

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

**Seventy-third Session  
February 14, 2005**

The Senate Committee on Natural Resources was called to order by Chair Dean A. Rhoads at 1:30 p.m. on Monday, February 14, 2005, in Room 2144 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Dean A. Rhoads, Chair  
Senator Mike McGinness, Vice Chair  
Senator Mark E. Amodei  
Senator Bob Beers  
Senator Bob Coffin  
Senator Michael Schneider  
Senator Maggie Carlton

**STAFF MEMBERS PRESENT:**

Linda Eissmann, Committee Policy Analyst  
Jonathan Sherwood, Committee Secretary

**OTHERS PRESENT:**

Don Henderson, Director, State Department of Agriculture  
Jim Connelley, Administrator, Brand Inspections, State Department of Agriculture  
David Thain, Administrator, Veterinary Medical Services, State Department of Agriculture  
Terry R. Crawford, Director, Department of Wildlife  
Alan Caldwell, Chair, Independent Power Corporation

Chair Rhoads opened the meeting and informed the Committee there would be a presentation by Don Henderson, Director, State Department of Agriculture.

Mr. Henderson began his presentation by reading from written testimony ([Exhibit C](#)) describing a packet given to the Committee titled Nevada

Department of Agriculture, Presentation to the 2005 Legislature, Natural Resources Committee, Department Overview and Update ([Exhibit D](#)). He referred to pages 1 through 4 in the packet which dealt with a range of topics, including the vision and goals of the department and employment facts. The testimony also included details of the Virginia Range Estray Horse Program and the issue of Mormon crickets in Nevada.

Chair Rhoads said his observation was that grasshoppers did more damage than the crickets. He wanted to know if experts from the State Department of Agriculture had similar thoughts.

Mr. Henderson agreed that grasshoppers did more damage in regard to agricultural products. He said crickets tended to focus more on native and nonirrigated lands. The problem, he stated, was that crickets would completely eat an area until it was clear.

Chair Rhoads said that he had observed more damage to hay fields from the grasshoppers than crickets. Mr. Henderson replied that crickets had gotten into hay fields in Diamond Valley. The problem, Mr. Henderson said, was not the hay being eaten, but the body parts of the crickets left in the hay, which lowered the value of the crop as a result.

Mr. Henderson continued his presentation with page 4 of the packet ([Exhibit D](#)) which dealt with the Agricultural Inspection and Enforcement Program. He explained the program overview and its history.

Chair Rhoads asked what the Nevada Department of Transportations (NDOT) policy was in regard to the various inspection stations in the State. Mr. Henderson replied that he could not speak for NDOT, but they probably opened the stations as funding was available. Jim Connelley, Administrator, Brand Inspections, State Department of Agriculture, spoke on the issue of inspection stations and stated that the Nevada Highway Patrol usually dictated when the stations are opened. Mr. Connelley said the openings were kept secret and the State Department of Agriculture was not informed until the morning the station was to be opened. Chair Rhoads said he wanted to know if there was an agriculture enforcement officer present at the station when it opened. Mr. Connelley said yes there was and the agency tried to have at least one officer at every open inspection station.

Mr. Henderson continued with his prepared testimony ([Exhibit C](#)). He referred to page 5 of [Exhibit D](#). This section concerned the status of the West Nile Virus in the State. He described the virus and preventive measures.

Senator Beers said he wanted to know if humans and animals developed immunity to the West Nile Virus one at a time. Mr. Henderson deferred the question to David Thain, Administrator, Veterinary Medical Services, State Department of Agriculture. Dr. Thain said that if 1,000 horses were infected by mosquitoes carrying the West Nile Virus, 10 percent would become ill. The majority of the other horses, according to Dr. Thain, would develop a "subclinical infection" and then immunity. Concerning humans, he said of 150 infected, 135 would develop a transient, flu-ache followed by immunity. Of those 150 humans, 15 would become clinically ill. Dr. Thain then stated 3 of those 15 would require hospitalization due to severe neurological disease within the brain. Finally, one of those 150 humans would eventually succumb to the disease.

Senator Coffin asked if there was a way to know if one had the West Nile Virus in their system. Dr. Thain replied there were tests that were done with horses and birds that could reveal exposure and immunity to the virus. He stated there were a couple of human tests that would indicate exposure to the virus but not indicate future defense against infection.

Mr. Henderson spoke of federal livestock impoundments on page 6 of [Exhibit D](#). He described the issue and the various parties that are involved in the potential legislation this Legislative Session. He urged the Committee not to take action that would affect the current brand laws in the State.

Chair Rhoads questioned the meaning of Mr. Henderson's use of the term "a small but persistent portion of the livestock industry." Mr. Henderson responded that the people who contact the agency office do not represent the livestock industry as a whole. He explained that a small group of people do not support the position regarding the federal impoundments. Chair Rhoads asked whether a rancher who had a second ranch a hundred miles away had to have a brand inspection on every horse if they transported their horses. Mr. Henderson stated that the agency urged all owners to carry lifetime permits on them, but unless they crossed a district line they would not have to have an inspection. Mr. Connelley also responded that lifetime permits were recognized in neighboring states as well, and thus, were encouraged by the agency.

Chair Rhoads asked the cost of a permit. Mr. Connelley replied that an annual permit was \$15 and a lifetime permit was \$30. Within Nevada there are 10 brand districts for livestock. Mr. Connelley stated district lines were created on natural barriers with agricultural areas in mind. Mr. Connelley then described the process of filing a self-inspection card with the agency. Chair Rhoads asked what the penalty was for not carrying a permit. Mr. Connelley replied the penalty was a misdemeanor that could cost as much as \$1,000. Chair Rhoads wanted to know how many of those tickets were written every year. Mr. Connelley stated the agency tries to "educate rather than litigate." He said they did not write many tickets.

Senator McGinness spoke regarding issue number 5 in the packet ([Exhibit D](#)). The issue, he said, was if the Bureau of Land Management (BLM) would impound livestock if a permit had not been paid for in years. Mr. Henderson replied that was true. He stated if the livestock were impounded, they needed to be inspected before they were transported elsewhere. Senator McGinness asked if the people who did not support the impoundments were upset because they felt the State was assisting the BLM by allowing them freedom to conduct their operations. Mr. Henderson responded that was the case. Senator McGinness stated because the agency petition for judicial confirmation was denied, the agency still did not have a clear position on the issue. Mr. Henderson replied there was no standing for the judicial confirmation, but there were issues of constitutionality in the case. With that, Mr. Henderson referred the Committee to the Office of the Attorney General for that issue. Mr. Henderson wanted to make clear there were no impoundments on the books, but the BLM was beginning to move in that direction. The State was waiting, he said, for a decision from the federal Department of Justice in regard to any future impoundments and their legality.

Chair Rhoads stated the Nevada Cattlemen's Association had requested he put forth a bill draft to require all livestock be branded. He said he believed most cattle were branded while horses were not. He wanted to know whether horses were included in livestock. Mr. Connelley said horses were included in livestock. He said 80 percent of the horses in Nevada were not branded. He also clarified that the bill draft wanted branding or some other form of permanent identification for livestock. The problem, according to Mr. Connelley, was horses being stolen, and without proper identification, those cases were going unresolved. Chair Rhoads asked if there was a greater rate of cattle theft because the price for cattle was so high in the current market. Mr. Connelley

responded that theft had increased within the past six months. Chair Rhoads inquired whether there was a member of the State Department of Agriculture on the Homeland Security Advisory Board. Mr. Henderson answered the agency had been involved with homeland security and two years prior an agricultural subcommittee had been formed as part of the Nevada Commission on Homeland Security. The various State agencies had begun working together to allocate the federal money for homeland security in an efficient manner.

Mr. Henderson continued with his presentation on page 7 of [Exhibit D](#) which concerned the issue of capital improvement projects. The projects included moving the Elko and Reno offices to new locations. Mr. Henderson also discussed various bill draft requests (BDRs) and an Assembly Bill (A.B.) on the last page of [Exhibit C](#): [BDR 50-648](#), [BDR 51-658](#) and [A.B. 32](#).

**BILL DRAFT REQUEST 50-648**: Prohibits entry of live wildlife species known to carry Chronic Wasting Disease into State.

**BILL DRAFT REQUEST 51-658**: Revises requirements for the advertisement of motor vehicle fuel products.

**ASSEMBLY BILL 32**: Makes certain information collected by State Department of Agriculture confidential. (BDR 50-657)

Chair Rhoads discussed the Revised Standing Rules of the Senate Committee on Natural Resources, Seventy-Third Session ([Exhibit E](#)). He addressed the addition of rule number 6 to the rules formerly passed by the Committee.

SENATOR AMODEI MOVED TO ADOPT THE REVISED STANDING RULES  
OF THE SENATE COMMITTEE ON NATURAL RESOURCES,  
SEVENTY-THIRD SESSION.

SENATOR MCGINNESS SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR COFFIN WAS ABSENT FOR THE  
VOTE.)

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Terry R. Crawforth, Director, Department of Wildlife, began his presentation with a PowerPoint presentation ([Exhibit F](#), original is on file at the Research Library). The presentation detailed agency issues including the various bureaus, funding sources, continuing initiatives and increasing responsibilities. Following

the presentation Chair Rhoads asked how many acres of land the Department of Wildlife owned. Mr. Crawforth said 165,000 acres were owned by the Department. Chair Rhoads wanted an example of a landowner-incentive plan. Mr. Crawforth explained the program was primarily federally funded and a landowner would receive funds for completing projects to help the species of concern or endangered species on the land in question.

Chair Rhoads wanted to know if the State had to pay property taxes on the acres owned by the Department of Wildlife. Mr. Crawforth stated the State did pay taxes on that land. He said he believed the Department of Wildlife was the only State agency that pays a property tax and it is paid at the same rate as when the property was acquired.

Chair Rhoads wanted to know why the Department of Wildlife was tearing down Beaver Dam in Lincoln County. Mr. Crawforth explained the dam had been constructed in the 1950s and the capacity had been reduced by two-thirds making it difficult to manage. He said with the recent flooding and snowfall, the dam had been compromised. Chair Rhoads asked how much it would cost to rebuild the dam. Mr. Crawforth responded it would cost \$15 million to \$30 million. Chair Rhoads inquired if the dam had been inspected for safety. Mr. Crawforth replied it had been periodically checked, and recently by the State Engineer. To this, Chair Rhoads asked if there was a report on the inspection. Mr. Crawforth said he did have one.

Senator McGinness wanted to know if he could register a boat on-line. Mr. Crawforth explained that he could, but not as a first-time registration. He explained a first-time boat registration required an inspection and a title. Senator McGinness asked if Mr. Crawforth visited the remote registration offices throughout the State. Mr. Crawforth explained, because the on-line option exists, they have to make visits to the other offices less frequently. Senator McGinness asked if the information concerning registration was given at boat dealerships. Mr. Crawforth said yes, as well as a reminder sent by mail about various options for registration.

Senator McGinness asked if the upland game bird stamp authorized in the 72nd Legislative Session would apply to the Department of Wildlife's funding sources under licensing and fees. Mr. Crawforth said no because the funds are statutorily directed to a specific program. Senator McGinness asked if there were any statistics on what the fee had produced. Mr. Crawforth said it had

generated approximately \$100,000 thus far. Senator McGinness wanted to know what the plan was for that money. Mr. Crawforth said it was to be used primarily for water development and upland game bird habitat restoration.

Senator McGinness addressed the issue of the Department of Wildlife partnering with the Nature Conservancy in the acquisition of an easement. He wanted to know what exactly was the easement. Mr. Crawforth explained it was Bently property on the Carson River. Senator McGinness asked if that acquisition had taken that property off the tax roles. Mr. Crawforth was unable to answer the question at the time.

Senator Carlton asked about the bat conservation program with the Department of Wildlife. Mr. Crawforth explained the beneficial aspects of bats, primarily for insect consumption. He explained the various habitats that are being protected and education programs being implemented. Senator Carlton requested more information on the program be sent to her concerning the bat conservation program.

Chair Rhoads explained the Committee had three bill drafts remaining and Alan Caldwell, Chair, Independent Power Corporation, had a bill draft for alternative energy. Mr. Caldwell requested a bill giving a sales tax exemption for renewable energy products. He explained the bill had passed the 2001 Legislative Session and the 2003 Legislative Session, but was due to expire on June 30, 2005. He requested the deadline be extended from June 30, 2005, until the expiration of bifurcated taxes, or roughly six months.

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SENATOR BEERS MOVED TO REQUEST A BILL DRAFT TO EXTEND THE DEADLINE FOR SALES TAX EXEMPTION ON RENEWABLE ENERGY PRODUCTS.

SENATOR CARLTON SECONDED THE MOTION.

THE MOTION CARRIED. (SENATOR COFFIN WAS ABSENT FOR THE VOTE.)

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Chair Rhoads adjourned the meeting at 3:13 p.m.

RESPECTFULLY SUBMITTED:

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Jonathan Sherwood,  
Committee Secretary

APPROVED BY:

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Senator Dean A. Rhoads, Chair

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



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