

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

**Eighty-first Session
May 13, 2021**

The Senate Committee on Natural Resources was called to order by Chair Fabian Donate at 3:08 p.m. on Thursday, May 13, 2021, Online and in Room 2144 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Fabian Donate, Chair
Senator Melanie Scheible, Vice Chair
Senator Chris Brooks
Senator Pete Goicoechea
Senator Ira Hansen

GUEST LEGISLATORS PRESENT:

Assemblywoman Sarah Peters, Assembly District No. 24
Assemblyman Howard Watts, Assembly District No. 15

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Policy Analyst
Allan Amburn, Counsel
Christine Miner, Committee Secretary

OTHERS PRESENT:

Meghan Brown, Deputy Administrator, Division of Plant Industry, State Department of Agriculture
Greg Lovato, Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources
Neena Laxalt, Nevada Cattlemen's Association; Central Nevada Regional Water Authority; Humboldt River Basin Water Authority

CHAIR DONATE:

We will open the work session on [Senate Bill \(S.B.\) 443](#).

SENATE BILL 443: Makes various changes relating to agriculture. (BDR 51-1084)

JENNIFER RUEDY (Policy Analyst):

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

SENATOR GOICOECHEA:

This bill requires all retailers in Nevada to sell seed that is certified or tagged as such. My concern is Nevada producers feeling the need to purchase from another state.

MEGHAN BROWN (Deputy Administrator, Division of Plant Industry, State Department of Agriculture):

Nevada seed producers go through a germination process and seed testing. The additional requirement proposed in S.B. 443 is adding sell-by dates to labels.

SENATOR GOICOECHEA:

If a seed producer buys seed from a seed grower in Oregon or Idaho without labeling, would the seed producer in Nevada be responsible for adding the sell-by date before selling the product in Nevada?

Ms. BROWN:

If a Nevada producer purchases seeds outside of Nevada and is repackaging the seed for sale, the tests need to be done. Otherwise, the person selling the seed to the producer would have to have the certifications done. Most states require the same elements as Nevada. If they do not have the sell-by date but have information from a seed lab with the information, it could come to the Division of Plant Industry, be certified and then labeled for sale.

SENATOR GOICOECHEA:

My concern is the impact and burden Nevada businesses would shoulder.

CHAIR DONATE:

I will entertain a motion to do pass S.B. 443.

SENATOR BROOKS MOVED TO DO PASS S.B. 443.

SENATOR SCHEIBLE SECONDED THE MOTION.

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THE MOTION PASSED. (SENATOR HANSEN VOTED NO.)

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CHAIR DONATE:

We will move to Assembly Bill (A.B.) 85.

ASSEMBLY BILL 85 (1st Reprint): Revises provisions relating to noxious weeds.
(BDR 49-108)

Ms. RUEDY:

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

SENATOR BROOKS:

The amendment proposes a requirement for a public hearing which might create a burden on the State Department of Agriculture. Is a fiscal note associated with A.B. 85?

ALLAN AMBURN (Counsel):

I cannot provide specific details on the fiscal effect on the Department. When bills are drafted, a fiscal effect is indicated if there is a possibility or appears it might have a fiscal impact if revenue expenditure is above \$2,000. I cannot answer whether this bill would cause this.

SENATOR GOICOECHEA:

Assembly Bill 85 states the State Quarantine Officer "may declare by regulation," and the process of creating a regulation requires a public workshop.

SENATOR BROOKS:

I agree this measure is a good idea.

CHAIR DONATE:

I will follow up and verify with the Department on the fiscal effect. I will entertain a motion to amend and do pass as amended A.B. 85.

SENATOR GOICOECHEA MOVED TO AMEND AND DO PASS AS AMENDED A.B. 85.

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SENATOR BROOKS SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DONATE:
Next is A.B. 89.

ASSEMBLY BILL 89 (1st Reprint): Revises provisions relating to wildlife.
(BDR 45-588)

Ms. RUEDY:
I will read the summary of the bill from the work session document ([Exhibit D](#)).

CHAIR DONATE:
I will entertain a motion to do pass A.B. 89.

SENATOR SCHEIBLE MOVED TO DO PASS A.B. 89.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DONATE:
Next is A.B. 97.

ASSEMBLY BILL 97 (1st Reprint): Revises provisions governing toxic chemicals.
(BDR 40-141)

Ms. RUEDY:
I will read the summary of the bill from the work session document ([Exhibit E](#)).

CHAIR DONATE:
I met with firefighter representatives who had hoped to call in support of the bill at the hearing but were unable to for logistical reasons.

SENATOR GOICOECHEA:

Is the foam containing the per- and polyfluoroalkyl chemicals still available?

GREG LOVATO (Administrator, Division of Environmental Protection, State Department of Conservation and Natural Resources):

I am unaware of the status of selling firefighting foams. Under the federal Toxic Substances Control Act of 1976, a set of regulations is being reviewed concerning the use of these substances. I will find the information for you.

SENATOR GOICOECHEA:

Why not outlaw the chemicals, rather than foam?

ASSEMBLYMAN HOWARD WATTS (Assembly District No. 15):

A range of these chemicals are used in various ways to make things water or grease repellent, including food packaging, apparel and many other products. Instead of taking a blanket approach, the use of foams was specifically identified. The main sources of pollution from these chemicals come from industrial facilities producing the foam or the release of the chemicals into the environment when used in firefighting applications and training exercises. The intent of A.B. 97 is to focus on the firefighting aspects using foams containing the chemicals. It does not outlaw the foam because alternatives are being studied to replace the harmful chemicals with less harmful substitutes. The bill proposes the discharging of foams to be reported, and the foams not be used for training purposes to limit the amount being released into the environment.

SENATOR GOICOECHEA:

I conclude the bill cuts back on the use of foams rather than outlawing the foams.

CHAIR DONATE:

I will entertain a motion to do pass A.B. 97.

SENATOR BROOKS MOVED TO DO PASS A.B. 97.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DONATE:

Next, we will go to A.B. 101.

ASSEMBLY BILL 101: Revises provisions governing the administration of certain substances to animals by licensed veterinarians. (BDR 54-113)

Ms. RUEDY:

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

SENATOR GOICOECHEA:

The U.S. Food and Drug Administration does not allow hemp to be administered to food animals like a milking cow.

CHAIR DONATE:

I will entertain a motion to do pass A.B. 101.

SENATOR BROOKS MOVED TO DO PASS A.B. 101.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DONATE:

We will now move to A.B. 102.

ASSEMBLY BILL 102 (1st Reprint): Revises requirements for the issuance of certain annual permits for entering, camping and boating in state parks and recreational areas. (BDR 35-877)

Ms. RUEDY:

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

CHAIR DONATE:

I will entertain a motion to do pass A.B. 102.

SENATOR HANSEN MOVED TO DO PASS A.B. 102.

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SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR DONATE:
We will move to A.B. 146.

ASSEMBLY BILL 146 (1st Reprint): Revises provisions relating to water.
(BDR 40-123)

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

SENATOR HANSEN:
Have there been any changes in opposition status from the City of Henderson, the City of Las Vegas, Clark County, Central Nevada Regional Water Authority and the Vegas Chamber since the amendment was attached to the bill?

ASSEMBLYWOMAN SARAH PETERS (Assembly District No. 24):
I received confirmation from the Urban Consortium, which includes the mentioned entities, and they are in neutral to A.B. 146 with the amendment included in the work session document [Exhibit H](#).

NEENA LAXALT (Nevada Cattlemen's Association; Central Nevada Regional Water Authority; Humboldt River Basin Water Authority):
The Nevada Cattlemen's Association, Central Nevada Regional Water Authority and Humboldt River Basin Water Authority changed from positions of opposition to neutral on A.B. 146 since the inclusion of the amendment in today's work session document, [Exhibit H](#).

SENATOR GOICOECHEA:
I agree with the amendment allowing local governments be considered prior to adopting regulations.

CHAIR DONATE:
I will entertain a motion to amend and do pass as amended A.B. 146.

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SENATOR BROOKS MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 146.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION PASSED. (SENATOR HANSEN VOTED NO.)

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CHAIR DONATE:
We will move to A.B. 148.

ASSEMBLY BILL 148 (1st Reprint): Revises provisions governing mining.
(BDR 46-134)

Ms. RUEDY:
I will read the summary of the bill and the amendments from the work session document ([Exhibit I](#)).

SENATOR GOICOECHEA:
I am concerned with Nevada's need to extend more oversight of the mining industry for things that happened in other states. Nevada has done a good job in the last 40 years, and its bond account is over \$2 billion for mine reclamation. I have a hard time being big brother, guarding that industry in Nevada.

A person who is a partner in a corporation but has a default from 20 years ago in another state would be prevented from doing business in Nevada, even if a clean record could be shown for recent years. I would like a timeframe element put into A.B. 148.

SENATOR HANSEN:
I share similar concerns. There have been bad actors in Nevada. The current bonding processes are excellent. How far back is it necessary to go to discover a bad actor? I do not want to jeopardize rural communities in my districts. Mining is their lifeblood, and I encourage competition in the mining industry. It is not good policy to chase someone out who may have made a mistake in another state decades ago. I appreciate the intent of A.B. 148 to keep corporations accountable for good or bad behavior, but will vote no.

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SENATOR BROOKS:

I share some of the concerns with applying standards associated with other states. I will support the bill but still hold some reservations.

CHAIR DONATE:

I will entertain a motion to amend and do pass as amended A.B. 148.

SENATOR SCHEIBLE MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 148.

SENATOR BROOKS SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS GOICOECHEA AND HANSEN VOTED NO.)

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CHAIR DONATE:

Next is A.B. 356.

ASSEMBLY BILL 356 (1st Reprint): Makes various changes relating to the conservation of water. (BDR S-1090)

Ms. RUEDY:

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

SENATOR GOICOECHEA:

I was unaware Las Vegas Valley had 5,000 acres of nonfunctional turf. This equates to 25,000 acre feet of water being consumptively used. The area cannot afford this, and I will support A.B. 356.

SENATOR DONATE:

I will entertain a motion to amend and do pass as amended A.B. 356.

SENATOR BROOKS MOVED TO AMEND AND DO PASS AS AMENDED
A.B. 356.

SENATOR GOICOECHEA SECONDED THE MOTION.

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THE MOTION PASSED UNANIMOUSLY.

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CHAIR DONATE:
Next is A.B. 452.

ASSEMBLY BILL 452: Revises provisions relating to environmental protection.
(BDR 40-1093)

Ms. RUEDY:
I will read the summary of the bill from the work session document ([Exhibit K](#)).

SENATOR HANSEN:
It is a mistake to pass this bill and take a half-million dollars from a fund to complete a report. I will vote no.

SENATOR GOICOECHEA:
I will not support A.B. 452. It will create too many expenses.

CHAIR DONATE:
I will entertain a motion to do pass A.B. 452.

SENATOR BROOKS MOVED TO DO PASS A.B. 452.

SENATOR SCHEIBLE SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS GOICOECHEA AND HANSEN VOTED NO.)

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CHAIR DONATE:
Lastly, we will move to Assembly Joint Resolution (A.J.R.) 3.

ASSEMBLY JOINT RESOLUTION 3: Urges various actions relating to the protection and conservation of land and water. (BDR R-775)

MS. RUEDY:

I will read the summary of the resolution from the work session document ([Exhibit L](#)).

SENATOR HANSEN:

The proposal does not define the parameters on what is to be protected and preserved. Nevada is 87 percent controlled by the federal government, and will the resolution include 30 percent of federal and private interests? Although part of a national agenda, the resolution is vague. Adding more government control over Nevada lands is not good for Nevada. I will vote no.

SENATOR GOICOECHEA:

I will not support A.J.R. 3. Thirty percent of lands in Nevada could be attained, but 30 percent of water is not available. It will be quite an expense for Nevada to acquire water rights to meet the 30 percent goal.

SENATOR BROOKS:

The best ways to protect and conserve the land are allowing multiple uses. I support conserving our land and water for future generations as long as multiple uses are allowed. Nothing in the resolution prohibits multiple uses.

CHAIR DONATE:

I will entertain a motion to do pass A.J.R. 3.

SENATOR SCHEIBLE MOVED TO DO PASS A.J.R. 3.

SENATOR BROOKS SECONDED THE MOTION.

THE MOTION PASSED. (SENATORS GOICOECHEA AND HANSEN VOTED NO.)

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SENATOR GOICOECHEA:

I would appreciate any work be continued on A.B. 148. If some of the conflicts are removed from the bill, I could support it.

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CHAIR DONATE:

With no further business, we will adjourn this meeting at 3:53 p.m.

RESPECTFULLY SUBMITTED:

Christine Miner,
Committee Secretary

APPROVED BY:

Senator Fabian Donate, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
S.B. 443	B	1	Jennifer Ruedy	Work Session Document
A.B. 85	C	1	Jennifer Ruedy	Work Session Document
A.B. 89	D	1	Jennifer Ruedy	Work Session Document
A.B. 97	E	1	Jennifer Ruedy	Work Session Document
A.B. 101	F	1	Jennifer Ruedy	Work Session Document
A.B. 102	G	1	Jennifer Ruedy	Work Session Document
A.B. 146	H	1	Jennifer Ruedy	Work Session Document
A.B. 148	I	1	Jennifer Ruedy	Work Session Document
A.B. 356	J	1	Jennifer Ruedy	Work Session Document
A.B. 452	K	1	Jennifer Ruedy	Work Session Document
A.J.R. 3	L	1	Jennifer Ruedy	Work Session Document