

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

**Seventy-Seventh Session
May 23, 2013**

The Senate Committee on Natural Resources was called to order by Chair Aaron D. Ford at 2:22 p.m. on Thursday, May 23, 2013, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 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 Aaron D. Ford, Chair
Senator Mark A. Manendo, Vice Chair
Senator James A. Settlemeyer
Senator Pete Goicoechea

COMMITTEE MEMBERS ABSENT:

Senator Tick Segerblom (Excused)

STAFF MEMBERS PRESENT:

Michael J. Stewart, Policy Analyst
Lynn Berry, Committee Secretary

OTHERS PRESENT:

Jim R. Barbee, Director, State Department of Agriculture

Chair Ford:

I will open the hearing on Assembly Bill (A.B.) 20.

ASSEMBLY BILL 20 (1st Reprint): Revises provisions governing agriculture.
(BDR 50-321)

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

This bill is clean-up for the State Department of Agriculture. There are no significant policy changes. It covers several different sections of the *Nevada Revised Statutes* (NRS) that apply to the Department. I have provided an outline for you to follow ([Exhibit C](#)).

Assembly Bill 20, page 4, lines 6 and 7, 12 through 14, 26 and 27 and 33 through 35 remove requirements that unclassified personnel must appear before the State Board of Agriculture and have a public conversation before termination. This aligns us with the policies of our human resources section and other state agencies. Section 3 of A.B. 20 specifically identifies the position that would perform promotion of the agricultural industry for the Department. Our research showed this function has been done by an administrator for the Plant Industry Division. This cleanup will reflect an actual position performing the specified duties.

Section 4, subsection 1, requests removal of references to “estrays and feral livestock,” since the references are redundant and clearly identified in NRS 569.

Section 5 proposes to remove redundant language to established rules under the NRS and *Nevada Administrative Code* (NAC) sections of the Division of Human Resource Management, Department of Administration.

We collect fees for brand inspections, deposit those funds in the Livestock Inspection Account, but do not have the statutory authority to pay the brand inspectors. By adding the provisions of NRS 565, section 6 would allow expenditures from the Livestock Inspection Account to pay brand inspectors.

Section 7, subsection 3 would add NRS chapters under the Program for the Control of Pests and Plant Diseases, to enable undertaking the duties of monitoring, surveillance and regulating control of pests and plant diseases. These include NRS 552, Bees and Apiaries; NRS 554, Quarantines of Agricultural Commodities; and NRS 587, Agriculture Products and Seeds. This will allow expenditure flexibility.

Section 8 of A.B. 20 proposes to streamline how an inspector reports the identification of possible stray livestock to an agricultural enforcement officer. Section 9 streamlines how the public or a livestock producer reports the

identification of possible stolen carcasses or hides to the agricultural enforcement officer.

Section 10 would move the livestock head tax section from NRS 571 to NRS 575. Sections 11 through 13 contain language from the Legislative Counsel Bureau relative to the changes made in section 10.

Section 14 would delete "agriculture products of the soil" and establish them as farm products. It also specifies the producer's certificate is for non-livestock or poultry production. We have had small livestock producers trying to obtain producer certificates when they are not eligible.

Section 15 adds sections 16 and 17 of A.B. 20 to NRS 555. Section 16 defines the "primary principal" as the daily supervisor of each category of pest control in a business. Section 17 defines the "principal" as the owner, officer, partner of a pest control business.

Sections 18 through 24 define the processes regarding pest control companies. A pest control company may have one primary principal. This position is responsible for communications to all smaller outlying operations the company may have. The primary principal can coordinate pertinent information from the subsidiary offices and report directly to the Department of Agriculture. This would remove the need to have a principal at each location, which would make it easier for the company to staff the subsidiary locations. This would mirror the systems in surrounding states.

Chair Ford:

In describing sections 18 to 24 of A.B. 20, [Exhibit C](#) says Nevada is the only western state that has this requirement. How long have we been the only state with this requirement?

Mr. Barbee:

It has been in existence since the mid-1980s. There are more requirements for the primary principal versus the principal. The principal would be the site manager of the local pest control office who would report to the primary principal, which would be the main office. This would make the primary principal the single point of contact with the State Department of Agriculture instead of each individual office having to report to the Department. We are also

requesting written plans in cases of emergency as to how the principal reports to the primary principal.

Section 23 raises the minimum required liability insurance for a pest control business from \$10,000 to \$50,000. This amount has not been changed in 25 years. Bonds are no longer available at the \$10,000 level. We are updating to the current minimum level.

Chair Ford:

Is that comparable to other western states?

Mr. Barbee:

That is my understanding.

Section 24 clarifies that falsification of reports or records is a violation of statute.

Section 25 proposes to remove the 30-day requirement for processing the necessary paperwork for certification of a primary principal. Thirty days is an insufficient amount of time to complete the testing and fingerprinting.

Section 26 eliminates the agricultural loan mediation program. It has been nonoperational for the last 10 years. It is also duplicated by the Farm Services Agency at the United States Department of Agriculture. It also identifies the movement of the head tax, as previously mentioned.

Sections 27 through 28 contain language proposed by the Legislative Counsel Bureau reflecting the proposed changes in section 26. Section 29 proposes that the effective date would be upon passage and approval.

SENATOR SETTELMAYER MOVED TO DO PASS A.B. 20.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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Chair Ford:

I have corresponded with the proponents and opponents of S.B. 82, and everyone agrees with the amendment.

SENATE BILL 82 (2nd Reprint): Urges the Board of Wildlife Commissioners to review the hunting of black bears. (BDR S-409)

Mr. Stewart:

Senate Bill 82 began with the request to ban the black bear hunt. Our Committee amended it to a resolution ([Exhibit D](#)). Amendment No. 689 would change language to urge a comprehensive review of the black bear hunt by the Board of Wildlife Commissioners. One goal of this amendment would be to evaluate the Department of Wildlife's 3-year scientific analysis of the hunt and any other relevant and available scientific analyses of the hunt.

Chair Ford:

The word change of "scientifically" to "comprehensive" was requested by the Board. It is a broader term allowing them to consider scientific and nonscientific issues, such as concerns of Native Americans. The Board has indicated they are in agreement with the language of the bill.

The Committee agrees I should concur with S.B. 82.

Mr. Stewart:

The next bill for your consideration to concur or not concur is S.B. 213 ([Exhibit E](#)).

SENATE BILL 213 (2nd Reprint): Revises certain provisions relating to trapping. (BDR 45-450)

Amendment No. 690 to S.B. 213 proposes to remove language relating to registration marking on traps, snares or similar devices that are sold or transferred. It also removes language allowing for the removal or disturbance of a legally set trap, snare or similar device if the device creates an immediate and obvious risk of injury or death to any person, pet or service animal.

It provides the registration number must be affixed to, or marked on, a trap, snare or similar device in the manner specified by regulations adopted by the Board of Wildlife Commissioners.

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It also requires a registrant to provide written authorization in order for another person to possess or use the registrant's trap, snare or similar device, and to have that authorization in his or her possession, along with a trapping license when using the device.

Chair Ford:

The Board of Wildlife Commissioners has communicated to me they are in agreement with the amendment and recommend concurrence.

The Committee agrees that I concur with S.B. 213.

Mr. Stewart:

Senate Joint Resolution (S.J.R.) 9 is currently on the General File in the Assembly ([Exhibit F](#)).

SENATE JOINT RESOLUTION 9 (1st Reprint): Urges the Director of the Bureau of Land Management to expedite the process for approving special recreation permits for certain uses of federal public lands in Nevada. (BDR R-1008)

Amendment No. 691 to S.J.R. 9 adds a clause stating that federal public lands in Nevada should be managed in a manner that preserves the environment. It also specifies that the special recreation permits, for which the bill urges expedition, be for nonmotorized events.

Chair Ford:

I just received notification from Senator Jones that he accepts the amendments and requests concurring.

Senator Settlemeyer:

I am concerned that the wording "preserving the environment" could be too broad and that the environmental folks would not want to allow anything done to the environment such as biking, hiking, motorbikes or mining.

Senator Goicoechea:

I would like to see a clause that says, "Manage for multiple uses." That is within Bureau of Land Management's duties.

Senator Settlemeyer:

I was involved with a federal permit process to graze animals on public lands next to the Pickel Meadows Marine base in California. I met with 27 different interest groups, such as the Sierra Club, the U.S. Department of Defense, the U.S. Department of Justice and some Native American tribes. Some of the groups believed that grazing an animal on federal property was damaging to the environment.

Chair Ford:

I can see how "preserving the environment" can be construed in the strictest sense.

Mr. Stewart:

This resolution just passed the Assembly and is on its way to the Senate.

Chair Ford:

I will meet with the bill sponsors regarding whether we should concur or not concur.

Senator Goicoechea:

We do need to manage the environment for multiple uses. If you were just managing the environment, you would not be able to ride bicycles on federal land.

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Chair Ford:

There being no further business, the Senate Committee on Natural Resources is adjourned at 2:47 p.m.

RESPECTFULLY SUBMITTED:

Lynn Berry,
Committee Secretary

APPROVED BY:

Senator Aaron D. Ford, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	2		Attendance Roster
A.B. 20	C	4	Jim Barbee	Section by Section Summary of A.B. 20
S.B. 82	D	5	Michael J. Stewart	Work Session Document with Amendment No. 689
S.B. 213	E	8	Michael J. Stewart	Work Session Document with Amendment No. 690
S.J.R. 9	F	4	Michael J. Stewart	Work Session Document with Amendment No. 691