

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

**Seventy-Sixth Session  
March 29, 2011**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Maggie Carlton at 1:33 p.m. on Tuesday, March 29, 2011, 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/76th2011/committees/](http://www.leg.state.nv.us/76th2011/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](mailto:publications@lcb.state.nv.us); telephone: 775-684-6835).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Maggie Carlton, Chair  
Assemblyman Joseph M. Hogan, Vice Chair  
Assemblyman Paul Aizley  
Assemblyman Elliot T. Anderson  
Assemblyman David P. Bobzien  
Assemblywoman Irene Bustamante Adams  
Assemblyman John Ellison  
Assemblyman Ed A. Goedhart  
Assemblyman Ira Hansen  
Assemblyman Kelly Kite  
Assemblyman Pete Livermore  
Assemblyman Harvey J. Munford  
Assemblywoman Peggy Pierce

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

None

**STAFF MEMBERS PRESENT:**

Donald O. Williams, Research Director  
Amelie Welden, Committee Policy Analyst  
Randy Stephenson, Committee Counsel  
Judith Coolbaugh, Committee Secretary  
Sherwood Howard, Committee Assistant

**OTHERS PRESENT:**

Lon Beal, Administrator, Division of Measurement Standards, State  
Department of Agriculture  
Douglas J. Martin, District Manager, Nevada Tahoe Conservation District  
Mike Olson, Chair, Board of Commissioners, Douglas County  
JoAnn Mothershead, Administrator, Division of Livestock Identification,  
State Department of Agriculture  
K. Neena Laxalt, representing the Nevada Cattlemen's Association  
Doug Busselman, representing the Nevada Farm Bureau Federation

**Chair Carlton:**

[There was no roll call. The Chair reminded Committee members, witnesses, and members of the audience of Committee rules and protocol.] I am opening the hearing on Assembly Bill 451.

**Assembly Bill 451: Repeals obsolete provisions regarding the Advisory Council on the Metric System. (BDR 51-82)**

Mr. Williams from the Legislative Counsel Bureau will present the bill.

**Donald O. Williams, Research Director:**

I am here today appearing on behalf of the Legislative Commission. It is unusual for me or my staff to appear without stating that we are not holding a position on a bill because of our nonpartisan status. In this case, I am required by statute, *Nevada Revised Statutes* (NRS) 220.085, to present our recommendations for statutes to be repealed because they are deemed to be obsolete or antiquated. This bill repeals obsolete provisions for the Advisory Council on the Metric System.

This Council was established during the 61st Session. However, appointments have only been made twice since 1981, and the Council did not exist after 1985. Because of the lack of activity and after receiving input from the State Department of Agriculture (DOA), the Legislative Counsel Bureau has

declared this statute to be obsolete. Other entities who were formerly involved with the Council, including the university system and manufacturers, were also contacted for their input. All parties have agreed that this statute should be repealed.

At its meeting on May 7, 2010, the Legislative Commission voted to recommend the repeal of this bill. A copy of that meeting's minutes has been distributed to you ([Exhibit C](#)). I would be happy to answer any questions.

**Chair Carlton:**

Are there any questions? [There were none.] There is a Metric System Trust Fund, and I would like to know if there is any money left in it.

**Donald Williams:**

We did check on that as part of the process of statute review. We contacted the Office of the State Treasurer, and we were told this fund does not exist.

**Chair Carlton:**

Are there any questions or comments from the Committee?

**Assemblyman Hogan:**

Are there any staffing and/or other resources that need to be recovered?

**Donald Williams:**

The DOA has a representative here who could better address your question. As far as I know, there are no staffing or other resources associated with this Council. This entity has not existed since the late 1980s.

**Lon Beal, Administrator, Division of Measurement Standards, State Department of Agriculture:**

The Advisory Council on the Metric System is dead. There was nothing to it, and no one was interested.

**Assemblywoman Pierce:**

I remember the flurry about the metric system, but I do not remember why we were even thinking about establishing it.

**Donald Williams:**

There was a big effort to convert the United States to the metric system, primarily at the national level, in the 1970s. The Metric Conversion Act of 1975 was passed, and a national United States Metric Board was created by President Ford. At that time, there was a fear if the United States did not convert, we would lose some international business. To alleviate that concern,

there was a major push to convert to the metric system. That push ended when President Reagan took office, and he cut all the funding for the conversion process. At the same time, public opinion polls showed the American public was heavily against converting to the metric system. The only other state I could find that still had a metric system council is South Carolina. All the other states had repealed their statutes long ago.

**Chair Carlton:**

Is there any opposition to this bill? [There was none.] Is anyone neutral? [There was no one.] I am closing the hearing on A.B. 451 and opening the hearing on Assembly Bill 306.

**Assembly Bill 306:** Revises the manner in which certain supervisors of a conservation district are appointed. (BDR 49-1037)

Mr. Kite will introduce the bill.

**Assemblyman Kelly Kite, Assembly District No. 39:**

It is "an act relating to conservation districts; revising the manner in which certain supervisors of a conservation district are appointed." This bill was brought forward on a request made by the Nevada Tahoe Conservation District. It is a simple bill. Currently, Douglas and Washoe Counties, on alternating years, send a representative to the board. By the time the serving supervisor gets acclimatized to the position, it is time for another county's supervisor to come back in. Then, the other county's supervisor is placed in the same predicament.

Section 1, line 3, changes the word "two" to "more." Instead of making the switch mandatory, this bill will give the counties a choice. In Section 2, subsection 3, line 14, the word "each" has been added, and on line 15, the word "them" is replaced with "the governing body." The two gentlemen I brought with me today will answer any questions.

**Chair Carlton:**

Are there any questions?

**Assemblywoman Pierce:**

It seems to me when reading the bill with the changes, you could end up with an even number of supervisors. Our governing bodies usually have odd numbers, is that correct? Is that a concern?

**Douglas J. Martin, District Manager, Nevada Tahoe Conservation District:**

The current statutes already allow for an even number of representatives. It reads that five are elected, and then you also have an appointee from a city and a county. Currently, that combination could make seven. However, if there is no incorporated city within that district's boundary, it would be the county plus five other representatives. Therefore, the situation already exists for us to have even numbers serving. A quorum would be four members.

**Assemblywoman Pierce:**

Okay.

**Assemblyman Ellison:**

Has there ever been a situation where the board is made up of an even number of representatives?

**Douglas Martin:**

Our district has not because we have seven representatives. Carson City is an incorporated city, so they automatically have a seat on our board. We are in support of this legislation because we work with both Washoe and Douglas Counties. The issues with Lake Tahoe are very complex, and the counties are appreciative that they have a county representative sitting on our board. They understand erosion control and conservation of natural resources issues in the Lake Tahoe Basin. Mr. Olson, from Douglas County, was our representative last year, and this year Mr. Breternitz, from Washoe County, is serving. They alternate back and forth, and this bill will eliminate the alternating.

**Chair Carlton:**

Are there other questions? [There were none.] I have a concern with the use of the word "more" in section 1. Potentially, you are opening up the position. I believe your intent is to have two people, but because the terms are so short, the person serving is just beginning to get a handle on his job when he has to leave it. Was there any discussion about providing continuity by lengthening the term of service?

**Assemblyman Kite:**

Currently, the representative is appointed and elected by the Board of Commissioners, at least in Douglas County. No, we do not have a problem with the words saying "one or more." The number of representatives would be at the discretion of the Board. If having an even number becomes a problem, the word "more" allows them to appoint another representative.

**Chair Carlton:**

That is my concern. The number of appointments is not limited.

**Douglas Martin:**

I had that discussion with the Chairman of the State Conservation Commission yesterday. We both recognized that potential issue, but it is tempered in section 2, subsection 3 which says: "shall each appoint a representative." The qualifying word is "a."

**Chair Carlton:**

That language is in Section 3?

**Douglas Martin:**

It says: "The governing bodies of any counties located within the boundaries of the district shall each appoint a representative to represent the governing body as a supervisor on the governing board of the district."

**Chair Carlton:**

I see you are in subsection 3 of section 2. The two will fit together. Are there any other comments or questions? [There were none.]

**Mike Olson, Chair, Board of Commissioners, Douglas County:**

It is important to Douglas County to have representation on the Nevada Tahoe Conservation District. We fund it every year, so having representation is a plus. Also, Douglas County has Stateline, which we are concerned about, and we wish to make it a better tourist experience. We rely on the District to help us with the Total Maximum Daily Load studies, so we can do a better environmental conservation job at Lake Tahoe. If we had representation on a monthly basis, we will be able to work with them on these studies.

**Chair Carlton:**

Is there any opposition? [There was none.] Is there anyone wishing to speak from a neutral position? [There was no one.] I am closing the hearing on A.B. 306 and opening the hearing on Assembly Bill 368.

**Assembly Bill 368:** Revises provisions governing brands and brand inspections.  
(BDR 50-510)

Mr. Munford will present the bill.

**Assemblyman Harvey J. Munford, Clark County Assembly District No. 6:**

I requested this hearing to be videoconferenced with Las Vegas because I had a colleague there who wishes to testify.

**Chair Carlton:**

I do not believe we received that request. We are going to take a short recess [at 1:53 p.m.] to see what we can find out.

This hearing is reconvened [at 1:58 p.m.]. All the videoconferencing rooms at the Grant Sawyer Building in Las Vegas are in use, so we are unable to have this hearing simulcast. We have an alternate plan. Mr. Munford will proceed with his presentation, and it will be the Chair's intent to open this bill's work session to take public comment before any discussion of the bill. We will allow that witness to testify since this is a constituent-driven piece of legislation. Then, he will have his concerns on the record.

**Assemblyman Munford:**

This legislation eases the process of transporting saddle horses into and out of Nevada for brief periods in order to compete or participate in events. Nevada is a "brand inspection" state, as are many Western states. Historically, these states have used brands and marks to identify and prove ownership of livestock. They often impose travel inspection requirements that seem more appropriate to the agricultural livestock than to horses traveling around the country for competitions and events. [Mr. Munford continued to read from prepared testimony ([Exhibit D](#)).]

**Chair Carlton:**

For clarification, under section 1 and 2, you are proposing to delete the requirement of having brand books available in electronic format because of the expense the Department of Agriculture (DOA) would incur.

**Assemblyman Munford:**

That is correct.

**Chair Carlton:**

In section 6, subsection 2, you are requesting the provision requiring a brand inspector to carry a scanner be eliminated because of the costs associated with purchasing them.

**Assemblyman Munford:**

That is it exactly. Several ranchers from working ranches have spoken to me about the cost that would be incurred.

**Chair Carlton:**

Section 3 addresses the main purpose of the bill. It says: "Any person may transport not more than 10 saddle horses into and from this State without a brand inspection or livestock movement permit issued by the Department."

We have added the inspection and the permit to the bill. I would like clarification on the statement that says: ". . . is ridden by a person who is a contestant in a bucking event at a rodeo, horse show or other contest of skill in this State." When you eliminate all the horses specified under the saddle horse definition in section 3, what horses are left? What kinds of horses does the bill apply to?

**Assemblyman Munford:**

It would apply to livestock used in rodeos or for other purposes.

**Chair Carlton:**

Mr. Goedhart, can you provide some clarification?

**Assemblyman Goedhart:**

Yes. It says: "The term does not include a horse which is ridden by a person . . . ." Other horses would be used in team calf-roping or show horse events.

**Chair Carlton:**

I apologize if I did not ask the question correctly. My concern is, with this exemption, what other horse movements within the state are left? Which horse owners will this bill apply to?

**Assemblyman Munford:**

As I mentioned . . .

**Chair Carlton:**

Are there horse owners who have to bring their horses across state lines on a regular basis?

**Assemblyman Munford:**

Yes, that is part of it.

**Chair Carlton:**

Because we have areas that straddle the border such as West Wendover and Wendover, transporting saddle horses in border areas is an issue. Those concerns have come up in other areas, so we have added language that allows movement within a certain radius of the state border. Is that close?

**Assemblyman Kite:**

The brand and the markings on livestock are your license plate or title to that animal. For example, if you run mixed cattle into a stockyard, you have to have a brand inspector there. You have to prove the livestock is yours before running



them through the sale barn. This bill will make it a lot easier for a hunting party or similar group to cross state lines. Normally, you have to have your brand inspected. The brands make it easier to identify your animal, and if the need arises, the brand proves the animal is yours. The majority of this state is public lands, and using pleasure saddle horses for activities like trail rides is common. This bill would make it easier to transport those animals into the state and to prove the animal is yours.

**Assemblyman Munford:**

Mr. Kite, I think you nailed it.

**Assemblyman Ellison:**

Our rodeo or show horses are tattooed in the mouth, and we brand our livestock. We have been pulled over and asked to verify that the horses belong to us, and we have been able to do so. It is a good bill that may need some "tweaking."

**Assemblyman Munford:**

We can amend some items in the bill.

**Chair Carlton:**

Mr. Munford, do you have anyone else in support of the bill?

**Assemblyman Munford:**

No one except my witness in Las Vegas.

**Chair Carlton:**

There are some witnesses in opposition. We will work on resolving any problems in the bill.

**Assemblyman Munford:**

Okay.

**Chair Carlton:**

Again, I apologize for not having the videoconferencing available. We will have it available at the next or following work session depending on the number of changes to be made in the bill. We will coordinate it with your office.

**Assemblyman Munford:**

I appreciate that.

**Chair Carlton:**

We will have other witnesses come up in opposition.

**JoAnn Mothershead, Administrator, Division of Livestock Identification, State Department of Agriculture:**

As I responded in my written testimony ([Exhibit E](#)), brands are needed for traceability not only for theft but also for tracking animal diseases. Las Vegas is a large horse show and sporting event area, and the horses participating come from all over the United States. There is always a potential for a diseased animal to come into and then leave the state. If some kind of paperwork is available, it is much easier for us to track the animal.

Just recently, there was a horse show and sale in Winnemucca. Two of the horses were switched. A buyer took a gray horse he had bought to California, and it turned out that horse belonged to one of the contestants. The man who had bought the gray horse took the contestant's horse with him instead. With the brand inspection information, it was very easy to find out what had happened to the contestant's gray horse.

Microchips travel in a horse's body. They may be inserted in the neck but can end up between their legs. Also, it is illegal to have microchips or any implants in animals that are in the food chain. Cattle have breeder's ear tags which can be electronically read. I believe we need to have a handle on the movement of livestock, and we need the ability to trace and track animals in our state.

**Chair Carlton:**

Do you have a suggestion on how we can maintain traceability?

**JoAnn Mothershead:**

Other states require brand inspections before livestock leave their state, and so do we. I do not know if there is a simple way to keep track of livestock without doing brand inspections. Perhaps a permit system might work.

**Chair Carlton:**

I think most of the concern is in the state border areas. I hope you can think of an alternative solution that is workable. We will continue to take other testimony.

**JoAnn Mothershead:**

We do have lifetime horse transportation cards, and we have short-term permits for the movement of branded livestock within the state. With the lifetime cards, you can move horses in or out of the state without being stopped.

**Chair Carlton:**

What is the fee for the cards?

**JoAnn Mothershead:**

The lifetime fee is \$30.

**Assemblyman Ellison:**

There is a lot of brand altering and cattle rustling in the state. I do not think people realize that is actually still happening.

**JoAnn Mothershead:**

And horses, too. We have problems with people who represent themselves as horse trainers. At the present time, we have a situation where a horse was taken to a Native American reservation. We have no jurisdiction on the reservations and cannot get the horse back for the owner. It does happen.

**Assemblyman Goedhart:**

On page 4, section 3, subsection 2(a), the language reads: "Is owned by a person who resides in a state which does not require the use or inspection of a brand for the horse in that state." That is where the problem comes in. Someone may bring a horse from a state that does not require brands or inspection. They may come to Nevada for a show or trail ride, and they do not have the proper paperwork.

**Chair Carlton:**

Do you need some clarification on that?

**Assemblyman Goedhart:**

Yes.

**JoAnn Mothershead:**

We only ask for some proof of ownership.

**Assemblyman Goedhart:**

I am not sure how many states do not have a brand and inspection requirement. Are there several states that do not have a brand requirement? It seems to be a matter of reciprocity to allow that individual to bring his horse into our state. [No answers were given for Mr. Goedhart's question.]

**Chair Carlton:**

Are there other questions? [There were none.]

**K. Neena Laxalt, representing the Nevada Cattlemen's Association:**

I want to thank Mr. Munford for submitting the amendment to remove the DOA's fiscal note from the bill. The Nevada Cattlemen's Association (NCA) believes that NRS Chapter 565 and Chapter 571 are necessary for the

protection of livestock producers and owners. The protection is not only for theft, but also from the introduction of devastating diseases. That is the NCA's biggest concern. The brand inspections help to deter some diseases by having "hands-on" surveillance. We would be happy to work with Mr. Munford to take care of the border transporting questions. The NCA is comfortable with the statutes that currently define the process, and with the way it works now. It may be inconvenient to some saddle horse owners, but the safety and protection of the health of our livestock is a priority. I would be happy to answer any questions.

**Chair Carlton:**

Does the NCA believe that diseased horses being brought into the state can cause a problem for cattle?

**Neena Laxalt:**

The NCA is opposed to the bill, but our main problem was the fiscal note because the financial impact would trickle down to our people. The disease control is a serious NCA concern.

**Chair Carlton:**

Are there any questions?

**Assemblyman Ellison:**

Is there some way the horse inspection can be done electronically? For example, could they electronically send a photograph of the horse and the brand and keep a copy with them? Do you have any ideas along that line?

**Neena Laxalt:**

That question may be better answered by the DOA. However, the NCA feels more comfortable with a "hands-on" inspection because the inspector physically looks at the brand and considers the health of the animal, which gives us on-site disease control. I am sure some electronic process could be developed with today's technology, but I am not sure it would make my members feel more comfortable.

**Assemblyman Ellison:**

I know that could not be done for cattle. However, an electronic format could streamline the process for saddle horses being transported to shows and events.

**Doug Busselman, representing the Nevada Farm Bureau Federation:**

In addition to my responsibilities in working with the Farm Bureau, I have been working with the DOA by serving on various citizen advisory committees that have looked at brand inspections several times. Most recently, we went

through a reevaluation of the regulations that govern brands trying to synchronize all of the components. We want to ensure that livestock can be tracked throughout their lifetime. A variety of ideas have been considered, including using electronic technology—a process also mentioned in this bill. It may be a way to make the process more efficient and cost-effective. To date, we have not found solutions to deal with the integrity of the process. That is our biggest concern about using an electronic format.

There are three times when a livestock owner needs to have a brand inspection. One of the times is when the animal comes in or leaves the state; another time is during a sale to confirm ownership; and the third time is when an animal is slaughtered. Throughout the state, we currently have a trip permit process that allows for the transporting of livestock, including branded horses, to go from one brand district to another. There may be elements of the trip permit concept that could work with the lifetime brand inspection process to accommodate horse owners in the particular situation covered in this bill.

We understand the challenge for people who frequently move in and out of the state. However, at the same time, from our members' standpoint we have to be concerned with the people who live here and want to protect their livestock from being stolen. That is a function of brand inspection as much as anything else. It is to ensure that the horses or livestock you are transporting are yours. Honest people work easily with brand inspectors. You can take photographs of the horses and establish that it is your horse, and there is no problem. However, there are people who are dishonest and move around with other people's livestock. That is the point where the brand inspection becomes a deterrent to theft. We are struggling with this bill's language because you are giving a "free pass" to anyone who has to transport ten or fewer horses into or out of the state. There would be no way to trace or track their movements or to know those horses belong to them. We are willing to work on trying to find a solution to the problem.

**Chair Carlton:**

Are there any questions? [There were none.] I think some positive methods for transporting saddle horses have been brought forward, including the trip permit process in conjunction with the lifetime brand. We will work with Mr. Munford to see if there is some way we can address the concerns of the NCA and Nevada Farm Bureau members. With the health issue problem, we need to be very careful. We do not want to cause harm to Nevada's livestock by resolving a small problem and have it balloon into a much larger issue. We will work with Mr. Munford on this and see what kind of resolution can be developed.

Is there anyone neutral on the bill? [There was no one.] Are there any other comments on this bill? [There were none.] I am closing the hearing on A.B. 368. We will keep the bill in the queue for a work session, but we will wait until the concerns with the bill's language are resolved before moving it forward.

**Assemblyman Munford:**

I wanted to ask the people here to answer a question that I am curious about. Does a lot of horse and cattle stealing still go on today? [Various people nodded in the affirmative and said yes.] What is the penalty for horse stealing?

**Assemblyman Goedhart:**

It is still a hanging offense. [Mr. Goedhart answered in jest.]

**Chair Carlton:**

Horse and cattle theft are still a problem in a number of states.

**Assemblyman Munford:**

I appreciate your willingness to work with me and to capture what this bill is designed to do. I would like to sit down with people who are involved with working ranches to discuss the issues, and I would like to speak to Assemblymen Ellison, Goedhart, and Kite. There is a vast difference between owning saddle horses for pleasure and using horses on a working ranch.

**Chair Carlton:**

Is there any public comment? [There was none.] We have already closed the hearing on A.B. 368.

We are adjourned [at 2:36 p.m.].

RESPECTFULLY SUBMITTED:

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Judith Coolbaugh  
Committee Secretary

APPROVED BY:

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Assemblywoman Maggie Carlton, Chair

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

**EXHIBITS**

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

**Date:** March 29, 2011

**Time of Meeting:** 1:33 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
A.B. 451	C	Donald O. Williams	Supporting Minutes and Documents
A.B. 368	D	Assemblyman Harvey Munford	Testimony
A.B. 368	E	JoAnn Mothershead	Testimony