

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

**Eighty-first Session
February 18, 2021**

The Senate Committee on Natural Resources was called to order by Chair Fabian Donate at 3:31 p.m. on Thursday, February 18, 2021, Online. [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

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Robert Mergell, Administrator, Division of State Parks, State Department of Conservation and Natural Resources
Steven Cohen
Jennifer Ott, Director, State Department of Agriculture
Elliot Malin, Nevada Petroleum Marketers and Convenience Store Association

CHAIR DONATE:

We will open the hearing on Senate Bill (S.B.) 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)

ROBERT MERGELL (Administrator, Division of State Parks, State Department of Conservation and Natural Resources):

I will introduce and present written testimony in support of S.B. 53 ([Exhibit B](#)).

SENATOR GOICOECHEA:

How many regions do you anticipate creating?

MR. MERGELL:

There are four regions established. They are the Eastern Region, Western Region, Southern Region and Lake Tahoe Region.

SENATOR GOICOECHEA:

I am concerned about the rural parks being in regions that do not generate enough revenue to support them. For example, are you including Cathedral Gorge State Park or Elgin Schoolhouse State Historic Site in the Southern or Eastern Region? The associated region will have a huge impact on the available funds for the rural parks.

MR. MERGELL:

The Eastern Region includes Lincoln County up through White Pine and Elko Counties. South Fork State Recreation Area and Cathedral Gorge State Park bring in more revenue than other parks in that Region and will help support Beaver Dam State Park and Elgin Schoolhouse, for example.

The Western Region includes Washoe, Carson, Lyon and Churchill Counties. Lahontan State Recreation Area creates good revenue and can help parks like Berlin-Ichthyosaur State Park.

The Lake Tahoe Region has four parks including Sand Harbor Lake Tahoe Nevada State Park which generates large fees. This Region also houses Van Sickle Bi-State Park, a new park with less visitation and does not collect fees. It could rely on fees generated by Sand Harbor.

The Southern Region includes all of the parks in Clark County. The fees collected at Valley of Fire State Park will help support Mormon Station State Historic Park which only collects an entrance free for the museum tour. The infrastructure for this Park can fail. Each region is designed to include parks that generate larger fees to help support the smaller parks in its region.

SENATOR GOICOECHEA:

In what regions are the facilities from Nye and Esmeralda Counties plugged?

MR. MERGELL:

The only park in that area is Berlin-Ichthyosaur State Park, and it is located in the Western Region.

SENATOR GOICOECHEA:

There are no parks in Nye County other than the one at Berlin?

MR. MERGELL:

Correct.

SENATOR HANSEN:

I had the understanding the intention of the bill was to starve the smaller parks to subsidize the bigger ones based on how the regions were drawn. Since your explanation, I understand the concept. The concern is to be sure there is a bread-winning park to help subsidize those less popular. This seems like a good idea. Berlin-Ichthyosaur State Park is in my District, and I want to be sure the smaller parks are supported.

SENATOR SCHEIBLE:

Are there projections on how the new fees will be implemented? How much will they be; how much revenue will the fees generate; and where will the fees be applied? Can you give a numerical overview? It is understood this allows future flexibility, but once this bill passes, what is the plan?

MR. MERGELL:

This bill does not introduce any new fees. The fees are being collected, and there are account balances at every park in the State. A \$10 entrance fee generates \$1 for a utility surcharge account. Every park generates fees paid into its account. Rural parks may only have \$2,000 in their account. If a solar panel fails, or batteries explode, replacement costs can be greater than what is in the account. For example, Lahontan State Recreation Area is in the same region as some rural parks, yet it has several hundred thousand dollars in its utility surcharge account. The intention of the bill is to allow larger parks to help smaller parks in its region with maintenance costs allowing all parks to stay operational. There are no additional fees, just clarification on distribution of the funds.

I have submitted a color-coded map identifying the regions and the parks within each region ([Exhibit C](#)).

SENATOR SCHEIBLE:

Are there projects now that could utilize this new funding structure?

MR. MERGELL:

Yes, Berlin-Ichthyosaur State Park needs its batteries replaced, and it does not have the funds in its account for new ones.

ALLAN AMBURN (Counsel):

There is a two-thirds majority vote requirement attached to section 2 of S.B. 53. Existing law provides the Administrator may collect a fee for repairs at each park. This is being changed to the Administrator may collect at each area of a region. The language does not explain fees collected beyond the State parks in a region, such as recreation areas, monuments and museums. Therefore, a two-thirds majority vote is required.

STEVEN COHEN:

I would like to address my concerns in section 1, subsection 1, paragraph (d), subparagraph (2) of S.B. 53. I want to be sure veterans, seniors and all persons with disabilities are not fragmented. I am willing to work with the Committee or agency about these concerns.

CHAIR DONATE:

I will close the hearing on S.B. 53 and open the hearing on S.B. 65.

SENATE BILL 65: Revises provisions relating to the State Department of Agriculture. (BDR 50-275)

JENNIFER OTT (Director, State Department of Agriculture):

I will present S.B. 65 updating provisions relating to the State Department of Agriculture. The State Department of Agriculture developed a five-year strategic plan up to the 80th Legislative Session to establish clear goals for the future of the Department.

The first goal is to modernize its 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. It also requests the names of two divisions be revised to accurately describe the activities of the divisions. The proposed division names were selected by a pool of staff who work in those divisions and have the most knowledge of the

activities of the divisions. The revisions are intended to provide staff ownership and involvement in the division they represent and describe the duties of each division more accurately and clearly to the public. The bill does not create any new positions to the Department or require any additional funding. It formalizes existing positions as part of the makeup of the Department.

Sections 1 and 2 of S.B. 65 name the Division of Administrative Services and list the five divisions existing in the Department, inclusive of the name changes. Though the Division of Administrative Services has existed in the Department for some time and performs vital functions such as fiscal administration and information technology, among others, this Division 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. The State Sealer of Consumer Equitability becomes the State Sealer of Measurement Standards. This change more accurately reflects the activities of the Division which include ensuring accurate measurements in the State.

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

Sections 7 and 9 revise the language for the Division of Animal Industry and directs its Administrator to refer to statutory obligations of the Division as specified in the *Nevada Revised Statutes* (NRS). The existing language describing this Division in NRS 561 has not undergone substantial revision for some time. The statutes that govern those 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 referenced in sections 7 and 9.

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 Division of Plant Industry to the Division of Plant Health and Compliance and amends the language to refer the Administrator 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 this act as January 1, 2022.

SENATOR HANSEN:

Section 6, subsection 1 of S.B. 65 states the State Veterinarian "serves at the pleasure of the Director." Current law indicates this person be appointed on the basis of merit. Why that language change? It is concerning to eliminate the merit concept to someone serving at the whim of the director of any agency. It deems vulnerability.

Ms. OTT:

The language is not changing the abilities of a director of an agency. The administrators serve in unclassified positions in the State and are handled similarly. I do not think those changes are being made.

SENATOR HANSEN:

So you are saying they already serve at the pleasure of the director, but have to be appointed on the basis of merit. Is there a legal analysis?

MR. AMBURN:

With regard to unclassified service, statute provides officers, employees and executives to receive annual salaries. To satisfy the other listed conditions, service is unclassified. I do not know if this bill changes the effects of service, but I will research that and get back to you, Senator Hansen.

SENATOR HANSEN:

I feel bad for those who serve exclusively at the whim of a director. A violation of a merit requirement must occur before one can be terminated; that is a fairness factor. If it is that way under State law, and I am misinterpreting the language of the bill, it does not change anything, and I would have no issue with the law.

SENATOR GOICOECHEA:

It does not appear that the State Board of Agriculture has any input into the selection of any of these people, is that correct?

Ms. OTT:

Correct. The State Board of Agriculture does not and has not had input.

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SENATOR GOICOECHEA:

Under which agency does the dairy sector fall, is it NRS 583? Will dairy be under Animal Industries?

Ms. OTT:

Dairy is listed under NRS 584 and falls under the Division of Animal Industry.

ELLIOT MALIN (Nevada Petroleum Marketers and Convenience Store Association):
The Nevada Petroleum Marketers and Convenience Store Association supports S.B. 65 and the refining descriptions of the divisions. This puts Nevada in line with other states and allows a better understanding of what the various agencies do, especially the Division of Measurement Standards.

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CHAIR DONATE:

Hearing no further testimony, we will close the hearing on S.B. 65. Hearing no public comment, I will adjourn this meeting at 4:05 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. 53	B	1	Robert Mergell / Division of State Parks / State Department of Conservation and Natural Resources	Written Testimony
S.B. 53	C	1	Robert Mergell / Division of State Parks / State Department of Conservation and Natural Resources	Region Map