

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON NATURAL RESOURCES**

**Eighty-First Session
April 21, 2021**

The Committee on Natural Resources was called to order by Chair Howard Watts at 4:01 p.m. on Wednesday, April 21, 2021, Online and in Room 3143 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/App/NELIS/REL/81st2021.

COMMITTEE MEMBERS PRESENT:

Assemblyman Howard Watts, Chair
Assemblywoman Lesley E. Cohen, Vice Chair
Assemblywoman Natha C. Anderson
Assemblywoman Annie Black
Assemblywoman Tracy Brown-May
Assemblyman John Ellison
Assemblywoman Cecelia González
Assemblywoman Susie Martinez
Assemblywoman Robin L. Titus
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

Assemblywoman Maggie Carlton (excused)
Assemblywoman Alexis Hansen (excused)

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Jann Stinnesbeck, Committee Policy Analyst
Allan Amburn, Committee Counsel
Devon Kajatt, Committee Manager
Nancy Davis, Committee Secretary
Trinity Thom, Committee Assistant



OTHERS PRESENT:

Dominique Etchegoyhen, Deputy Director, State Department of Conservation and Natural Resources

Jonathan Brunjes, Deputy Administrator, Division of State Parks, State Department of Conservation and Natural Resources

Jennifer Ott, Director, State Department of Agriculture

Elliot Malin, representing Nevada Petroleum Marketers & Convenience Store Association

Chair Watts:

[Roll was taken. Committee rules and protocol were reviewed.] We have three bills on our agenda today, and I believe we will take them in order, beginning with Senate Bill 23.

Senate Bill 23: Revises provisions relating to the State Conservation Commission. (BDR 49-308)

Dominique Etchegoyhen, Deputy Director, State Department of Conservation and Natural Resources:

Thank you for having me here to introduce and present Senate Bill 23. [A PowerPoint presentation was shown, Exhibit C]. I am hoping this might be the simplest legislative proposal you consider this session, as S.B. 23 simply proposes to move a single word in statute. Existing law creates the State Conservation Commission of the State Department of Conservation and Natural Resources and establishes three areas from which the Governor shall appoint members to the Commission. Page 2 [Exhibit C] shows the current area boundaries, with Mineral County shown in Area 3. These three areas consist of counties, and the area boundary lines follow the county lines exactly. Senate Bill 23 would move Mineral County from Area 3 to Area 2.

The purpose of S.B. 23 is to resolve a boundary conflict that currently exists between the Mason Valley Conservation District boundary and the area boundary as shown on page 3. The Mason Valley Conservation District boundary encompasses a portion of Lyon County and the entirety of Mineral County, thereby straddling Areas 2 and 3. This boundary conflict is confusing and has caused the Nevada Association of Conservation Districts to recommend the Governor appoint a Mason Valley Conservation District supervisor to the State Conservation Commission to represent Area 2, only to later learn the supervisor was ineligible because the supervisor actually resided in the Area 3 portion of the Mason Valley Conservation District.

Transferring Mineral County from Area 3 to Area 2 will resolve the existing boundary conflict, the result of which you see on page 3. Senate Bill 23 will align the Mason Valley Conservation District boundary with the area boundary, thereby allowing Mason Valley Conservation District supervisors to represent the entirety of the Mason Valley Conservation District at the area level and on the State Conservation Commission, regardless of where the member happens to reside in the conservation district.

This boundary change will also promote congruency in locally led conservation and support efforts to better manage resources across the Walker River watershed. Page 4 shows the area boundaries should S.B. 23 be passed into law. This completes my testimony. I would be happy to answer any questions.

Chair Watts:

Are there any questions from the Committee?

Assemblywoman Titus:

This is my district. I actually live along the Walker River, which is in the Mason Valley Conservation District. In my mind, this makes sense, and I am surprised it has not happened earlier. This has been an issue; you have presented in the past some of the water conservation concerns that you have had in trying to fix this. I am pleased to see you drawing it in together, so when some of these decisions have to be made, they actually flow together. I appreciate your bringing this forward.

Chair Watts:

Are there any other questions? I have a clarifying question. Just to be clear, there is nobody representing Area 3 who is currently based in Mineral County, correct? This would not create any issues with the current makeup by making this adjustment.

Dominique Etchegoyhen:

My understanding is this would not upset the apple cart with regard to our current representation. It did, however, prevent a previous appointment that was being considered.

Chair Watts:

Are there any other questions? Seeing none, I will move on testimony in support of S.B. 23. Hearing none, is there anyone in opposition? Hearing no one, is there anyone in neutral? Hearing no one, are there any closing remarks?

Dominique Etchegoyhen:

Thank you, I appreciate your time.

Chair Watts:

I will close the hearing on Senate Bill 23 and open the hearing on Senate Bill 53.

Senate Bill 53: Makes various changes relating to the Division of State Parks of the State Department of Conservation and Natural Resources. (BDR 35-338)

Jonathan Brunjes, Deputy Administrator, Division of State Parks, State Department of Conservation and Natural Resources:

I am here today to introduce and present testimony in support of Senate Bill 53. Please allow me to provide a bit of backstory to explain why passing S.B. 53 is critical to the operation of Nevada's state parks. *Nevada Revised Statutes* 407.0765 establishes a utility surcharge account that the Division of State Parks, State Department of Conservation and Natural

Resources utilizes to make repairs to water, sewer and electrical systems within the various state parks [Account for Maintenance of State Parks]. The utility surcharge account is funded through a portion of the park entrance fees and annual permit sales that occur at specific parks. Currently, the utility surcharge accounts are park-specific. As a result, parks with high visitation, like Valley of Fire State Park and Sand Harbor within Lake Tahoe Nevada State Park, generate a lot of fee revenue, which in turn generates a higher balance in the utility surcharge account for maintenance and repairs. Likewise, parks in remote locations with low visitation, like Mormon Station State Park and Berlin-Ichthyosaur State Park, generate minimal revenue. As a result, the utility surcharge accounts in these parks is not adequate to cover costly repairs when they occur.

The original intent of this structure was to ensure that smaller parks did not have their accounts emptied by busier parks with larger utility infrastructures, which in turn are subject to higher use and more wear and tear. The opposite has proven to be the case. As it turns out, because these funds may only be spent at the park in which they are collected, smaller parks never build big enough balances to handle large utility infrastructure failures.

It is absolutely critical to maintain balances and to build flexibility into the utility surcharge account. Although it is impossible to predict when or where a catastrophic failure will happen, such as when a septic system will fail, it is certain such failures will occur during the busiest time of the year, making it even more crucial to make immediate repairs.

Senate Bill 53 will allow the Division to utilize the utility surcharge account to make repairs within the region in which fees are collected, rather than at the individual parks. Senate Bill 53 will allow the regional managers and facility managers to better utilize these resources to make immediate repairs at any of the parks within their respective region, not just the larger parks with bigger utility surcharge account balances.

Senate Bill 53 includes language making it clear that the Division will collect fees at all areas that the Division manages. The current language calls out parks specifically when in reality the Division manages recreation areas, historic sites, historic parks, as well as region offices and the Division office where we currently sell annual permits.

Senate Bill 53 also seeks to include communications systems within the definition of qualifying utilities. Maintaining adequate communications at a state park is every bit as critical to park operations as water, sewer, or electricity. Telecommunications, Internet, and radio systems are essential to park operations and ensure our staff are in a position to provide adequate public safety to park visitors. Communication systems can be expensive to fix and require immediate repair when they go down. Since these types of communication system failures are not a regular occurrence, funding does not currently exist in the Division's operating budget to make necessary repairs when there are issues with communications. The passage of S.B. 53 will correct that. Thank you for your time. I would be happy to answer any questions the committee may have.

Chair Watts:

We will move on to questions.

Assemblywoman Titus:

There is already an entrance fee to get into the parks. I need some clarification. Is this a new fee on top of the entrance fee, or is this a fee specific for the use of utilities?

Jonathan Brunjes:

There are no new fees being proposed. We are already collecting fees. The bill is simply allowing us to utilize that surcharge at a regional level instead of a park level.

Assemblywoman Titus:

Right now, any fees collected at a park can be used for multiple purposes throughout the state, not just at that park. Or is that reversed? If you collect a fee at a park, do you have to use it at that park?

Jonathan Brunjes:

As an example, the southern region has five state parks. Right now, if someone goes into Valley of Fire and pays the entrance fee, a dollar of the entrance fee goes into the surcharge account. The bill would change it so that a dollar from the entrance fee from any state park will go into a regional account so that it can be used at any of the parks within that respective region.

Assemblywoman Titus:

Just out of curiosity, I just learned that the road into the Berlin-Ichthyosaur State Park is going to be closed this summer for road work. Are you aware of that? How will that affect your being able to keep that park open?

Jonathan Brunjes:

I am aware of that road being closed due to road construction. As anticipated, I believe that park will be closed completely to the public until approximately November.

Assemblywoman Titus:

Will you be able to maintain that park? I was concerned when I found out that road was going to be closed.

Jonathan Brunjes:

We have two staff who live on site; they will remain out there and maintain the park.

Assemblywoman Anderson:

If this bill passes, will all of the accounts be put into the regional account right away, or will the funds continue to be divided by park? I am trying to figure out the details of how this would work.

Jonathan Brunjes:

Upon approval, we would have four accounts, one for each region. If a park needed access to those funds, they would submit a request—which is being done currently—and then it would go through the steps for approval to utilize those funds.

Assemblywoman Anderson:

Would the park employee come to you for the approval of the request for funds? My concern is that maybe one of the parks has been saving up money for a larger project, and now that money will be put into an account for use by other parks. Who makes the decision on how best to utilize that money?

Jonathan Brunjes:

The procedure for that will not change. Currently, a park supervisor would submit a request to access those funds. That request goes to the regional manager, from there it goes to the Deputy Administrator and then to the Administrator of the Division of State Parks, and all the way up to the Office of the Director of the State Department of Conservation and Natural Resources. There is a check and balance involved to utilize those funds.

Assemblyman Ellison:

Who has jurisdiction of the area by the State Department of Agriculture in Reno? Does that land fall within the Division of State Parks?

Jonathan Brunjes:

I am not sure who has jurisdiction of that area.

Chair Watts:

Are there any other questions from members? Seeing none, is there anyone wishing to provide testimony in support on S.B. 53? Hearing no one, is there anyone in opposition? Hearing no one, is there anyone in neutral? Hearing no one, are there any closing remarks? Seeing none, I will close the hearing on S.B. 53 and open the hearing on Senate Bill 65.

**Senate Bill 65: Revises provisions relating to the State Department of Agriculture.
(BDR 50-275)**

Jennifer Ott, Director, State Department of Agriculture:

Thank you for allowing me to present to you Senate Bill 65, which is a cleanup bill updating provisions relating to the State Department of Agriculture (NDA).

To provide background, after the 2019 Session, the NDA developed a five-year strategic plan to establish clear goals for the Department's future. Goal number one of that plan is to modernize our statutory and regulatory framework. Senate Bill 65 seeks to clean up language for the organizational structure of the Department, as well as adjust the requirements for the State Veterinarian. We are also requesting the names of two divisions be revised to accurately describe the activities of each division to provide clarity to the public. This bill does not create any positions new to the Department or require any

additional funding. It simply formalizes existing positions as part of the makeup of the Department. Also, I have received some questions regarding the deletion of language. This bill does not remove authority or add authority, it just changes the language to reference *Nevada Revised Statutes* (NRS) rather than trying to capture all NRS by specific wording which will help the Department comply with future NRS changes made by the Legislature.

There are no amendments to this bill, and I have not been notified of any forthcoming amendments. All fiscal notes on this bill are zero, and I have not been notified of any forthcoming fiscal notes.

At this time, I will quickly run through the sections. Sections 1 and 2 name the Division of Administrative Services and list the five Divisions as existing in the Department inclusive of the name changes. Though an administrative division has existed in the Department for some time and performs vital functions, such as fiscal administration and information technology, among others, it was not previously recognized in statute.

Sections 3, 5, 12, and 13 change the name of the Division of Consumer Equitability to the Division of Measurement Standards, thusly the State Sealer of Consumer Equitability to the State Sealer of Measurement Standards. This change more accurately reflects the activities of the Division.

Section 6 reduces the requirements of the State Veterinarian from having five years of regulatory experience to three years of regulatory experience.

Sections 7 and 9 revise the language for the Division of Animal Industry and its Administrator to refer to the statutory obligations of this Division as specified in NRS. The existing language describing this Division in NRS Chapter 561 has not undergone substantial revision for some time, while the *Nevada Revised Statutes* that govern the activities named have undergone revisions over several legislative sessions. No changes are being made to the duties as described in the underlying sections of NRS.

Section 8 modifies the language for the Division of Food and Nutrition and its Administrator to refer to the statutory obligations of this Division as specified in NRS.

Section 9 changes the name of the Plant Industry Division to the Division of Plant Health and Compliance and amends the language to refer to the statutory obligations of this Division as specified in NRS.

Sections 4, 10, 11, 14, 15, and 16 include conforming changes. Section 17 states an effective date of January 1, 2022. Thank you, Chair Watts, that concludes my presentation.

Assemblywoman Titus:

Section 6, subsection 2 states, "The State Veterinarian must: (a) Be a graduate of a veterinary school" Does the State Veterinarian have to be licensed in Nevada?

Jennifer Ott:

The State Veterinarian will have a license in order to be a State Veterinarian, but not for the recruitment requirements. We did not want to put that in statute because we wanted the ability to recruit licensed veterinarians from other states or other countries. We would require the Nevada license as a condition for an unclassified position.

Assemblywoman Titus:

Are you not going to require that the applicant must have or apply for a license to practice veterinary medicine in the state of Nevada? We hire physicians from out of state all the time, but the applicants must be licensed in the state of Nevada. Are you going to mandate somewhere that the State Veterinarian is qualified and must have a state of Nevada license?

Jennifer Ott:

I understand your concern. As I said, we just do not have it in statute. It is part of the hiring requirements.

Assemblywoman Titus:

Then part of the hiring requirement is that the applicant must be licensed in the state of Nevada. Section 9 shows all of the language you are deleting. Some of that has important functions, such as land use relating to the competition for food and water between livestock and wildlife and to ensure the maintenance of the habitat for livestock and wildlife. Does this mean the Administrator will not have those duties anymore? If not the Administrator, who will have those duties?

Jennifer Ott:

The language is captured under another chapter of NRS. The reason we deleted it under this section is because that is most recently covered under the Administrator for Plant Industries and not Animal Industries. Plant Industries has the natural resources component as the makeup of its program.

Assemblywoman Titus:

I am concerned about the feral livestock referenced under section 9, subsection 2, paragraph (b) being deleted. Will you refer me to the correct statute so I can see who will be responsible for that? Someone needs to be responsible for monitoring these issues.

Jennifer Ott:

That specific paragraph, the feral livestock, is still listed under Animal Industries. It is covered under NRS Chapter 569. I am happy to provide you with the exact listing of where those are.

Assemblywoman Titus:

Thank you for that clarification. I understand that you are renaming and redirecting, and I want to ensure that either someone will assume these responsibilities or someone else already has them.

Assemblywoman Cohen:

Regarding the reduction from five years to three years, what is the basis for that?

Jennifer Ott:

Section 6, subsection 2, paragraph (b) refers to the reduction of regulatory experience from five years to three years. Regulatory experience is not veterinary experience; it is specific to regulations. We were finding recruitment to be difficult. We found many veterinarians but very few who have regulatory experience that would fit for a State Veterinarian, in NDA or for those who are regulating the health of livestock. We were reducing that requirement for recruitment purposes.

Chair Watts:

Are there any other questions? Seeing none, I will move on to testimony. Is there anyone wishing to provide testimony in support of Senate Bill 65?

Elliot Malin, representing Nevada Petroleum Marketers & Convenience Store Association:

We want to be on the record supporting this legislation and appreciate the State Department of Agriculture and Director Ott for bringing this bill forward. Specifically, we appreciate the renaming of the Division of Consumer Equitability to the Division of Measurement Standards, putting us more in line with the rest of the country and alleviating confusion and better defining what they do.

Chair Watts:

Is there anyone else wishing to testify in support? Hearing no one, is there anyone in opposition? Hearing no one, is there anyone in neutral? Hearing no one, are there any closing remarks?

Jennifer Ott:

I appreciate your hearing this bill.

Chair Watts:

I will close the hearing on S.B. 65. That brings us to the last item on our agenda, which is public comment. Is there anyone wishing to provide public comment? Hearing no one, our next meeting will be Monday, April 26, 2021. This meeting is adjourned [at 4:34 p.m.].

RESPECTFULLY SUBMITTED:

Nancy Davis
Committee Secretary

APPROVED BY:

Assemblyman Howard Watts, Chair

DATE: _____

EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is a copy of a PowerPoint presentation titled "Presentation on Senate Bill 23," dated April 12, 2021, submitted and presented by Dominique Etchegoyhen, Deputy Director, State Department of Conservation and Natural Resources.