

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

**Seventy-fourth Session
February 14, 2007**

The Senate Committee on Natural Resources was called to order by Chair Dean A. Rhoads at 3:32 p.m. on Wednesday, February 14, 2007, 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 in 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 Joseph J. Heck
Senator Michael A. Schneider
Senator Maggie Carlton

COMMITTEE MEMBERS ABSENT:

Senator Bob Coffin (Excused)

STAFF MEMBERS PRESENT:

Susan Scholley, Committee Policy Analyst
Randy Stephenson, Committee Counsel
Ardyss Johns, Committee Secretary

OTHERS PRESENT:

Don Henderson, Director, State Department of Agriculture
Rick Gimlin, Deputy Director, State Department of Agriculture
Don Alt
Janine Hansen

CHAIR RHOADS:

Committee, you have before you a request for a bill draft request (BDR) for a resolution concerning off-highway vehicles (OHV) from the U.S. Forest Service

and the Bureau of Land Management. There will be a lot of action this Session regarding these OHVs.

SENATOR AMODEI MOVED TO REQUEST A BILL DRAFT FOR A RESOLUTION CONCERNING OFF-HIGHWAY VEHICLES.

SENATOR HECK SECONDED THE MOTION.

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

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CHAIR RHOADS:

We will open the hearing on Senate Bill (S.B.) 47.

SENATE BILL 47: Revises certain provisions concerning the taxation of livestock and sheep. (BDR 50-623)

DON HENDERSON (Director, State Department of Agriculture):

This bill is basically a housekeeping item and is of minor significance. I will turn this over to the Deputy Director to introduce.

RICK GIMLIN (Deputy Director, State Department of Agriculture):

Senate Bill 47 suggests a change to the livestock head tax. *Nevada Revised Statutes* (NRS) 575.110 provides that livestock and sheep subject to taxation will be deemed to be located in the county where the owner of livestock or sheep has his principal place of livestock or sheep business in this State. Some individuals have responded to the State Department of Agriculture indicating that if they are noncommercial owners, they are not subject to head tax. The intent of the law was to ensure all livestock were subject to head tax within the State. This bill simply clarifies that portion of the law.

SENATOR SCHNEIDER:

How many head of cattle do we have in Nevada?

MR. GIMLIN:

The last estimate of livestock assessed in fiscal year (FY) 2006 was about 445,000. In terms of total, we showed approximately 450,000.

SENATOR SCHNEIDER:

How much are they taxed and how much does the tax generate?

MR. GIMLIN:

Taxes collected on sheep, cattle and horses over the last 3 years averaged just under \$148,000 a year.

MR. HENDERSON:

These fees are used for a variety of items, primarily to support the brand-inspection function of the Department. Cattle are assessed at 10 cents a head and sheep are assessed at 30 cents a head. The additional 20-cent assessment is for predation control.

CHAIR RHOADS:

If there is no further testimony on this bill, we will close the hearing on S.B. 47 and open the hearing on S.B. 48.

SENATE BILL 48: Redesignates district brand inspectors as agricultural enforcement officers. (BDR 50-628)

MR. GIMLIN:

Senate Bill 48 removes obsolete language from sections of the law. During the 2001 Legislative Session, district brand inspectors became agricultural enforcement officers. This class specification was deleted as of March 2001. This bill is simply cleaning up language in the statutes to make sure it corresponds with the current designation of agricultural enforcement officers. There is no expansion of duties.

SENATOR CARLTON:

They are doing the same job, but we are calling them something different. Is that correct?

MR. GIMLIN:

Yes, in 2001, brand inspectors became agricultural enforcement officers.

SENATOR CARLTON:

Has a brand inspector always been classified under the peace officer statutes?

MR. GIMLIN:

Not all of the brand inspectors. A district brand inspector and a deputy brand inspector II are considered peace officers, but a deputy brand inspector I is not.

SENATOR CARLTON:

When I looked up the NRS you have cited here, it is cross-referenced to the peace officer code of chapter 289 of the NRS.

MR. GIMLIN:

That is correct.

SENATOR CARLTON:

So, they are considered peace officers. Were brand inspectors considered peace officers before we did this?

MR. GIMLIN:

Only the deputy brand inspector II and the district brand inspectors, who are called agricultural enforcement officers, but not the deputy inspector I.

MR. HENDERSON:

There are about 100 deputy brand inspectors I across the State. They work for the State on an intermittent, part-time basis. They are local ranchers who inspect cattle for their neighbors so the neighbors can move their cattle out of the State for sale.

SENATOR CARLTON:

The deputy brand inspectors are not in the peace officer category.

MR. HENDERSON:

That is correct.

CHAIR RHOADS:

How many district brand inspectors and deputy brand inspectors II are there?

MR. HENDERSON:

There are four to six deputy brand inspectors II working on a part-time basis. We have 3.5 full-time agricultural inspectors, also known as district brand inspectors.

CHAIR RHOADS:

Do some of them inspect fruits and vegetables?

MR. HENDERSON:

Yes, and also nurseries. The deputy brand inspectors II also inspect those things. The policy change in 2001 was because the Department did not have any enforcement officers to enforce our extensive statutes and regulations.

SENATOR CARLTON:

Did you propose to put this in the cleanup bill instead of doing a separate bill draft? We have a cleanup bill every year in which you can put in language changes that have no policy significance.

MR. HENDERSON:

We were unaware of that.

DON ALT:

I am a rancher in Lyon County. Two years ago, I was on the other side of Austin, where I had purchased a horse and was bringing him home through Smokey Valley. A brand inspector pulled me over, and I had no paperwork on the horse, nor was it branded. He did not pay any attention to that but gave me a ticket for no registration on my trailer. I took the ticket in to the judge in Austin, and he dismissed it.

Law enforcement should be left to the sheriff. If we do not like what is going on, at least we have some recourse at election time in that we can oust him from office. I do not know that the brand inspector will do anything wrong, but we cannot go to the election box and do anything about it if he does.

CHAIR RHOADS:

Do you think most sheriffs have experience with livestock or produce?

MR. ALT:

A brand inspector could go to the sheriff's department and take his vehicle with him. In southern Nevada, when it costs \$200 to get a brand inspection because of the mileage to get a \$400 culled cow to the seller, it is ridiculous. If there were someone there from a nearby sheriff's department who could go check the brand, we would not have to take the stock so many miles.

SENATOR CARLTON:

If I understand you correctly, you just do not want the brand inspectors to be giving traffic citations and pulling you over for things not within the purview of the typical job description of a brand inspector.

MR. ALT:

That is right. The brand inspector was originally set up so the bankers could price the cattle when the loans were made. Their job was only to identify the brand to be sure of the rightful owner.

JANINE HANSEN:

I have handed you testimony from David Holmgren, who is the chairman of the Nevada Live Stock Association ([Exhibit C](#)). If you have any questions, I will have to refer you to the Nevada Live Stock Association.

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CHAIR RHOADS:

We will close the hearing on S.B. 48 and if there is no further business before the Senate Committee on Natural Resources, we are adjourned at 3:51 p.m.

RESPECTFULLY SUBMITTED:

Ardyss Johns,
Committee Secretary

APPROVED BY:

Senator Dean A. Rhoads, Chair

DATE: _____