

H E A R I N G  
M I N U T E S -- 57th Session

**Assembly**

ENVIRONMENT &amp; PUBLIC RESOURCES &amp; FISH AND GAME COMMITTEE--Room 214

February 23, 1973

Members Present:      Chairman Bremner                      Broadbent  
                          Vice-Chairman Crawford              Jacobsen  
                          Ford    Lowman  
                          Gojack    Smalley  
                          Banner

Members Absent:      None

Guests:                      Ray Knisley                      Good Government  
                          Ernie Gregory                      Nevada Health Division  
                          Donald G. Jordan                      Washoe County Property Owners Assoc  
                          Wallie Warren                      Sierra Pacific Power Company  
                          Gene Milligan                      Nevada Assoc. of Realtors  
                          Stan    Nevada Bell  
                          Esther Nicholson                      League of Women Voters of Nevada  
                          James H. Gunther                      Self  
                          Carl A. Soderblom                      Southern Pacific Transportation Co  
                          Mike Bell                                      Nevada P.I.R.G.  
                          Fred Davis                                  Nevada Assoc. of Chamber of Commer  
                          Richard Miller

The meeting was called to order at 8:10 a.m. by Chairman Bremner. The purpose of this hearing is to hear testimony about A.B. 177 (The Environmental Act) and A.B. 121 (Water Control).

Chairman Bremner asked the committee secretary to take a list of those who wanted to testify and their stand on this bill.

A.B. 177

Mr. Donald G. Jordan, representing the Washoe County Property Owners Association, came to testify in favor of this bill. The reason for this is that the bill is a bill to protect the quality of the environment of Nevada. He went on to say that it is a good thing that the bill requires all state agencies to examine a report on environmental impact for the projects, because any report of that type requires a lot of thinking on their part on the state agency so that they, themselves, will investigate the problem very carefully and thoroughly and furthermore, learn more about it and know more about its advisability or not. Mr. Jordan concluded that this bill only provides a small step toward environmental aid, but as the saying goes, "a journey of a thousand miles must begin with a single step." And this is the step that I propose we take.

## Questions:

Dr. Broadbent asked Mr. Jordan about certain agencies that might be involved with this, and Mr. Jordan answered that the governmental agency that probably holds the greatest impact on the people is the Highway Department. This department has a high involvement in pollution, and would be very much concerned with this particular bill.

Ernie Gregory, from the State Health Division, testified next in saying he was with the intent of the bill, but he thinks that it is ve

vague. If the department has to write an impact statement for all projects, then they would have to have about thirty more employees. In objection, because of more of a burden to the department.

Questions:

Chairman Bremner asked how much money would be involved, and Mr. Gregory answered that it would be about \$60,000.

Mrs. Ford agreed with the bill not being defined very clearly, and with this, Mr. Gregory said that he would like the burden be on the land developer, rather than the state.

Mr. Noel Clark, Chairman of the Public Service Commission, was next to testify on A.B. 177. Under this act there are very strict requirements and participation before this commission may issue a permit to construct a power plant or any other utility facility. Under this proposed act, which Mr. Clark thinks has a lot of merit, but the Governor's Environmental Council is supplied with a copy of the utilities environmental statement and the application, then this council reports back to the commission whether it wants to intervene in the proceeding or not; and under this, this commission would be writing an impact statement along with the utilities application to the Environmental Council, which in turn would come back and determine what they would do, and somewhere along the line something is missing, and this would not work. The need of an extra engineer would be needed. Couldn't see why certain assessments couldn't be imposed and added in this bill for other applicants to pay the cost of environmental statement if they were required.

Questions:

Mr. Lowman mentioned that he did not understand what Mr. Clark was proposing, and Mr. Clark said that he proposes that present provisions for utility siting under 704 are adequate and as such the act should be amended to exempt those provisions.

Dr. Broadbent asked if Mr. Clark knew of any other states that has such an act such as this one, and he answered that in Washington, in general, has one, and California has one that is something like this one. In all probability this bill would be at great value in the Legislature.

Mrs. Ford stated that she would be interested in receiving a copy of one of the reports done within the last few years just to see what they are like and how they are done, and asked how many have been done within the last two years, and Mr. Clark answered about 12.

Chairman Bremner then called Mr. Ray Knisley, representing Good Government, to testify. Mr. Knisley, a citizen of Nevada in Clark County Delegation, called attention upon an error on page 2 about the Governor's Environmental Council, which is now the Governor's Environmental Commission. He said that this aim of the legislature is vague, and the bill should be spelled out more clearly. Also, section 4, about the requirements of an impact statement, and thought these were not good because it is now only requiring state agencies to do this, and it should be considered to set up a particular office to render this environmental statement, or certain departments would have to carry on an extra man. Mr. Knisley went on saying that the Highway Department does right now write impact statements, and they have a full time man that does only this. He said that section 7 seems to be cutting off funds, and didn't think it is clear enough for the reason funds being cut. And also said that the impact statements, if competent, would be very expensive.

Questions:

Mr. Jacobsen asked Mr. Knisley if he thought that the time and place is

now for this state to create a public service commission to take care of all environmental problems and all of this will stop all local problems, and Mr. Clark said it possibly could but there would be the problem of funds and experts to find for this type of commission. Mr. Clark further commented that it is not clear what the commission actually does with the statement once it receives one.

Esther Nichol森, from the Nevada League of Women Voters, spoke that the state should assume leadership in this area. She went on to say that the league strongly endorses the principles behind the passage of the Environmental Quality Act. The league also feels that the requirements for government agencies in Nevada, drafting environmental impact statements before making final decisions on projects could have significant effects on both for the present and for the future. She said that section 3 in lines 21 to 24 allowed wide latitude, and the remainder of the bill seemed pretty weak. Also, it does not specifically require the report be written, and it does not go into detail of what the commission is supposed to do with the reports it receives. Ms. Nichol森 continued in saying that section 7 requires local governments to file reports if they are to receive state aid, but what about other local projects that could have a significant environmental impact that would not require state aid? She said that in section 8 first mentioned the public for once, and there is no where in the act no mechanism for public input, such as hearings or public considerations, and hope that the committee would consider such a mechanism.

Mr. James A. Gunther spoke next in representation of himself. Spoke of a copy of additions and corrections for this bill. He believed that in Green vs FPC do establish that an agency write its own report. Mr. Gunther talked about the E.P.A. with its control to stop an action, which is the Environmental Protection Agency (Federal), and if not directly, the fact that the E.P.A. turns down, says that an impact statement is inadequate provides a mechanism that an individual serves and then pick up and use in the court against the agency serving the impact statement. He talked about the submitted sheet with the corrections and additions on the bill.

Mr. Richard Miller of Washoe Valley testified for himself. His opinion was to pass the bill, but with a few changes. This act is extremely important and should pass this session. Part of Mr. Miller's work is as director of Foresta Institute, which is a Nevada corporation, and they are prepared to gather experts and conduct impact studies. He also said that item of cost should be thought of. If there is no time to change the bill or amend it, then he figures they should be able to live with it.

Questions:

Mr. Crawford asked how much of his staff it takes to do a report and the cost, and Mr. Miller said that about three years ago, there were 3 part-time people; no amount of cost because they are a non-profit organization.

A.B. 121

Chairman Bremner then called Mr. Noel Clark from the Public Service Commission to testify on A.B. 121.

Mr. Clark mentioned that this commission is very concerned with the water quality to water control. He talked about the people being served by the railroads throughout the state with water. He said that services are all provided by contract, and if this bill goes through, all the contracts would be severed, and all of those people would be left with no water to live by. As an alternative, they thought that the bill could be re-written. If there was a legislative mandate to this bill, it would make it much better to go by.

Questions:

Mr. Jacobsen asked if Mr. Clark thought that in the study, if the legislature would have any merit. Mr. Clark answered that there would have to be co-operation Health Department and Public Commission to set up a committee and discuss this problem and maybe come up with a reasonable act. It is a big job and you cannot do this overnight.

Mr. Jacobsen suggested to give the public an area to rely on and turn to concerning this type of problem. Mr. Clark agreed and said that it should be put on the shoulders of the County Commissioners and who created the little water companies.

Mr. Clark stated that last session, an amendment was made to require all political sub-divisions, unless they were in a certified water area, must come to the commissioner for the approval of those plans. But after a study, found that there were at least 3 of them that were authorized and the Public Service Commission did not even know about. Nothing could be done about this, now that it has happened.

Witnesses were excused at 9:30 a.m. and the committee proceeded to discuss the bills.

A.B. 177--

Mr. Lowman moved for indefinite postponement, and Dr. Broadbent seconded it. With this, Mrs. Ford brought up the Colorado Act, as a substitution to take this bill's place. All committee members agreed, with Mr. Banner in opposition.

A.B. 121--

Mr. Jacobsen motioned for indefinite postponement, and Mr. Lowman seconded Mr. Jacobsen's motion. Then Mrs. Ford motioned that the committee consider a bill calling for a intern study in the problems relating to A.B. 121. Mr. Smalley seconded it. All members agreed for the latter motion.

A.B. 131--

Mr. Lowman moved for indefinite postponement, and Mr. Jacobsen seconded. Since this was re-referred to this committee, Dr. Broadbent suggested that we vote the same way as before, because even if it gets killed after out on the floor, but at least the committee votes what it feels. Mrs. Ford motioned to "Do Pass as Amended", Dr. Broadbent seconded her motion. All members agreed except Mr. Lowman and Mr. Jacobsen.

Chairman Bremner asked for any other business, and with no requests, he adjourned the meeting at 9:40 a.m., until Monday morning at 8 a.m.

Respectfully submitted,

*Geanie Armstrong*

Geanie Armstrong  
Assembly Attache









Assembly

ENVIRONMENT AND PUBLIC RESOURCES & FISH AND GAME COMMITTEE  
57th Session

RE-REFERRED TO COMMITTEE

BILL NO.: A.B. 131 DATE: January 29, 1973  
SPONSOR: Getto, Broadbent, Jacobsen, Wittenberg, Bremner, and Barengo.  
SUBJECT: "Bottle Bill"

COMMITTEE ACTION DATE: February 21, 1973  
AMENDMENT: YES X NO \_\_\_\_\_  
AMENDMENT PROPOSED BY:  
SECONDED BY:

COMMITTEE VOTE	YES	NO	EXCUSED	ABSENT	NO VOTE
BREMNER	X				
FORD	X				
GOJACK	X				
BANNER	X				
BROADBENT	X				
CRAWFORD	X				
JACOBSEN		X			
LOWMAN		X			
SMALLEY	X				

DISPOSITION: DATE: February 23, 1973

DO PASS:  
DO PASS AS AMENDED: X Motion: Mrs. Ford  
INDEFINATELY POSTPONED: Second: Dr. Broadbent

NOTES: At first motioned by Mr. Lowman for indefinite postponement,  
and Mr. Jacobsen seconded.



Assembly

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BILL NO.: A.B. 139 DATE: January 30, 1973  
SPONSOR: May, Hickey, Broadbent, Getto, Smalley, Ashworth.  
SUBJECT: Designates desert bighorn sheep as official state animal.

COMMITTEE ACTION DATE: February 21, 1973  
AMENDMENT: YES X NO \_\_\_\_\_  
AMENDMENT PROPOSED BY: \_\_\_\_\_  
SECONDED BY: \_\_\_\_\_

COMMITTEE VOTE	YES	NO	EXCUSED	ABSENT	NO VOTE
BREMNER	X				
FORD	X				
GOJACK	X				
BANNER	X				
BROADBENT	X				
CRAWFORD	X				
JACOBSEN	X				
LOWMAN	X				
SMALLEY	X				

DISPOSITION: DATE: February 21, 1973

DO PASS:  
DO PASS AS AMENDED: X Motion: Dr. Broadbent  
INDEFINATELY POSTPONED: Second: Mr. Jacobsen

NOTES:  
Amended section 1, page 1, line 3, by deleting "(Ovis nelsoni)"  
and inserted "(Ovis canadensis nelsoni)".