

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

**Eightieth Session  
April 15, 2019**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Heidi Swank at 4:04 p.m. on Monday, April 15, 2019, in Room 3138 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 [www.leg.state.nv.us/App/NELIS/REL/80th2019](http://www.leg.state.nv.us/App/NELIS/REL/80th2019).

**COMMITTEE MEMBERS PRESENT:**

Assemblywoman Heidi Swank, Chair  
Assemblywoman Shannon Bilbray-Axelrod, Vice Chair  
Assemblyman Alex Assefa  
Assemblywoman Maggie Carlton  
Assemblyman John Ellison  
Assemblyman Ozzie Fumo  
Assemblywoman Alexis Hansen  
Assemblywoman Sarah Peters  
Assemblyman Greg Smith  
Assemblywoman Robin L. Titus  
Assemblyman Howard Watts  
Assemblyman Jim Wheeler

**COMMITTEE MEMBERS ABSENT:**

None

**GUEST LEGISLATORS PRESENT:**

Senator James A. Settelmeyer, Senate District No. 17

**STAFF MEMBERS PRESENT:**

Jann Stinnesbeck, Committee Policy Analyst  
Allan Amburn, Committee Counsel  
Nancy Davis, Committee Secretary  
Alejandra Medina, Committee Assistant



**OTHERS PRESENT:**

Ernest C. Schank, Consultant, Truckee-Carson Irrigation District  
Rusty Jardine, General Manager and Counsel, Truckee-Carson Irrigation District  
Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation  
Tyler Turnipseed, Chief Game Warden, Department of Wildlife  
Maurice White, Private Citizen, Carson City, Nevada

**Chair Swank:**

[Roll was taken. Rules and protocol of the Committee were reviewed.] We will be hearing two bills today, beginning with Senate Bill 232.

**Senate Bill 232: Revises certain provisions related to irrigation districts. (BDR 48-644)**

**Senator James A. Settelmeyer, Senate District No. 17:**

This bill is clearly one that is unique to my district. It is not exactly a common problem with irrigation districts in Clark County. The issue that has come about is that we have individuals who serve on boards for local irrigation districts, some of whom are getting a little older and do not want to participate in all of these meetings. At the same time, in order to not have to worry about the government taking a ranch when someone passes away, they are putting their family estate in trust to be able to pass their estate to the next generation. That creates a little problem. Those individuals cannot serve on these irrigation districts because of our laws.

This bill seeks to allow a person who controls the estate to be able to designate a trustee to serve on the irrigation district. In my own situation, my family's ranch is in a trust. Currently, I still attend all the meetings. My oldest grandchild is 17; I would love to have her go to those meetings, but she is in college. The other grandchild is 14, so that will not work either. That is the bill in a nutshell.

**Ernest C. Schank, Consultant, Truckee-Carson Irrigation District:**

I am the immediate past president of the Truckee-Carson Irrigation District (TCID), Board of Directors, having recently retired after 24 years of service on that board. I presently serve as a consultant to TCID and am a fulltime farmer in the Newlands Project, a reclamation project in Fallon, Nevada. My grandfather purchased our family farm in 1939. My grandsons are the fifth generation to reside on that piece of land. I testify today on behalf of TCID and myself as a water user in support of Senate Bill 232.

I have submitted written testimony ([Exhibit C](#)), so I will highlight it. I want to thank Senator Settelmeyer for sponsoring this bill. As he mentioned, family trusts have become a very popular way of preserving the family farms and allowing transfer to the younger generation. Many of our families in Lahontan Valley have entered into trusts. As the Senator said, we lose much of the talent because this method of ownership is not on the same footing as some of the other methods of ownership, which are described in *Nevada Revised Statutes* (NRS) Chapter 539.

This bill would simply amend NRS 539.123 and NRS 539.553 by putting family trusts on equal footing and allowing the trustees to designate a beneficiary who would have the same power to vote as any other kind of land ownership.

I will share a couple of quick stories to show how this will help us. A few years ago, one of the board members passed away. As a board, we had a responsibility to fill that position until the next biennial election. I called a young man who was up-and-coming in the farming world, talented and eager to serve. I asked him if he would be willing to fill the position. He said he would. Then we found out that although he was operating the family farm and making the day-to-day decisions, his beneficiary status in the trust would not allow him to participate. This would alleviate that issue.

The second story is one close to my heart. My son works with me on the farm and he is the beneficiary of our trust. He wanted to run for my position when I retired, but he could not do so. He had to buy a five-acre lot that had water rights on it so he could run for the Board of Directors. Not everyone has the opportunity to go buy a piece of land so they could run for the board. This bill would also alleviate that problem because my wife and I could designate him to have that power to run for office, vote, and do the things that need to be done as a member of an irrigation district. I would ask that you support this bill.

**Rusty Jardine, General Manager and Counsel, Truckee-Carson Irrigation District:**

Thank you for allowing us to come here this afternoon and provide you with testimony. I am here on behalf of the TCID, and we certainly express our support for Senate Bill 232. We also express our appreciation to Senator Settlemeyer for the sponsorship of this.

This legislation is valuable to us because it assists us in the regulation of the normal affairs of our district. I am tasked as the manager of our district to provide for the regulation of matters such as voting. This would allow the ability for a beneficiary under a trust to engage in those kinds of normal activities that a regular water right holder would engage in under other circumstances, or someone acting on behalf of a partnership or a corporation. As many as one-third of our water right holders in TCID hold their water rights in that fashion. This allows those beneficiaries to participate. The reality is, of course, that those beneficiaries are in command of the assets of a farm. They are the ones who are actually doing the day to day work. In view of the fact that it is such a common form of ownership, we certainly encourage this passage. We think this will be an important provision that will allow us the ability to properly regulate the affairs of our district. We respectfully request passage of Senate Bill 232. [A letter was also provided ([Exhibit D](#)).]

**Assemblywoman Peters:**

I am wondering how the translation of this section of the NRS is in association with tribal memberships. I am thinking about Mason Valley, where there is a water district that goes through tribal land. How are those tribal folks represented in the water district? Is there a similar hang-up on the ownership of that land since it is trust land versus individual ownership?

**Senator Settlemeyer:**

This bill is dealing in family trusts as established by legal documents. I believe you are talking about private lands that are held in trust for tribal members. I do know that the Washoe Tribe in Douglas County is allowed to have members on the Allerman-Upper Virginia Irrigation Company, Inc. They are covered under the concepts of a corporation partnership, or limited liability company (LLC). The tribes in my community do not have trusts that are allowed for a family because a family does not own the ranch, the tribe does. They do have representation, at least in the areas that I am familiar with.

**Assemblywoman Bilbray-Axelrod:**

This bill is exclusively for family trusts, is that correct?

**Senator Settlemeyer:**

That is correct. This is looking for legally created trusts that are meant to help protect the ability to pass the land from generation to generation.

**Assemblyman Ellison:**

I was shocked when I read this bill that it was not already in place. If someone is in the standing of family trust, the next in line could pick up where you left off. That apparently does not work on irrigation systems, is that right?

**Senator Settlemeyer:**

That is correct. To add further confusion to muddied waters, it can get even more complex. My family corporation is just that. It is an LLC, which is discussed on line 33 of page 4 of S.B. 232. My sister and I have undivided one-half interest as shown on line 19 of page 4. But in all reality, my sister and I both have all of our stuff held in trust, which would take you to the new section being added on line 7 of page 5.

**Assemblyman Ellison:**

I have tons of LLCs that are all divided up—this could actually create a problem in a lot of different areas. I am glad you brought this to our attention.

**Chair Swank:**

Just to be clear, anyone who is the designate must be 18 years or older in order to have a vote or serve on the board, is that correct?

**Senator Settlemeyer:**

I believe that is correct; however, I believe each individual irrigation district may have a different age requirement. All the ones I have ever seen have had to be at least 18, and some require you to have lived in the area for at least five years. They do not want you making decisions about how water flows when you may not have lived in the community long enough to determine which way the water does flow.

**Chair Swank:**

Are there any further questions? Seeing none, do we have anyone here who wishes to testify in support of S.B. 232?

**Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation:**

Nevada Farm Bureau supports S.B. 232. It is the generational transfer tools that are put in place, like trusts, that we need to upgrade with the new language in this bill. We urge your support.

**Chair Swank:**

Is there anyone else who would like to testify in support? [There was no one.] Is there anyone who would like to testify in opposition? [There was no one.] Is there anyone in neutral? Seeing no one, Senator Settlemeyer, would you like to make any closing remarks?

**Senator Settlemeyer:**

If you have any questions or concerns, please do not hesitate to reach out to me and I will do my best to address them.

**Chair Swank:**

I will close the hearing on S.B. 232 and open the hearing on Senate Bill 55.

**Senate Bill 55: Revises provisions relating to carrying a loaded rifle or shotgun in or on a vehicle which is standing or being driven on or along a public highway or other way open to the public. (BDR 45-209)**

**Tyler Turnipseed, Chief Game Warden, Department of Wildlife:**

Senate Bill 55 proposes to simply copy and paste a sentence out of the *Nevada Administrative Code* (NAC) and put it in *Nevada Revised Statutes* to more firmly memorialize it. *Nevada Revised Statutes* (NRS) 503.165 describes that it is illegal to carry a loaded rifle or shotgun in or on a vehicle. We are pretty strict on this. When we encounter hunters in the field, we do not want them to have a round in the chamber, which is the definition of when a shotgun or rifle is loaded. Our last hunting-related fatality in Nevada was about three years ago and was the result of a violation of this statute.

It becomes a little more complicated when you talk about a muzzleloader. A muzzleloader is a more old-fashioned type of rifle in which you load the powder and the bullet in the barrel and it takes a percussion cap or primer to ignite. What this sentence did in the NAC and we are proposing to do in the NRS is to define that a muzzleloader is loaded when it has the primer or percussion cap in it.

**Assemblyman Ellison:**

I was always under the impression that you could carry a gun with something in the magazine, but not in the chamber. I thought that was always the case. If you are pulled over while hunting and you have one in the chamber, you will get a ticket. If you do not have one in the barrel, you do not get a ticket. I thought that was the law now.

**Tyler Turnipseed:**

That is correct. Currently, NRS 503.165 says it is illegal to have a round in the chamber, in terms of a centerfire rifle or a shotgun. This bill adds language about when a muzzleloader is loaded for the purpose of that law. This is not changing anything about shotguns or rifles, but adding the definition of a loaded muzzleloader. If you take the primer out, the muzzleloader is no longer considered loaded.

**Assemblyman Wheeler:**

You can still have a round in the chamber and not have the primer in, and it would be considered not loaded, correct?

**Tyler Turnipseed:**

That is correct; that is the practicality of it. When you load your muzzleloader with powder and the bullet through the barrel, it is cumbersome to unload it. As long as you take the primer or the percussion cap off, it no longer has a source of ignition, and we consider it unloaded.

**Chair Swank:**

Seeing no further questions, is there anyone here in support of S.B. 55?

**Maurice White, Private Citizen, Carson City, Nevada:**

I am in support of S.B. 55, however I would respectfully ask you to consider adding an amendment that would include muzzle-loading pistols as well. They operate in the exact same manner and offer the same difficulties when you are transporting that firearm. I think this is a good bill as it stands, but I think it would be better with the recommended amendment.

**Chair Swank:**

I will classify your testimony as opposition because you have requested an amendment.

**Assemblyman Ellison:**

Many handguns are a six-shot revolver, just like a regular revolver. Are you saying no primers on all six cylinders or just the one that is in the barrel?

**Maurice White:**

I would say, personally, removing the primers off of all six. In those kinds of pistols, it is generally very easy to drop the cylinder out of the gun; then it is not engaged with the mechanism at all.

**Chair Swank:**

Is there anyone in opposition? [There was no one.] Is there anyone in neutral? [There was no one.] Are there any closing remarks?

**Tyler Turnipseed:**

I would like to note that this statute talks about loaded shotguns and rifles. As far as handguns are concerned, at least in the centerfire world, we do not have any restriction on that. It is sort of a distinction between long guns being used for hunting versus handguns that would be used for more of a personal defense.

**Chair Swank:**

I will close the hearing on S.B. 55. I will open up for public comment. Seeing no one, we are adjourned [at 4:25 p.m.].

RESPECTFULLY SUBMITTED:

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Nancy Davis  
Committee Secretary

APPROVED BY:

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Assemblywoman Heidi Swank, Chair

DATE: \_\_\_\_\_

## EXHIBITS

[Exhibit A](#) is the Agenda.

[Exhibit B](#) is the Attendance Roster.

[Exhibit C](#) is written testimony submitted by Ernest C. Schank, Consultant, Truckee Carson Irrigation District, in support of Senate Bill 232.

[Exhibit D](#) is a letter dated April 12, 2019, to Chair Swank and members of the Assembly Committee on Natural Resources, Agriculture, and Mining, signed by Rusty Jardine, General Manager and Counsel, Truckee-Carson Irrigation District, in support of Senate Bill 232.