

**MINUTES OF THE MEETING
OF THE
ASSEMBLY COMMITTEE ON NATURAL RESOURCES, AGRICULTURE, AND
MINING**

**Seventy-Fifth Session
April 29, 2009**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Jerry D. Claborn at 1:37 p.m. on Wednesday, April 29, 2009, in Room 3161 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/75th2009/committees/. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblyman Jerry D. Claborn, Chair
Assemblyman Joseph M. Hogan, Vice Chair
Assemblyman Paul Aizley
Assemblyman David P. Bobzien
Assemblyman John C. Carpenter
Assemblyman Pete Goicoechea
Assemblyman Tom Grady
Assemblyman Don Gustavson
Assemblyman Harvey J. Munford
Assemblyman James Ohrenschall
Assemblyman Tick Segerblom

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Dean A. Rhoads, Rural Nevada Senatorial District

STAFF MEMBERS PRESENT:

J. Randall Stephenson, Committee Counsel
Jennifer Ruedy, Committee Policy Analyst
Judith Coolbaugh, Committee Secretary
Cheryl McClellan, Committee Assistant

OTHERS PRESENT:

Tony Lesperance, Ph.D., Director, State Department of Agriculture
Scott Marsh, Noxious Weeds Regulatory Specialist, Division of Plant Industry, State Department of Agriculture
Wes Henderson, Government Affairs Coordinator, Nevada Association of Counties, Carson City, Nevada
Doug Busselman, Executive Director, Nevada Farm Bureau, Sparks, Nevada
Dennis A. Jensen, Ranch Manager, Park Cattle Company, Minden, Nevada
Gary Aiazzi, Manager, Allerman Upper Virginia Ditch Company, Minden, Nevada
Brandon Vaught, Project Coordinator, Tri-County Weed Control, Ely, Nevada

Chair Claborn:

[Roll was taken.] The Vice Chair will be conducting this hearing today, as I am scheduled to present a bill in the Senate Finance Committee.

Vice Chair Hogan:

I am opening the hearing on Senate Bill 110 (1st Reprint).

Senate Bill 110 (1st Reprint): Authorizes the State Quarantine Officer to adopt regulations specifying a schedule of administrative fines for certain violations relating to noxious weeds. (BDR 49-500)

Tony Lesperance, Ph.D., Director, State Department of Agriculture:

This bill was brought forward by the Legislative Committee on Public Lands. Senator Rhoads was scheduled to present this bill today, but he is testifying in another committee. On his behalf and because this bill does involve the Department of Agriculture (DOA), I will briefly introduce it.

This bill is an attempt to give us one more tool in our constant and never-ending battle against noxious weeds in this state. It does involve the possibility of administering fines for violators. I want to make it absolutely clear that it is not

the intent of the DOA to get into the "fining" business. I assure you, as long as I am the Director of the DOA, levying fines will be used as a last resort. The fines would only be imposed on those persons who are adamant in their refusal to spray and control the noxious weeds on their property. It is a big problem in this state, and we need methods to convince landowners they have to combat the growth of noxious weeds on their properties. Our noxious weed specialist from the DOA will present the rest of the bill.

**Scott Marsh, Noxious Weeds Regulatory Specialist, Division of Plant Industry,
State Department of Agriculture:**

The imposing of fines is an intermediate tool for us to use in trying to get landowners to come into compliance with the noxious weed laws. [Read from prepared testimony submitted in writing ([Exhibit C](#)).] In 2008, 25 noxious weed complaints were filed with the weed control program. Each violator received a letter informing them that the weeds on their property were noxious, and eradicating them is required by law. After the first letter, 22 of the 25 landowners came into compliance with the law. In one of the remaining cases, the party was willing to come into compliance, but he did not have the money to buy the chemicals for spraying. I worked with the landowner to develop a mechanical means to control the weeds, and prevent them from reproducing and spreading. He was able to bring his property into compliance.

However, using a mechanical means for control and prevention of noxious weeds is not as effective as chemical spraying. It takes a lot longer to eradicate weeds mechanically, but it does help prevent their spread. This case was acceptably resolved. The other two violators received a letter from the DOA explaining the weed law. After the first letter they did control the weeds, but by the next year they let them go again, which generated another letter. If I had fining authority last year, the most fines I would have assessed would have been two, and both of those cases were repeat offenders.

In 2006, we did conduct our first and only abatement project. We worked with the landowner, informed him of the law, and repeatedly tried to get him to come into compliance. The landowner refused to do so. Therefore, in November 2006, we hired a contractor to spray 261 acres at a cost of more than \$19,000. It took a full year for this landowner to pay off the cost of the abatement. If he had not done so, in accordance with the law, we would have placed a lien on his property to recover the cost of the abatement.

In this bill, the amount of the fine for a penalty will be determined on a case-by-case basis. I have also distributed to the Committee a copy of a field verification complaint form ([Exhibit D](#)). The listing on the right hand side of that form shows the criteria I use in determining the amount of the fine. It includes

the noxious species category, the size of the infestation, the potential for spreading, and a few other criteria, which is why the amount of the fine varies. The fines will be imposed only after all other attempts to obtain compliance have failed. The money collected from these fines will go into the State General Fund because the noxious weed program is entirely funded through pesticide registration fees and federal grants.

Vice Chair Hogan:

Are there any questions?

Assemblyman Aizley:

I am looking at *Nevada Revised Statutes* (NRS) Chapter 555, and I do not see a listing of noxious weeds. Is there one?

Scott Marsh:

The list of weeds is in *Nevada Administrative Code* (NAC) 555.010. They are also listed in NRS 555.130. I would like to introduce Senator Rhoads to continue the introduction of this bill, which he sponsored through the Legislative Committee on Public Lands.

Senator Dean A. Rhoads, Rural Nevada Senatorial District:

Several years ago when I chaired the Senate Committee on Natural Resources, we thoroughly investigated the noxious weed problem in this state. A slide show was presented that showed lands in Montana and Utah so overgrown with noxious weeds that the land was removed from the tax rolls. Taxes were not being paid because the infestation of weeds made the land unproductive. Ever since that time, the Legislative Committee on Public Lands (LCPL) has tried to push for a noxious weed control program in this state. The LCPL meets about nine times during the Interim, and this is one of the biggest issues we discuss. We ask this Committee to support this bill, and we do believe we are making headway in controlling noxious weeds in rural Nevada.

Vice Chair Hogan:

Are there any questions?

Assemblyman Segerblom:

What is the definition of a noxious weed?

Scott Marsh:

Noxious weeds are defined in NRS 555.005 as "...any species of plant which is, or is likely to be, detrimental or destructive and difficult to control or eradicate." These are the weeds that grow quickly and almost anywhere. They are poisonous to humans and/or livestock.

Assemblyman Segerblom:

Do they have to be poisonous?

Scott Marsh:

They do not have to be poisonous, but many of them are.

Assemblyman Segerblom:

Is tamarisk one of them?

Scott Marsh:

Tamarisk is a noxious weed in Nevada, but to my knowledge, it is not a poisonous plant.

Assemblyman Segerblom:

Is it one of the weeds you are trying to eradicate?

Scott Marsh:

Yes, it is.

Assemblyman Segerblom:

That is fairly difficult to do. Is that correct?

Scott Marsh:

Yes, tamarisk is very difficult to eradicate. It is easier to do in northern Nevada than it is in Clark County. Tamarisk is a Category C weed. We classify noxious weeds by A, B, and C categories according to their listing in the NAC. The Category A weeds are those that are not well-established, or are not indigenous to the state. These are the ones we aggressively work on eradicating, so we can keep them from becoming established. Category B weeds are established in scattered populations that we still have a chance of eradicating. We go after those weeds by starting with the smaller populations and moving to the larger ones. Category C weeds are those that are heavily established in some areas, such as the tamarisk in Clark County, or the perennial pepperweed, which is also known as tall whitetop, in Washoe County. The eradication of those weeds is undertaken in places where there is a chance of controlling them. In other places where there are infestations, such as the tamarisk in Clark County, our approach is to try to contain them in the areas where they are already established. We do not try to eradicate them which would take more time and money than we have in our budget.

Assemblyman Carpenter:

Have you ever threatened the landowners who refuse to comply with noxious weed abatement with a misdemeanor offense which the law already provides for?

Scott Marsh:

We have not. About 95 percent of the time, the first letter the DOA sends out is all it takes to get compliance. It is a cooperative request for control. If that does not happen, then a follow-up letter is sent informing the landowner that if the weeds are not controlled, we will use the abatement process. That usually brings the rest of the landowners into compliance. If there are any still not in compliance, we go to the abatement process. We have used the abatement process in the difficult cases instead of our misdemeanor authority.

Vice Chair Hogan:

What effect, if any, does this bill have on the existing abatement process?

Scott Marsh:

It is an intermediate step. Instead of the three letters which we now send out—the informative letter, the letter threatening abatement, and the letter informing the property owner that abatement will take place—four letters will be sent. One will be the informative letter with a notice that a fine could be assessed if there is no compliance. Then another letter will be sent indicating a fine will be assessed. If they pay the fine and still refuse to control the weeds, or if they do not pay the fine, we move on to the last two letters. One letter will threaten the abatement, and the other will inform the landowner when the abatement will take place.

Vice Chair Hogan:

Are there any other questions?

Assemblyman Aizley:

What you are saying and the process you are describing sounds great. However, I see nowhere in the NRS where that process is spelled out as the proper procedure to follow. You could go to the fining step immediately according to the NRS.

Scott Marsh:

We do have that authority in the NRS, and the law allows us to go directly to the fining process. As Mr. Lesperance and I have both said, it is the policy of the DOA to work with the landowner first, and to try everything we can to

encourage voluntary cooperation and compliance before we take any regulatory action.

Assemblyman Aizley:

Is that in the NAC?

Scott Marsh:

No, it is not.

Vice Chair Hogan:

Are there any more questions? [There were none.] We will now call up the next three witnesses to speak in the affirmative on this bill.

Wes Henderson, Government Affairs Coordinator, Nevada Association of Counties, Carson City, Nevada:

We would like to go on record that we support S.B. 110 (R1). We believe this is a tool that will help control noxious weeds in this state.

Vice Chair Hogan:

Are there any questions? When considering all the different types of regulatory authority that various state agencies have in their interactions with the agriculture and ranching communities, is this proposed process consistent with the way other regulations are currently being enforced? Is there a strong willingness to work with whoever is found to be in violation? Is this a typical pattern for how people are treated by the government when it is carrying out its regulatory enforcement responsibilities?

Wes Henderson:

I do believe the majority of state agencies try to work with citizens to come to non-administrative resolutions to problems.

Vice Chair Hogan:

Are there any further questions? [There were none.] We have several witnesses wishing to testify against the bill.

Doug Busselman, Executive Director, Nevada Farm Bureau, Sparks, Nevada:

[Read from prepared testimony submitted in writing ([Exhibit E](#)).]

Vice Chair Hogan:

Are there any questions? [There were none.]

Dennis A. Jensen, Ranch Manager, Park Cattle Company, Minden, Nevada:

[Read from prepared testimony submitted in writing ([Exhibit F](#)).] I have lived in the Carson Valley for 40 years. To date, none of the noxious weeds have been eradicated, even though we are persistent in spraying them with herbicide. We are dead set against imposing a \$1,000 fine, and wish to go on the record that we are against this bill.

Vice Chair Hogan:

Are there any questions? [There were none.]

Gary Aiazzi, Manager, Allerman Upper Virginia Ditch Company, Minden, Nevada:

Most of the points I wanted to cover have already been presented to you. The Allerman Upper Virginia Ditch Company spends \$6,000 to \$10,000 annually spraying noxious weeds along 21 miles of irrigation ditches. In Alpine County, California, the tall whitetop is now spreading, and we are trying to control its population. Noxious weeds have not been eradicated, and they remain an ongoing problem. I and the other members of the Ditch Company are opposed to this bill.

Vice Chair Hogan:

Are there any questions? What are your feelings about neighboring properties where the landowners are less vigilant in trying to control the noxious weeds? Do you see situations where the weeds are out of control? Is it a frequent problem? Since you do not support fining regulation violators, how should these cases be handled?

Dennis Jensen:

Our agricultural neighbors are very good about working on weed control. Everyone is involved. The only neighbors we have had a problem with in the last two years are developers. They have been stripping all the natural vegetation from the ground, and leaving it undeveloped. The weed growth on this barren land is overwhelming, and the weeds are plugging our irrigation ditches. Eventually, the noxious weeds will also move in. I believe the county should be stepping up regulation enforcement.

Gary Aiazzi:

As a former member of law enforcement, I can verify that Douglas County has used abatement in a lot of nuisance and noxious weed cases. The problem has been created by owners who do not take care of their property. All the necessary regulatory enforcement laws are in place to handle these problems. Therefore, I see no need to change the existing laws.

Vice Chair Hogan:

Are there any questions? [There were none.] We have completed the "for" and "against" witness lists. Does anyone wish to testify from a neutral position? [There were none.] Mr. Lesperance, would you return to the witness table to clarify some points? Mr. Segerblom has a question.

Assemblyman Segerblom:

What is your response to the opposition testimony presented today? How do you determine the length of time the weeds have been on a property? How do you differentiate between landowners working to control weeds, and those who do not?

Tony Lesperance:

The Park Cattle Company and Mr. Jensen will not be the recipient of a fine anytime in the future. They have an ongoing program for weed control, and they are doing their best to keep the weeds under control, even though eradication is not possible. It is almost an impossible task because they get weeds coming down the river from California. I am aware of the situation in Douglas County. Alpine County, California, is the source of most of the weeds which enter Douglas County. It is a never-ending process.

The DOA is thankful that landowners, such as the Park Cattle Company, have effective weed control programs in place. This proposed program is designed only for the people who absolutely refuse to do anything about controlling weeds on their property. They become a menace to themselves, and to their neighbors. The landowners with major holdings, who do nothing to control the weeds, are allowing them to spread to other properties. Something has to be done to reduce the economic impact. As Senator Rhoads testified, there is land in the Dakotas and Montana where vast acreage has been removed from the tax rolls because the weeds are so pervasive. There is no way to generate any income from weed-choked land, and we do not want a similar situation to develop in Nevada. We see this legislation as another tool the DOA can use to get compliance from landowners who refuse to control noxious weeds on their property. The seeds from their weeds are creating a problem for the neighboring properties.

Assemblyman Grady:

I see this bill has a fiscal note. Do you have the funds available in your budget, or do you anticipate needing additional funds to administer this program?

Tony Lesperance:

We do not require any additional funds.

Assemblyman Segerblom:

Is not controlling noxious weeds a bigger problem in eastern Nevada, or is it a problem everywhere in the state? If a landowner is trying to eradicate the weeds in "good faith," does it become your subjective decision to determine if their efforts are satisfactory?

Scott Marsh:

We take everything into account. If we see that landowners with weeds have been trying to control them in "good faith," I am satisfied. At most, I would try to provide assistance to help them do a better job. In those cases, I would not take regulatory action against them. This penalty fine is for those landowners who refuse to do anything to control or eradicate their noxious weed problems. In earlier testimony, the question was asked about whom we enforce these laws upon. The NRS gives us authority to regulate and conduct abatements on all land owned by the various government entities, as well as private parties. The NRS gives the DOA and the counties authority to conduct the abatements regardless of who owns the land.

All federal government agencies have active, ongoing weed control and management programs. The Bureau of Land Management (BLM) owns about 90 percent of the federal land in Nevada. Even with its budget reductions, it does a good job with weed control using its available resources. Any landowners who have a weed control issue with the BLM need to speak to its representatives, and request them to redirect their attention to the land in question. The same policy should be followed when the land is owned by the state, city, or county governments. If they are not following regulations, the DOA will enforce the regulations the same way private parties are handled. The DOA will work with them to gain compliance.

Vice Chair Hogan:

When you say you have the authority to handle weed problems at all levels of government, do you have the authority to go all the way to the abatement process with federal agencies?

Scott Marsh:

We have the authority to do so, but whether or not the federal agencies would allow us to do abatement on their land is something I cannot answer. In NRS 555.200, authority is given to the DOA to conduct abatements on federal land. However, we would rather work with them to resolve the problem.

Assemblyman Goicoechea:

Are you saying the DOA can do abatement on federal land and bill them for it?

Scott Marsh:

Yes, that is true according to the NRS.

Assemblyman Goicoechea:

We know you have the authority to do it; will you?

Scott Marsh:

We would give it our best try, but whether or not we would have the cooperation of the federal government, we do not know.

Assemblyman Goicoechea:

A private landowner may also say he will not cooperate with paying for abatement on his property. What happens then?

Scott Marsh:

That is true. However, we would take it as far as we could with the private landowner. The federal government has a little more "muscle" than we do, but the law gives us the authority to do abatements on federal land and bill them for it. I do not know what the federal government's response would be, but we would try to enforce the law.

Vice Chair Hogan:

Can you contrast how enforcement is currently undertaken with how it would differ under this new law? Knowing the merits of each approach would help us determine which one is the best.

Scott Marsh:

Right now we have the abatement process. The law gives the county the authority to conduct an abatement, and it has access to a \$100,000 revolving fund to pay for the work. The process starts when a complaint is received by the DOA from a public or private party. Next, I go to the property to verify that the noxious weeds are there, and that the landowner or property occupier is in violation of the law. The first letter informs him of the weed problem, and includes suggestions for how the weeds can be controlled.

They are given a 30-day time frame to bring the property into compliance. At the end of the 30-day period, I return to the property to verify that the weeds have been controlled. If they have not, a second letter is issued giving them an additional 30-day period. If there are still no results at the end of that time period, then the DOA or the county would conduct an abatement. A final letter would be sent informing the property owner of the date of the abatement. At this point, a contractor employed by us would go out to the property, with or without a law enforcement escort, and the weeds would be sprayed. The

NRS specifies a time frame for the county to bill the property owner for the cost of abatement. If the bill is not paid, a lien is placed on the property. A year later if the bill remains unpaid, the lien would be enforced by foreclosure of the property. The property owner is given two opportunities to come into compliance with the first and second letters.

If this new bill is enacted, the DOA would follow approximately the same course of action. However, the first letter would inform the landowner they could receive a fine if they refuse to bring the property into compliance. The second letter would notify them of the amount of the fine assessed giving them a certain amount of time to pay. It would also inform them there is a review process through a DOA committee if the landowner chooses to appeal the fine. After an appeals hearing on the fine, the committee has four courses of action. It can decide to raise or lower the fine, eliminate the fine, or maintain the status quo.

At that point, the DOA would begin the abatement process by sending a letter to the property owner indicating an abatement will occur if the weeds are not controlled. This letter would be sent if the landowner did not pay the fine, or if he did pay the fine, but still did not control the weeds. This new process adds two more steps to give the landowner time to come into compliance. If the property owner does not have the financial resources available to pay for spraying, we will help them find alternative ways to control the weeds.

Vice Chair Hogan:

Are there any questions?

Assemblyman Aizley:

Would you object to placing the process you just described into the bill by amendment?

Scott Marsh:

I would have no objection to that. I would need help with the language.

Vice Chair Hogan:

Are there further questions? [There were none.] Does anyone wish to speak from a neutral position? [There were none.] I am closing the hearing on S.B. 110 (R1), and I am opening the hearing on Senate Bill 219 (1st Reprint).

Senate Bill 219 (1st Reprint): Revises provisions governing assessments on real property located within a weed control district. (BDR 49-499)

Senator Dean A. Rhoads, Rural Nevada Senatorial District:

During the Interim, the Legislative Committee on Public Lands received recommendations for changes to the noxious weed laws from the Tri-County Weed Control group. The group operates an excellent program for controlling noxious weeds in Lincoln, Nye, and White Pine Counties that was established by the counties' Boards of Commissioners. Currently, *Nevada Revised Statutes* (NRS) 555.215 requires an assessment be levied on real property to establish a weed control program. The Tri-County Weed Control group is interested in becoming a weed control district, and it wishes to extend its sponsorship to create other weed control districts in the state. The group is a self-funded entity using grants and other funds to pay its expenses. The group and its member counties recognize the value of creating weed control districts, but they do not want to impose any new taxes in order to fund these districts.

A change in the statute's language would make the requirement of an assessment on real property permissive which will help the group reach its goal of establishing self-funded weed control districts. Therefore, the Legislative Committee on Public Lands requested this bill. It changes the word "shall" to "may" on page 2, line 3, as it relates to the assessment requirements as a condition for creating a weed control district. The Senate Committee on Natural Resources added the new language in an amendment under section 1, subsection 5, to require a Board of County Commissioners to hold a public hearing if it decides to levy an assessment under certain circumstances. I support this amendment, and I urge your support of this important measure. I would like to invite representatives of the Tri-County Weed Control group to further discuss this bill and its significance. [Mr. Rhoads submitted additional testimony in writing ([Exhibit G](#)).]

Vice Chair Hogan:

Are there any questions? [There were none.]

Brandon Vaught, Project Coordinator, Tri-County Weed Control, Ely, Nevada:

[Read from prepared testimony submitted in writing ([Exhibit H](#)).]

Vice Chair Hogan:

Are there any questions?

Assemblyman Carpenter:

In the pamphlet you distributed to the Committee ([Exhibit I](#)), you show a charge for inventory. What is that charge for?

Brandon Vaught:

The charge is used to fund a program to develop a systematic inventory of weeds based on watershed evaluations. We try to visit every water source and water transportation corridor to identify and inventory noxious weeds within that watershed.

Assemblyman Carpenter:

Who pays the assessment?

Brandon Vaught:

The person who is the landowner or manager of the property pays the assessment. The Bureau of Land Management (BLM) has been one of our largest partners in our weed inventory efforts. We do work for the Department of Transportation (DOT) also.

Assemblyman Carpenter:

Does the BLM pay for weed control?

Brandon Vaught:

Yes, they do. All of the partners pay the Tri-County Weed Control program for its work.

Senator Rhoads:

Can you describe how the program operates?

Brandon Vaught:

The foundation for any weed control program is to identify where the weed populations are by mapping their locations. Once the weeds are located we use a Global Positioning System (GPS) to record them into our database. We currently have about 16,000 different locations identified in the Tri-County area on land owned by a multitude of different parties. We coordinate our efforts with the landowners, so we can work together to establish an effective weed control program.

Senator Rhoads:

They have an excellent method for killing the noxious weed populations, and the program has been very successful. It would be beneficial to take their program statewide.

Vice Chair Hogan:

Are there any more questions?

Assemblyman Segerblom:

Do the weed control operations make enough profit to pay for expenses and capital acquisitions, such as the trucks?

Brandon Vaught:

We do not consider it a profit, but enough money is generated to maintain the program. We have three full time employees, and we just leased a new facility. Overhead costs are built into the fees charged.

Assemblyman Goicoechea:

It is a very successful program, and the users of the program fund it. The BLM, the DOT, and the United States Forest Service (USFS) have been very supportive of the program. We had a significant spurge problem in northern White Pine County in the Ruby Mountains, and the Tri-County Weed Control Program has eradicated them. It has been a comprehensive effort between the partners. It is a good program, and I urge the Committee to support it.

Assemblyman Segerblom:

Where are the Ruby Mountains?

Assemblyman Goicoechea:

The Ruby Mountains are in White Pine County.

Vice Chair Hogan:

If I understand how the program was originally instituted, there was an initial \$5,000 per county "seed" money contribution. That money was enough to get the equipment and staff together to start the program. Since then, the revenue stream comes from payments received when weed control work is completed. Is that correct? Is it that simple?

Brandon Vaught:

That is correct, and it is that simple. The counties' contributions of \$5,000 each paid for my salary. The BLM donated all the spraying equipment and the GPS units to initiate the program. From that point forward, the revenue stream was started, and the program has been self-sustaining.

Vice Chair Hogan:

Are there any more questions?

Assemblyman Carpenter:

Do some landowners do the weed abatement themselves without the help of the Tri-County Weed Control group?

Brandon Vaught:

There are operators who have chosen to do their own weed eradication.

Assemblyman Goicoechea:

Little Joe Springs is on our ranch, and it is a common allotment. The pamphlet photographs show the success of the treatments to eradicate the Scotch thistle infestation there.

Vice Chair Hogan:

We have some other witnesses who would like to testify on this bill.

Doug Busselman, Executive Director, Nevada Farm Bureau, Sparks, Nevada:

We are in support of passage of this bill as amended. We were involved in having the amendment added at the end of the bill in order to protect landowners if there is a change in the program.

Vice Chair Hogan:

Are there any questions? [There were none.]

Wes Henderson, Government Affairs Coordinator, Nevada Association of Counties, Carson City, Nevada:

We are in support of S.B. 219 (R1), and we would like to commend the Tri-County Weed Control group for their efforts. It is a program that we would like to see followed on a statewide basis. It has been a long-standing goal of the Nevada Association of Counties to provide county governments with more governing discretion, and we are in favor of changing the word "shall" to "may" to provide that discretion.

Vice Chair Hogan:

Are there any questions? [There were none.]

Scott Marsh, Noxious Weeds Regulatory Specialist, Division of Plant Industry, State Department of Agriculture:

We fully support this bill. Mr. Vaught and the Tri-County Weed Control group are highly respected throughout the state for the quality methods they use, and the work they do in a large territory. This bill should also make it easier for other weed districts to form. Further, it will permit the regulation of weed laws to be administered at the local level, instead of at the state level.

Vice Chair Hogan:

Are there any questions? [There were none.] Does anyone wish to testify from a neutral position? [There were none.] I am closing the hearing on S.B. 219 (R1).

Assemblyman Carpenter:

What chemicals did you use on the Scotch thistle at Little Joe Springs? I have sprayed the thistles I have regularly, but I cannot seem to get rid of them.

Brandon Vaught:

Persistence.

Assemblyman Carpenter:

It was only a four-year period between the before and after photographs. What chemical did you use on them to do such a thorough eradication?

Brandon Vaught:

I believe we used Fordon.

Vice Chair Hogan:

Are there any questions? [There were none.] This meeting is adjourned [at 2:48 p.m.].

RESPECTFULLY SUBMITTED:

Judith Coolbaugh
Committee Secretary

APPROVED BY:

Assemblyman Jerry D. Claborn, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Natural Resources, Agriculture, and Mining

Date: April 29, 2009

Time of Meeting: 1:37 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.B. 110 (R1)	C	Scott Marsh	Testimony
S.B. 110 (R1)	D	Scott Marsh	Field Verification Complaint Form
S.B. 110 (R1)	E	Doug Busselman	Testimony
S.B. 110 (R1)	F	Dennis Jensen	Testimony
S.B. 219 (R1)	G	Senator Dean A. Rhoads	Testimony
S.B. 219 (R1)	H	Brandon Vaught	Testimony
S.B. 219 (R1)	I	Brandon Vaught	Pamphlet on Tri-County Weed Control Program