

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

**Seventy-Seventh Session
March 21, 2013**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Skip Daly at 1:33 p.m. on Thursday, March 21, 2013, 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 nelis.leg.state.nv.us/77th2013. 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 Skip Daly, Chair
Assemblyman Paul Aizley, Vice Chair
Assemblyman Paul Anderson
Assemblyman Richard Carrillo
Assemblywoman Lesley E. Cohen
Assemblyman John Ellison
Assemblyman Ira Hansen
Assemblyman James W. Healey
Assemblyman Pete Livermore
Assemblywoman Heidi Swank
Assemblyman Jim Wheeler

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Senator Pete Goicoechea, Senatorial District No. 19
Assemblyman James Oscarson, Assembly District No. 36



STAFF MEMBERS PRESENT:

Amelie Welden, Committee Policy Analyst
Cheryl Williams, Recording Secretary
Steve Sisneros, Committee Assistant

OTHERS PRESENT:

Jim R. Barbee, Director, State Department of Agriculture
Lorinda A Wichman, Commissioner, Nye County Board of Commissioners
James R. Lawrence, Administrator and State Land Registrar, State Land
Use Planning Agency, Division of State Lands, State Department of
Conservation and Natural Resources
Eric M. Johnson, Deputy Administrator, Division of State Parks, State
Department of Conservation and Natural Resources
Donna Motis, President, Friends of the Belmont Courthouse
Dagny Stapleton, representing Nevada Association of Counties

Chair Daly:

[Rules and protocol explained.] We are going to quickly do the two bills on work session, and then we have one bill on the agenda today.

We will take up Assembly Bill 2 on work session.

Assembly Bill 2: Revises provisions governing the Land Use Planning Advisory Council. (BDR 26-175)

Amelie Welden, Committee Policy Analyst:

Assembly Bill 2 provides that the Governor's appointments to the Land Use Planning Advisory Council are based on nominations provided by the board of county commissioners of each county. It also provides one nonvoting member will be appointed to the council by the Nevada Association of Counties (NACO) and exempts Council appointees from certain existing restrictions against appointments to multiple boards or commissions. An amendment was proposed by NACO to clarify that a county commissioner who is a member of the state's Land Use Planning Advisory Council may also be appointed by the Governor to one other board, commission, or similar body. There is a conceptual mock-up for that amendment attached to the work session document ([Exhibit C](#)). At the hearing, the bill was presented by NACO, and you also heard support from Douglas and Eureka Counties. No one testified in opposition to the bill.

Chair Daly:

Thank you, Ms. Welden. In the NACO amendment, we wanted to make it clear that the exception only extends to county commissioners who are on this advisory board. They can be on this board and one other but not on two different ones besides the board we are talking about, and it would not apply to a citizen who was appointed to this position.

I will accept a motion to amend and do pass with the amendment in the work session document and on the Nevada Electronic Legislative Information System (NELIS).

ASSEMBLYMAN WHEELER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 2.

ASSEMBLYMAN PAUL ANDERSON SECONDED THE MOTION.

Chair Daly:

Are there any questions regarding the amendment or the bill? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

Chair Daly:

With that, we will move on to Assembly Bill 20.

[Assembly Bill 20](#): Revises provisions governing agriculture. (BDR 50-321)

Amelie Welden, Committee Policy Analyst:

Assembly Bill 20 makes various changes to provisions related to agriculture. I will not read through all of those in the interest of time, but they are in the work session document ([Exhibit D](#)). At the hearing and subsequent to the hearing, there were amendments proposed by the State Department of Agriculture. There is a conceptual mock-up in the work session document. These proposed amendments would further revise provisions relating to the person who is appointed to manage natural resources and land use planning activities at the department. It would further clarify the notification process when a brand inspector determines that an animal offered for inspection is actually owned by someone other than the person offering the animal for sale and would restore provisions relating to licensing for wood-destroying insect control activities. This bill was presented at the hearing by the State Department of Agriculture. There were several people who testified as either neutral or in opposition with regard to feral and estray horses.

Chair Daly:

Before I accept a motion on this, I want to note that there was discussion with the bill's sponsor. The original amendment was to add back provisions regarding wood-destroying insects that were not meant to be deleted. We had a discussion about feral and estray horses and various things. It is my understanding that since our hearing on this bill, an agreement has been reached with the State Department of Agriculture and horse advocates. If I could get Mr. Barbee to come up and give us a little information, it would be helpful.

Jim R. Barbee, Director, State Department of Agriculture:

First, there are already estray and feral laws in excess of what we are looking to eliminate, so it would be duplicative verbiage. Secondly, we have signed a cooperative agreement with Return to Freedom, LLC, which is affiliated with the American Wild Horse Preservation Campaign. It gives them the first opportunity to pick up, for public safety purposes, any horses that we have around the Virginia Range and take ownership of those horses for \$100 each. They can then transfer the horses or place them as they see fit with wild horse advocacy groups or individuals who want to take care of them from that point on.

Chair Daly:

I know that was important to some of the people that came up with that language, so I appreciate that.

Assemblyman Ellison:

Just for clarification, did you say you accept the proposed new amendment?

Jim Barbee:

No, we accepted that we would work with the Chair on cleaning up and clarifying the amendments that are suggested here, so we are definitely in support of the amendments proposed today.

Assemblyman Wheeler:

I want to say for the benefit of the Committee that I have been in touch with the horse advocacy groups and they are very pleased with this cooperative agreement.

Chair Daly:

Thank you for your comment, which is useful for the record, as well.

I will accept a motion to amend and do pass with the amendment in the work session document and on the Nevada Electronic Legislative Information System (NELIS) that has been worked out by all the parties.

ASSEMBLYMAN WHEELER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 20.

ASSEMBLYWOMAN SWANK SECONDED THE MOTION.

Chair Daly:

Are there any questions or comments regarding the motion? [There were none.]

THE MOTION PASSED UNANIMOUSLY.

Chair Daly:

Assemblyman Hansen will do the floor statement on Assembly Bill 2 and Assemblywoman Swank will do the floor statement on Assembly Bill 20.

We will now open the hearing on Senate Bill 121.

Senate Bill 121: Authorizes the State Land Registrar to transfer the Belmont Courthouse to Nye County. (BDR S-268)

Senator Pete Goicoechea, Senatorial District No. 19:

Senate Bill 121 would transfer the Belmont Courthouse in Nye County from the ownership of the state of Nevada back to Nye County. It was transferred from Nye County to the state in 1974 and has been managed since as a state park. Unfortunately, it is very remote, and we have had tremendous budget cuts in our state parks. They have been able to do seismic work on the building and install a new roof, but a lot of it has been done in cooperation with Nye County and a group called Friends of the Belmont Courthouse in Smoky Valley. They have worked very hard to bring the building back.

What we have today is a one-block state park in rural Nevada. It is hard to access and we have no state personnel there. Nye County came to me and requested a bill to transfer it back to Nye County. Representatives from the Divisions of State Parks and State Lands are here today, and I think they will testify that they favor the transfer. It clearly makes sense for the courthouse, for Nye County, and for the state. It is a great old building, and we need to take care of it. Given our budget constraints and the amount of staffing available in Smoky Valley, it makes sense for Nye County to take possession of the building. I am available to answer any questions.

Chair Daly:

Assemblyman Oscarson, I assume this is in your district.

Assemblyman James Oscarson, Assembly District No. 36:

I am a cosponsor of this legislation. I appreciate the opportunity to speak with you and echo the sentiments of my state senator, who represents this area. This is a great historic asset and resource for the state, the community, and Nye County. We appreciate all the work that has gone into that building. The Friends of the Belmont Courthouse have done a tremendous job. I need to disclose I am a member of the Friends of the Belmont Courthouse. I joined recently and had the opportunity to be there this summer. I encourage anyone who has not been there to visit and see that great structure and the work they have done. Our Fifth District Court Judge, Kim Walker, would like to start holding court there again someday. I think that is a lofty goal. I think it is attainable with the help of the Friends of the Belmont Courthouse and all the people in the community. I appreciate your consideration and hope you act favorably on the bill.

Chair Daly:

Thank you for your comments. Are there any questions?

Assemblyman Livermore:

I fully support this bill. I do not have a plot map, though. What are you going to get? The courthouse? The parking lot?

Senator Goicoechea:

It is all of Block 6 in the town of Belmont, Nevada.

Assemblyman Hansen:

The first time I went to Belmont Courthouse in 1983, it was completely abandoned, and you could just walk through it. Since then, I have spent a lot of time in that neighborhood. They have put a fence around it and I noticed they reroofed it. Have they actually sunk any money into the internal parts of it beyond restoring the foundations?

Senator Goicoechea:

Well, that was probably the biggest expense. State Parks is here and can address it more adequately; they did seismic work on the building. They reroofed it. There is a drop box where you can leave donations. It is a lovely old building, and we need to protect it. It probably has not had the care in the past that it truly deserved, but they are bringing it back, and I commend them for that. It is interesting that the Belmont Courthouse is the second courthouse in Nye County. Tonopah is now the county seat. The courthouse in Nye County has moved around considerably.

Assemblyman Hansen:

Is the chimney down the road as you go into Monitor Valley privately owned? I would love to find out if there is anybody here from that area that can show me where Tasker Oddie lived in Belmont. I always wanted to find his house. Is that the only piece of state land that is kind of historical? All of Belmont is a very unique area.

Senator Goicoechea:

The Division of State Parks is here, but I believe the courthouse is about the only thing in that area that is under the Division of State Parks at this point, and for that reason, it does not make any sense for the Division of State Parks and the Division of State Lands to be there. There is a lot of historic culture there.

Assemblyman Wheeler:

I want to be sure that Nye County has the funds set aside to maintain this and take it on into perpetuity.

Senator Goicoechea:

A Nye County commissioner is present, and I will let her talk about funds. I know she has more than we do.

Assemblyman Livermore:

Has the park that exists today been abandoned by the state parks division?

Senator Goicoechea:

No, they have not abandoned it. It is still under Division of State Park management. They are also here in the audience today and will testify that they have taken it as a good move. We know the budget cuts we have given them over the last couple of sessions. It stretches them and I think they feel that they believe that Nye County can probably do a better job.

Chair Daly:

I think my question will be more for the people that come past, so tell me if I am all wrong in what I am thinking. It was built as a county courthouse and owned by the county. Then it was abandoned and fell into disrepair. It is an historical building so the Division of State Lands and the Division of State Parks took it over and did some retrofits but they are stretched, so now we are going to convey it back to the county. We are still going to have all the state park openness so people can go to it. All of the deed restrictions and the various things for that use are going to tie with that transfer. The way I read the bill, any default or anything, the rights go back to the state. I think all those safeguards are in place. Is that the history that has happened there?

Senator Goicoechea:

Yes, other than I would have to say that it really was never abandoned. It was always the Nye County Courthouse in Belmont. Through the 1970s, the counties were struggling along so it made sense at that point for the state of Nevada, which was doing a little better and expanding its state parks, to take it. They did do some work and retrofits on it. Unfortunately, it has been 40 years. They maintained the building and at least kept it from total destruction. We would all have to admit that there are, like you say, deed restrictions and the county would have to return it back to the state in the event that they no longer wanted it. My way of thinking, clearly, is that we have people who are engaged and wanting to protect and rehab the building. Let us give them the opportunity to do that. In the worst case scenario, what happens? Nye County could say they cannot afford it either and it reverts back to the state of Nevada.

Chair Daly:

The use and purpose is going to transfer with the deed. You have to use it for the same use.

Senator Goicoechea:

Oh, yes, definitely. They have to protect all historical and recreational value in the property and guarantee public access. It prohibits Nye County or any successor in title from selling, leasing, encumbering, or alienating. It is protected. Let us do the best we can and give the people in Belmont the opportunity.

Chair Daly:

Are there any other questions from the Committee?

Assemblywoman Swank:

I am looking at pictures of the Belmont Courthouse. I have not been there but it is a beautiful building. Are there plans to get it on the National Historic Register or is it on there?

Senator Goicoechea:

Yes.

Assemblywoman Swank:

Great. Thank you.

Senator Goicoechea:

I think at this point we had better roll it over to the experts and they can really give you the history of the Belmont Courthouse.

Chair Daly:

You are welcome to stay but I understand if you have other committees and obligations. We will open up the microphones to people in support of S.B. 121.

Lorinda A. Wichman, Commissioner, Nye County Board of Commissioners:

I appreciate all of the work the assemblymen and Senator Goicoechea have done on this. Nye County has a dedicated group of individuals that care for and raise funds for the renovation of this historic building. They have been very successful. As Assemblyman Oscarson stated that he was a member, I, too, am a member. Through those membership fees they have been raising enough money to do some of the renovations that they have planned. The membership is something I would like to point out as well because the membership that the Friends of the Belmont Courthouse has attracted has an unusually high level of skills and education. All the members are extremely responsible. This has been proven over and over. They are reliable individuals and they bring a certain level of integrity to the Friends of the Belmont Courthouse that you do not get to see too often in rural organizations. Belmont is part of my district and has been a personal destination for me, for any of my out-of-state visitors that come to the ranch to see us. Belmont is a destination for us while we are giving them tours. I would like to extend that invitation to anyone here who wants to come out and see Belmont. There is a bed and breakfast there. You can have one or two or three rooms. So, if you have trouble making those arrangements I have a ranch just over the hill with a guest house. You have my card, I have left them with the secretary, that is an open invitation, and I will take you there.

I am very proud to have a minor part in securing funding for Nye County to assist the state park service in replacing the roof, which made it possible to preserve the historic assets inside. Without a roof, any work done inside would be lost, so that was the first step. The Friends of the Belmont Courthouse is a 501(c)(3) nonprofit organization that has worked to secure funding for additional renovations and maintenance on that building. As you mentioned, in the unlikely event that something came up that the county could not handle this asset the reverter clause in the bill does cover that. I believe it was Mr. Hansen who asked about internal renovations; I hope that answered the question for you. Without a roof, you cannot do the internal work. But there have been some internal renovations with the stairway, inside the cupola. There is a lot of graffiti in there and we do not want to lose the history of that graffiti. I am sure the members that are here from the Friends of the Belmont Courthouse can explain that more, but there is some unique graffiti in there that they are going to cover with plexiglass so it cannot be ruined. I think that is great.

Chair Daly:

We can proceed with the other two and then we will ask questions of the panel in just a minute. So, on the graffiti, though, real quick, you are telling me Kilroy was there?

Lorinda Wichman:

It was not Kilroy. It was Charles Manson.

Assemblyman Hansen:

I thought it said Goicoechea in the basement, in the jail portion.

Lorinda Wichman:

It might!

Senator Goicoechea:

The jail is outside, sir.

James R. Lawrence, Administrator and State Land Registrar, State Land Use Planning Agency, Division of State Lands, State Department of Conservation and Natural Resources:

This position also serves as the State Land Registrar. I support S.B. 121, which authorizes the State Land Registrar to transfer the Belmont Courthouse from state ownership to Nye County. The Belmont Courthouse historic structure is located on approximately 1.6 acres of land about 45 miles north of Tonopah. There is public access to the courthouse, but there are no public park facilities. The parcel and courthouse were property of Nye County prior to transfer to the state in 1974.

The history of the transfer is that the Nevada Legislature passed legislation in 1973 that appropriated \$25,000 to Division of State Parks for some restoration work on the courthouse with the condition that the property be transferred to state ownership with management by the Division of State Parks. In August 1974, a quitclaim deed was executed, transferring the property from Nye County to the state. Both the Division of State Parks and Nye County have conveyed a belief that the long-term protection of this historic resource is best achieved through county management of the courthouse. There are no restrictions in the 1974 deed that prohibit such a transfer. In addition, the proposed bill includes language that protects the historical value of the property and guarantees continued public access through appropriate reversionary language in the transfer deed. As such, I am supportive of S.B. 121 and would be happy to answer any questions.

Chair Daly:

Thank you. Please proceed.

Eric M. Johnson, Deputy Administrator, Division of State Parks, State Department of Conservation and Natural Resources:

Thank you for the opportunity to express the Division of State Parks' support for S.B. 121, which authorizes the State Land Registrar to transfer the Belmont Courthouse from the state of Nevada to Nye County. [Read from prepared testimony ([Exhibit E](#)).]

Belmont Courthouse was transferred from Nye County to the state of Nevada in 1974. State Parks developed a master plan for the park and implemented some of the objectives such as seismic stabilization, but deferred maintenance and distance from other park facilities made it impossible to accomplish all that was planned. Nye County and the Friends of the Belmont Courthouse have been excellent partners, providing tours of the courthouse and the funds necessary to replace the roof. Since the courthouse and the town of Belmont are an important part of the state in Nye County history, we believe Nye County and the Friends of Belmont Courthouse are better positioned to preserve, protect, and interpret the site. Because of our concern and appreciation for this site, we strongly support the transfer of Belmont Courthouse to Nye County.

Chair Daly:

Thank you. Are there any questions from the Committee?

Assemblywoman Cohen:

I am wondering about the numbers of visitors. How many visitors are there per year? Do you know how many visitors are from Nevada, or southern Nevada, versus from other parts of the country or the world?

Lorinda Wichman:

In the winter months, maybe two, if they can get up there. In the summer months, however, it is hundreds and hundreds and hundreds. This is a little side note. We have just recently made arrangements for some permanent potty structures out there so that we do not have to deal with that. It is off the grid. There is no power up there. The individuals who live up there take care of it. They watch and they bring their families and friends who come in to visit. I know I am personally responsible for at least 25 to 30 visitors each summer who come through our place to visit family and friends from out of state. I cannot give you the numbers on how many are from out of state and how many in-state, but it is a destination spot. Belmont has become a destination spot in the summer.

Assemblywoman Cohen:

I guess this is more of just a comment than a question but I just love when we are in what we think of as the middle of nowhere and we see German tourists traipsing through. So I am hoping for you that that happens if it is not happening already.

Lorinda Wichman:

You mentioned German tourists and it is extremely interesting. We have several hot springs up in the northern Smoky Valley. When you pull up there and see a bus, they are all German girls. They do not have the same modesty level that we do and it is a lot of fun. I will make it part of the tour.

Chair Daly:

Do we have any more questions?

Assemblyman Ellison:

I think it is great that they got a program that you can put money into. I think that is kind of neat. I do not know what it is, but I wanted to get the information from it. If this is still on the Historical Society's list, to get that building put back, you are talking a lot of money. That is going to be the big problem you are going to run into. We just had one of them in Tuscarora, and just to do one part of the building was well over a million bucks because they wanted to go back to the intent of what it was. You guys are going to need a lot of help so maybe the best thing is to get that word out. How are you planning to pay for that? Are you going to try to stay with the preservation society?

Lorinda Wichman:

As I mentioned, the membership that we have been able to form is behind me. Donna Motis is the president of the Friends of the Belmont Courthouse, so a number of these questions could be answered better by her. I have noticed from the outside watching what is going on, the individuals that are being attracted to that organization are highly skilled, highly professional, and highly motivated. It is an extremely unique group of individuals. They also bring with them skills of doing some of this work themselves. We will be able to use the Friends of the Belmont Courthouse to lower the cost of a number of those renovations simply because we can use their 501(c)(3) standing and help support them where we can. They will be doing a number of the things for us rather than coming right out of the county's own buildings fund, because, quite frankly, we do not have it. It is a partnership between Nye County and the Friends of the Belmont Courthouse, or it would not work at all. I am sorry, you asked a specific question right at the end and I lost track of it.

Assemblyman Ellison:

Well, we have run into that problem quite a bit up there.

Lorinda Wichman:

I remember your observation that we have to get that word out. Along with that invitation to come to the ranch and get a tour of Belmont, I would also invite you all to become members of the Friends of the Belmont Courthouse.

Assemblyman Ellison:

Ms. Wichman, congratulations and thank you for representing Nevada in heading back to Washington. Thank you so much for your service.

Chair Daly:

Any other questions for this group? Okay, seeing none, thank you very much. Do we have any other people wishing to speak in support of S.B. 121?

Donna Motis, President, Friends of the Belmont Courthouse:

Here is a picture of the courthouse before we got our new roof ([Exhibit F](#)). If you want to pass that around and look at it, we do have a website. To answer your question, there are 29 windows and three exterior doors.

Chair Daly:

And no electricity.

Donna Motis:

There is no electricity or running water except the creek. Nye County was gracious enough to give us the money to have the roof replaced. Our next process is to replace the doors and windows. The courthouse is on the National Historic Registry and everything that will be done to that courthouse will be to their specifications. We want it as weather-tight as possible before we start restoration. We have already put out grant applications to several of the large mining companies in our area.

We are a nonprofit organization and we make our money by selling T-shirts and through donations, membership fees, and any other way possible. We have courthouse tours during the summer and in the winter. If anybody is out there who has a key to the courthouse, they will do a tour. We keep it locked now because we do not want vandalism in there. We want to preserve the signatures and dates that are on the wall so we do not just let people go wandering on their own anymore.

Our goal is to restore that building to its original restoration point, like it was when it was actually the Nye County Courthouse. We want to preserve that

building. The people of Belmont are so supportive of what we are doing, so we have a lot of people behind us.

Dagny Stapleton, representing Nevada Association of Counties:

We are in support of this bill and in support of Nye County's effort to acquire the courthouse from the state and preserve what, as you have heard, is a really neat and important asset for Nye County and for all the citizens of Nevada.

Chair Daly:

Does the Committee have questions for this panel?

Assemblyman Aizley:

What is the population of Belmont and what is the surrounding population?

Donna Motis:

The population of Belmont full time is about nine full-time residents. In the summertime, the population in Belmont could be 500 to 600 people on any given weekend.

Assemblyman Aizley:

If the Germans ask you what the population is, do not say nine.

Donna Motis:

No. We have visitors from Germany and France; I do not know how they find us. We have visitors from everywhere. The population of Tonopah right now is probably 3,200 people, and that is 45 miles away.

Assemblyman Aizley:

Route 82 out of Tonopah?

Donna Motis:

Yes. I would like to invite all of you to come to Belmont and take a tour. Tasker Oddie's house is next to the bed and breakfast. We have a walking tour map that we produced for the town along with plaques in front of all of the houses. They are numbered. We have a great walking tour.

Assemblyman Hansen:

You might let everybody know who Tasker Oddie is. I have read his book and I love Nevada history, but to a lot of folks that name does not mean a thing.

Donna Motis:

I do not know if I can give you all the information either.

Assemblyman Hansen:

I will help you. He was a U.S. senator, a Nevada governor, a Nye County district attorney and state senator. He was also the founder of Tonopah along with Jim Butler. He is a very unique guy in Nevada history but I never knew where his house was in Belmont and I always wanted to find out. Now I am going to go there and meet you.

Donna Motis:

That would be wonderful. We would love to have you.

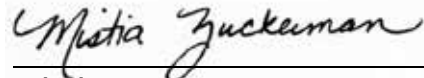
Chair Daly:

Is there anybody else in support? Is there anybody in opposition? [There was no one.] Is there anybody in the neutral position on S.B. 121? Seeing none, we will close the hearing on S.B. 121 and we will open the microphones up for anyone wishing to make public comment. Seeing no public comment, we will close the hearing and adjourn [at 2:12 p.m.].

RESPECTFULLY SUBMITTED:

Cheryl Williams
Recording Secretary

RESPECTFULLY SUBMITTED:



Mistia Zuckerman
Transcribing Secretary

APPROVED BY:

Assemblyman Skip Daly, Chair

DATE: _____

EXHIBITS

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

Date: March 21, 2013

Time of Meeting: 1:33 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 2	C	Amelie Welden, Committee Policy Analyst	Work Session Document
A.B. 20	D	Amelie Welden, Committee Policy Analyst	Work Session Document
S.B. 121	E	Eric Johnson	Testimony
S.B. 121	F	Donna Motis	Picture of the Courthouse