

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

**Seventy-Eighth Session
February 5, 2015**

The Senate Committee on Natural Resources was called to order by Chair Don Gustavson at 1:30 p.m. on Thursday, February 5, 2015, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412 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 Don Gustavson, Chair
Senator Pete Goicoechea, Vice Chair
Senator James A. Settelmeyer
Senator David R. Parks
Senator Mark A. Manendo

STAFF MEMBERS PRESENT:

Alysa Keller, Policy Analyst
Matthew Nichols, Counsel
Lynn Berry, Committee Secretary

OTHERS PRESENT:

Steve Walker, Eureka County
Neena Laxalt, Nevada Cattlemen's Association
Joel Blakeslee, Nevada Trappers Association
Trish Swain, Director, TrailSafe Nevada
Caron Tayloe, TrailSafe Nevada
Margaret Flint, Nevadans for Responsible Wildlife Management
Shyanne Schull, Director, Washoe County Regional Animal Services
Tyler Turnipseed, Chief Game Warden, Department of Wildlife
Jim Barbee, Director, State Department of Agriculture

Chair Gustavson:

On February 5, 2015, in accordance with Senate Standing Rule No. 41, Senate Majority Leader Michael Roberson appointed Senator David A. Parks to serve as an alternate for Senator Debbie Smith on the Senate Committee on Natural Resources.

I will open the hearing on Senate Bill (S.B.) 4.

SENATE BILL 4: Provides exemptions from certain registration requirements for the trapping of wild mammals on private property. (BDR 45-89)

Senator Settelmeyer:

Senate Bill No. 213 of the 77th Session was about registration of traps used in the taking of wild mammals. There were discussions as to whether this applied to private property owners and to the types of traps, such as mousetraps, to be registered. The minutes of the October 22, 2013 meeting of the Legislative Commission stated that when the Department of Wildlife (NDOW) brought forth the regulation amending *Nevada Administrative Code* 503.150, none of those concerns had been put into the bill language. Since the language was clear, NDOW was tasked with strict implementation of the regulation requiring all traps be numbered, which would include mousetraps.

The Legislative Commission decided to delay the implementation of the regulation until the 2015 Legislative Session to find a solution.

I have provided you with a “walk-through” document, “Senate Bill 4 Traps on Private Property” ([Exhibit C](#)). The change proposed in section 1, subsection 2, paragraph (a) of S.B. 4 excludes private property owners. This eliminates the trap requirement applying to mousetraps, squirrels and rodents on your own property.

Section 1, subsection 2, paragraph (b), excludes schools, the federal, State or local governments from this requirement. They need to be able to take care of any rodent problems that arise without having to number each trap.

There is some debate that we are not actually numbering individual traps, but instead tying traps to a particular person. As an example, someone buys several mousetraps and puts the number 5 on each of them. You could not identify which trap was which, only that it belonged to a particular person.

I expect there to be some amendments suggested to this bill. I am open to discussion.

Steve Walker (Eureka County):
Eureka County supports S.B. 4.

Neena Laxalt (Nevada Cattlemen's Association):
The Nevada Cattlemen's Association supports S.B. 4.

Joel Blakeslee (Nevada Trappers Association):
The Nevada Trappers Association supports S.B. 4, but we have a proposed amendment, "Nevada Trappers Association letter to Senator James A. Settelmeyer" ([Exhibit D](#)). We would like to change the language and intent of the bill from mandatory to voluntary. We would like to change the word "must" to "may" in the first two sentences of the bill. We tried the "must" language from the late 1970s for 15 years and nothing good came from it. In fact, in the 15 years it was mandatory, there were no arrests or prosecutions. That is one reason it was changed to voluntary. It remained that way until last Session.

The problem we see with trap registration is that it does not register traps; it registers trappers. If you have three cars, you do not have the same license plate on each car. There is no provision in this legislation to title the traps as personal property. There is no way to surrender the title or to indicate the property has been stolen. I have sold more than 300 traps with my number on them. That is problematic. The commerce in these items of equipment is enormous. There have been tens of thousands of these items sold in the past 35 years. How will we apply the number to one individual? It is a flawed concept.

A number does not always tie the trap to a trapper. Traps can be stolen or sold. There are traps that have five numbers on them. The statute has not passed the test of time. Last Session, Chief Game Warden Rob Buonamici of NDOW indicated the cost to implement the measure would be \$400,000. In order to license each piece of equipment, you would need a system like the Department of Motor Vehicles. The fiscal note would be enormous.

Senator Settelmeyer:
How were the traps numbered in the past?

Mr. Blakeslee:

There was no special way. Some had numbers; some had tags; some were stamped. The Wildlife Commission said a tag would trump a stamped number because people tend to hold on to numbers that were their father's or grandfather's, and they did not want to obliterate that number.

Chair Gustavson:

Are the traps made of plastic or wood? How do you put a number on a trap? Is it easily removed, and how do you know to whom it belongs?

Mr. Blakeslee:

That is the problem. There is nothing to stop you from putting my number on a trap and setting it illegally. Animals can tear off tags.

Trish Swain (Director, TrailSafe Nevada):

We oppose the portion referencing private property owners in S.B. 4, not the school and governmental agencies exemption. I will read from my prepared testimony, "Opposition to S.B. 4" ([Exhibit E](#)).

Owning property does not exempt a person from the law. This exemption sets a precedent for exempting classes of persons from the law. The intent of mandatory trap registration was, and is, to assist NDOW's law enforcement in their task. This legislation was initiated when the dogs of hikers were caught in traps. There was no way to place responsibility on anyone. Because there was no registration, NDOW was forced to do long stakeouts at scenes where there had been complaints. Some stakeouts were as long as 130 hours.

How does S.B. 4 coincide with fur trapping seasons? If traps are unregistered, does this mean the private property owner can trap furbearers year-round? This is an unfair advantage over other trappers.

Registration would protect the private property owner and could prove the trap belonged to that person. Private property can be many acres in size. It may not be marked or fenced. Someone who accidentally enters private property is at risk from unregistered, un-flagged traps, as are their companion animals. We have many such incidents listed on our Website. Senate Bill 4 leaves the public at risk.

There are reporting requirements related to target and nontarget animals. Trappers are required to submit a report of what they have caught, whether it is a target or nontarget animal. Is the private property owner then exempt from this? Some neighbors deliberately set traps in their unfenced yards to trap neighbors' pets that annoy them. There would be no recourse for owners of injured pets if neighborhood traps were unregistered.

For purposes of law enforcement, how can game wardens be expected to determine which traps are set by property owners or by persons "with the permission of the owner or occupant?"

On October 22, 2013, the Legislative Commission tabled the regulation that enabled the Wildlife Commission to require trap registration. Without enabling this regulation, how can S.B. 4 go into effect?

It has been stated that mousetraps would have to be registered. This was not the intent. The Department of Wildlife can provide a list of the kinds and models of traps used in Nevada, and these should be explicitly listed as the traps requiring registration.

Rodent pests are regulated in other *Nevada Revised Statutes* (NRS), such as Public Health and the State Department of Agriculture.

The point of registration is to prove ownership. I urge you not to approve the private property exemption of S.B. 4.

Caron Tayloe (TrailSafe Nevada):

I understand the need for people to protect their animals and livestock. This bill does not address that. There are qualified exterminators to help alleviate pests and nuisance animals. There are wildlife services that have a history of helping ranchers and farmers. This bill does not mention anything regarding signage of private property. In many cases, private property boundaries in the rural areas are not identified.

This bill does not address the best practices of trappers. Will they be able to bait animals on their properties? A trapped animal is also bait for other wild animals. A law was passed prohibiting feeding of wild animals, as it could be potentially dangerous and place people at great risk of injury from the animals

they are trying to help. That could also apply to people who are trying to trap on their property.

I oppose S.B. 4. To me, this is an attempt to undermine S.B. No. 213 of the 77th Session.

Margaret Flint (Nevadans for Responsible Wildlife Management):

We have an issue with part of section 1, subsection 2; paragraph (a), giving permission to someone else to trap on private property. I would like to work with Senator Settlemeyer to create different language. We support the remainder of S.B. 4.

I would like to respond to Mr. Blakeslee's amendment. Senate Bill No. 213 of the 77th Session contained concerns regarding the flagging of trapping areas so the public was aware of their locations. There are dirt bike trails that contain traps where children may be present. This is a public safety issue. The type of traps used can be very dangerous. The Conibear-style trap is especially problematic. The trappers say these are only used in water. This is misleading. They are used in buckets, baited with meat to lure the prey. If your pet gets caught, it is gone. You cannot release your animal with a bootstrap as depicted in videos. It is sad and heartbreaking. No one comes to the testifier table and talks about these things. The trappers do not come to the table and work with us. The trappers are not the only people who live out there and enjoy the mountains, desert and trails.

Senator Manendo:

Are there other states that register traps?

Ms. Swain:

Absolutely, there are at least 42 states that register traps.

Senator Manendo:

If that many states do it, there should not be a need for a new bureaucracy to accomplish it.

Ms. Swain:

We do not need a new bureaucracy because the entire procedure is in place at NDOW. During the period from June 2013, when the bill was passed, and October 2013, when it was held up in the Legislative Commission, 153 traps

were registered. From October 2013 to the present, only 43 traps were registered, as it is now optional.

Senator Manendo:

If I was a trapper and had traps, I would assume they were my private property. I would be responsible for those traps. If they were stolen, I would want them back and would want someone to be held accountable for stealing my property. Some states have a requirement that you must notify law enforcement in writing within 48 hours that your property had been stolen. You must include the number, date and location of the trap.

Senator Goicoechea:

How many of the 42 states require trap registration on private property?

Ms. Swain:

I do not know.

Senator Goicoechea:

Private property is private property. We will delve into this further as the Session progresses.

Shyanne Schull (Director, Washoe County Regional Animal Services):

Washoe County Regional Animal Services is neutral on S.B. 4. We do have concerns over the language that could preclude us from performing some of our duties within Washoe County. We would like to suggest language at the end of section 1, subsection 1, to read, "before it is used by a person." This would help clarify and remove ambiguity making clear the lack of the need to exempt government in subsection 2, paragraph (b).

Senator Settlemeyer:

Please send that to me. I will incorporate it in the bill if it goes forward.

Tyler Turnipseed (Chief Game Warden, Department of Wildlife):

The Department of Wildlife is neutral on S.B. 4. In response to Senator Manendo's query about people picking up traps that were not theirs, NRS 503.454 says it is unlawful to disturb a trap that is legally set.

Senator Manendo:

To whom would the trap be returned if someone were caught?

Mr. Turnipseed:

If we knew who owned the trap, we would return it to that person. Registration would certainly help in that instance. If that trap has no identification, it is more difficult. Sometimes game wardens are familiar with a particular trapper's type of trap. Otherwise, we do not know.

Senator Goicoechea:

According to NRS 503.470, if I have a permit, I can take a fur-bearing animal at any time if it is damaging my property. Would I have to register that trap?

Mr. Turnipseed:

That particular statute deals with a depredation permit, such as beavers causing damage to irrigation structures. We can assist the landowner in mitigating the problems. We issue a special permit for this particular problem. This is different from a seasonal trapping license.

Senator Goicoechea:

If a bobcat is killing lambs and chickens on my property, it needs to be taken care of quickly. The regulation infringes on my right to protect my property by saying I have to register a trap before I can use it. There needs to be clarification. When my property is clearly marked, I have the right to protect it by legal methods. This is one reason I support S.B. 4.

Senator Settlemeyer:

Does NRS 503.470 pertain only to situations where a person is seeking a depredation permit? If I catch an animal in the act of destroying my property, am I within my legal rights to protect my property?

Mr. Turnipseed:

Yes, you are. If an animal in your yard is threatening your livestock, you have the right to kill it and protect your property. We ask that you notify NDOW of the kill, so we can pick it up and keep it separate from the sport harvest or the commercial furbearer harvest. The special permit pertains to animals such as beavers damaging irrigation structures.

Senator Goicoechea:

To clarify, do I have the legal right to set an unregistered trap if a predator is killing livestock on my property?

Mr. Turnipseed:

Yes, when it is an imminent danger or threat and you catch it in the act. If it is an ongoing problem, with livestock being lost over a period of time, then you need a depredation permit.

Senator Goicoechea:

Would you recommend that we, as private property owners, get a depredation permit and carry it all the time?

Mr. Turnipseed:

Would this be for animals that are causing damage continually?

Senator Goicoechea:

Yes, we suffer damage all the time.

Senator Settlemeyer:

The problem would be multiple species. How would you know which species to request for the permit?

Chair Gustavson:

It is obvious if your property is threatened, you need to take action. This is a judgment call.

Mr. Turnipseed:

For clarification, coyotes and badgers are considered unprotected. You can take them by any means at any time. Mountain lions, bobcats and the like are protected and, therefore, taking them requires a depredation permit.

Senator Parks:

Does this apply to leased property as well as private property?

Senator Settlemeyer:

With S.B. 4, my intention was to reference privately held property only.

Senator Goicoechea:

I want to make sure this extends to the employees of the State Department of Agriculture.

Chair Gustavson:

I will close the hearing on S.B. 4. We will now hear a presentation from the Agriculture Department.

Jim Barbee (Director, State Department of Agriculture):

You have a copy of my presentation, "NDA Overview" ([Exhibit F](#)). We have been successful merging the Food and Nutrition Division into the Department of Agriculture. This includes the commodity foods programs, the State Dairy Commission and the Office of Child Nutrition.

On November 13, 2014, the Inaugural Nevada Governor's Conference on Agriculture was held in Reno. There were more than 200 attendees and 40 speakers. We discussed difficult topics, such as genetically modified organisms and public land issues. We brought federal and State leaders together with scientists to have open dialogues. We had urban and rural representation.

We have conducted customer surveys with the different industries with which we work. We have received positive remarks. We ask difficult questions to see where we are failing. Our goal is to improve continually.

We launched the Buy Nevada program a year ago. There are 130 companies that have joined the program. Platinum members such as Kimmie Candy Company, Anderson Dairy, Nature's Bakery and Peri & Sons Farms, Inc. have helped us. We have helped by introducing them to greater opportunities to share their products within Nevada, to surrounding states and for international export.

In 2012, there were more than 4,000 farms and ranches with a combined total of about 5.9 million acres devoted to agriculture in Nevada. Agriculture commodities had \$716 million in cash receipts. There was \$160.5 million in exports. The export sector has consistently continued to rise.

The largest component within the Agriculture Department administrative division is fiscal. It oversees the Buy Nevada program and the Global Trade and Economic Development program. The Agriculture Literacy Program, the 4-H program and the Future Farmers of America work with schools. The Information and Education program compiles statistics and research for the agriculture reports published each year. You have a copy of the "Nevada Department of Agriculture 2014-2015 Biennial Report for the Nevada Legislature" ([Exhibit G](#)).

We work with the Nevada Beef Council, Rangeland Resources Commission, the State Board of Agriculture and the Nevada Junior Livestock Show Board (NJLS). The NJLS was started in the 1940s. It is held every April in Reno.

Our Animal Industry Division contains the animal disease laboratory. This division tests for items such as the West Nile virus in mosquitos. Livestock, wildlife and domestic animals are monitored for diseases. More information is in [Exhibit G](#).

The Livestock Identification program has changed to a digital format. Brand inspectors will be able to perform identifications with tablet computers in the field. If there is no cell phone service, the identification is stored in the tablet and uploaded when service becomes available. This increases our capability for tracking diseases and movement of livestock. Law enforcement officer capabilities are aided by having the information readily available on the tablet. It will also allow them to focus on non-documented people and livestock or problem areas.

We have seven state trappers that work under the authority of the U.S. Department of Agriculture (USDA) Animal and Plant Health Inspection Service (APHIS) Wildlife Services Program. These federal employees deal with wildlife issues resulting in harm or damage to our livestock producers.

The Predatory Animal and Rodent Committee has been resurrected after 15-20 years of inactivity. Representatives from the Nevada Farm Bureau, Nevada Wool Growers Association, Department of Health and Human Services, Department of Wildlife and Nevada Livestock Association are on the committee.

Consumer Equitability oversees the Weights and Measures agency that tests scales all over the State. Livestock scales have to have been tested within 8 months of the time when cattle are marketed across that scale. We are proposing three seasonal positions to ride along with the certified inspectors. This will free up other inspectors to inspect smaller scales, like those in pawnshops or grocery stores.

Inspectors in the Petroleum Technology agency check the volume delivery accuracy of gasoline pump flowmeters, ensuring the consumer is getting a gallon of gas. Samples are taken of the fuel to be tested to ensure the fuel matches the advertised product.

The Food and Nutrition Division administers several federal programs such as the Child and Adult Care Food Program and National School Lunch Program. Additional information is in [Exhibit G](#). Federal funds account for 81 percent of this budget; 2 percent is from the State General Fund and the remainder is from fees. A large percentage of the federal funds are transferred back into the community through the stakeholders we work with, such as school districts and food banks.

Since the incorporation of the Dairy Commission into the Department of Agriculture, increased efficiency has allowed us to reduce the tax burden on some food manufacturers. This resulted in more than \$100,000 of savings. We have utilized the Dairy Commission's resources to create the dairy laboratory. The new powdered milk plant in Fallon necessitated additional requirements, and we were able to expand the laboratory to accommodate the requirements. There is a 15,000-head shortage of dairy cows to meet the needs of the plant. We are currently trucking in milk from California to close the gap. There are new dairies opening up in Fallon and Yerington that will help meet those needs.

Testing has also increased due to industry expansion. Testing was formerly conducted by contract with the University of Nevada, Reno. It is now handled by the Department of Agriculture's lab, which is U.S. Food and Drug Administration certified. We are looking forward to providing testing for other food inspection programs within the State.

The Plant Industry division has obtained a grant through the USDA Environmental Protection Agency to monitor ground and well water for pesticide residues. We have good water in Nevada. Our entomology lab has over 300,000 specimens stored in the facility. This lab also monitors the Mormon cricket issue.

The need for organic produce is increasing. A plant pathologist is available to assist a person in identifying plant problems. A computer application (app) is available for smart phones to help identify noxious weeds. The citizen takes a photo, and the app sends it to the scientist for evaluation. If it is noxious, it will be marked on the noxious weeds mapping system.

The Rangeland Program assists producers with rangeland health issues. We are creating an app to allow producers to do range monitoring on their own

property. They will be able to cross-reference historical data and create maps themselves.

The Specialty Crop Block Grant Program uses grant funds to market produce or crops that we are trying to expand, in terms of production, throughout the State.

Senator Goicoechea:

Has there been any progress on the metrology lab in Las Vegas?

Mr. Barbee:

There has not been a functioning metrology lab in Las Vegas for approximately 4 years. We looked into upgrading the lab, but the facility is too small and the equipment is too outdated. There has been discussion regarding this situation. We are looking at different options to meet our needs. One option is fees. It is difficult to send the Registered Service Agents (RSAs) and scales to Sparks for certification. We are missing a potential market from Southern California's RSAs because our rates are cheaper than California's, and California's workload is overwhelming. Nevada could benefit if we had a lab in Las Vegas.

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Chair Gustavson:

There being no further business, the Senate Committee on Natural Resources is adjourned at 2:54 p.m.

RESPECTFULLY SUBMITTED:

Lynn Berry,
Committee Secretary

APPROVED BY:

Senator Don Gustavson, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit		Witness or Agency	Description
	A	1		Agenda
	B	1		Attendance Roster
S.B. 4	C	1	Senator James A. Settlemeyer	S.B. 4 description
S.B. 4	D	3	Joel Blakeslee	Proposed Amendment to <u>S.B. 4</u> and written testimony
S.B. 4	E	2	Trish Swain	Written Testimony-Opposition to <u>S.B. 4</u>
	F	10	Jim Barbee	Presentation "NDA Overview"
	G	24	Jim Barbee	2014-2015 Biennial Report Nevada Department of Agriculture