

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

**Eightieth Session
March 26, 2019**

The Senate Committee on Natural Resources was called to order by Chair Melanie Scheible at 4:00 p.m. on Tuesday, March 26, 2019, 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 Melanie Scheible, Chair
Senator Chris Brooks, Vice Chair
Senator Dallas Harris
Senator Pete Goicoechea
Senator Ira Hansen

STAFF MEMBERS PRESENT:

Alysa Keller, Committee Policy Analyst
Erin Sturdivant, Committee Counsel
Steve Woodbury, Committee Secretary

OTHERS PRESENT:

Tyler Turnipseed, Chief Game Warden, Department Of Wildlife
Doug Farris, Administrator, Animal Industry Division, State Department Of
Agriculture
Neena Laxalt, Nevada Cattlemen's Association

CHAIR SCHEIBLE:

I will open the hearing on Senate Bill (S.B.) 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 inserts language currently found in the *Nevada Administrative Code* (NAC) into the *Nevada Revised Statutes* (NRS) 503.165. This chapter of NRS contains the laws related to carrying a loaded shotgun or rifle in or on a vehicle. This law has important safety implications, and it is strictly enforced. A violation of this statute resulted in Nevada's last hunting fatality.

The statute defines the term "loaded" as being when a rifle or shotgun has a round in the chamber, not the magazine. At some point in time, language was added to NAC addressing muzzle-loading rifles, and this bill adds similar language to NRS.

SENATOR HANSEN:

I support the bill; however, a related question came up in Oroville, which is in my district. A man had mounted a shooting bench to the receiver hitch on his truck. He was in the field using the bench to shoot and received a citation. What is your interpretation of this?

MR. TURNIPSEED:

The statute states, if you are "on or along any public highway or any other way open to the public." I was a game warden in Winnemucca for a decade, and there were a lot of ground squirrel shooters. It was very common to set up a shooting bench in the bed of a pickup or even shoot out of the cab. This is perfectly legal if not done on a way open to the public.

A lot of squirrel shooting takes place in hay fields and alfalfa pivots. This is not a violation because the activity is not on a way open to the public. It does become a violation when someone is engaging in this activity on public land or out in the hills. Then it is a loaded weapon on a way open to the public.

SENATOR HANSEN:

Is this correct, even though it is on a separate bench, attached to the receiver, and not actually in or on the truck? The man was not resting his rifle on the hood or any other part of the truck.

MR. TURNIPSEED:

I have not specifically encountered that and would have to think about it. It could be said that it was on the vehicle.

SENATOR HANSEN:

That may be something we want to consider, because in my mind that is not part of the vehicle; it is a separate attachment. I think this bill is a good idea to clean up the existing language.

SENATOR GOICOECHEA:

Along the same lines, if someone is pulling a trailer and shooting from the trailer, it is also attached to the receiver.

MR. TURNIPSEED:

I have not encountered that in the field, so I would have to think about that as well. Whether or not someone in a trailer attached to a vehicle constitutes being in or on the towing vehicle is probably defined somewhere else in statute.

CHAIR SCHEIBLE:

The discussion of what is in or on the vehicle is outside the scope of this bill, is it not?

MR. TURNIPSEED:

Yes it is. This bill defines when a muzzleloader is loaded for the purpose of the statute.

CHAIR SCHEIBLE:

To that point, I would like to make sure that we have a clear record, including the definition that is being proposed. Will you please briefly describe when a muzzle-loading rifle or musket is considered loaded?

MR. TURNIPSEED:

A muzzle-loading rifle is an old fashioned type of gun that is used in certain hunting seasons. To be a legal muzzleloader, used in a muzzle-loading only hunting season, the gun has to be loaded through the muzzle, hence the name. Basically, it means you pour powder down the barrel, then a bullet is pushed down with a ramrod and seated accordingly. The bill states:

A muzzle-loading rifle or muzzle-loading musket is not loaded if the priming compound or element, including, without limitation, the priming powder or the unfired primer or percussion cap, is removed from the muzzle-loading rifle or muzzle-loading musket.

This means that once powder is loaded down the barrel and a bullet tamped down with a ramrod, the gun still cannot fire on its own because it does not have anything to ignite the powder charge, such as a primer or musket cap. If the primer or musket cap is removed, it is no longer considered loaded for the purpose of this statute.

CHAIR SCHEIBLE:

Seeing no further testimony, I will close the hearing on S.B. 55 and open the hearing on S.B. 400.

SENATE BILL 400: Revises provisions governing the auditing and bonding of public livestock auctions. (BDR 50-634)

SENATOR PETE GOICOECHEA (Senatorial District No. 19):

I am bringing S.B. 400 forward to address certain bonding and auditing issues relating to public livestock auction yards. These provisions are administered through the State Department of Agriculture (NDA). Nevada currently has one auction yard, located in Fallon.

Existing statute requires \$200,000 or more, but less than \$1 million in a surety bond when holding a livestock auction. Section 1, subsection 1, paragraph (a) of S.B. 400 retains the \$200,000 minimum, but replaces the \$1 million maximum with the following language, "... the amount of bond coverage calculated for a market agency pursuant to 9 C.F.R. §201.30(a), whichever is greater." This references the federal regulation used by all auction yards across the Nation to calculate surety bonds.

We are hopeful that this will produce a truer calculation and clearer bonding capacity for livestock auctions. In most cases, the amount will be less than what is currently being paid. The method typically used is currently based on the prior year's sale, which may not produce an accurate estimate.

This bill also enhances livestock auction accounting requirements. Section 2, subsection 3, paragraph (c) of the bill states that the licensee shall:

On or before January 15 of each year, submit to the Director an annual audit of the licensee's custodial account for consignors' proceeds for the immediately preceding year, which must be signed

and certified as correct by a holder of a live permit issued pursuant to chapter 628 of NRS.

Auctioneers have sometimes incorrectly claimed they have supplied full financial audits. Current law requires a custodial account, which is the account that holds the funds for the transactions during the weekly sale. If 5,000 head of cattle are sold at a particular sale, there could be approximately \$500,000 in receipts. In the 1960s, an auction yard in Fallon folded because there was inadequate bonding and the custodial account got behind. This broke some ranchers in eastern Nevada.

Regarding the proposed audit requirement, weekly sales figures must be shown, including what the sale brought in and what was paid out of the custodial account. Accounts must balance every week so that a current week's sales receipts are not being used to pay for livestock sold in a prior week. This bill allows for the audit of the account. The "holder of a live permit" referred to in the bill means a certified public accountant (CPA) who is licensed in the State.

I have a conceptual amendment to the bill and will work with the legal analyst to bring amended language to the Committee. We want to ensure that audits are signed and certified by a CPA who is certified in the State. An audit typically costs approximately \$10,000.

I have been working with the Livestock Marketing Association (LMA) and the United States Department of Agriculture's Packers and Stockyards Division in Colorado. The LMA provides auditing services and might be the entity conducting the annual audit here, but they would have to use an auditor who is licensed and certified in the State. Having a Nevada licensed auditor protects the buyers, sellers and the auction company.

DOUG FARRIS (Administrator, Animal Industry Division, State Department of Agriculture):

The NDA is neutral on S.B. 400. The NDA currently licenses livestock auctions and has done so for a number of years. This bill would not add any additional burden to the NDA. The producers and owners of the auction yards would like to see this bill passed.

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NEENA LAXALT (Nevada Cattlemen's Association):

The Nevada Cattlemen's Association (NCA) supports S.B. 400 with the proposed conceptual amendment.

CHAIR SCHEIBLE:

Seeing no further testimony, I will close the hearing on S.B. 400 and open the hearing on S.B. 417.

SENATE BILL 417: Revises provisions governing public sales of livestock.
(BDR 50-371)

SENATOR GOICOECHEA:

Under existing law in Nevada, there is an exemption for 4-H, Future Farmers of America (FFA), county fairs and other nonprofit livestock sales that are held predominantly in conjunction with youth industries. Senate Bill 417 addresses a number of private party livestock sales, such as the Snyder Livestock Company's annual bull sale or the Van Norman and friends annual horse sale. There are a number of similar annual livestock sales across the State. Under present law, these sales have to go through the full licensing process as though they were a public livestock auction, including posting the minimum \$200,000 surety bond.

This bill provides for a limited license for smaller, annual livestock sales lasting no more than two consecutive days. The bill outlines and limits what can be sold. By regulation, the NDA can issue special, limited licenses. Most of the regulations are in place, but some additional regulations may be required pertaining to what level of bonding would be required. A bond could be required, but it is not set in statute how much that would be. The bill ensures that small horse sales, such as the Reno Snaffle Bit Futurity, do not have to obtain a \$200,000 surety bond and a full license. This will allow for a one-time, limited license.

CHAIR SCHEIBLE:

In section 15, it appears that the Nevada Mineral Exhibition, 4-H clubs, FFA, Junior Livestock Show and others are already exempt.

SENATOR GOICOECHEA:

Yes, that exemption is already in place for nonprofits. The intent of this bill is not to extend that exemption to others, but to offer a limited license to for-profit

entities that have one annual sale, as opposed to regular livestock auctions that typically operate year-round with weekly auctions.

Ms. LAXALT:
The NCA supports S.B. 417.

Mr. FARRIS:
The NDA is neutral on S.B. 417. This bill pertains to public livestock auctions and licenses the NDA currently issues. Only the parameters and standards are being changed. We have heard an outcry from small organizations that hold annual sales events. They think they should not be held to the same standard as large auction yards operating 52 weeks a year.

CHAIR SCHEIBLE:
Seeing no further testimony, I will close the hearing on S.B. 417 and open the work session on S.B. 56.

SENATE BILL 56: Revises provisions relating to natural resources. (BDR 47-359)

ALYSA KELLER (Policy Analyst):
I will read the summary of the bill and proposed amendments from the work session document (Exhibit C).

CHAIR SCHEIBLE:
Hearing no discussion, I will accept a motion on S.B. 56.

SENATOR BROOKS MOVED TO AMEND AND DO PASS S.B. 56.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SCHEIBLE:
I will open the work session on S.B. 232.

SENATE BILL 232: Revises certain provisions related to irrigation districts.
(BDR 48-644)

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MS. KELLER:

I will read the summary of the bill from the work session document, [Exhibit C](#).

CHAIR SCHEIBLE:

Hearing no discussion, I will accept a motion on S.B. 232.

SENATOR GOICOECHEA MOVED TO DO PASS S.B. 232.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SCHEIBLE:

We do not have a work session on S.B. 55, but I would be willing to entertain discussion or accept a motion on this measure.

SENATOR GOICOECHEA MOVED TO DO PASS S.B. 55.

SENATOR BROOKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

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CHAIR SCHEIBLE:

Seeing no public comment, we will adjourn the meeting at 4:29 p.m.

RESPECTFULLY SUBMITTED:

Steve Woodbury,
Committee Secretary

APPROVED BY:

Senator Melanie Scheible, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	2		Attendance Roster
S.B. 56 S.B. 232	C	4	Alysa Keller	Work Session Document