

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

**Seventy-Eighth Session
May 31, 2015**

The Senate Committee on Natural Resources was called to order by Chair Don Gustavson at 1:05 p.m. on Sunday, May 31, 2015, in Room 2144 of the Legislative Building, Carson City, 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
Gayle Farley, Committee Secretary

OTHERS PRESENT:

Lynn Hettrick, Deputy Director, State Department of Agriculture

Chair Gustavson:

I will open the hearing on Assembly Bill (A.B.) 77.

ASSEMBLY BILL 77 (2nd Reprint): Makes various changes relating to the regulation of agriculture. (BDR 49-346)

Lynn Hettrick (Deputy Director, State Department of Agriculture):

Assembly Bill 77 is a clean-up bill updating and deleting outdated and redundant language of the *Nevada Revised Statutes* (NRS) relating to the State Department of Agriculture (NDA).

When the bill was first introduced, there were concerns raised by the Retail Association of Nevada regarding point-of-sale system checks, and by the Nevada Farm Bureau Federation about reimbursing people if the NDA was quarantining livestock. We amended parts of the bill to satisfy both entities and they are in support of A.B. 77. There has been no opposition to this bill.

Chair Gustavson:

Was this bill amended in the Assembly to remove the mandate for a two-thirds majority vote?

Mr. Hettrick:

Yes. There were five sections that required a two-thirds majority vote and they were removed because they applied to taxes that were placed in statute 75 years ago. The amounts were small and had no impact on our budget, so they were removed and sent back to the State Controller.

The wool growers asked us to leave the sheep head tax in the bill because this was the only way they could fund predator control through wildlife services. We did try to do this; however, we could not get support for the bill if it had a tax attached to it. We will try to address this issue during the next Legislative Session.

Chair Gustavson:

Will this be an issue with the NDA?

Mr. Hettrick:

No. That money did not go into our budget. It went to pay for predator control for the sheep growers through wildlife services. The rest of the items that had money in statute were small and irrelevant to the NDA.

Senator Goicoechea:

The language in sections 84, 85, 86 and 87 that addresses storage tanks and fuel has been significantly amended. Why has this been changed?

Mr. Hettrick:

Those sections of the law do not belong in our statutes or titles. We are sending this language back to the State Department of Conservation and Natural Resources (DCNR). We had the same situation with caustics and corrosives. We do not use these types of materials any longer.

Chair Gustavson:

Can you tell me why the NDA is going to be issuing licenses for the sale of antifreeze?

Mr. Hettrick:

We are required by NRS to test antifreeze. We used to contact each antifreeze manufacturer and ask them to send us a sample. However, we decided it would be more effective to do random testing because we knew submitted samples would be faultless.

There are companies that buy antifreeze in bulk and have it shipped into the State to repackage with their own labels. When the NDA performs inspections on gasoline, gasoline pumps and oil, a sample of locally blended antifreeze is tested to ensure the product is not watered down and meets the statutory requirements. We do not want to make a law that prepackaged products cannot be sold in Nevada.

Chair Gustavson:

Would these licenses be issued to the manufacturer?

Mr. Hettrick:

Yes. They have to be licensed with us so we know from whom to obtain a sample.

Chair Gustavson:

Is there a fee for these licenses?

Mr. Hettrick:

Yes. This has been in place for 3 years.

Senator Manendo:

Could you explain the penalties in section 39, subsections 1, 2 and 3 for me?

Mr. Hettrick:

We have stricken the word "misdemeanor" throughout the bill. A misdemeanor has to be prosecuted by a district attorney, and this never happens. We spoke with legal counsel and were advised that most entities are moving to civil penalties with language reading "up to" and "not to exceed." This language provides further latitude when applying a penalty depending on the violation.

Chair Gustavson:

Can an administrative fine be appealed to a district court?

Mr. Hettrick:

Yes.

Chair Gustavson:

Is the NDA going to start having fairs again?

Mr. Hettrick:

This is our intent. The Washoe County fairgrounds are leased to Washoe County by the State. Two or three years ago, there was an agreement that Washoe County would organize a fair. There were problems with contractors, and there has not been a State fair for some time.

The NDA would like to organize a State Fair again, but we want to make it clear that the State is in control. This event was with the NDA previously; however, it was not in statute that the NDA had ultimate authority. We added language in section 8, subsection 2, stating that the director of the NDA would specify the location for the fair. This gives us the opportunity to have a State Fair that can be held in other counties to increase participation, specifically in Clark County.

Senator Manendo:

The bill addresses diesel fuel grades in section 71 and section 72. Is this somewhere else in statute?

Mr. Hettrick:

This was inappropriately placed in our statute. It has been deleted and moved to the DCNR.

Senator Manendo:

On page 39, section 96.5, the bill states, "Any person who knowingly sells any flesh of any diseased animal or any container containing shellfish ... ," what is meant by any diseased animal?

Mr. Hettrick:

This is NRS 446 and is a health department statute. This chapter had a fiscal note attached to it, but when it went back to the health department, the fiscal note was removed.

SENATOR SETTELMAYER MOVED TO DO PASS A.B. 77.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Remainder of page intentionally left blank; signature page to follow.

Senate Committee on Natural Resources
May 31, 2015
Page 6

Chair Gustavson:

There being no further testimony or public comment, the Senate Committee on Natural Resources is adjourned at 1:22 p.m.

RESPECTFULLY SUBMITTED:

Gayle Farley,
Committee Secretary

APPROVED BY:

Senator Don Gustavson, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	1		Agenda
	B	1		Attendance Roster