

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

**Seventy-Eighth Session
March 26, 2015**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Robin L. Titus at 1:37 p.m. on Thursday, March 26, 2015, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 123, High Tech Center, Great Basin College, 1500 College Parkway, Elko, 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: www.leg.state.nv.us/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Robin L. Titus, Chair
Assemblyman Jim Wheeler, Vice Chair
Assemblyman Nelson Araujo
Assemblywoman Maggie Carlton
Assemblyman Richard Carrillo
Assemblywoman Victoria A. Dooling
Assemblyman Chris Edwards
Assemblyman John Ellison
Assemblyman David M. Gardner
Assemblyman Ira Hansen
Assemblyman James Oscarson
Assemblywoman Heidi Swank

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

Minutes ID: 648



STAFF MEMBERS PRESENT:

Susan E. Scholley, Committee Policy Analyst
Jim Penrose, Committee Counsel
Donna J. Ruiz, Committee Secretary
Cheryl L. Williams, Committee Assistant

OTHERS PRESENT:

Julie A. Keller, Sales Representative, Strieter Corporation, Crowley, Texas
Eddie Floyd, representing the Let 'Em Run Foundation; Hidden Valley
Wild Horse Protection Fund; Wild Horse Preservation League; and
Wynema Ranch Wild Horse Sanctuary
Jessica Swedelius, Private Citizen, Incline Village, Nevada
Neil McQueary, Chairman, Legislative Affairs, Nevada Cattlemen's
Association
Stephanie Licht, Executive Director, Nevada Cattlemen's Association

Chair Titus:

[Roll was taken. Rules and protocol were explained.] I am going to remove Assembly Bill 194 from the work session. I will now start the work session on Assembly Bill 77. In front of you should be a notebook and inside are documents ([Exhibit C](#)) that we have worked on for A.B. 77. You are welcome to take the documents inside the workbook at the end of this meeting, but please leave the workbooks here so we can recycle them, being good conservationists that we are. I will now turn this over to my policy analyst.

Assembly Bill 77: Makes various changes relating to the regulation of agriculture. (BDR 49-346)

Susan E. Scholley, Committee Policy Analyst:

Assembly Bill 77 makes various changes relating to the regulation of agriculture. It was sponsored by this Committee on behalf of the State Department of Agriculture, and the hearing was held in this Committee on February 19, 2015. I have included a summary of the bill in the work session document in front of you ([Exhibit C](#)). I am not going to bore you with reading. It is an 81-page bill and it hits a number of chapters within Title 49, Agriculture; Title 50, Animals; and Title 51, Food and Other Commodities.

There were amendments proposed subsequent to and during the hearing, which have been included in the mock-up attached to the summary page ([Exhibit C](#)). I will be going through and highlighting the amendments for you. Sections 106 and 107 are found on pages 40 and 41 of the mock-up. Section 106 will be

taken out of this bill. This language is also included in Assembly Bill 79, which is up next on our work session. The issue will be dealt with there. Section 107 is also a provision which had an identical section in A.B. 79. The Department of Agriculture indicated that the version of *Nevada Revised Statutes* (NRS) 571.250 that was in A.B. 79 was the preferred version. That section will be deleted in A.B. 77.

The following amendments relate to sections 136 and 137 on pages 52 and 54 of the mock-up. The amendments were proposed by the State Department of Agriculture in conjunction with the Retail Association of Nevada to address the point-of-sale issues and the charging of a fee. As you can see, the proposed amendment takes out the proposed fee to conduct random tests. Section 137 proposes giving the Department authority to adopt a schedule of fees for point-of-sale systems and cash registers that are found to be out of compliance.

The following amendments relate to section 143 of the bill on page 56. This section will be put in NRS Chapter 446 rather than NRS Chapter 583, where it is currently. It would revert the authority back to the Division of Public and Behavioral Health in the Department of Health and Human Services (DHHS), as is currently done.

Sections 168 through 174 on pages 65 through 67 are proposed for deletion. I would also point out that Assembly Bill 77 provides for the repeal of these sections in NRS Chapter 585. In any event, according to the DHHS, these provisions are obsolete. It was originally thought that the Department of Agriculture was the appropriate place for these, but after looking at them, it was realized that no one used these provisions anymore. I would point out that in the chapter where they currently reside—they were originally adopted in 1925—they have not been touched in the last 90 years. There is duplicate authority in other portions of that chapter for regulating pesticides that would cover these sections and the enforcement authority.

On pages 83 and 84 of the work session document ([Exhibit C](#)), there is a document submitted by the State Department of Agriculture addressing these six sections in the bill that trigger a two-thirds vote. Under *The Constitution of the State of Nevada*, any provision of a bill which increases revenue requires a two-thirds vote. It would not require a two-thirds vote in the Committee, but it would require a two-thirds vote on the floor of the Assembly or the Senate. I would be happy to answer any questions.

Assemblywoman Carlton:

I am looking at this mock-up, and I am trying to delineate between the amendments that were proposed in the Committee hearing versus the amendments that came in later. Is anything delineated by color as to what we discussed before and the new points in the bill that we have not discussed?

Susan Scholley:

The mock-up includes all the amendments proposed in the original bill. In addition, it has the green bold italic underlining which is new language proposed as an amendment that came subsequent to the bill, and the purple double strike-through is language proposed to be deleted in this amendment. The orange double underlining is deleted language in the original bill that is proposed to be retained in the amendment. There are text boxes in the mock-up to lead you to those places in the bill where there have been amendments proposed as a result of the hearing.

Assemblywoman Carlton:

I appreciate all of the hard work staff has done on this bill. I would be concerned about voting on this today. I would really like a chance to go back and try to compare this bill to A.B. 79 and digest what all these changes are. This Department has gotten bigger and bigger and has kind of become a Pac-Man Department. It is not that I am necessarily opposed to the bill; I just want to understand what I am voting for before I say yes or no.

Assemblyman Wheeler:

What we are going to do today is refer this to the Assembly Committee on Ways and Means, where they can turn this thing upside down, right-side up and inside out.

Assemblywoman Carlton:

As the former chair of the Assembly Committee on Ways and Means, I truly appreciated the fact that policy was worked out before we got it and all we had to consider were the numbers. The last thing I want to do is put a bill in front of Ways and Means with some of these policy discussions that are changes. I think it makes it much more difficult for them. They are going to be bumping up against much harder deadlines than we are. I think we either support it or we do not support it, and then they figure out how to do the money.

Chair Titus:

Seeing no further questions, I will entertain a motion.

ASSEMBLYMAN WHEELER MOVED TO AMEND, WITHOUT RECOMMENDATION, AND REREFER ASSEMBLY BILL 77 TO THE ASSEMBLY COMMITTEE ON WAYS AND MEANS.

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

THE MOTION PASSED. (ASSEMBLYMEN ARAUJO, CARLTON, CARRILLO, AND SWANK VOTED NO.)

Chair Titus:

There will be no floor statement because it is being referred to the Assembly Committee on Ways and Means. I will now open the work session on Assembly Bill 79.

Assembly Bill 79: Revises provisions relating to agriculture. (BDR 50-345)

Susan E. Scholley, Committee Policy Analyst:

Assembly Bill 79 also revises provisions relating to agriculture and was sponsored by this Committee on behalf of the State Department of Agriculture. This bill was heard in this Committee on February 19, 2015. Assembly Bill 79 makes a number of changes which are summarized in the work session document ([Exhibit D](#)). These changes are related to state grazing boards; provisions for the compensation of animals destroyed due to infection or exposure to dangerous diseases; making provisions for deposit of administrative fines; revising the definition of food establishment; adding civil penalties and other changes to *Nevada Revised Statutes* (NRS) Chapter 587, Agricultural Products and Seeds; and repealing regulations for commercial livestock feed.

The State Department of Agriculture submitted amendments at the hearing, and in response to concerns raised at the hearing, further amendments were proposed. Attached to the summary page ([Exhibit D](#)), there is a mock-up, which includes the final version of all the proposed amendments, both in the original bill and those proposed subsequent to the hearing.

The first amendment is in section 2 on page 3 of the mock-up ([Exhibit D](#)). This is language that was taken out of section 106 in Assembly Bill 77 and would then be in A.B. 79. This relates to the payments of compensation for destroyed animals. The bolded green is new language proposed by the State Department of Agriculture that would be added and is modeled after compensation provisions in other states. On page 4 of the mock-up, the language in the

orange double underline is language that would come back into effect. It is currently in the statutes and would remain in the statutes. The red cross-out language would continue to be deleted. The other amendments are in sections 4, 5, and 6 on pages 5 and 6. These sections duplicate sections in A.B. 77. As indicated, sections 117, 118, and 119 of A.B. 77 have this exact same language, so there is no need for duplication. That summarizes those amendments.

Chair Titus:

Seeing no discussion, I will entertain a motion on Assembly Bill 79 to amend and do pass.

ASSEMBLYMAN WHEELER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 79.

ASSEMBLYMAN GARDNER SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

Chair Titus:

The floor statement is assigned to Assemblywoman Dooling. I will now close the hearing on A.B. 79. Is there anyone here for public comment?

Julie A. Keller, Sales Representative, Strieter Corporation, Crowley, Texas:

I am here to speak about the Strieter Light Warning Reflector System. It is a reflector system that is proven 78 to 90 percent effective in preventing vehicle collisions with deer and other wild animals. It is a patented reflector design that is aesthetically superior to fencing or other barriers. It is easy to install and the most cost-effective collision prevention system available. It is ideal for placement by civic organizations or conservation and outdoor sporting groups.

Each year, an estimated 1.5 million deer-vehicle collisions occur throughout the United States. Many more go unreported. The Strieter light system helps reduce these collisions in the most dangerous dusk-to-dawn hours when deer and wild horses are most active. Headlights from passing vehicles strike the reflector, sending flashes of light across the road in both directions. The unnatural moving light patterns deter deer from crossing the roadway in front of a vehicle. It is a proven 78 to 90 percent effective method for reducing these collisions. The Strieter light system directs its light in wide bands both horizontally and vertically, making it effective on flat or sloping terrain. Reflected light is not seen by passing motorists. Installation is designed to avoid potential mowing and plowing problems, and it is eligible for federal

Transportation Equity Act and 80 to 90 percent funding under the Federal Highway Administration. It has been in use across North America and even in Canada since 1979.

Between 2003 and 2013, Lyon County reported 341 collisions with deer, wild horses, and other animals on its busy highways at night. There were 112 wild horses, 134 deer, and 95 other types of animals hit.

Nevada motorists strike many deer, but horse strikes are often much more deadly. According to a research report, dated January 2007, the Federal Highway Administration and Montana Department of Transportation determined that an 8.9 foot fence was more effective than a 7.2 foot fence, but that deer permeated both types of fencing. Overall deer-vehicle collisions were not reduced by the fencing and animals could end up between the fences on the highway, caught in the transportation corridor. They may also end up between the fences around the fence ends. Small animals, like coyotes, end up on the highway by digging under the fencing. This report states, "Wildlife fencing may pose a direct or indirect mortality risk for certain species." Additionally, coyotes, wolves, bears, and "other predators have also occasionally been seen running prey into the wildlife fencing."

For overpasses, factors that should be considered are the species and surrounding landscape, vegetation, and the direct vicinity and co-use by humans. These systems have been set up in states such as Colorado, Michigan, New Jersey, New York, Virginia, and even Edmonton and Winnipeg, Canada. They continue to purchase them and replace the broken ones that they might need. They can be placed on existing delineators and adhered to cement walls and center dividers. We had them up in the early 2000s on Highway 50 East. They were removed to widen the highway and inadvertently destroyed, so they were not put back up. Now, many horses have begun to be hit again with disastrous consequences.

Chair Titus:

Thank you. Are there any other public comments?

Eddie Floyd, representing the Let 'Em Run Foundation; Hidden Valley Wild Horse Protection Fund; Wild Horse Preservation League; and Wynema Ranch Wild Horse Sanctuary:

The organizations I represent are for anything to preserve our American heritage, the wild horses. I personally would like to say I support this if it does not have a negative fiscal impact, because I would like to see the preservation of our Nevada taxpayers.

Jessica Swedelius, Private Citizen, Incline Village, Nevada:

I am here to speak on behalf of the public as well as my friends and family in the emergency room nursing departments. This is a win-win for people and animals. I am not quite sure how the program might work, but it looks like for maintenance, it could be a good proven program for prison systems to generate some kind of jobs for those people.

Chair Titus:

Are there any folks in Elko who would like to speak?

Neil McQueary, Chairman, Legislative Affairs, Nevada Cattlemen's Association:

I want to thank you, Madam Chairman, and your staff for arranging the video link. I appreciate all the Committee's consideration with Assembly Bill 77 and Assembly Bill 79.

Stephanie Licht, Executive Director, Nevada Cattlemen's Association:

We are extremely appreciative of the Committee for setting up this video link. We are happy to see all of you and are most appreciative of your extra care in taking care of us out here in the west. We appreciate you.

Chair Titus:

Are there any other public comments? [There were none.] This meeting is adjourned [at 2 p.m.].

RESPECTFULLY SUBMITTED:

Donna J. Ruiz
Committee Secretary

APPROVED BY:

Assemblywoman Robin L. Titus, Chair

DATE: _____

EXHIBITS

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

Date: March 26, 2015

Time of Meeting: 1:37 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 77	C	Susan E. Scholley, Committee Policy Analyst	Work Session Document
A.B. 79	D	Susan E. Scholley, Committee Policy Analyst	Work Session Document