

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

**Seventy-Sixth Session
April 12, 2011**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Maggie Carlton at 1:44 p.m. on Tuesday, April 12, 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/. 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:

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:

Amelie Welden, Committee Policy Analyst
Randy Stephenson, Committee Counsel
Judith Coolbaugh, Committee Secretary
Gianna Shirk, Committee Assistant

OTHERS PRESENT:

Doug Busselman, representing the Nevada Farm Bureau Federation

Chair Carlton:

[Roll was called.] We will be having a work session today. I am opening the hearing on Assembly Bill 368.

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

We have an amendment that was proposed by Mr. Busselman. I will briefly cover those changes to the bill ([Exhibit C](#)). [Mrs. Carlton read the work session document summary.] Mr. Munford, did you have an opportunity to review these proposed changes? Do you have any comments? Is everything to your satisfaction?

Assemblyman Munford:

Yes, I have reviewed the proposed amendment.

Chair Carlton:

Does it address the issues you had, and the health concerns, which were raised during the hearing? I see heads nodding in the affirmative in the audience.

Assemblyman Munford:

I would like to ask the gentleman who helped me work on it if he has any additional comments.

Chair Carlton:

We can do that as soon as we see if there are any questions.

Assemblyman Bobzien:

I would like to have clarification on two items. As I understand it, we are removing the requirement for the State Department of Agriculture (DOA) to make the brand books available in electronic format. I thought they were

already doing that. What is the problem with leaving this provision in the bill?
I like it.

Assemblyman Munford:

The electronic format for the brand books is already in place. However, there were cost concerns.

Chair Carlton:

Was it a website problem? We will ask Mr. Busselman to come to the witness table.

Doug Busselman, representing the Nevada Farm Bureau Federation:

I was not involved in preparing the bill's language that relates to the electronic version of the brand books. As I recall, it was presented during the hearing as an item that would be pulled from the bill. We were interested in seeing that technological advancement happen. However, the cost factor was the impetus for its removal. I was only involved in developing the language about the movement of horses coming here from other states, which do not have a brand inspection program.

Assemblyman Munford:

That is correct. Our concern was the cost.

Chair Carlton:

Which would include the microchipping.

Assemblyman Munford:

Microchipping . . .

Assemblyman Bobzien:

And that would be the next issue. My question, now, is about the brand books not being available online. I am looking at the DOA's fiscal note, and it states there is no fiscal impact on the DOA for section 1 and section 2 of the bill because these items are currently being done. So why do we feel the need to remove it from the bill?

Assemblyman Munford:

Did you say take it out or put it in?

Assemblyman Bobzien:

The amendment removes section 1 from the bill. It "removes the requirement that the SDA [State Department of Agriculture] must make the brand books

available in electronic format." [See [Exhibit C.](#)] Now, the DOA is saying they are fine with that provision.

Assemblyman Munford:

My recommendation is to remove it because of the cost concerns.

Chair Carlton:

But we have a fiscal note that says there is no cost. There must still be some confusion on this point.

Assemblyman Munford:

If there is no fiscal cost, then I have no objections to keeping the brand books available online.

Assemblyman Bobzien:

The next issue is the scanning, and there is a fiscal cost to that according to the DOA. We are not looking to spend more money; we do not have it. It is a fairly minimal fiscal note, so is there some possibility we can find a way to move forward with the scanner technology? It is a good way to go in the future, and it may be something we want to do. It is not a big "burning" issue for me. I just wanted to know what people thought about backing away from the idea of moving forward with the scanners.

Assemblyman Livermore:

Who is responsible for implanting the microchips?

Chair Carlton:

The amendment removes that section of the bill.

Assemblyman Munford:

If it was in the bill, the horse owner would have to do the microchipping.

Chair Carlton:

Mr. Munford has agreed that he is okay with removing any item from the bill that has a fiscal note on it. The focus is on moving the horses and dealing with the brands. The health of the horse stock was also a primary issue; all others were ancillary. If it has a minimal fiscal impact and we can figure out a way to cover the expenditure later on in the session, we can revisit the issue.

Assemblyman Bobzien:

I understand there are costs associated with the scanners because they are clearly identified in the fiscal note as having a financial impact. On the issue of

the brand books being online or having them removed from online access, I think we should keep them online.

Doug Busselman:

I have been told that you can actually get a "PDF" (portable document format) version of the brand books online right now. The digitization of the brand books is not linked to the microchip. It is simply an image of a picture that shows the brands.

Assemblyman Bobzien:

I am comfortable with the amendment if the section that removes the online brand books is left in. They are already doing it, and there is no cost. Let us leave that part in the bill.

Assemblyman Munford:

That is fine.

Assemblyman Ellison:

Quite a few problems are going to occur with the passage of this bill. There are times when the highway patrol or stopping stations need to check the brand, and no brand inspector is available. The microchips and scanners are prohibitively expensive. The Nevada Cattlemen's Association representative can tell us who has access to the brands online. I believe we over-thought the bill, and it got away from us. The reason so much of the bill's language is being removed by this amendment is the bill became unwieldy. The original purpose of the bill was to accommodate rodeo participants who bring saddle horses into the state for an event with a limited time period.

Chair Carlton:

Are you addressing the bill or the amendment?

Assemblyman Ellison:

I am addressing both.

Chair Carlton:

We are currently working on the amendment.

Assemblyman Ellison:

The amendment leaves in the electronic tracking.

Chair Carlton:

No, it removes the requirement for having a scanner. Do you want me to resummarize the amendment? It is in your work session document. [See [Exhibit C.](#)]

Assemblyman Ellison:

That is what I am reading from the hard copy. I do not have it on the Nevada Electronic Legislative Information System. Yes, resummarize the amendment.

Chair Carlton:

There is a mock-up of the amendment on the hard copy.

Assemblyman Anderson:

I would like some clarification. I read this bill as a transport document. I do not understand what the issue is, and I feel this discussion is spiraling when it does not need to.

Chair Carlton:

It is very confusing.

Assemblyman Hansen:

The Nevada Cattlemen's Association and the Nevada Farm Bureau Federation are in favor of the bill. All the items about electronic information are removed. Can we take a vote?

Assemblywoman Pierce:

The bill states "not more than 10 saddle horses" whereas the amendment says "a saddle horse." [See page 4, line 5.] Is that what you mean?

Assemblyman Munford:

It is more than one.

Doug Busselman:

The number ten was an arbitrary number, which did not make any difference to the bill. From our perspective, whether it is "a horse" or "horses" does not matter as long as the rules are followed. If they carry the paperwork showing they own the animal and if they have the proper health certificates, then we are satisfied with the bill's language.

Assemblywoman Pierce:

There is not a maximum number?

Doug Busselman:

Correct. That would not be in the bill.

Assemblyman Goedhart:

How involved is the process to obtain a health certificate? Do you have to call a veterinarian?

Doug Busselman:

It is my understanding the required health certificate is issued by a veterinarian. It also requires that in order to qualify for a certificate there must be a test to prove the horse does not have Coggins.

Assemblyman Goedhart:

Does the test have to be done every time a horse comes into the state?

Doug Busselman:

The health certificate with the negative test results on it lasts for a period of time.

Assemblyman Kite:

If rodeo wranglers bring their horses into the state, they will have all the paperwork. They may need a number of documents to satisfy the requirements in different states, but they carry all of them. They keep the horses' Coggins tests up-to-date. Most of the rodeo animals are treated better than a lot of people are. The rodeo participants are not a problem. It is for the people who have not had their horses tested for Coggins. The number of horses is irrelevant. We just need to make sure the horses entering the state are healthy.

Assemblyman Munford:

That explains it.

Doug Busselman:

That was our intent, and we worked to provide the necessary language based on our discussions about the bill. We wanted to have a simple, workable process, and we think we are there.

Chair Carlton:

My concern is there are way too many unanswered questions for a work session. Usually in a work session, we are comfortable with the language of the bill under consideration. However, if the Committee would like to move forward with the bill, I will accept a motion.

ASSEMBLYMAN GOEDHART MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 368 WITH AMENDMENT NO. 6082.

ASSEMBLYWOMAN BUSTAMANTE ADAMS SECONDED THE
MOTION.

Are there any other comments?

Assemblyman Bobzien:

I would like the language that says, "Removes the requirement that the SDA must make brand books available in electronic format . . ." removed. Otherwise, I cannot support the bill.

Chair Carlton:

Does the maker of the motion accept the removal of that language?

Assemblyman Goedhart:

I would be fine with that.

Chair Carlton:

Is the person who seconded the motion comfortable with removing that language?

Assemblywoman Bustamante Adams:

Yes, I am comfortable with that.

Chair Carlton:

Everyone agrees. Is there any further comment on the motion? Hearing none, we will take the vote.

THE MOTION PASSED UNANIMOUSLY.

I am opening the hearing on Assembly Bill 453.

Assembly Bill 453: Requires a supplier of motor vehicle fuel to provide certain warnings relating to the presence or possible presence of manganese in any motor vehicle fuel sold or distributed by the supplier. (BDR 51-689)

There are no amendments to the bill in your work session documents ([Exhibit D](#)). However, I would like to propose an amendment to the bill. There were a number of concerns about the label itself, so I would like to propose that the labeling section of the bill, which is section 3, subsection 6(b) on page 5, be changed. I propose to keep subparagraph (1) of that section, and then allow

any of the other subparagraphs to be included, or not, at the discretion of the State Board of Agriculture. The Board will develop the regulations and determine the labeling requirements. Those regulations will come back to the Legislative Counsel Bureau, and be reviewed for the accuracy of legislative intent. Next, the regulations go to the Legislative Commission to also be reviewed for legislative intent. Are there any comments, questions, or discussion on the proposed amendment?

Assemblyman Hansen:

Who is the regulatory agency that develops the regulations? Is that the State Department of Agriculture (DOA)?

Chair Carlton:

Yes.

Assemblyman Hansen:

Does it have to be a warning? Or can it just be a statement?

Chair Carlton:

It is more a question of semantics. We can call it a notification rather than warning. It is all about consumer disclosure.

Assemblyman Hansen:

If this bill becomes law, it will then go to the DOA, and the State Board of Agriculture will actually draft the regulations to implement the bill. Is that correct?

Chair Carlton:

Yes, the Board does the drafting to comply with the intent of the bill.

Assemblyman Ellison:

Would it go to the Bureau of Weights and Measures?

Chair Carlton:

They are part of the Board.

Assemblyman Ellison:

But is that the agency that will write the language?

Chair Carlton:

Drafting the regulations is done at a higher level than the implementation.

Assemblyman Ellison:

Could we label it as a notice and allow the DOA to put the label on during its regular pump inspections?

Chair Carlton:

That is basically what will happen. All the other steps are part of the process. If you did not get the exact wording you wanted when the bill was passed, it can be modified when the regulations are developed.

Assemblyman Ellison:

I like the idea of using the word "notice" instead of "warning."

Chair Carlton:

It is a matter of semantics. The label is going to be there.

Assemblyman Hansen:

Are we going to use the word "manganese" or just put methylcyclopentadienyl manganese tricarbonyl (MMT) on the label?

Chair Carlton:

Do you want it to be MMT? I am comfortable with that.

Assemblyman Kite:

Can we ask counsel?

Randy Stephenson:

The acronym "MMT" would have to be spelled out in the law.

Chair Carlton:

Right.

Randy Stephenson, Committee Counsel:

Eventually "manganese" would be in there. We could have "MMT," and then "as used in this section MMT means" We would define it one way or another.

Chair Carlton:

It would be longer than "manganese."

Assemblyman Hansen:

Okay, so we could say "a statement that the motor vehicle fuel contains or may contain manganese," and the label would contain that information.

Chair Carlton:

Yes.

Assemblyman Kite:

For those of us who remember, when lead was banned from fuel, there was a notification on the pump that said, "Notice: This product may contain lead." I see this label being used for the same purpose. I agree with you that the statement should say, "Notice: This product may contain manganese."

Assemblyman Anderson:

It is a reasonable amendment. I would like to point out that currently there is a proposal to move the Bureau of Weights and Measures out of the DOA.

Chair Carlton:

Yes, there is.

Assemblyman Anderson:

We will need to follow up and make sure the bill gets to the right place. I support the amendment.

Assemblyman Hansen:

Does the state have to pay for the labels? Are the taxpayers going to be paying? Is that why the bill has a fiscal note?

Chair Carlton:

If there is a financial impact to an agency, there will be a fiscal note. Keep in mind, their job is to put labels on pumps.

Assemblyman Livermore:

Was there some mention in our previous discussion about the product being sold without the label? What is the penalty if a retailer does not have the label on his pumps?

Chair Carlton:

If a label is not on a pump, it would be the same penalty used for other missing labels.

Assemblyman Hansen:

That would be the responsibility of the state, not the individual retailer. Is that correct?

Chair Carlton:

It is all part of the inspection process, I believe.

Assemblyman Ellison:

The fiscal note says the cost will be \$73,000 in fiscal year (FY) 2011 and the same in FY 2012. Does that amount come out of the DOA's budget?

Chair Carlton:

If this bill passes out of this Committee, I am sure it will be rereferred to the Assembly Committee on Ways and Means. They will work with the agency to figure out the actual fiscal note. This is a policy Committee, so we do not deal with fiscal notes, but the financial impact will be addressed as the bill moves forward.

[Assemblyman Hogan, as Vice Chair, assumed the Chair to take the motion because Mrs. Carlton was the bill's sponsor.]

Vice Chair Hogan:

I will entertain a motion.

ASSEMBLYMAN ANDERSON MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 453 WITH THE PROPOSED CHANGES TO
SECTION 3, SUBSECTION 6(b).

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

Is there any discussion?

Assemblyman Hansen:

For clarification, section 3, subsection 6(b)(1) will read, "a notice that the motor vehicle fuel contains or may contain manganese," and then we are deleting subparagraphs (2), (3), and (4) from that subsection. Is that correct?

Assemblywoman Carlton:

You are very close. The sponsor is proposing the language changes you mentioned to section 3, subsection 6(b)(1), and also that the Board have the option of using one of those statements if they have the space and/or if the information was deemed applicable. The first statement would be mandatory on the label; the other three would be optional. We are giving the State Board of Agriculture flexibility.

Vice Chair Hogan:

Does that answer your question, Mr. Hansen?

Assemblyman Hansen:

Yes.

Vice Chair Hogan:

We will take the vote on the motion.

THE MOTION PASSED UNANIMOUSLY.

Assemblyman Ellison:

I reserve my right to change my vote on the floor of the Assembly.

[Assemblywoman Carlton reassumed the Chair.]

Chair Carlton:

We will make sure you have a chance to review the language before it goes to the floor. I am opening the hearing on Assembly Concurrent Resolution 5.

Assembly Concurrent Resolution 5: Directs the Legislative Commission to conduct an interim study on desalination and industrial water resources in this State. (BDR R-730)

The Committee has a copy of the work session document ([Exhibit E](#)). Mr. Anderson, as the resolution's sponsor, I believe you have a statement for the Committee on your resolution.

Assemblyman Anderson:

I feel my goals in bringing this resolution forward were satisfied. I came into this process knowing that interim studies were probably not doable this session. My sponsorship of this resolution is a success because I got the information out there. Legislators, serving in the future, will have some groundwork and background on desalination plants and projects. With that being said, I do not want to take up any additional floor time because, at this point, the resolution will not be moving through the entire study process.

Chair Carlton:

Are you withdrawing your resolution? This may be an issue that will be raised in one of the interim committees.

Assemblyman Anderson:

That is my hope. If there is an opportunity for me to be a part of moving the state toward consideration of desalination projects, I would like to serve on that interim committee.

Chair Carlton:

We will put your resolution in the bottom drawer for now. Are there any other questions? [There were none.] Is there any public comment? [There was none.]

This meeting is adjourned [at 2:19 p.m.].

RESPECTFULLY SUBMITTED:

Judith Coolbaugh
Committee Secretary

APPROVED BY:

Assemblywoman Maggie Carlton, Chair

DATE: _____

EXHIBITS

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

Date: April 12, 2011

Time of Meeting: 1:44 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 368	C	Assemblywoman Maggie Carlton	Work Session Document
A.B. 453	D	Assemblywoman Maggie Carlton	Work Session Document
A.C.R. 5	E	Assemblywoman Maggie Carlton	Work Session Document