

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

**Eighty-first Session
February 23, 2021**

The Senate Committee on Natural Resources was called to order by Chair Fabian Donate at 3:31 p.m. on Tuesday, February 23, 2021, Online. [Exhibit A](#) is the Agenda. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Fabian Donate, Chair
Senator Melanie Scheible, Vice Chair
Senator Chris Brooks
Senator Pete Goicoechea
Senator Ira Hansen

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Policy Analyst
Allan Amburn, Counsel
Christine Miner, Committee Secretary

OTHERS PRESENT:

Douglas Farris, Administrator, Animal Industry Division, State Department of Agriculture
Jennifer Ott, Director, State Department of Agriculture
Doug Busselman, Executive Vice President, Nevada Farm Bureau
Varlin Higbee, Vice Chair, State Board of Agriculture, State Department of Agriculture
Pete Paris, State Board of Agriculture, State Department of Agriculture
Joseph Guild
Peter Krueger, Nevada Petroleum Marketers & Convenience Store Association
Jake Tibbitts, Natural Resources Manager, Eureka County, Nevada
Martin Paris, Executive Director, Nevada Cattlemen's Association
Alisa Nave-Worth, Nevada Veterinary Medical Association

CHAIR DONATE:

We will open the hearing on Senate Bill (S.B.) 34.

SENATE BILL 34: Makes various changes relating to agriculture. (BDR 50-330)

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

I will present S.B. 34 which updates the titles of police officers and standards and training qualifications for the law enforcement staff of the Department of Agriculture (NDA). It adds the word “visual” when pertaining to brand inspections.

The NDA has five sworn law enforcement staff positions who educate the public and uphold and enforce agricultural laws in the State. The titles of these positions are agricultural enforcement officers. The intent of the proposed revisions in S.B. 34 is to provide clarity and update titles to reflect ones more consistent with job duties and correlate to nationally recognized titles of law enforcement personnel.

Law enforcement staff of the NDA are required to hold a minimum of a category II Nevada Peace Officer Standards and Training (POST) certificate. The bill seeks to update the requirements to a category I POST certificate, and thus create equity among the NDA law enforcement staff with other State, county and city law enforcement officers, such as game wardens, State troopers, deputy sheriffs and city police officers. All NDA law enforcement staff hold a category I POST certificate, so the bill would not negatively affect any staff but would provide future benefits to the Department by recruiting a larger group of interested candidates when filling vacant positions.

Senate Bill 34 would ensure NDA law enforcement officers be included under the same occupational disease insurance coverages provided to other Nevada police officers.

Senate Bill 34 seeks to clean up language pertaining to title changes of the agricultural police officers in the *Nevada Revised Statutes* (NRS), as well as clean up language pertaining to the inspections of brands by adding the word “visual” to the meaning of a brand inspection.

This bill does not create any new positions to the Department or require additional funding.

Sections 1 and 2 of S.B. 34 replace the titles of field agents and inspectors to agricultural police officers for the purposes of enforcing laws.

Section 3 provides the definition of an agricultural police officer.

Sections 3, 4, 5 and 6 clarify that brand inspections must be completed visually. This is to ensure that brand inspections are only performed when a visual inspection is performed by a brand inspector.

Sections 7, 8, 9, 10 and 15 make changes to the terminology to reflect the title of agricultural police officer.

Section 11 clarifies that the Director may appoint agricultural police officers and defines an agricultural police officer. This section also references the authorities and laws enforced by agricultural police officers and stipulates certification of the officer as a category I peace officer through Nevada POST.

Sections 12, 13 and 14 remove agricultural police officers from being in the category II peace officer section. This removal then categorizes agricultural police officers under the category I peace officer section.

Section 16 allows for agricultural police officers to be included under the same occupational disease insurance coverages provided to other police officers in the State.

SENATOR GOICOECHEA:

Will the enforcement officers still be performing brand inspections?

MR. FARRIS:

The officers have the ability to do brand inspections. The inspections are not part of their daily duties but are performed on a needed basis. The primary duties of the officers pertain to law enforcement.

SENATOR GOICOECHEA:

I want to be sure the officers who perform brand inspections have the specialized skills and abilities for the inspections. Consider mixing with a crowd of bawling cows. It takes expertise to perform brand inspections.

SENATOR BROOKS:

Section 16 of S.B. 34 includes provisions for industrial insurance coverage. What activities performed by the officers of your Division constitute risks and create the need for heart and lung coverage?

MR. FARRIS:

The officers of the Animal Industry Division travel the roads in Nevada from one location to another. They assist State troopers and local sheriff and police departments when requested. These officers put themselves at risk when working in the same capacity as other State enforcement officers.

SENATOR BROOKS:

I do not fully understand the day-to-day duties of your officers, besides assisting other law enforcement. Would you walk me through the responsibilities of your officers?

MR. FARRIS:

The enforcement officers of the Division, in addition to their normal duties, work in the same way as State troopers in patrolling and responding to service calls or emergencies. Unless they are involved in active investigations, they patrol roadways. They stop any private or commercial motor vehicle believed to be hauling agricultural products. A vehicle could be hauling plants to a Walmart, cattle to a livestock auction or ranchers moving livestock from one place to another. They perform traffic stops daily and work with other law enforcement staff.

SENATOR SCHEIBLE:

Is the idea to expand the roll of agricultural police officers and have them start taking on additional responsibilities?

MR. FARRIS:

This will not expand the duties of officers; officers do more than just agricultural duties. One of the motivating factors is to satisfy some of the issues in hiring law enforcement staff. This staff does not fall under the same qualification category as other law enforcement in Nevada. There is interest from people with agricultural backgrounds who work in other agencies to work for the Department of Agriculture. The intention of S.B. 34 is to make the positions equitable to other police officer positions in Nevada and aid the Department in filling its workforce.

SENATOR SCHEIBLE:

Do your officers investigate felony crimes?

MR. FARRIS:

Yes, there are some felonies in agricultural crimes.

SENATOR SCHEIBLE:

Do they execute search or arrest warrants?

MR. FARRIS:

They have the capacity to execute search or arrest warrants when needed. Recently, officers drafted a search warrant for a facility in Elko County.

SENATOR SCHEIBLE:

Do they write speeding tickets?

MR. FARRIS:

Writing speeding citations is not part of the normal duties of an agricultural police officer. However, because they have the same training as other State law enforcement, they can write a citation if a crime is committed in their presence. One of the Las Vegas officers made two drunk driving arrests in the course of normal duties. The officer was able to make one arrest when witnessing a reckless vehicle on the freeway. The officers carry those police powers.

SENATOR SCHEIBLE:

I am struggling to understand why agricultural officers should be considered category I peace officers, while probation, juvenile probation officers, bailiffs and other peace officers who put themselves in harm's way everyday are considered category II or III peace officers.

MR. FARRIS:

I cannot speak to why those other positions are not considered category I. The job duties performed by agriculture officers on the highways, stopping vehicles and working alongside other law enforcement, puts them in the same classification as other law enforcement. The Department is interested in filling positions with qualified candidates. There was a position in Elko County that took over two years to fill. I was contacted by a State trooper interested in working for the Department, but the poor benefits package and taking a step down from police officer to field agent resulted in turning down the job.

SENATOR SCHEIBLE:

How is it possible to increase benefits for the employee without increasing the costs to the employer? How does improving the benefits package not produce a fiscal note on S.B. 34?

MR. FARRIS:

There would be increased costs to the Department, but S.B. 34 did not meet the threshold for a fiscal note.

SENATOR SCHEIBLE:

I would appreciate more information on the issue of a zero fiscal note indicating no costs.

ALLAN AMBURN (Counsel):

In section 16 of S.B. 34, by categorizing these individuals as police officers, additional benefits will apply. There are five areas and four topics where the protections would be expanded. The officers are exempt from serving as grand or trial jurors; they get compensation if they are disabled; they are eligible for certain programs of group insurance and other medical or hospital service; and are eligible for certain types of industrial insurance. These are not necessarily immediate costs imposed on the Department, but costs that could be imposed later, particularly disability insurance. This extends more benefits to individuals, and associated costs are dependent on insurance variables.

SENATOR GOICOECHEA:

Will the officers be responding to horse collisions and truck wrecks on U.S. highways?

MR. FARRIS:

Yes, the officers will still respond to vehicle crashes, whether livestock is involved or not.

CHAIR DONATE:

Would you clarify the addition of NRS 585 to section 11, subsection 1, paragraph (a)? Is that intentional?

MR. FARRIS:

I will get back to you with clarification.

CHAIR DONATE:

We have a letter in support of S.B. 34 from Mathew Kaplan, Nevada Police Union ([Exhibit B](#)).

Kimberly Henderson offered an opinion in opposition to S.B. 34 on the Legislative website.

Hearing no further testimony, I will close the hearing on S.B. 34 and open the hearing on S.B. 54.

SENATE BILL 54: Revises provisions relating to the State Board of Agriculture.
(BDR 50-263)

JENNIFER OTT (Director, State Department of Agriculture):

I will present S.B. 54, which revises NRS 561.055 outlining the membership of the Board of Agriculture.

I provided an overview of the Department operations and the Board of Agriculture to the Office of the Governor. It was immediately clear that the composition of the Board did not align to the industries the Board is charged with representing nor the current responsibilities of the Department for whom it sets policy.

The Department of Agriculture (NDA) is responsible for many aspects of the food supply chain, from planting and livestock production to food distribution. However, the composition of the Board is heavily emphasized on production. The Department is requesting to replace two Board positions with a member experienced in supplemental nutrition distribution and a member experienced in food manufacturing or processing. The goal of these changes is to align Board positions more closely to the industries within the jurisdictions of the NDA. Everyone should have a voice on the important policy discussions of the Board.

Supplemental nutrition is defined as the food provided to a person or family augmenting any food they have to create a full and nutritious meal. The Department works with many federal programs to distribute supplemental nutrition to food-insecure populations. Ninety-two percent of the overall budget of the NDA in fiscal year 2021 was the responsibility of the Food and Nutrition Division, which has no Board representation. This proposal gives this industry 1 of the 11 current seats.

Food manufacturing and processing also has no Board representation, and yet, the economic impact for the food and beverage manufacturing sector counts for 83 percent of the agriculture industry in Nevada. Much of that is the manufacturing or processing of agriculture products sourced from outside of the State. The Board is not required to have a member with manufacturing and processing experience, despite the growth and importance of this sector on Nevada's agricultural economy. Which is why this position is important. We do not have a connection between production of plants, produce and livestock and the processing and manufacturing of the same. This proposal would give the food and manufacturing industry 1 of the 11 current seats.

From comments made by the public in previous meetings and some you will hear today, I understand that those in the production side of the industry see this bill as a reduction of importance or a disrespect to the history of the industry. I disagree. By recognizing and receiving input from those at the end of the supply chain, we strengthen both the historically important and emerging industries. By creating connections and bringing to light opportunities, we ensure our agricultural industry develops in ways that benefit all Nevadans. Giving a voice to food-insecure populations and those working toward investing in Nevada's food supply chain infrastructure enriches and increases the knowledge and diversity of Board conversations. These changes are important now more than ever since the Covid-19 pandemic has brought to light the vulnerabilities of the U.S. food supply chain.

Senate Bill 54 seeks to promote diversity and provide a voice to those at the end of the supply chain—those that process and manufacture from agricultural goods and those that represent the food-insecure populations that receive agricultural goods in the form of food. The bill also ensures that the current industries continue to be represented on the Board so they can continue to speak on important issues.

To help clarify the changes in this bill, I will share a slide ([Exhibit C](#)). The bulk of the changes are in section 1 of S.B. 54. The slide illustrates some of the relevant points. The Board has the positions appointed by the Governor. The Board establishes policy of the Department and not more than two members may be residents of the same county.

The left side of the slide, [Exhibit C](#), shows the list of the current Board makeup, and the right side shows the proposed member makeup in blue ink. The list of

members on the lower portion of the list shown in black ink are member positions that will not change.

There are six positions proposed to change. Three members engaged in range or semirange cattle production, one member engaged in range or semirange sheep production, one member engaged in growing row crops spaced to permit mechanical cultivation and one member engaged in general farming.

The proposal adjusts these positions to two members engaged in livestock production, two members engaged in growing crops, at least one of which is a specialty crop harvested by mechanical cultivation, one field of supplemental nutrition distribution and one engaged in food manufacturing or animal processing.

Section 2 explains that current Board members will serve out their terms and the two new positions will be appointed July 1, 2022.

Section 3 explains the effective date of July 1, 2022.

SENATOR GOICOECHEA:

Were you appointed by the Board of Agriculture?

Ms. OTT:

I am selected by the Board and appointed by the Office of the Governor.

SENATOR GOICOECHEA:

Statute reads that you must be appointed by the Board with the approval of the Governor.

Ms. OTT:

That is correct.

SENATOR GOICOECHEA:

It concerns me that you did not bring this change to the Board. It has caused a lot of the issues being brought forward today.

Ms. OTT:

As an Executive Branch agency, the Department of Agriculture works under the Office of the Governor's bill draft requests (BDR). The BDR for this bill was

brought forth under that purview. The Governor appoints the Board members, and that is what we are working with.

I contacted each of the Board members prior to the prefiled deadline of the BDR. This Board change was on the agenda of the December 9, 2020, Board meeting. As a result of discussion at the Board meeting, the Chair called a special meeting to discuss an amendment that will be introduced today. I did my best to reach out to the Board to inform them of the process.

SENATOR BROOKS:

Do you know how far back the makeup of the existing Board goes?

Ms. OTT:

I can guess possibly 40 to 50 years. I will check that for you.

SENATOR BROOKS:

I imagine the last time it was updated, it reflected accurately what was going on in Nevada at the time.

SENATOR GOICOECHEA:

The Board was updated in 2001, when the Sheep Commission was disbanded and the sheep industry was given a seat on the Board.

Ms. OTT:

The chapter in NRS adding the basic makeup of the Board was adopted in 1961. There have since been changes.

SENATOR SCHEIBLE:

I am cross-referencing S.B. 54 with S.B. 65 recently heard in this Committee. With regard to adding a member to the Board who works in the field of supplemental nutrition distribution, is that an existing program or is it one being created in or renamed in S.B. 65?

SENATE BILL 65: Revises provisions relating to the State Department of Agriculture. (BDR 50-275)

Ms. OTT:

The Food and Nutrition Division under the NDA is responsible for the distribution of funds to food banks, community organizations and a variety of programs.

Senate Bill 65 seeks to tighten statute for more ease, transparency and understandability by the public. In S.B. 54, the NDA seeks to have Board representation for the Food and Nutrition Division. In fiscal year 2021, 92 percent of the NDA budget was in this Division. This is the reason for seeking Board representation.

CHAIR DONATE:

Has the NDA ever considered adding anyone to the Board with a public health professional background, or is it covered under the supplemental nutrition category?

Ms. OTT:

The language of supplemental nutrition distribution best fits the activities of the Food and Nutrition Division. It assists food banks and food pantries with providing food, administering funds and working with tribal communities on food distribution. There are nutritional specialists working in the school lunch program, and the language was phrased to pull from a variety of nutritional industries and distribution areas. Rather than narrowing it to a health focus, food distribution considers nutrition and the health of the food-insecure populations.

DOUG BUSSELMAN (Executive Vice President, Nevada Farm Bureau):

The Nevada Farm Bureau opposes S.B. 54 as introduced. To reduce representation on the Board of Agriculture of Nevada's cattle and sheep industries is a disservice to those sectors. Cattle production is the largest sector in Nevada's agricultural community. The various programs and regulatory actions in the livestock sector of NDA are primarily paid by producers. The representation of those who are connected to the producers paying the bills is important for the regulation services provided to the cattle sector.

Removing the designated sheep representative is also troubling given that sheep producers were named a seat on the Board when the NDA dissolved and took over the roles of the Sheep Commission. The responsibility of the Board of Agriculture in the context of NRS 561.105 is to offer oversight and direction to the NDA, especially the areas of regulation and policy.

Due to the nature of the Board, it is unclear what the connection is to NDA services for supplemental nutrition distribution. The Board has no regulatory or

policy connection to this program. It is unclear as to who might be eligible to serve in this role based on the manner in which this description is explained.

The second position of a person engaged in food manufacturing or animal processing has the connection to the Board and I understand the addition of that seat.

The amendment of the Nevada Farm Bureau ([Exhibit D](#)) seeks to change NRS 561.105 given S.B. 54 opens that chapter. It relates to the duties and regulations of the Board of Agriculture. The language offered in this amendment enhances the understanding that "all" regulations necessary for the operation of the Department be carried out by bringing forward those regulation proposals to the Board of Agriculture for consideration and adoption.

The Nevada Farm Bureau could support S.B. 54 with the proposal from the Board of Agriculture to maintain the current makeup of the Board and add two additional seats.

VARLIN HIGBEE (Vice Chair, State Board of Agriculture, State Department of Agriculture):

The State Board of Agriculture and its members oppose S.B. 54 as written. The Board called an emergency meeting to discuss and attempt to resolve some of its issues with the bill. This resulted in the proposed amendment ([Exhibit E](#)). The proposed amendment keeps the member engaged in range or semirange sheep production and adds 2 members to the Board making it a 13-member Board. The two additional members are in the fields of supplemental nutrition distribution and food manufacturing or animal processing.

PETE PARIS (State Board of Agriculture, State Department of Agriculture):

I am a member of the Board of Agriculture representing semirange sheep production. I have concerns with S.B. 54 as written. I oppose the provision to lump cattle and sheep ranching representation under "general livestock production." I oppose removing the linkage to rangeland livestock production. I am concerned with the lack of engagement by the NDA with the Board of Agriculture and agricultural groups when this bill was being considered and drafted. I have grown increasingly concerned with what I perceive as efforts over many years to diminish the role, relevancy and authority of the Board of Agriculture.

Combining and renaming cattle and sheep production into two general seats representing “livestock production” is a mistake. This goes against the intent of previous legislation in NRS 562. Initially, the Nevada Sheep Commission was its own entity specifically supporting sheep producers in the State. The Sheep Commission was formed in 1907, eight years before the Board of Stock Commissioners, which later became the NDA. The Commission disbanded in 2003 because sheep producers were offered a specific seat on the Board of Agriculture. This commitment needs to be upheld.

I have firsthand knowledge and experience that these two types of livestock production have interests, needs and policies that are often distinct and separate. This diversity of interests across and between cattle and sheep production must be protected on the Board.

Nevada’s livestock production is rangeland ranching on public and private rangelands. The primary agricultural outputs in Nevada are rangeland sheep and cattle production. Many of the natural resource issues facing Nevada are linked to what happens on Nevada’s rangelands. The Board representation should reflect this and retain livestock production qualifications representing range or semirange production.

There is no need to adjust the Board seats with two new seats representing supplemental nutrition distribution or food manufacturing and animal processing. This appears to be a tactic to reduce the intention of supporting production agriculture and change the focus of the Board. Both of the new areas are federally mandated programs with rules and regulations to manage them. Knowledge and expertise already exists in the Department itself and broadly on the Board regarding the food manufacturing and distribution system. To be involved in agriculture today requires all of us to have some level of knowledge of food systems.

If the Legislature moves forward adding the two seats on the Board, the commonsense middle ground would be to add the new seats rather than recasting and reducing existing seats. Simply retain the current seats on the Board of Agriculture or, less preferred, as it takes away the focus from livestock production and rangeland agriculture, expand the Board rather than redefining current Board seats.

CHAIR DONATE:

Mr. Busselman, would you clarify the scope of the changes and the intent the Farm Bureau is seeking in the proposed amendment [Exhibit D](#)?

MR. BUSSELMAN:

There are sections in statute covering various programs and various areas of operation. Each section has its own nuance as to who is responsible. NRS 564.030 states "The Director may carry out the provisions of this chapter and, for that purpose, adopt such regulations not inconsistent therewith, and appoint such agents, under his or her direction, as the Director deems necessary therefor." In this case, previous Directors of the NDA have interpreted that section to mean they do not have to take anything to the Board of Agriculture in spite of what the language says in NRS 561.105. We are attempting to make it clear with an underlying emphasis on "all" regulations that fit under the operation of the NDA be taken to the Board for consideration and adoption.

CHAIR DONATE:

We have received two letters in opposition to [S.B. 54](#) as introduced. One from Gary McCuin of the Society for Range Management ([Exhibit F](#)), and one from William Payne, College of Agriculture, Biotechnology and Natural Resources ([Exhibit G](#)).

JOSEPH GUILD:

I am the past president of the Nevada Cattlemen's Association and a cattle producer in Douglas and Elko Counties. I am the treasurer of the National Cattlemen's Beef Association with 25,000 members representing the beef cattle industry in the U.S.

In 2003, the range or semirange sheep production member was added to the Board of Agriculture. This culminated from a three-year effort when in 1999 the Sheep Commission was discovered to be insolvent.

The Nevada Sheep Commission had existed since the early 1900s. A sheep member was appointed to the Board for support of the sheep industry in exchange for elimination of the Commission. If this position was ever eliminated from the Board, it was understood the Sheep Commission should be brought back. This is not an outcome the sheep industry would support.

I testified at the Board meeting on January 19, 2021, in support of the 7-2 vote to not support S.B. 54.

As a national officer of the largest cattle industry association, I oppose the elimination of one of the members of the Board engaged in range or semirange cattle production. I support the existing makeup of the Board.

If S.B. 54 passed into law, with two members actively engaged in livestock production, a poultry grower or domestic dog or cat breeder could become members because they are considered livestock under statute. Livestock production with sheep and cattle are completely different enterprises with different issues. The Board should remain as is with the representation of livestock. I take no position on the proposed amendments.

To quote NRS 561.015:

... the purpose of this chapter is: ... 2. To promote the efficient, orderly and economical conduct of the various activities for the encouragement, advancement and protection of the livestock and agricultural industries of the State of Nevada.

PETER KRUEGER (Nevada Petroleum Marketers & Convenience Store Association):
The NDA has a large responsibility for quality testing and sampling of petroleum products in Nevada through the Division of Consumer Equitability, proposed to be the Division of Weights and Measures.

The Nevada Petroleum Marketers & Convenience Store Association opposes S.B. 54 as written. The Association supports the two proposed amendments, [Exhibit D](#) and [Exhibit E](#). It supports requirements of the Board to consider all regulations for policymaking by the NDA. Petroleum regulations adopted by reference have a 60-day cooling-off period which gives the NDA an opportunity to review policy prior to it becoming effective.

The Nevada Petroleum Marketers & Convenience Store Association supports the creation of two new seats rather than dismantle and disenfranchise two important seats on the Board.

SENATOR HANSEN:

It was stated in the presentation of S.B. 54 that current expenditures of the NDA in the sectors for the new Board positions are around 90 percent. Other testimony stated the cattle industry in Nevada brings in a quarter of a billion dollars in sales. It seems reasonable that a position be created to represent those areas. If the primary purpose of the Board is agriculture and livestock is a good portion of that, then it makes sense to leave the makeup of the Board as is and add the new positions. I would like more understanding on the statistics which affect the Board positions.

When a board increases its members, it can become unwieldy, and 13 members is pushing the reasonable limit. Perhaps it might be possible to create an executive committee of five members to handle issues and the main Board will meet less often.

JAKE TIBBITTS (Natural Resources Manager, Eureka County, Nevada):

Eureka County opposes S.B. 54 as written. The County does not oppose the intent to add a voice to those at the end of the supply chain. The County supports the proposed amendments Exhibit D and Exhibit E. Given the diversity of agriculture in Nevada, it approves providing clarity in statute and the expansion of the Board. Nevada is primarily made up of rangelands and public lands. To retain that connection to range livestock production is an important role in Nevada. Many of the issues facing Nevada have a close nexus and connection to public lands and rangelands.

SENATOR HANSEN:

Mr. Guild, I have a concern with expanding the Board to 13 members. Considering the budget and allocation of 90 percent of funds justifying two positions and the types of services this would cover, and with the livestock cattle grazing industry bringing in \$250 million a year, where do the numbers fit in for representation on the Board? If the NDA is spending 90 percent of its budget on nutrition distribution and food manufacturing or animal processing, it seems the Board should have representation of these areas.

MR. GUILD:

I am aware of the significant amount of money that goes to the implementation of the nutritional programs. Implementation comes from the federal government. I do not have a quarrel with adding two people to the Board; I just do not see the nexus. The federal government has regulations for the implementation of the

programs and spending of funds. The rules and regulations of the Board would have no authority on this, though it might have some input relative to that. If the Committee chooses to increase the size of the Board, I have no objection.

Range livestock production in Nevada is a big deal, and there is significant row crop production in Mason Valley realizing millions of dollars of gross income. Livestock production is still the largest sector of the State's agricultural income. I do not want to see the dilution of the input by the livestock positions. The way the bill reads, a dog breeder or poultry producer could qualify as the livestock representative on the Board.

MARTIN PARIS (Executive Director, Nevada Cattlemen's Association):

The Nevada Cattlemen's Association opposes S.B. 54. The bill attempts to restructure the makeup of the Board and leave only two positions dedicated to what would now be livestock production. Removing the distinction between sheep and cattle production will be a great disservice to both industries as they face different and unique challenges. Range livestock production is the largest sector of Nevada agriculture, and the current seats on the Board are needed to adequately represent the diverse production practices. The bill appears to have been drafted and introduced without any input or consideration from the Board of Agriculture or agricultural stakeholders that will ultimately be affected by the passage of the bill.

While the sectors being considered for addition are important, both are well represented by the existing makeup of the Board. The Association questions the policy and regulatory connection between the Board and the proposed positions as it relates to the ability of the Board to set policy or conduct oversight for at least one of the new positions. Policy and regulations in both of these areas are largely mandated by the federal government, whereas the administration of the livestock programs under NDA is fee-based and directly under its authority.

The Association opposes the amendment brought forward by the Board, Exhibit E. We support the 7-2 vote to withdraw support of S.B. 54 from the Board of Agriculture January 19, 2021, meeting.

The Association supports and encourages stand-alone revisions to NRS 561.105 brought forward in the proposed amendment Exhibit D by the Nevada Farm Bureau. This is important to ensure the NDA maintains its functions.

ALISA NAVE-WORTH (Nevada Veterinary Medical Association):

The Nevada Veterinary Medical Association opposes S.B. 54 as introduced. The Board of Agriculture should include a large animal veterinarian by statute. The invaluable insight of a veterinarian is frequently needed in many decisions made at the Board level. In the interest of consumer protection, such a position should be included prospectively. We are working with the Department and will continue to do so to find a resolution to this matter.

Ms. OTT:

In response to some of the testimony, I am a little surprised by the amendment proposed by the Farm Bureau Exhibit D. There are some laws under Director authority, other than under Board authority, functions of which were created by legislation over the years. Where there is a regulation under Board authority, it goes before the Board. The process outside of that is exactly the same. The NDA holds a number of small business impact statement workshops depending on the subject matter and the interest to the industry. A hearing is held before regulations go before the Legislative Commission. The proposed amendment, Exhibit D, would increase the timeline on those activities by adding an extra step.

The language of semirange and range was removed and incorporated into livestock production to be inclusive, not exclusive. Only members grazing on public lands or portions of public lands are eligible to be Board members. That could be a poultry producer or a cattle producer. A producer who only grazes on private pasture land is not eligible to hold a Board position.

CHAIR DONATE:

I will close the hearing on S.B. 54. I am requesting Committee introduction of three BDRs requested by the Legislative Committee on Public Lands. I will entertain a motion to introduce these BDRs.

BILL DRAFT REQUEST 48-462: Revises provisions relating to groundwater boards. (Later introduced as Senate Bill 149.)

BILL DRAFT REQUEST R-465: Urges Congress to provide funding to reduce the wild horse and burro populations to appropriate management levels. (Later introduced as Senate Joint Resolution 3.)

BILL DRAFT REQUEST R-469: Urges Congress to grant additional school trust lands to Nevada. (Later introduced as [Senate Joint Resolution 4.](#))

SENATOR GOICOECHEA MOVED TO INTRODUCE BDR 48-462,
BDR R-465 AND BDR R-469.

SENATOR HANSEN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

* * * * *

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

Senate Committee on Natural Resources
February 23, 2021
Page 20

CHAIR DONATE:

Having no further business, I will adjourn this meeting at 5:00 p.m.

RESPECTFULLY SUBMITTED:

Christine Miner,
Committee Secretary

APPROVED BY:

Senator Fabian Donate, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit Letter	Begins on Page	Witness / Entity	Description
	A	1		Agenda
S.B. 34	B	1	Mathew Kaplan / Nevada Police Union	Letter of Support
S.B. 54	C	1	Jennifer Ott / State Department of Agriculture	Slide Presentation
S.B. 54	D	1	Doug Busselman / Nevada Farm Bureau	Proposed Amendment
S.B. 54	E	1	Varlin Higbee / State Board of Agriculture / State Department of Agriculture	Proposed Amendment
S.B. 54	F	1	Gary McCuin / Society for Range Management	Letter in Opposition
S.B. 54	G	1	William Payne / College of Agriculture / Biotechnology and Natural Resources	Letter in Opposition