

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

**Seventy-sixth Session
May 6, 2011**

The Senate Committee on Natural Resources was called to order by Chair Mark A. Manendo at 3:37 p.m. on Friday, May 6, 2011, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4412E, 555 East Washington Avenue, Las Vegas, 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 Mark A. Manendo, Chair
Senator David R. Parks, Vice Chair
Senator John J. Lee
Senator Dean A. Rhoads
Senator Michael Roberson

GUEST LEGISLATORS PRESENT:

Assemblyman David P. Bobzien, Assembly District No. 24
Assemblyman Kelly Kite, Assembly District No. 39
Assemblyman Harvey J. Munford, Assembly District No. 6

STAFF MEMBERS PRESENT:

Michelle Van Geel, Policy Analyst
Charity Fowler, Counsel
Sandra Hudgens, Committee Secretary

OTHERS PRESENT:

Richard L. Haskins II, Deputy Director, Department of Wildlife
Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation
Daryl E. Capurro, Board of Wildlife Commissioners
Bjorn Selinder, Churchill County; Eureka County; Elko County
Jim R. Barbee, Acting Director, State Department of Agriculture

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CHAIR MANENDO:

I will open the hearing on Assembly Concurrent Resolution (A.C.R.) 3.

ASSEMBLY CONCURRENT RESOLUTION 3: Urges proactive protection and restoration of the population and habitat of the greater sage grouse in Nevada. (BDR R-214)

SENATOR DEAN A. RHOADS (Rural Nevada Senatorial District):

I will read my testimony in support of A.C.R. 3 ([Exhibit C](#)).

CHAIR MANENDO:

We have a letter of support from Kyle Davis, Policy and Political Director with the Nevada Conservation League ([Exhibit D](#)).

RICHARD L. HASKINS II (Deputy Director, Department of Wildlife):

The Department of Wildlife is in support of A.C.R. 3. We recognize the need to fund the implementation of the Governor's 2004 sage grouse plan, which was a collaborative plan that took several years to develop. We have provided you with written information on sage grouse and other related activities in Nevada ([Exhibit E](#)).

DOUG BUSSELMAN (Executive Vice President, Nevada Farm Bureau Federation):

The Nevada Farm Bureau Federation is in support of A.C.R. 3. I was one of the original members of the sage grouse team then-Governor Kenny Guinn put together. I have been working on this project since 2000. We want to do good things to help sage grouse and their habitat, especially sagebrush.

SENATOR LEE:

Is there a plan to list sage grouse as an endangered species? Would they be placed on the endangered species list for three years, then taken off the list?

MR. BUSSELMAN:

I am not an expert on the Endangered Species Act. We are not planning to put the sage grouse on the endangered species list at this time. We need to avoid any decline in the sage grouse population, but we would have serious problems if the sage grouse moved up in the ranks of endangered species.

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ASSEMBLYMAN DAVID P. BOBZIEN (Assembly District No. 24):

I am here in support of A.C.R. 3. I am a member of the Legislative Committee on Public Lands with Senators Lee and Rhoads. This resolution is an important consensus position for the State encouraging all interested parties—resource users, the conservation community and the various government agencies—to work together to keep sage grouse off the endangered species list. This is about Nevada's economy, it is about impacts to resource users and it is about renewable-energy projects we hope will be happening in the State. I have been proactive protecting the habitat and the sage grouse. We are in an area of jeopardy wondering if the bird should be listed. There is scientific evidence the sage grouse should be listed. It is precluded right now because of other species higher in priority. We have time to show the federal government we are doing everything we can to protect the sage grouse. The federal government will want to see data on sage grouse, and they will want to know what the State is doing to protect them. The resolution is part of the response to the federal government that Nevada is addressing the issue.

SENATOR PARKS:

What is the difference between a sage grouse and a greater sage grouse?

ASSEMBLYMAN BOBZIEN:

Greater sage grouse refers to the sage grouse population itself.

CHARITY FOWLER (Counsel):

"According to Wikipedia, the greater sage grouse is just what the sage grouse is called in North America. There may be another biological answer, but that's what Wikipedia says."

DARYL E. CAPURRO (Board of Wildlife Commissioners):

I am the legislative chair of the legislation committee of the Board of Wildlife Commissioners (BWC). On behalf of the BWC, we support A.C.R. 3. A couple of years ago, I participated in a sage grouse counting program with a biologist at the Sheldon National Refuge. We went out at night using a device that picked out sage grouse. We found a sage grouse hen and her chicks and were able to check on them to see how they were coming along. The study is an interesting process.

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It is important that sage grouse not be listed because it could affect mining, ranching and any sporting activities currently taking place. We work with wildlife services to control ravens that prey on sage grouse.

BJORN SELINDER (Churchill County; Eureka County; Elko County):
I represent Churchill, Eureka and Elko Counties and they support A.C.R. 3.

CHAIR MANENDO:
I will close the hearing on A.C.R. 3.

SENATOR RHOADS MOVED TO ADOPT A.C.R. 3.

SENATOR LEE SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

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CHAIR MANENDO:
I will open the hearing on Assembly Bill (A.B.) 368.

ASSEMBLY BILL 368 (1st Reprint): Revises provisions governing brands and brand inspections. (BDR 50-510)

ASSEMBLYMAN HARVEY J. MUNFORD (Assembly District No. 6):
I will read my written testimony ([Exhibit F](#)). I am a pleasure-horse owner and I respect ranch cowboys and working horses. This bill is a good way to help prevent the spread of diseased horses. The Coggins test is used to determine equine infectious anemia that can cause death in horses. The health certificate must be up to date for the transport of horses into or out of this State.

MR. BUSSELMAN:
When this bill was first presented in the Assembly, the Nevada Farm Bureau Federation and other agricultural organizations opposed the bill. We were able to work with Assemblyman Harvey J. Munford making fundamental changes to the bill. Page 3, section 3, subsection 1, states the requirements of the bill apply only to those horses coming from a state which does not perform brand inspections. The requirement directs the owner of the horses involved in this type of program to produce ownership and health certificate papers for

inspection to ensure the horses are free from diseases. With these changes, we are in support of A.B. 368.

SENATOR LEE:

How many brand inspectors are there? Do horse owners go to an inspection station or do the brand inspectors go to the people?

MR. BUSSELMAN:

There are brand inspectors throughout the State. They come to you. They do not have a station. You can call for an appointment and either go to them or they can come to you. There is no fee assessed for producing the required information.

JIM R. BARBEE (Acting Director, State Department of Agriculture):

We have 85 intermittent positions of brand inspectors which means they work when called upon. They are spread across the State, hopefully, in a strategic manner to reduce travel cost.

SENATOR LEE:

Is there a fine assessed?

MR. BARBEE:

Yes, there would be a fine assessed. I do not know the amount of the fine.

MR. BUSSELMAN:

It would be a fee, rather than a fine. One would pay a fee for the inspection.

SENATOR LEE:

What happens to these horses that come from states with no brand inspections? Are the horses impounded?

MR. BUSSELMAN:

After ascertaining ownership of the horse, the inspector would charge a fee and inspect the horse. The owners would be given a paper and sent on their way with thanks for paying the fee to the State.

SENATOR LEE:

Would there be a problem without the paperwork?

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MR. BUSSELMAN:
That would be an issue.

SENATOR LEE:
Would horse thieving be the issue?

MR. BUSSELMAN:
Exactly. Horse thieving was our original concern, and it is a legitimate issue. That is why we worked to amend the bill to make sure the horse owner travels with ownership papers in possession and proof the horse was inspected for health purposes.

MR. BARBEE:
The brand inspection fee portion is to ensure we have clear ownership. It is a fee and not a fine. If there were a dispute in ownership, law enforcement would be involved.

ASSEMBLYMAN MUNFORD:
There is a lot involved in owning a horse.

CHAIR MANENDO:
I will close the hearing on A.B. 368 and open the hearing on A.B. 306.

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

ASSEMBLYMAN KELLY KITE (Assembly District No. 39):
This bill revises the manner in which certain supervisors of conservation districts are appointed. This will affect two conservation districts. I represent the Douglas/Washoe Conservation District. When one supervisor leaves, the next supervisor is elected from the other county. By the time a supervisor gets up to speed on what is going on in that conservation district, he is replaced by the representative from the other county. This bill will allow a supervisor to be appointed from both Douglas County and Washoe County. Conservation districts receive \$10 worth of work out of \$1 worth of expenses. Each county should have its own full-time representative. This is the whole basis for the amendment to the existing law.

SENATOR LEE:

What is the structure for the conservation district supervisors? Do they respond to the board of county commissioners?

ASSEMBLYMAN KITE:

The board of county commissioners directs the conservation group on what they want done. The money is funded by grants from the counties, State and federal government. The board decides how that money is spent, where it is directed and which projects need to be completed first, as well as making sure the projects are completed. The conservation district supervisors work under the supervision of the board of county commissioners because the money is funneled through the board of county commission to the conservation districts.

SENATOR PARKS:

Was this bill referred to the Assembly Committee on Ways and Means for its consideration? Are there more expenses in the current fiscal year?

ASSEMBLYMAN KITE:

The conservation district is primarily a volunteer job. I do not know if the supervisors are allowed \$80 per month when they meet. That could represent the fiscal note.

SENATOR PARKS:

The conservation districts are under consideration by the joint Assembly Ways and Means and Senate Committee on Finance.

CHAIR MANENDO:

We will close the hearing on A.B. 306.

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CHAIR MANENDO:

There being no further business, the Senate Committee on Natural Resources is adjourned at 4:18 p.m.

RESPECTFULLY SUBMITTED:

Sandra Hudgens,
Committee Secretary

APPROVED BY:

Senator Mark A. Manendo, Chair

DATE: _____

| <u>EXHIBITS</u> | | | |
|------------------------|----------------|----------------------------|---|
| Bill | Exhibit | Witness / Agency | Description |
| | A | | Agenda |
| | B | | Attendance Roster |
| A.C.R. 3 | C | Senator Dean Rhoads | Written Testimony |
| A.C.R. 3 | D | Kyle Davis | Letter of Support |
| A.C.R. 3 | E | Richard Haskins II | Written Information in support of A.C.R. 3 |
| A.B. 368 | F | Assemblyman Harvey Munford | Written Testimony |