agriculture to obtain approval from the Board of County Commissioners of the county in which fuel specifications are not the same within the boundaries of the county. If the language was to remain in the bill, the Department of Agriculture staff, as technical subject matter advisors to the Board of Agriculture regarding motor vehicle fuels specifications, would be compelled to make recommendations to the Board of Agriculture that would be contrary to what the bill sponsor is trying to accomplish.

PETER KRUEGER (Nevada Petroleum Marketers and Convenience Store Association):
The Nevada Petroleum Marketers and Convenience Store Association supports the amendment to S.B. 308, Exhibit U.

I contacted Senator Goicoechea a year ago to help remedy the octane disparity problem petroleum gas station owners were having in areas of Lincoln County. With the introduction of S.B. 254, the greenhouse gas bill, the original approach is not as important as the requirements in the greenhouse gas bill.

SENATE BILL 254: Revises provisions relating to carbon reduction. (BDR 40-907)

The Association supports the greenhouse gas bill. The transportation sector is the largest contributor to greenhouse gases in Nevada. To achieve a 28 percent reduction in greenhouse gases by 2025, a mere 6 years, it is imperative the Board of Agriculture be given the authority to consider scientific evidence and air quality criteria. The amendment does not change the language of S.B. 308, but adds a section about supply to rural areas.

The industry will be forced to look at fuel formulations; how refiners refine fuels and how gasoline is distributed. The amendment ensures fuel specifications are permitted in areas of the State where adequate supply may not exist. Northeastern Nevada is included in current regulation, but there are areas being served by Utah, like Pioche and Austin. It is important for the Board of

Agriculture to have the flexibility to consider adequate supplies of fuel in our rural counties.

SENATOR GOICOECHEA:
The bill will allow the Department of Agriculture to allow some variance by using science-based criteria on elevation and temperatures. Law has prohibited some fuels from crossing certain latitude and longitude lines. The lines were drawn to prevent the use of certain fuels in hot, low elevation areas. This bill allows the Department flexibility to assess the use of lesser octane fuels with consideration of elevation and climate. Stations in Austin are restricted by being on one side of the meridian line. Caliente is restricted because it lies 10 miles south of Pioche, where the line is. The bill allows the Department to look at these situations and consider similarities in elevation. It can determine if getting fuel from Utah is allowed, since it is a closer resource.

ANDREW MACKAY (Executive Director, Nevada Franchised Auto Dealers Association):
The Nevada Franchised Auto Dealers Association opposes S.B. 308 in concert with its manufacture partners. With respect to 85 octane and the potential damage to pistons, depending on where the fuel ultimately ends up in the vehicle and where that vehicle ends up, it can have a detrimental impact. As a result, it could void the factory warranty.

SENATOR HANSEN:
If a person owns a Lexus, there is a notice on the car saying to use a premium grade fuel. If this person puts 85 octane fuel in this Lexus, instead of the premium grade, would it void the warranty? Would the person owning the car be held accountable? Do you have ways of testing if the damage to an engine is fuel related and voids the warranty?

MR. MACKAY:
Yes, most of the time. An octane level of 85, depending on the elevation, can be run in some vehicles. It may affect mileage performance. If the vehicle begins with 85 octane fuel at a higher elevation, then goes to a lower elevation with a hot climate, it is then that damage can occur. From the dealer perspective, a consumer asking for a warranty repair can be denied in this instance. This creates problems for the dealer and manufacturer.

SENATOR HANSEN:
An automobile owner who puts in fuel not recommended by the manufacturer, will void the car warranty, regardless of where the fuel is purchased.

MR. MACKAY:
I agree, but some do not want to take responsibility for their actions.

JOHN SANDE IV (Nevada Franchised Auto Dealers Association; Western States Petroleum Association):
The Nevada Franchised Auto Dealers Association and the Western States Petroleum Association oppose S.B. 308 with concerns. Most people who own vehicles know the low grade is 87 octane, midgrade is 89 and high is higher. They do not know that when they travel to higher elevations in Midwest states, the low grade may be 85 octane. Unknowingly using 85 octane fuel may void their warranties. Most individuals purchasing a Lexus know to use premium high-octane fuels. Those who own average vehicles are usually buying 87 octane fuel. This bill is asking for an exemption in some locations in Nevada. Our concerns are with the use of lower octane fuel.

SENATOR BROOKS:
If I purchase any vehicle tomorrow, is there a prohibition for using 85 octane gas that will immediately void the warranty?

MR. MACKAY:
I will reach out to the Alliance Automobile Manufacturers and get an answer for you. I can speculate that it may not result in piston damage, but it could.

SENATOR BROOKS:
I have seen the recommendations for fuel on my own vehicles, and some say I must use higher octane fuels. If 85 octane fuel is being sold in places in the Country, the average consumer will buy the least expensive gas possible.

MR. SANDE IV:
Most states require scientific evidence to promote fuel standards. The American Society for Testing and Materials (ASTM) creates fuel standards and recognizes when carburetor engines were the standard, it was more of an issue. The elevation and temperate climates affected those engines. The ASTM created those standards. There is more of an issue in Denver because of its high elevation, and it allows the sale of 85 octane fuel. The ASTM is in the process

of moving standards, but there are still many carburetor engines that it affects. With fuel injection and computerized engines, allowing for easier calculation of burn rates and operating efficiency, it is less of an issue. Most of the manufacturers are now engineering vehicles for the use of the higher octane fuels of 87, 89 and 91.

SENATOR HARRIS:
Is E85 octane different than the 85 octane we have been discussing?

MR. SANDE IV:
The E stands for ethanol, which is a fuel additive. In the refining process, ethanol is added to 85 octane fuel to create 89 octane. This is a very scientific process.

SENATOR HARRIS:
Would this bill prohibit gas stations from carrying E85?

MR. SANDE IV:
If it did, we would be in severe opposition. Many of our refiners use ethanol as an additive to reach the desired octane levels.

SENATOR GOICOECHEA:
Using E85 is not an issue. The bill does not prohibit a gas station from carrying any of the octanes, it allows them to carry the 85 octane in the higher elevations. It is about supply. Most of northeastern Nevada is supplied from Utah, and it is an issue of access to fuel.

MS. MATIJEVICH:
There is an expert on petroleum products in our State, Dr. Bill Striejewske. He is the senior petroleum chemist at the Division of Consumer Equitability. He is a resource for this Committee and is available to provide information on where different types of fuels are allowed to be sold and the scientific reasons behind this.

MR. KRUEGER:
This bill is not about E85. It is about the availability of fuel as we move forward in greenhouse gas reductions. There is nothing in the bill about 85 octane fuel. The bill simply offers flexibility to the Department of Agriculture.

CHAIR SCHEIBLE:
Having no further business, we will adjourn this meeting at 7:40 p.m.

RESPECTFULLY SUBMITTED:

_____
Christine Miner,
Committee Secretary

APPROVED BY:

_____
Senator Melanie Scheible, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	**Exhibit / # of pages**		**Witness / Entity**	**Description**
	A	2		Agenda
	B	11		Attendance Roster
S.B. 96	C	2	Alysa Keller	Work Session Document
S.B. 400	D	5	Alysa Keller	Work Session Document
S.B. 417	E	2	Alysa Keller	Work Session Document
S.B. 389	F	1	Senator Keith F. Pickard	Aerial Photo
S.B. 389	G	16	Senator Keith F. Pickard	San Joaquin Agricultural Law Review Article
S.B. 389	H	5	Senator Keith F. Pickard	USDA Article
S.B. 389	I	1	Senator Keith F. Pickard	Proposed Amendment
S.B. 389	J	1	Linda Groves / Great Basin Beekeepers of Nevada	Letter of Clarification
S.B. 389	K	1	Del Barber / Great Basin Beekeepers of Nevada	Written Testimony
S.B. 389	L	2	Debbie Gilmore / Hall's Honey	Written Testimony
S.B. 389	M	1	David Sharpless	Letter of Opposition
S.B. 389	N	3	Laura McSwain	Written Testimony
S.B. 280	O	4	Jan Brisco / Tahoe Lakefront Owners' Association	Presentation
S.B. 280	P	1	Senator James A. Settelmeyer	Proposed Amendment by Garrett Gordon / F. Heise Land and Livestock Company
S.B. 280	Q	1	Tobi Tyler / Sierra Club, Toiyabe Chapter	Written Testimony
S.B. 280	R	4	Charlie Donohue / Division of State Lands / State Department of Conservation and Natural Resources	Written Testimony

S.B. 250	S	2	Senator James A. Settelmeyer	Proposed Amendment by Truckee Meadows Water Authority
S.B. 250	T	2	Tim Wilson / Division of Water Resources / State Department of Conservation and Natural Resources	Written Testimony
S.B. 308	U	2	Cadence Matijevich / Division of Consumer Equitability / State Department of Agriculture	Proposed Amendment