

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

**Eightieth Session  
April 11, 2019**

The Senate Committee on Natural Resources was called to order by Chair Melanie Scheible at 4:02 p.m. on Thursday, April 11, 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

**STAFF MEMBERS PRESENT:**

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

CHAIR SCHEIBLE:

We will open the work session on Senate Bill (S.B.) 310.

**SENATE BILL 310:** Enacts provisions requiring the payment of deposits and refunds on certain beverage containers sold in this State. (BDR 40-752)

This is the bottle deposit bill. It will create a program in Nevada that calls for a deposit of 5 cents to be paid on every beverage container sold and a refund of 5 cents when the container is returned to a redemption center.

On meeting with a number of stakeholders, including the beverage industry, Division of Environmental Protection (NDEP), other State agencies and recyclers, there is an amendment to S.B. 310. The amendment is attached to the work session document ([Exhibit C](#)) which starts this program as a pilot program.

I have opened conversations with local governments to see if there is a city or county interested in participating in the pilot program, and there is some interest. The amendment is intended to be broad, allowing for either a smaller jurisdiction to start the pilot program or for NDEP to start the program Statewide with a smaller group of bottles or beverage containers for deposit. The amendment includes deadlines. The program is to be up and running by July 1, 2020. It gives NDEP 6 months to evaluate the viability of the program and inform the Governor and the Legislative Commission of its viability by January 1, 2021.

I will entertain a motion.

SENATOR BROOKS MOVED TO AMEND AND DO PASS AS AMENDED  
AND RE-REFER S.B. 310 TO THE SENATE COMMITTEE ON FINANCE.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

CHAIR SCHEIBLE:

We will open the work session on S.B. 308.

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

ALYSA KELLER (Committee Policy Analyst):

I will read the summary of the bill and the amendment from the work session document ([Exhibit D](#)).

CHAIR SCHEIBLE:

The bill does not address 85 octane fuel, and the hearing focused on the sale of this gas. The American Society for Testing and Materials (ASTM) has prohibited or recommended that 85 octane gas not be sold south of the 38th parallel in the U.S. This parallel splits the counties of Nye, Lincoln and Esmerelda. The intention of the bill is to not allow 85 octane to be sold below the 38th parallel and 117th meridian lines, but to keep following the standards of ASTM allowing

for differences within the counties pursuant to the boundaries recommended by ASTM.

SENATOR GOICOECHEA:

I support the bill as amended. It allows the State Board of Agriculture to adopt, by regulations, the specifications that would be allowed depending on adequate supply of motor vehicle fuel and not deal with the parallel or meridian lines. Battle Mountain is bisected by the parallel line. The bill allows the Board to adopt regulations that may fudge the lines if it is within one to two miles. It is an issue in some counties and a hardship to filling stations in those counties. As long as the ASTM specifications are met, this will allow for enough of a variance for those entities dealing with hardships of inadequate fuel supply.

CHAIR SCHEIBLE:

I would like to amend the bill to include a limitation on the variance, for example, within 10 miles of the 38th parallel or 117th meridian lines.

SENATOR GOICOECHEA:

I do not know if 10 miles would work, since the distance from Pioche to Caliente may be 22 miles.

SENATOR HARRIS:

Is there a way to direct the Board to take into consideration the ASTM recommendations or allow it to determine the mileage, but put some limitation on the rulemaking authority that sends the signal of the intent of the bill?

SENATOR GOICOECHEA:

The Board cannot violate the ASTM recommendations. Elevation, air quality and climate must be considered. The Board cannot violate the scientific requirements.

CHAIR SCHEIBLE:

I would like to add clarifying language to the amendment, perhaps a new subsection 6 stating "nothing in the act shall be construed to allow the State Board of Agriculture to violate the ASTM agreement."

SENATOR GOICOECHEA:

If the Committee feels comfortable passing the bill with the conceptual recommendation to the amendment, the State Department of Agriculture could

work on the language to allow waivers or variances as long it does not violate the ASTM agreement.

CHAIR SCHEIBLE:

I am fine with that. I will entertain a motion.

SENATOR HANSEN MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 308 WITH THE CONCEPTUAL RECOMMENDED AMENDMENT AS  
DISCUSSED.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION WAS PASSED UNANIMOUSLY.

\* \* \* \* \*

CHAIR SCHEIBLE:

We will move to S.B. 140.

[SENATE BILL 140](#): Revises provisions relating to the appropriation of water in certain basins. (BDR 48-541)

MS. KELLER:

I will read the summary of the bill and the amendment from the work session document ([Exhibit E](#)).

SENATOR GOICOECHEA:

I support the amendment. It makes necessary changes to allow for any groundwater that has been committed to be considered in the evaluations of committed water. It establishes what has not been committed and of that portion, 10 percent will be reserved.

CHAIR SCHEIBLE:

If there is 10 percent left in a basin, and someone was to drill a domestic well, under the amendment, will it be up to the State Engineer to stop them?

ERIN STURDIVANT (Committee Counsel):

Yes.

SENATOR GOICOECHEA:

As long as there is water available in the 90 percent portion of a basin, it would be legal for a person to put in a domestic well. The determination will be made when the Nevada Supreme Court rules whether the State Engineer has jurisdiction over domestic wells. At this point, I do not see that it changes anything, unless it is a basin that is totally appropriated. In that case, there would be no 10 percent reserve.

CHAIR SCHEIBLE:

If I am a parcel holder and there is only 10 percent left in a basin, I can still take 2 percent of that, because it is only the State Engineer who is not allowed to appropriate beyond the 10 percent. It does not say "every Nevadan shall ensure that 10 percent of the basin remains."

SENATOR GOICOECHEA:

No one can say "yes" or "no" to a domestic well. The determination has yet to be made.

CHAIR SCHEIBLE:

I will entertain a motion.

SENATOR HANSEN MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 140.

SENATOR BROOKS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

CHAIR SCHEIBLE:

We will move to S.B. 250.

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

MS. KELLER:

I will read the summary of the bill and the amendment from the work session document ([Exhibit F](#)).

Senate Committee on Natural Resources  
April 11, 2019  
Page 6

CHAIR SCHEIBLE:  
I will entertain a motion.

SENATOR HARRIS MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 250.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

CHAIR SCHEIBLE:  
We will move to S.B. 275.

**SENATE BILL 275**: Makes various changes relating to licensing and regulation of  
master guides and subguides. (BDR 45-150)

MS. KELLER:  
I will read the summary of the bill from the work session document ([Exhibit G](#)).

SENATOR GOICOECHEA:  
This bill has a fiscal note and will need to be re-referred to the Senate  
Committee on Finance.

CHAIR SCHEIBLE:  
I will entertain a motion.

SENATOR HANSEN MOVED TO DO PASS AND RE-REFER S.B 275 TO  
THE SENATE COMMITTEE ON FINANCE.

SENATOR BROOKS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

CHAIR SCHEIBLE:  
We will move to S.B. 316.

Senate Committee on Natural Resources  
April 11, 2019  
Page 7

**SENATE BILL 316**: Revises provisions governing actions relating to state lands.  
(BDR 26-53)

Ms. KELLER:

I will read the summary of the bill and the amendment from the work session document ([Exhibit H](#)).

CHAIR SCHEIBLE:

I will entertain a motion.

SENATOR BROOKS MOVED TO AMEND AND DO PASS AS AMENDED  
S.B. 316.

SENATOR HARRIS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

\* \* \* \* \*

Remainder of page intentionally left blank; signature page to follow.

Senate Committee on Natural Resources  
April 11, 2019  
Page 8

CHAIR SCHEIBLE:

Having finished with our business, I will adjourn at 4:28 p.m.

RESPECTFULLY SUBMITTED:

---

Christine Miner,  
Committee Secretary

APPROVED BY:

---

Senator Melanie Scheible, Chair

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



<b>EXHIBIT SUMMARY</b>				
<b>Bill</b>	<b>Exhibit / # of pages</b>		<b>Witness / Entity</b>	<b>Description</b>
	A	2		Agenda
	B	1		Attendance Roster
S.B. 310	C	6	Senator Melanie Scheible	Work Session Document
S.B. 308	D	3	Alysa Keller	Work Session Document
S.B. 140	E	7	Alysa Keller	Work Session Document
S.B. 250	F	3	Alysa Keller	Work Session Document
S.B. 275	G	1	Alysa Keller	Work Session Document
S.B. 316	H	2	Alysa Keller	Work Session Document