

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

**Seventy-Third Session
March 14, 2005**

The Committee on Natural Resources, Agriculture, and Mining was called to order at 1:32 p.m., on Monday, March 14, 2005. Chairman Jerry D. Claborn presided in Room 3161 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to the Grant Sawyer State Office Building, Room 4401, 555 East Washington Avenue, Las Vegas, Nevada. [Exhibit A](#) is the Agenda. All exhibits are available and on file at the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Mr. Jerry D. Claborn, Chairman
Mr. Kelvin Atkinson, Vice Chairman
Mr. John C. Carpenter
Mr. Mo Denis
Mr. Pete Goicoechea
Mr. Tom Grady
Mr. Joseph M. Hogan
Mrs. Marilyn Kirkpatrick
Mr. John Marvel
Ms. Genie Ohrenschall
Mrs. Debbie Smith

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

Assemblywoman Bonnie Parnell, Assembly District No. 40, Carson City
(part), Washoe County (part)
Senator Mark Amodei, Capital Senatorial District

STAFF MEMBERS PRESENT:

Amber Joiner, Committee Policy Analyst
Mary Garcia, Committee Secretary
Matthew Mowbray, Committee Assistant

OTHERS PRESENT:

Gary Reese, City Councilman and Mayor Pro Tempore, Las Vegas, Nevada
Gail Kaiser, Co-Owner, Las Vegas Boat Harbor, Las Vegas, Nevada
Mike Turnipseed, Member, Douglas County Advisory Board to Manage Wildlife, Douglas County, Nevada
Elsie Dupree, President, Nevada Wildlife Federation
Chris MacKenzie, Vice Chairman, Nevada Board of Wildlife Commissioners, Nevada Department of Wildlife
Mike Cox, Big Game Staff Biologist, Nevada Department of Wildlife
Mike Hawkins, Private Citizen, Sparks, Nevada
Janine Hansen, President, Nevada Eagle Forum
Chuck Arkell, President, Nevada Sportsman Coalition
Joel Blakeslee, Member, Board of Directors, Coalition for Nevada's Wildlife
Tom Smith, Member, Board of Directors, Coalition for Nevada's Wildlife
Rick Elmore, Private Citizen, Reno, Nevada
Fred Church, Bow Hunting Chairman, Nevada Bowhunters Association
Delores Petrilena, Private Citizen, Carson City, Nevada
Fred Messmann, Boating Law Administrator, Nevada Department of Wildlife
Bruce Nelson, Service Director, Marine Center of Las Vegas, Las Vegas, Nevada
Christopher Sewell, Private Citizen, Reno, Nevada
Brian Sewell, Private Citizen, Reno, Nevada

Chairman Claborn:

[Meeting called to order at 1:32 p.m. Roll called.] Today we have hearings planned on A.B. 116, A.B. 112, and A.B. 115. We're going to start off today with A.B. 116. I'm going to turn the gavel over to Vice Chairman Atkinson.

Vice Chairman Atkinson:

I would first like to open the hearing on A.B. 116.

Assembly Bill 116: Revises provisions governing eligibility of person to apply for tag to hunt mule deer. (BDR 45-866)

Assemblyman Jerry D. Claborn, Assembly District 19, Clark County:

This bill is a fair bill. We are trying to make sure everybody has the opportunity to hunt mule deer in Nevada. Any person who obtains a tag to hunt a mule deer and who is successful in harvesting one will not be eligible to apply for a mule deer tag during the next year. This bill would allow more citizens in Nevada the opportunity to enjoy the sport of deer hunting.

Right now, many people go years without ever drawing a tag. This bill will give them better odds, since people who harvested a deer the year before will not be in the drawing pool. This bill would not affect people applying for compensation tags as payment for damages caused by deer on their private property.

This bill really represents fairness. I am told that if you apply for a tag, you're lucky if you get a tag every three to three and a half years. A lot of people say they haven't had a tag in five or six years. Fair is letting everybody have an opportunity to get out in the woods and hunt their favorite animals, which, in the case of this particular bill, would be mule deer. The only intent of this bill is to make it fair so everyone can enjoy outdoor sports.

Say you have ten people that draw deer tags. Then those ten people go out to hunt and five of them successfully bag a deer. The other five do not. This bill says that the five people who were successful in bagging their deer have to sit out one year. The other five who did not bag a deer can apply for another deer tag the next year.

Assemblyman Denis:

Are you saying that if they don't get a deer this year, they will be guaranteed to get a tag next year?

Assemblyman Claborn:

No, I did not say that. I said that if they do not get a deer this year, then they can apply for a tag the following year. There is no guarantee in the draw at all. However, the odds of drawing a tag would be much better if the other five people were out of the draw.

Assemblyman Denis:

Currently, they do not have to sit out?

Assemblyman Claborn:

No, they do not. This bill, by the way, was brought to me by the Mayor Pro Tempore of Las Vegas, Gary Reese. He's the proponent of this bill.

Assemblywoman Smith:

I certainly agree that we need to try to make deer hunting more available or make the odds better for our hunters, because I know it is a frustrating situation. However, I wonder what effect it would have on the number of people applying for tags. Would the number go up or go down? Has this been done somewhere else so we could see what the financial implications would be?

Assemblyman Claborn:

Not to my knowledge. We thought about that, but no one seems to know if it has ever happened before. It's something new. We think if the five people that were successful were not in the draw the next year, the people who have not been hunting and are perturbed because they think they can't draw a tag might be encouraged by the chance to draw a tag. Those are the people who currently do not apply. Some might say it could hurt wildlife in that people might not apply for a deer tag, but I think it might have just the opposite effect. People get to the point where they're so frustrated at not being able to draw a tag that they just don't apply anymore.

Assemblywoman Smith:

I'm not saying one way or another. I just wondered if it had been done before so we would have something to look at. I was also wondering how it would change the dynamics of the number of people out in the field and if it would put pressure on hunting areas based on the numbers of people applying. If it has been done somewhere else, I would be interested in looking at what it does to the numbers of people applying and drawing.

I have one last question about bonus points. I think there's a new system this year where you can apply just for a bonus point instead of applying for a tag. I'm wondering what this would do to that process.

Assemblyman Claborn:

I'm not familiar with that. In regard to your first question, I've been hunting in Nevada since 1957, and I don't remember anything like this being done before. In the old days, everybody got a tag. The biggest problem we have here is that we do not have enough animals to go around for the people who hunt. That is where the issue of fairness comes in.

To answer your question, no, I do not have any data, nor have I seen any data on doing this.

Vice Chairman Atkinson:

Are there any other questions for Mr. Claborn? Not seeing any, I'll invite you back up here. I'd like to recognize Assemblywoman Parnell and Senator Amodei.

Gary Reese, City Councilman and Mayor Pro Tempore, Las Vegas, Nevada:

Over the years, many people have complained to me about the process we have in Nevada to obtain a deer tag.

To answer Mrs. Smith's question, this is not the first time something like this has been done in Nevada. It is similar to the elk tags, antelope tags, and bighorn sheep tags. I applied for a sheep tag for 25 years. I was finally lucky enough to draw a tag in 1994. At that time, if I had not been successful, I couldn't have applied for a sheep tag again for at least five years. Because I was successful, I wasn't eligible for the draw until 2004. I had to wait 10 years. The same thing applies with elk and antelope.

I can certainly appreciate the need for monies to make sure we are able to keep funding those projects that are dear to us and need to be done. On this bill, I've had many people tell me they've quit applying for deer tags because they couldn't get drawn. The odds were not in their favor, and they were not lucky.

I had one customer who got a cow elk tag two years ago, and he also got a deer tag. Last year he got a bull elk tag and a deer tag. Some people are very lucky, and other people aren't. I've lived in Nevada since I was two months old. In Lincoln County, when I was young, there were many doe tags available. My dad would never allow me to shoot a doe because he said if we shot the does, we were not going to have any babies. However, there were a lot of deer tags available.

I've been able to see the evolution from a lot of deer to no deer to a lot of deer again. I think a lot of it is due to people at your level, as well as the Nevada Department of Wildlife that can control the tags. I certainly appreciate the role of our Department of Wildlife in this process.

I think this tool we're introducing here today is just another tool to help those people maybe get a deer tag who haven't been successful in the past. If there are 7,000 or 8,000 deer harvested this year, next year there will be 7,000 or 8,000 people who won't be eligible to apply for a deer tag; thus, the pool will be smaller, and it should be easier to draw a tag. I endorse Mr. Claborn's comment that some of the people quit applying because they didn't feel they could get drawn. If this goes into effect, you will see a lot of people applying again for deer tags.

[Gary Reese, continued.] I haven't had a tag for two years. I certainly don't go out and try to shoot the first deer I see. I like going out in the mountains, partaking of what they have to offer. It's something to go out with your kids and grandkids and be able to see these deer in their element.

I ask you to endorse this opportunity for the hunters. Many people called me wanting to testify, but, knowing your time is valuable, I talked them out of it. I could have petitions for you, if that's what we need to do. I don't think you'll find very many people opposing this bill. You'll find people who would be very much in favor of this bill.

Gail Kaiser, Private Citizen, Las Vegas, Nevada:

I'm a native Nevadan who has hunted my entire life. However, I did quit in the last few years because I never could draw a tag. I would apply again if I thought the odds were better. My kids want to go hunting, and I say, "We never can draw. If you can't draw a tag, there's no sense in even getting your hopes up." I feel this would be a great improvement on the odds for drawing a tag.

Mike Turnipseed, Member, Douglas County Advisory Board to Manage Wildlife, Douglas County, Nevada:

My remarks do not reflect the consensus of the Board. We will meet on these bills on March 23. Our general meeting is the Tuesday before the Commission meeting. The majority of my remarks pertain to both bills, A.B. 115 and A.B. 116. Many of you on this Committee remember me from my past life as Director of the Department of Conservation and Natural Resources and, prior to that, as the Nevada State Engineer.

I don't believe going to the Legislature is the way to effect this change. We have 17 county advisory boards with 3 to 5 members each. The way to effect change is to take your concerns to the county board. Make sure they are well reasoned and based on science. If the county board feels the recommendation has merit, they will take that recommendation to the Commission, which is the body that passes regulations that affect sportsmen in this state.

One of the problems I see with legislating wildlife management is that, in the event things change, such as mule deer numbers coming back, it would take another act of the Legislature to remove this statute or to change it. I would rather see that rule-making done by the Commission.

One of my concerns with this bill is the youth. We're trying to encourage the youth to hunt, and if they're between the ages of 12 and 16, they're pretty well assured of getting a youth tag. I would like the father, the mother, the aunt, or

the uncle to at least get a shot at drawing a tag, even if they had harvested a deer the year before. In fact, I've expressed to our county Board several times that they ought to have the youth draw first, and if the youth were to draw a tag, which is almost assured, the father, mother, aunt, uncle, grandfather, or whatever would automatically get a tag so we could assure that youth could get out into the woods, experience the wildlife, and shoot a deer.

Assemblyman Hogan:

For some of us who are new to this Committee, it would help to know generally how many applications there are for mule deer tags in the typical year, how many tags are available, and how much variation there is from year to year.

Elsie Dupree, President, Nevada Wildlife Federation:

I submitted a copy of my comments ([Exhibit B](#)). I agree with Mr. Turnipseed that this should not be in statute in our state because things do change. In 1970, when I was hunting, I could easily take two deer, but today that's not the case. We don't need to have something set in steel in statute.

Our hunters are not the cause of the drop in the mule deer population. When I sent out word to the Board of Directors of the Wildlife Federation, I got several copies of this book from the Nevada Department of Wildlife (NDOW) called "Nevada's Mule Deer" ([Exhibit C](#)). It's a 2004 book that says only 5 percent of the deer population is taken by hunters. Five percent is a drop in the bucket. The Nevada Wildlife Federation does not see a need for this. We have biologists, we have the people in NDOW to make decisions, and, as Mr. Turnipseed said, we also have our wonderful county wildlife boards and Board of Wildlife Commissioners.

This is simply something we don't need at this time. I personally have not had a deer tag in five years. My husband has not had one in two years. My son has not had one in six years. However, we do not believe this is a bill that should go through.

Chris MacKenzie, Vice Chairman, Nevada Board of Wildlife Commissioners:

With me is Mike Cox from the Nevada Department of Wildlife. He has submitted materials ([Exhibit C](#), [Exhibit D](#), [Exhibit E](#), and [Exhibit F](#)). I don't want to say A.B. 116 is necessarily a bad idea on principle. The concern I have is that, after last session, we took it as marching orders from people in the Assembly and the Senate that they wanted attention paid to mule deer. We've gone ahead and initiated the mule deer planning process.

The first part of that process involved having a Department biologist, Tony Wasley, dedicate a year of his time to put together and review all the

different reports and data on mule deer, across the West and statewide, and compile it into a mule deer bulletin: *Mule Deer: Changing Landscapes, Changing Perspectives* ([Exhibit G](#)). For anybody concerned about the health of Nevada's mule deer, the mule deer bulletin is a must-read.

[Chris MacKenzie, continued.] That mule deer bulletin is the Commission's starting point for developing a mule deer plan in Nevada. There has been a subcommittee dedicated solely to drafting a mule deer plan for the state. The subcommittee includes myself as a rural sportsman's representative; Mike Reardon, a ranching representative from Elko; Dave McNinch, a conservation representative from Reno; and Jim Jeffress, a rural sportsman's representative from Lovelock. There is a pretty good representation of the varying interests that involve mule deer.

We were so impressed with the work Tony Wasley had done compiling this mule deer bulletin that we asked him to go on the road with several of us. We went to each county and presented this mule deer bulletin. It's probably the highest priority right now in terms of the Commission figuring out [why the mule deer population has declined.] Everybody knows the mule deer aren't where they were 14 or 25 years ago, when we had a plethora compared to what we have now.

I don't necessarily want to shoot down ideas that come forth like this, but we've set up a process where the county game boards communicate with one another very much, gather public input, and then bring that to the Commission for a final determination.

I imagine if we asked several of you what factors had the greatest impact on mule deer in Nevada, most people's response would be hunting and predators. As you go through this mule deer bulletin, you'll see there is a wide variety of factors that have an impact, and hunting and predators are two of the many factors. In drafting this mule deer plan, we wanted to focus on the biology first. After we get that done, we will see what we can do to make habitat and conditions better for the enhancement of mule deer.

The second prong of the mule deer plan will address ideas like the one in this bill. The idea of a waiting period after obtaining a tag has been implemented in other species, and it's been done for the sake of hunting opportunity. This has come up before and been discussed, but this has not been something the county game boards have had an appetite for in the case of mule deer.

Also, this bill doesn't necessarily take into consideration the different management units we have for deer hunting. Some areas are much more

desirable than others and much more difficult to obtain a tag in. If some go the easier route, applying in an area that may not be the most desirable but where they will have a better chance of getting a tag, are we going to treat those people the same as the ones who obtain tags in the most desirable areas? Having an across-the-board, one-year sit-out isn't necessarily fair to those people who just want the opportunity.

[Chris MacKenzie, continued.] Another concern with this bill is the junior hunt. Enough junior tags are allocated to provide virtually every tag applicant an opportunity to get a tag and go hunting. The way this reads, those juniors who obtained a tag would not be able to obtain one the next year.

There are approximately 40,000 individuals, resident and nonresident, who apply for deer tags each year. Last year, we issued only a little over 15,000 deer tags through all the different hunt opportunities, which includes archery, muzzleloader, and junior hunts. Of that 15,000, 35 to 40 percent were successful, so you're talking about 5,000 to 6,000 people who would be precluded next year if this legislation were in effect, or would be precluded this year from applying for this upcoming season. That has some obvious financial effects, including the application fees that NDOW receives, Partners in Wildlife (PIW) application fees, and the predator fees, which are all amounts that would have some, though not a huge, fiscal impact on the Department.

This is not necessarily a bad idea if the hunters, through the game board process, tell us this is what they want to do. I don't mean to belittle bringing this up here at this point in time. I think it's good to discuss these things, but we have a process in place, and, in our opinion, doing it at this point in time is a little like putting the cart before the horse.

Assemblyman Goicoechea:

We have 40,000 applications. There were 15,000 tags issued. Of this 15,000, how many of them would have been successful the year before? Do you have any way to break that down?

Mike Cox, Big Game Staff Biologist, Nevada Department of Wildlife:

I hadn't looked at it that way. Typically, it depends on the weapon class. For example, harvesting a mule deer with a bow is difficult. Not a lot of people apply for that. The hunter success rate for that weapon class is only about 12 percent.

However, for a rifle hunter, I would guess only about 10 percent to 20 percent of the same individuals who drew a tag in 2004 may have been fortunate enough to draw a tag the previous year. There have been several efforts made

to look at ways of spreading the wealth. I know people have been concerned about hunters getting multiple tags. There are too many Nevadans, and there is just not enough big game for them to go after.

Assemblyman Goicoechea:

I agree with you. And, of those 10 to 20 percent, only about 30 percent would probably have been successful. We're including the archery tag, and you not only have to draw a tag, but you have to be successful. Just getting a tag doesn't exempt you from the draw the next year. I think we're talking about a very small number of people who would actually be removed from the pool.

I represent seven different county advisory boards, and I've contacted a lot of them. Most of the real opposition to this particular bill seems to be how it would change the bonus points or the preference system that is in place. I'd like an explanation of just what impact you think that would have. Typically, if you took the tag and were successful, saw the deer you wanted to harvest, then you probably used your bonus points.

Chris MacKenzie:

Recently, if you don't want to apply for a tag, you can still apply for and obtain a bonus point. To do that, you have to be eligible for the draw. Under this, you would not be eligible for the draw, so you could not apply for a bonus point. If this were to go into effect, it would require a regulation change.

In terms of how that operates, that is a hunter opportunity. The bonus point is put into place as an equalizer for those people who are not able to draw tags, which is frustrating, without a doubt. I'm an archery hunter myself. I've been refused more than once on my application for an archery tag, and that's one of the draws with the most favorable percentages. The bonus point system is intended to be an equalizer, and this is intended to be an equalizer on top of that.

The problem is what to do if the deer populations do come back. The mule deer bulletin seems to indicate that if we get the right habitat conditions, we will experience a bounce in more tags. Then we might have tags left out on the table because some people aren't able to apply because they harvested a deer the prior year.

Assemblyman Goicoechea:

I hope you're right. I hope we get to the point where we have 40,000 applications and we have 40,000 successful hunters, but I'm not going to hold my breath.

Assemblywoman Kirkpatrick:

Out of the 15,000 tags that are issued, how many of those go to residents versus nonresidents?

Chris MacKenzie:

That's a very important issue we're dealing with. Until now, the number of mule deer tags for nonresidents has been capped at 10 percent of the draw. Since the draw was initiated in 1976, the cap on mule deer tags has been 10 percent for nonresidents. As you may know, we have been sued based on discrimination. During our next meeting in two weeks, we're going to determine how to proceed on that issue.

Assemblywoman Kirkpatrick:

How often do you look at the regulations to make changes or to get new input? Is it something you do yearly? I learned recently that some boards haven't done it for ten years. I'm trying to understand the process.

Chris MacKenzie:

To be honest, we have a very strong contingent of hunters, sportsmen, and conservation folks, the ranchers, who pay close attention to what the Department of Wildlife and the Wildlife Commission are doing. We have internal review of our regulations. People are continually bringing petitions and questions up through the county game process or directly to the Commission meetings, addressing a lot of these concerns and looking at regulations. A lot of different ideas come forward, and we address them. We have a petition process where, if it's something we think should be looked further into, we'll accept the petition, have a formal hearing with everyone from the public who is interested in giving input.

Assemblywoman Kirkpatrick:

Is it maybe quarterly, or do you have something on every single agenda? I know it varies, but what is the average throughout the year?

Chris MacKenzie:

We have approximately seven to nine meetings a year that are two days apiece, not counting all the subcommittee meetings and other things we attend. Regular meetings are typically held on Friday and Saturday at different places throughout the state to get input from different areas. At each meeting there is generally talk of a petition of some regulation, whether it's big game hunting or fishing or conservation.

Assemblywoman Kirkpatrick:

Looking at mule deer conservation overall, are we looking at ten years out before we can have more deer, or is it longer than that? There must be some type of projection on what your goal is in the next ten years.

Mike Cox:

We certainly would like to have more deer, but having a bigger, healthier deer herd is a very complex issue. We'd love to see the herd double in a decade, but I don't think it's going to happen. There have just been too many things affecting Nevada as a state, especially its wildlife habitat. We'll continue to have strong demands, by residents and nonresidents, to hunt mule deer. At least for the foreseeable future, we may not have a tremendous increase in the opportunity out there.

Assemblyman Carpenter:

One witness said if she thought she'd have a better chance to draw a tag, she would apply. If that's the case, more people might apply, and consequently get more dollars into the Department.

Chris MacKenzie:

That could very well be. We rely very heavily on our county game boards to get public input about what they desire and to bring them back to filing applications. I think there definitely is a legitimate issue of people dropping out because they're frustrated with the opportunity to draw. However, we have not received input indicating that this kind of measure is desired by Nevada's hunters.

Mike Hawkins, Private Citizen, Sparks, Nevada:

I object to the bill itself on the fairness issue alone. If we wanted to make it fair for everyone to hunt, then we could do the same thing California does and give everyone a tag. They have ten times the number of hunters, and they have a 10 percent success rate. They harvest almost the same amount of deer we do, but they're fair. They can all hunt.

I think the problem in Nevada isn't so much regulating the hunters; it's twofold. One part, which we don't have much control over, is the feed in the areas hit by drought and fires that have destroyed the habitat. The other is the predators. We're not allowed to have predator control to the benefit of the game. I have two friends who own ranches in the Elko area. They've hired private planes, and on each ranch they have killed over 100 coyotes without denting the problem. We've basically wiped out trapping and hunting for the predators because of the rules and regulations out there, and that has had a huge effect.

[Mike Hawkins, continued.] If you look at the NDOW statistics, you need to look at the money we are going to lose, not just for the hunting, but for the fishing and for the wild birds. When I buy a tag, I buy a combination tag for fishing, deer, upland game, ducks, and geese. The people you put out with this are hunters, and we are going to go somewhere to hunt. We're going to take our hunting tags and go out of state. We're going to buy the hunting and fishing licenses out of state, and we're going to buy for the upland game out of state, because we hunt them both together.

It will have a huge impact on the hunting areas, on each county, and on NDOW's fees—they have a fee for everything, and they just raised the fees. I'm afraid they're going to have to raise the fees again. With the success rate at 55 percent, I'm willing to apply for a draw, and I get just as mad as everyone else when I don't get a tag.

I think, from a fiscal standpoint, you need to look at the revenue you're going to lose, not the money you're going to gain from those outside hunters. Once you lose hunters, chances are they're going to find hunting grounds better in Idaho and Washington than in Elko and easier to get to in Oregon, with fewer problems. They're going to keep going there. You won't get them back. These are long-time hunters, not people who have just started.

Chairman Claborn:

I'm not sure we're going to lose any of them.

Mike Hawkins:

I know people who have already left because of not being able to get a tag, and they won't come back even if you put their name in.

Chairman Claborn:

That's the same thing as well. If people can't get a tag now, they don't even apply for one. I'm not buying what you're saying.

Mike Hawkins:

Then we can open it up like California, where everyone can have a tag.

Chairman Claborn:

That's fine, too.

Janine Hansen, President, Nevada Eagle Forum:

We are concerned about this bill. I understand the issue of fairness. I'm a very recent deer hunter because of my son's urging. I first got a tag in 2000, but I didn't harvest a deer. In 2003, I actually did.

[Janine Hansen, continued.] I think it very important that our young people have the opportunity to go hunting. It is a very important opportunity for parents, aunts, uncles, and others to be able to go with them. It is a very important family experience. For me, the most important thing about deer hunting has nothing to do with the deer. It has everything to do with the experience of the family going together, getting there together, cooking the meals, being by the campfire, and sharing that wonderful experience. I am concerned that, if you start leaving people out when they get a deer, especially young people or people who haven't had much opportunity, those precious years when they are young and have the opportunity to develop these skills and an interest in hunting will be lost. For me, starting when I was so much older, I'm not going to have a lot of opportunities to hunt in the future. My concern is that this be a family event, and that the young people get involved.

I am concerned, as well, about predator control. Rather than restrictions on hunters, we need more restriction and control over predators. In that way, this bill does not aim at the real problem of why there are not enough deer for those who want to participate. I think one of the most important things about the culture of deer hunting is teaching young people how to responsibly use a gun and how to support the right to keep and bear arms.

This bill is aimed at fairness, but it might not be the best way to achieve it. I got a deer tag in 2000, and I got one again with my family in 2003. I didn't get one in 2004, and I had shot a deer the previous year. By the luck of the draw, most people don't get a deer tag the next year anyway, so I don't think it's that big an issue. For those who are discouraged, I would say just keep trying, because you'll never have a chance if you don't participate.

Chuck Arkell, President, Nevada Sportsman Coalition:

We're a recently formed nonprofit in Las Vegas. Our concern, after polling some of our membership about A.B. 116, is about limiting the choice every other year. We have a problem right now in Las Vegas with exploding growth, having enough people buying hunting licenses. We are concerned that this bill does not necessarily address the opportunity to hunt, as it doesn't guarantee we would actually draw a tag. We have a split decision on this; we haven't actually come out in favor of it. The bill doesn't necessarily address the overriding problem of guaranteeing a tag.

Joel Blakeslee, Member, Board of Directors, Coalition for Nevada's Wildlife:

Many of our concerns have been echoed by Mr. Turnipseed, Mrs. Dupree, Mr. MacKenzie, and others. I sat on the County Wildlife Advisory Board in Washoe County for six years, and I've heard this type of thing hashed,

rehashed, and debated. Hundreds, if not thousands, of hours of testimony have been taken throughout the state by county advisory boards and the Wildlife Commission.

[Joel Blakeslee, continued.] Maybe this is a good idea, and maybe it isn't, but I think, from the Coalition's standpoint, we would encourage Mr. Reese to bring this issue to the Clark County Advisory Board and then to the Wildlife Commission. It's a venue that has had a lot of experience in this type of thing. That's what we'd like to see.

Tom Smith, Member, Board of Directors, Coalition for Nevada's Wildlife:

I believe the management of wildlife in Nevada should be left to the Wildlife Commission. Their management is based on the input from the county advisory boards and from the Nevada Department of Wildlife. The county advisory boards and State Wildlife Commission are volunteer positions that are nominated, in large part, by concerned sportsmen and women and conservation groups throughout the state.

The boards have many meetings throughout the year, at which the public can make recommendations to the boards on the management of wildlife in Nevada. These recommendations are weighed by the advisory boards with input from trained biologists and game managers, and different suggestions are implemented or not based on the science and the needs of the state at the time the suggestions are made.

To regulate game management through the legislative process circumvents the reason these boards are in place, and makes adaptive management impossible. If we have several years in a row with good water and good range conditions, the deer herds may increase to the point where more tags may need to be issued for areas throughout the state. To have to wait for the Legislature to reconvene would be prohibitive.

Many of the bills being introduced reflect the inability of constituents to have their personal ideas implemented by the open public processes now in place. When the ideas they put forward are deemed unworkable or, in some cases, even detrimental to the management of wildlife, they seek to have laws and regulations passed, either through the legislative process or through the courts. Many hardworking people have had input into the management process for generations in the Legislature, at NDOW, and as volunteers to the advisory boards. Just because there is a very vocal minority who do not get their own way is no reason to change a process that has proven successful for so many years.

[Tom Smith, continued.] Changing the law to forbid those who have been successful would also affect the purchases of hunting licenses and revenue to the Nevada Department of Wildlife. This could affect the Department's already tight budget. There should be no reason at all to restrict successful hunters from hunting the next year.

In many instances, the hunter who was successful has hunted for several years in a row without being successful, and now that he is successful, there should be no law that says, "Too bad. Now you cannot hunt again." This would be the same as telling a slot winner that you won a jackpot this year, now you can't pull the handle again for another year. This doesn't make any sense.

It is also important that the children of the state have the opportunity to hunt and fish without further restrictions being placed upon them. Taking away their right to hunt and fish is not a good policy, and may even turn them into non-hunting or non-fishing sportsmen out of frustration. Limiting them or their mentors or parents from hunting based on success is counterproductive and alien to the Nevada and American lifestyle. Why would anyone reward success with denial?

I think many of those comments would also apply to A.B. 115.

Chairman Claborn:

You have 9 wildlife commissioners and so many people on the county wildlife advisory boards; you probably have about 40 or 50 people. You probably have 30,000 to 50,000 people who hunt. Is that correct?

Tom Smith:

That is correct.

Chairman Claborn:

That doesn't mean they don't know what they're doing when it comes to wildlife. It seems from the testimony I get in here that if they don't belong to the Wildlife Commission, or if they're not on a county wildlife advisory board, then the folks that I and the other legislators represent don't know anything.

Tom Smith:

No, sir, I don't believe I said that at all. There are many meetings held every month throughout the state of Nevada by the Wildlife Commission and the county advisory boards, and every member of the public is welcome to come and talk. I think every person's testimony at those boards is taken into consideration.

[Tom Smith, continued.] I've attended many of the meetings myself, and not enough people come to those boards, and not enough of the public get involved. We'd love to see many more people get involved all of the time. That process is very public and open, and participation by everybody is welcomed.

Chairman Claborn:

Then it must not be working, because we get all these petitions here from people wanting us to put these bills in for them. These bills are not all my bills. I just want you to understand. I'm not chastising you or anything. I just want it known here that we represent the people. That's what we are; we are a citizens' Legislature. They have minds of their own as well. Just because they don't belong to the Wildlife Commission or a wildlife advisory board, we still represent our people.

Tom Smith:

I agree, and I think you represent your people very well. I would like to see a lot of those people you represent come to the meetings and express their opinions there so that the people charged with managing the wildlife of the state of Nevada have that input.

Rick Elmore, Private Citizen, Reno, Nevada:

I want to share a couple things with you. Six generations of my family have enjoyed the mountains in Nevada. It has now been seven years since I had a deer tag in Nevada, and it may surprise you to learn that I have absolutely no problem with that whatsoever. I think it's a fair system. As a matter of fact, I think it's one of the most carefully and fairly implemented systems in the western United States.

When I apply every year, I make my draw odds difficult by the areas I choose. However, I know that there are places I could apply where I could almost be guaranteed a tag. That is certainly true with the number of bonus points I have accumulated. I talk to people who have not received a tag in several years. I ask them why they don't apply for an area that is not so difficult to draw and where the ratios are very favorable for someone who wants to draw a tag.

What I find in most of those instances is that people have applied in places that are their family favorites. A good example would be the areas in Elko County. There used to be a lot of tags in parts of Elko County, and those tags have been dramatically reduced. That reduction has primarily to do with habitat conditions there. The people who stop applying because they can't get a tag in their favorite place in Elko County haven't started the process of looking in other counties where they might improve their odds.

[Rick Elmore, continued.] I'm not sure it's ever a good idea to try to increase opportunity by taking opportunity away from other people. Using the numbers from last year, some 6,000 people would be ineligible to apply this year, and I doubt an argument can be made that 6,000 people who have applied in the past would return to the draw and apply. I think, when you limit that opportunity, you're most certainly going to see a steady decline in the number of people applying.

Worst of all, I want you to contemplate the circumstance with kids and the effect this bill is going to have on younger hunters in the state. Many years ago we worked really hard to implement a youth draw system to encourage kids to participate and to have a continuing interest in hunting. I think this bill is going to go directly against the hard work we have put into the present system. We're going to lose kids, we're not going to get those kids back, and that's going to be a tragedy for wildlife in the state of Nevada.

Fred Church, Bow Hunting Chairman, Nevada Bowhunters Association:

I really have to agree with everyone here who spoke in opposition, especially with what Mr. Elmore just said. Archers look at this a little differently because we have a low success rate. If we're harvesting at 12 percent, we're only going to lose that small number of people the very next year. However, you are going to have tags left over.

The muzzleloader hunters and rifle hunters are going to complain. They are the ones who have a success rate around 50 percent. They are the ones you're asking to turn over. That's how our application system is processed. The number of actual deer we can harvest is expanded by the success rate of the individual hunting group. The muzzleloaders and rifle hunters are expanded at a 50 to 55 percent rate. By taking those particular people out, I think it's going to hurt those people more than it is anybody else.

About the youth hunt, the youth are able to get tags almost every year—maybe not for their special area around Reno, but they can apply for the bigger areas, such as Elko and White Pine Counties. They're able to hunt with all three weapon groups, even though a majority of those kids are hunting with rifles. If you go with this theory, you're going to remove half of those; right now we're filling all of those, and then what are we going to do? The idea is you're trying to promote hunting here, and that's what we have with the youth hunt.

I think this type of legislation is the wrong idea. We have a process of county advisory boards. If these individuals have a problem, or don't think something is going right, they should go to the advisory board in their particular county. It's much easier for those individuals to go to their county meetings. In the larger

counties, like Nye County, meetings are held north and south. Clark County tries to hold theirs in Las Vegas, Henderson, and even other places further north. All the counties do that just to get the input.

[Fred Church, continued.] I've had access in my profession, and I'm able to come and testify to you. However, other people are not able to get to the Legislature, to come down here and testify when you have these bills. It's a 2-year process. Every month I can go to a county advisory board or the Wildlife Commission, put petitions in, and tell them what I think. That is much better than coming to you folks here and asking you to have these kinds of bills put through.

Chairman Claborn:

But that's what we do, Mr. Church. We are legislators. We have constituents. That's what we're doing here today, the legislative process. I'm going to close the hearing on A.B. 116 and go to A.B. 112.

Assembly Bill 112: Requires certain vessels to carry on board certain safety devices. (BDR 43-770)

Assemblywoman Bonnie Parnell, Assembly District No. 40, Carson City (part), Washoe County (part):

This is a bill that Senator Amodei and I bring before you on behalf of one of our constituents. Less than a year ago, DeeDee Petrilena and her husband rented a houseboat on Lake Mead. Their adventure on Lake Mead quickly turned to tragedy. This bill can't change the outcome of what happened that afternoon, but it could very well prevent such an incident from happening in the future. You will be hearing from her shortly, as well as Fred Messmann from the Department of Wildlife. Senator Amodei and I are just here to do a brief introduction and then turn it over to the people most knowledgeable about what happened.

Senator Mark Amodei, Capital Senatorial District:

I'm here this afternoon in support of this bill. I think A.B. 112 represents an opportunity, at minor expense, to achieve some phenomenal cost benefits in terms of safety. This measure, if you pass it, would meet basic life safety requirements by providing another tool in that cache of tools available for those folks who enjoy boating and recreating in watercraft on the waters of our state.

Finally, I think it provides something that, in many instances, will already be in many of the watercraft it would apply to, if passed by the Senate and Assembly

in this state, so many people are already in compliance with this measure. I urge your earnest evaluation and favorable consideration of A.B. 112.

Assemblywoman Parnell:

It's kind of silly to be talking about what this bill does before the Committee members know the story of what happened and why we feel this is necessary. DeeDee Petrilena will speak next, and then you'll know why we brought this to you.

Delores Petrilena, Private Citizen, Carson City, Nevada:

[Read from prepared testimony, [Exhibit H](#).] I'm here to give my testimony today on A.B. 112. I contacted Assemblywoman Parnell after my husband's drowning accident on May 23 and asked her to help me draft a bill that would change the current law regarding Type IV flotation devices.

What began as a long-awaited vacation trip with friends ended up in a tragedy that changed all our lives, a tragedy I feel might have been avoided if a life ring, a Type IV flotation device, had been prominently displayed and had had a throwing line attached. It was the first day of our vacation on a 65-foot houseboat we had rented from Forever Resorts. We had taken off across the lake from Callville Bay, and we headed off toward Temple Bar looking for a cove to dock the houseboat for the afternoon and evening.

We pulled into Grebe Bay, and a couple of the men took our ski boat to go look for beaches to dock our boat on. After looking at a couple of them and not feeling they were suitable, we decided to send them to investigate another bay, so they took off and went around the point.

At this point, the wind had calmed down, and it was beginning to get warm. Vinnie, my husband, called down from the top deck to tell me to turn off the engines and the generator because he felt like going for a swim, and he wanted to go off the slide. During our houseboat orientation, we had been thoroughly instructed on the importance of turning off the generator when swimming around the houseboat to avoid the deadly carbon monoxide gases. I turned off the engines, made sure the generator wasn't running, and ran to the back deck to watch my husband go off the slide into the water.

The water was calm, and everything seemed perfectly safe. Vinnie went down the slide and into the water, came up, and was

swimming around. He asked me to join him, but I reminded him I was the only one left on the boat who could operate it.

[DeeDee Petrilena, continued.] So Vinnie decided to swim in. He began to swim back to the boat, and it looked like he was standing still in the water. Apparently, a slight breeze had picked up and was moving the houseboat away from him. He took about ten strokes and looked up, expecting to be at the boat, but he wasn't any closer.

When he looked up, I could see the panic in his face, and I realized he was in trouble. He began to swim harder toward the boat, not making any headway. I immediately turned around to look and see if there was anything to throw to him—a rope, a life ring, anything. There was a fishing net with a pole, but it wasn't long enough. My next thought, since there wasn't any type of flotation device available to throw to him, was to get the boat to him. I yelled at my husband, "Sweetie, just calm down and I'll bring the boat around to you."

I immediately ran to the front of the houseboat to get to the helm. I remind you this was a 65-foot houseboat. At this time, Vinnie began calling for help. The rest of our friends were lounging on the front deck of the houseboat and heard Vinnie yelling. They immediately got up, and I yelled at them to grab the life jackets while I got the boat closer to him.

The life jackets were stored in a cabinet in the front living area of the houseboat, not in sight and not easily accessible in an emergency situation. They ran to the back deck of the houseboat, and I attempted to turn the boat around and get it closer to my husband. Any of you who have operated a houseboat know how difficult this is. It is very large and cumbersome, and does not respond quickly like a ski boat or fishing boat, and it is very slow-moving.

I had a lot of difficulty trying to turn the boat. It took all of my physical strength to try to maneuver the boat around in the water, and, by this time, the wind had picked up a little more. I finally got the boat turned around and headed it toward my husband. I didn't want to run over him, and, not being that familiar with the boat, I probably cut the engines too soon. The result was that we drifted toward him, but to the side.

[DeeDee Petrilen, continued.] The houseboat was acting like a sail in the wind. We tried to throw him a life jacket, but the wind caught the life jacket and blew it away from my husband. At this point, Janet, one of our friends, grabbed the Type IV flotation cushion and jumped into the water to swim to Vinnie. We didn't want to lose the only flotation cushion on the boat to the wind. If we had had a life ring with a throwing rope attached, we would have been able to throw it to him, and, if it didn't come close enough, retrieve the ring and throw it to him again. We would also have been able to use the rope to pull Vinnie back to the boat.

Janet was swimming toward my husband, but he couldn't stay afloat any longer, and we lost him under the water. After ten months, and three separate searches, we are still looking for his remains.

After the accident, I was told by Marc Burt, the National Park District Ranger, that with a five-mile-an-hour wind, Mark Spitz couldn't swim back to the houseboat. I truly believe that if a Type IV flotation ring with a throwing line attached had been prominently displayed, my husband's accident would have been averted altogether. Please approve A.B. 112 and help keep residents and visitors to Nevada safer in our waters.

Assemblywoman Parnell:

Fred Messmann, from the Department of Wildlife, is here to walk you through the bill. He is the gentleman I called after DeeDee contacted me to find out what we needed to change and what existing statute looked like. Fred took it from there and eventually met with DeeDee and discussed the situation, so Fred actually has the proposed amendment ([Exhibit I](#)).

Fred Messmann, Boating Law Administrator, Nevada Department of Wildlife:

I am the immediate past president of the National Association of State Boating Law Administrators (NASBLA), and I have achieved a lot of recognition nationwide with the U.S. Coast Guard in my 15-year tenure. This is an issue that NASBLA has been visiting for the last couple of years. When I received the phone call from Assemblywoman Parnell asking me to help with this bill, I jumped at the opportunity.

However, in reading the language that the Legislative Counsel Bureau proposed, I felt there was a better way to do it. Not wanting to submit something that would be unacceptable to Assemblywoman Parnell and Senator Amodei, but

most importantly, unacceptable to DeeDee Petrilena, I contacted her and asked if I could come to Carson City and meet with her to discuss this.

[Fred Messmann, continued.] With those discussions, and based on my experience, I have submitted a proposed amendment ([Exhibit I](#)) to A.B. 112. The first page is basically my testimony. The last two pages are the way the current *Nevada Revised Statutes* (NRS) and the *Nevada Administrative Code* (NAC) already address much of the issue.

NRS 488.193 currently provides that every vessel must carry at least one personal flotation device (PFD) of a type that is approved by the U.S. Coast Guard, for each person on board. Those are the wearable life jackets. NAC 488.405 prescribes that the Commission will provide for the kinds of life jackets to be worn. First, the statute directs that the life jackets must be carried. Next, the Commission defines what those kinds of life jackets are.

The regulation states that a person shall not use any vessel, regardless of its method of propulsion, that is 16 feet or more in length unless there is at least one life preserver of Type I, II, or III—the wearable kind—for each person and at least one life preserver of Type IV on board. You probably have in mind an orange life ring with the little cords on the end of it. I've brought a display so you can see what other buoyant cushions are approved by the U.S. Coast Guard (see [Exhibit J](#)).

The provisions of this bill are really already incorporated in NRS and NAC, except for the provision requiring not less than 60 feet of line attached. Based on our experience, the requirement for 60 feet of line attached to a Type IV throwable PFD on vessels 16 feet and over would be burdensome to vessels of less than 26 feet. Consequently, you will see in our proposed amendment that we're changing the requirement from 16 feet to 26 feet. The idea behind that is that the smaller vessels are more easily maneuvered, so they are not in the position DeeDee was in. They are quicker and easier to maneuver, and most people are familiar with those smaller vessels.

We also had a concern about the attached lines maybe being a tripping hazard, perhaps creating more problems on smaller boats than they would solve. Although lines of 25 feet or more are encouraged, we don't think it should be a requirement. I did contact DeeDee and Assemblywoman Parnell to discuss that situation, and they are in agreement with that change.

In 2004, the Department of Wildlife issued 491 warnings, primarily Type IV violations, and 289 citations, primarily wearable. One of our big problems is

getting the boating public to understand in the first place that they are required to carry those throwable life jackets with them.

[Fred Messmann, continued.] One thing that is not included in the bill, and that I think is probably a better way to address the problem, is with a definition of "readily accessible." There is currently no such definition in NRS or NAC. This is an issue on a national basis. If this legislation is successful, it will probably serve as model legislation for the rest of the nation and for the U.S. Coast Guard.

As far as NDOW is concerned, there is no fiscal impact on this bill. We already have a requirement for life jackets to be carried. Some life jackets are required to be worn, and our officers are already out there doing that job.

The proposed amendment would replace all of the current Section 1, subsection 2, with the Section 2 I've identified at the bottom of the handout ([Exhibit I](#)). It would read, "For the purposes of this section, readily accessible for use in an emergency." So this is referring back to Section 1 in NRS 488.193, because 488.193 already says, "readily accessible for use in an emergency." We would further define that by saying they are immediately available by being, for wearable PFDs, worn.

The reason I put that in there is first, we have a major issue with trying to consciously get people to voluntarily wear their life jackets. This would be a good way to store them. The second issue is that, for personal watercraft, the law already requires that they be worn, so this would cover all boats required to have life jackets on board. They could be worn or stowed where quickly reachable and ready for wear, out of their original packaging, and not under lock and key.

For throwable PFDs, which are the round ring buoys or this type of cushion ([Exhibit J](#)), on vessels less than 26 feet, stowed in close proximity to the operator of the vessel in a position to be thrown to a person overboard by either the operator or a passenger. On vessels 26 feet and longer, with not less than 60 feet of throwing line—I wanted to clarify that not just any old line was going to work here; we need a throwing line, not monofilament fishing line—prominently displayed on a bulkhead, railing, or gunwale, in a position to be thrown to a person overboard by either the operator or a passenger.

In the interest of getting feedback from anybody that might be affected by this, I contacted the Las Vegas Bay Marina and requested that they appear in Las Vegas to testify on this. I also contacted Bruce Rowe, one of the executive officers for Forever Resorts, which owns Callville Bay and the houseboat that

DeeDee's husband died on. They have, to their credit, already implemented a policy. Mr. Rowe could not appear today, but I spoke with him and received his permission to use his name and advise the Committee that they are, in fact, going to comply with this whether it becomes law or not.

Assemblyman Grady:

If a boat leaves a marina on the Nevada side and it is in more than one state, if we pass this legislation, is that enforceable anywhere on the waters, or just on the Nevada side of the waters?

Fred Messmann:

The legislation specific to "readily available" and this provision here would only be enforceable by and on waters of the State of Nevada. However, as I mentioned earlier, this would become model legislation. Many of the states, including Arizona, Utah, and California, are interested in passing something similar. We also have an interstate compact that allows officers from Arizona and Nevada to go to the other state's shoreline to enforce laws that are similar.

In this particular case, this part would not be enforceable, but this becomes more of an education issue. It's a better way to educate boaters and really say, "This is what 'readily accessible' means." It's right there so you can look and grab it and go. It's not in a storage container such as in this case here.

Senator Amodei:

We heard a bill last week in Senate Judiciary that provides for concurrent jurisdiction by the Department of Wildlife with their counterparts in Arizona on Lake Mead and all the lakes that are in common on the Colorado River. That legislation, which was not controversial in the Senate, would apply in this instance, so the answer to your question would be yes.

Assemblyman Carpenter:

How many of these devices are you recommending would be on a vessel, just one on each, or more? It seems like a large boat would need more than one. What are you recommending?

Fred Messmann:

The law currently requires one. Our recommendation is that they follow the law, so, whereas they would be required to have one, there is certainly nothing that precludes them from having more than one. In the case with Forever Resorts, they are going to use round ring buoys, and these [indicated throwable flotation cushions] are what they currently have on board. I'm not exactly sure what their intent is.

Assemblyman Carpenter:

Do you believe just one to be adequate? That houseboat was 65 feet long. It's going to take quite a while to run around that boat.

Fred Messmann:

My belief is that a 65-foot houseboat should have a ring buoy on each side of the vessel and that, on the larger boats from 40 feet on up, that would be a reasonable request. We can consider that. I did have some discussions with the Las Vegas Bay Marina, who have some concerns about the length of the throwing line. I also talked to Assemblywoman Parnell and DeeDee Petrilena, and, if there are some recommendations concerning a different length of line, we're open to that as well.

Assemblyman Hogan:

From looking at the current law and the proposal, do I understand correctly that it is now and would be after this is enacted, still be sufficient to have, on a boat of that size, one flotation cushion with no rope attached at all?

Fred Messmann:

This proposed amendment would say that vessels of less than 26 feet would not be required to have a length of line attached. That is correct.

Assemblyman Hogan:

But if it remained an alternative for the Type IV to be either in the nature of a ring buoy or a flotation cushion, would the flotation cushion also need to have a line with which it could be retrieved and rethrown? I think in a rescue operation it certainly is very helpful to be able to throw the device, hold on to the other end of the line, and, if your throw was not accurate, quickly get it back and throw it again. If the cushion is the only device of Type IV, does it also have to have a line so that it can be retrieved?

Fred Messmann:

One of our concerns about having a line attached is that if you weren't educated and trained, and maybe didn't practice this, you would grab the cushion or ring buoy and throw the whole thing without grabbing the other end. Then the question was whether to have it attached to the vessel by some means. Sometimes that is not a good idea, especially if, as Mr. Carpenter pointed out, we only have one of those types of devices and the person happens to be overboard on the opposite side of the vessel. We need to make it fairly easy to grab and go and hold onto the other end. Did that answer your question?

Assemblyman Hogan:

Can I be in compliance with this law if my vessel is more than 26 feet long and has a Type IV flotation device with no line attached to it at all?

Fred Messmann:

No, you would be required to have a line attached. If your vessel is 26 feet or longer, you have to have a line attached to a throwable device.

Assemblyman Hogan:

That's certainly the answer I wanted. I'll look again and try to find it.

Assemblywoman Smith:

Mrs. Petrilena, I just want to say thank you for bringing this forward. I'm sure it was very difficult. I couldn't help but think, during the previous hearing, how hard it must have been for you to have to listen to a discussion of deer tags when you had such a serious issue you were waiting for. I've been talking to Ms. Parnell about this bill, but I didn't realize who the person was. I knew your husband many years ago when he was an apprentice in a program I was involved with. I really hope we can process this bill in the best format possible. I truly thank you for having the courage to pursue this when you dealing with what you are.

**Gail Kaiser, Co-Owner, Las Vegas Boat Harbor, Las Vegas Bay Marina,
Las Vegas, Nevada:**

My family has owned and operated the Las Vegas Boat Harbor, a marina on Lake Mead, since 1957. For at least 10 years, the family law has been that a line is attached to a throwable device. Any boat that we sell, as well as each of our rental boats, has a square, buoyant cushion to which we attach 25 feet of line, which is a reasonable amount of line to handle. When you get much longer than that, it only gets tangled, and then it's more of hindrance than a help.

The federal law, even though it does not say "line," also says the throwable device must be immediately accessible. Therefore, the National Park Service, which is also an enforcement agency on Lake Mead, can also enforce the fact that you have to have a throwable device that is immediately accessible.

Assemblyman Carpenter:

Are you saying that even a boat larger than 26 feet should only have 25 feet of line?

Gail Kaiser:

Yes, that's true. If you've ever tried to throw a device with a line attached, it's very cumbersome to put much more line on it than that. Also, most people can't

throw a device much further than that anyway, depending on the weather conditions, which way the wind is blowing, and where you can get on the boat. I've brought a 25-foot section of line and a 60-foot section of line. When I brought the line into this room, I put the 60-foot line on the floor and picked it back up, and it was all tangled. That's what we found in almost everything we've done. Thirty feet of line is okay, but if you get much more than that, it is unmanageable. You can't put it someplace on the boat where it's not going to be tied in knots before you get to it.

Bruce Nelson, Service Director, Marine Center of Las Vegas, Las Vegas, Nevada:

The Boy Scouts said it best in their education for the lifesaving merit badge. The motto was, "Reach, throw, and go." Reaching for a victim is the safest way to get hold of them. The throwing device works. Having it attached to a line of appropriate length is significant.

Most people would stow a cushion in their boat wrapped much like the one I have here [held up packaged cushion]. By the time you peel the wrapper off, get the line, and throw the device, it would probably be a tangled situation. A major advantage of having a line on it, of course, is to retrieve the device for a second shot. It always depends on the wind, the wave conditions, the type of boat, and the hindrances that are on any particular boat, and there are many. The purpose of the line is to get the victim back in. It certainly gives you the means to do so. I would encourage the 25-foot line to be maintained, as it has been effective in most circumstances.

My sincere condolences to Mrs. Petrilena regarding her situation. There is a great deal of merit behind her fight here, but I contend that the 25-foot line is quite sufficient for the job at hand.

Assemblywoman Parnell:

We're more than willing to work on the language regarding the length of the rope. We just want to make sure that when you throw a cushion off the boat in an attempt to save your loved ones, the wind can't just randomly pick that cushion up and blow it out of the way of the person you're trying to reach. That was really the tragic part about trying to save Vince.

There were two comments DeeDee made in her presentation that we want you to remember. The first was when she said, "It was stored in the cabinet." She actually had to try to find that flotation device. It was not easy for her to get at, which is also addressed in the bill. It must be not only attached, but located in plain sight in a place people can reach easily in order to respond as fast as they can. It must be readily accessible.

[Assemblywoman Parnell, continued.] DeeDee's other comment was that they could not retrieve the flotation device. That's why we came up with the language about the rope. If it's thrown out, then it is at least retrievable.

Those are the two situations we wish to correct. I don't think the issue of whether the rope is 60 feet long or 25 is going to be a problem for any of us, including Senator Amodei. We would be happy to work with you on any amendments.

Assemblyman Goicoechea:

In the interest of getting this legislation processed quickly, would it maybe be more appropriate to have the matter of the length of the line taken care of in the NACs, where it is more readily adjusted? We live with ropes, and I have a concern that 25 feet may not be long enough. You'd hate to have it 10 feet short. It might be more appropriate to say the flotation device should be attached or have a line on it to retrieve it on any boat over 26 feet, and then leave the length in the NACs, where it would be easier to fix in case 25 feet winds up being too short.

Fred Messmann:

When I first saw this, I thought it would be appropriate that the length of the line being attached could be handled through the regulation process. However, if we're going ahead with the definition of "readily accessible," there was an opportunity to put it there, and it wouldn't hurt anything—I don't know where the 60-foot requirement came from, but I appreciate Las Vegas Bay Marina saying that, in their experience, 25 feet would be fine. I will defer to them as to the length of line, but it could go into regulation.

Assemblyman Goicoechea:

Thank you. I was looking to move the bill. If we had language that could be amended concerning a minimum of 25 or 30 feet, then it looks like the length should have been longer, you could amend the regulation through the NAC process.

Assemblyman Hogan:

I would certainly like to see this enacted as soon as possible. It may also be possible to put in, without any loss of time, a requirement that these throwable devices be located port and starboard on the larger vessels.

Chairman Claborn:

We'll hold this over for work session and close the hearing on A.B. 112. I'm going to turn the gavel over to Mr. Atkinson.

Vice Chairman Atkinson:

Next, we will hear testimony on A.B. 115.

Assembly Bill 115: Authorizes Board of Wildlife Commissioners to establish area where hunting of certain mule deer is prohibited. (BDR 45-865)

Assemblyman Jerry D. Claborn, Assembly District 19, Clark County:

The Board of Wildlife Commissioners is required by law to establish policies and adopt regulations for the preservation, protection, management, and restoration of wildlife and wildlife habitats. As it is currently written, this bill authorizes the Board to establish a management area for mule deer where a person may not hunt a mule deer unless the deer has at least three points on one antler. However, after consideration of some advice I have received, I would like to propose an amendment to this bill so that, instead of the deer needing at least three points, it should be changed so the deer must have at least two points on one side.

The reason for this is that it helps young deer to grow up so they can help improve the deer population. Right now, young deer are being killed before they have the opportunity to mate, and this is not good for the overall deer population. For people who hunt, we are talking about a spike deer.

Assemblyman Goicoechea:

As I see this bill, this is only enabling legislation. It does not require that the Commission do this; it only says they have the ability to create it.

Assemblyman Claborn:

Yes. We all know that the deer population out there has been dwindling and dwindling. Since 1999, we have tried to get something done to bring the mule deer back. We changed the Division to the Department. We did everything we could for NDOW, and we still see no results. Everybody on the Committee knows what I'm talking about.

These bills actually come from hunters and fishermen out there. When the time comes that this needs a lot of signatures, or you want to see a lot of emails coming here, you'll have them. We can produce them. It is my job as an Assemblyman to come here and represent my constituents, whether they are hunters, fishermen, carpenters, or whatever, and that's just what I'm trying to do.

[Assemblyman Claborn, continued.] We're trying to bring the mule deer herd back. We haven't had any success since 1999, so we're trying. All I'm doing here is trying to help. Any time people go to a Board meeting down there, what I hear from them is that the Board won't listen to them. That's why I've sponsored these bills.

Mike Hawkins, Private Citizen, Sparks, Nevada:

I've been a hunter for a lot of years. I'm presently what they call a horn hunter, like a lot of the older guys out there. We do not have to kill a deer. We go out there for the experience, and we look for the biggest thing out there. I will refuse to shoot something that doesn't meet my standards.

However, I recall a hunt I had with my son, his very first experience. He and I went out for a seven-day hunt up in northern Washoe about 13 years ago. There were plenty of deer in this state. We hunted for seven days without seeing a single thing, and we both hunted from morning till night. At the end of the seven days, we decided to stay another day. At that point in time, I told him to shoot anything if he got a chance to shoot at any buck deer out there. We saw one, and he shot it. It happened to be larger than that, but he could have missed out on a hunting experience that will now be with him for life.

It's an opportunity for young hunters to shoot deer. We don't devastate herds. The young deer that survive, mate. Nine times out of ten, the ones that don't survive wouldn't have survived anyhow. Natural selection will pick them out. They do not mate with the does until later in life. The opportunity for young hunters is what we're looking at here, and that's what would be taken away.

Assemblyman Hogan:

Would the proposed amendment changing the requirement from three points to two reduce your concern?

Mike Hawkins:

We already have a spike or better rule out there. After eight days, and being 14-year-olds, would you have shot?

Elsie Dupree, President, Nevada Wildlife Federation:

[Read from prepared testimony ([Exhibit K](#)).] Breaking this down to two on each side, what we hunters call "forkies," wouldn't make any difference. If you have talked to a biologist or read any biology book, you'll see that having biggest, heaviest rack shows that a deer is healthy and that it has good genes. This is what we want to breed the does to make the deer herd increase. If a deer has a small rack, only one or two points, it could be very old or

unhealthy. What you are doing by shooting big racks is cutting down the herd population by letting the weaker animals with the poor genes breed.

[Elsie Dupree, continued.] If you have this area described in the bill, we want to see that they have limited tags in this area like they do in the Sheldon Antelope Refuge. Right now you hunt for the big deer on the Sheldon, but there are only a limited amount of hunters. We would not want to see this go statewide where you can just go out in different areas and only shoot the bigger deer. We want to see these herds grow with the strongest genetic material possible.

Assemblyman Carpenter:

Elsie, this bill provides just for "may." It doesn't say "shall." They may do that. For years, I tried to get the Department of Wildlife to set a more favorable situation for young hunters, and young hunters have been mentioned here a great number of times. Sometimes the Department takes a little prodding to do certain things. They could or could not do this, the way I read the bill. If they took testimony that was favorable, they could do it. If not, they could leave it alone.

Christopher Sewell, Private Citizen, Reno, Nevada:

My oldest son Brian and I are here for two things: for his education, because I think being part of the process, even at his age, is a valuable experience that will last throughout his life; and to speak against A.B. 115. There is NRS 503.120, which this Legislature has passed, which gives the Department of Wildlife and its Commission the authority to set regulations concerning mule deer and elk and the definitions in a hunting area as to whether it needs to be more than a spike, more than three points, more than two points. That is the policy this Legislature has set concerning the authority given the Department of Wildlife. I think that's how it needs to stay.

I understand Assemblyman Carpenter's situation where sometimes the government doesn't work very quickly, and sometimes they do need prodding, but I don't think this is very good for our hunters. Please, leave it in NAC and up to the Department of Wildlife and the experts to deal with the issue. Let the Department of Wildlife, the Commission, and the biologists get down to the nuts and bolts of things. Listen to them. To bring home this issue, I would like my son to speak about a situation that happened to him.

Brian Sewell, Private Citizen, Reno, Nevada:

Last November I got my very first deer tag. The day I shot my very first deer, I had the choice of a smaller three-by-three or a larger two-by-two. I shot the larger two-by-two because I knew I would get more meat in the freezer. That's why this bill should not be passed, because it could always be a bigger deer with less points and a smaller deer with more points.

Joel Blakeslee, Member, Board of Directors, Coalition for Nevada's Wildlife:

I gave you a handout ([Exhibit L](#)) regarding four-point bucks and three-point bucks, and we've since amended that. I'd like to briefly discuss wildlife management again. I certainly don't want any member of this Committee to think I have any disrespect for any of you and your abilities. In fact, I have a tremendous amount of respect for you.

The question of fairness has come up. Hundreds of people over many years have crafted the current system. It's been heard in many counties by many people, and I think it would be unfair to those people to shortcut the system and basically negate what they have tried to accomplish.

I do applaud the "may" rather than "shall" in this. As Mr. Carpenter mentioned, that's a positive part of this bill. However, we have a very complex method of determining our mule deer allocations based on a complex set of arrays based on buck-to-doe ratios. I think it has proven to work very well.

Rick Elmore, Private Citizen, Reno, Nevada:

Respecting that the bill is discretionary in terms of whether it is implemented, you ought to inquire of the representatives of the Department at some point in your consideration of this. It is my understanding that this system has been implemented at some point in the past in just about every western state, and it was ultimately rejected for a number of reasons. Among them, and of particular concern to me, is the adverse biological impact that occurred when certain animals were selected for hunting. Some states experienced negative effects on their deer populations after implementing systems like this, even though it would seem logical that they should improve conditions.

We are blessed in this state with some of the finest biologists that exist anywhere, and a couple of people have particular expertise in mule deer. You ought to have some input from them in terms of what the biological consequence might be of doing this.

My second observation is that I'm not sure the language in subsection 2(b) is exactly what you intend to do here. It says, "Prohibiting a person from hunting a mule deer within the boundaries of the area unless the mule deer has at least

three points," or, with the amendment, two points. I'm not sure that what you're intending to do is prohibit somebody from hunting there. I think your intention is to prevent them from harvesting an animal of that limitation. Under the strict reading of this, is somebody prohibited from hunting in an area if there is just a spike buck there? It's not the hunting you're trying to address; it's the harvesting of the animal.

Assemblyman Claborn:

The whole intent of this bill was just to try to get maybe one or two units out of all our hunting units to try this out. I have whole lists of people who do not agree with the Wildlife Commission. Maybe I didn't write this up as well as it should have been, but my whole theory was not to put the whole units under this restriction, but just a couple areas so we could see how it worked. I'm trying to let the people have some input into this, not just the county wildlife advisory boards and the Wildlife Commission. Let the people have some input.

Rick Elmore:

What I'm saying, first of all, is that I think this decision is best left up to people who have the expertise or who could at least tell you what the impact may be.

Assemblyman Claborn:

That's where I disagree with you.

Rick Elmore:

I respect your disagreement with me. Also, there is an issue about the language in subsection 2(b), because I don't think it's the hunting you're trying to limit. I think it's something related to the harvest of the animal in some respects.

Fred Church, Bow Hunting Chairman, Nevada Bowhunters Association:

I am opposed to this bill, and I will disagree with Mr. Claborn's "they" that the advisory boards and the Wildlife Commission do not listen. Everybody has the ability to go to these meetings and be heard. Just because they are outvoted, or the Commission or the boards do not agree with them, does not mean they are not being listened to. They are just not getting their way.

That is the same way I am going to feel, and possibly a lot of these people here, if we become the "they." We talk to you folks, taking our time to show up here and testify before you in opposition to this. If you don't listen to us, we're going to be the people who say we are not being listened to. It goes for both sides.

They have open and fair meetings. Everybody who goes to a meeting has the right to speak. They just may not be able to get their point across. They may not have the majority agree with them.

[Fred Church, continued.] Nevada Bowhunters Association is one of the smallest hunting groups in Nevada, yet I have no difficulty going to county advisory board meetings and to the actual Wildlife Commission itself and getting archery issues listened to and getting our way. We try to be fair to everybody else also, but we have no difficulty, and we're the smallest group there is.

Regarding point restrictions, I'm also going to ask you to do what Mr. Elmore said. We have the Department here. I would think they're prepared to talk about the point class. It has been tried before in different areas throughout the country. We've found that, through wildlife management, it does not work.

I've also heard the testimony that we're trying to "grow" deer. You just don't grow deer by making rules like this right here. You all know we had a heavy snowstorm this last year on the western front. We lost more deer in that snowstorm than you're going to do by trying to grow deer by having a point restriction.

We have habitat problems out there. As you all know, over the last several years, we've had heavy fires through the northern part of Nevada down through the central part. That's where we lose habitat. That's where we've lost our deer numbers.

Those are the problems we have—not because of hunters so that we have to put point restrictions on them. I understand that you say "may." When you come down to the actual bill, that does not mean that the Department actually has to restrict any areas to a three-point. However, what if we don't do it? Two years from now somebody will be back wanting to change "may" to "shall" because they didn't get their way. Again, I disagree with that type of idea or program.

Assemblyman Claborn:

With all due respect, Mr. Church, isn't that the American way? To come back next time and put "shall" on there?

Fred Church:

Yes, but that's the same thing that these people you call "they" say, that the boards don't listen to them. They have the right to come, but if they don't get their point across, does that mean they can come to the Legislature here and say, "I don't get my way," when 90 percent of the other people here are able to get their way?

Assemblyman Claborn:

Isn't that still the American way?

Fred Church:

I suppose it is. But, again, we do have the right to come here and oppose these particular bills.

Assemblyman Goicoechea:

Mr. Church, I do respect your opinion. I hope the Chairman does hold these bills. We heard Mr. Turnipseed say that Douglas County's advisory board was going to meet on March 23. I've been in contact with Wade Robinson, the chairman of the advisory board in White Pine County, and Chad Bliss, chairman of the Eureka County advisory board. They are all holding meetings to look at these bills that are before us.

I, for one, intend to listen to those county advisory boards, and I hope we can hold the bills long enough to get some input from our county boards. I think almost everyone here today recognizes the fact that these bills came out. Most county advisory boards haven't yet had time to react to them, but I assure you, in my district, most of them are forthcoming with recommendations from those counties.

**Chris MacKenzie, Vice Chairman, Nevada Board of Wildlife Commissioners,
Nevada Department of Wildlife:**

We decided to remain neutral on this bill based on the fact that it is a "may" versus "shall." We could have the biologists come up and provide whatever input they wanted in terms of the underlying thought behind it, but I know you're pressed for time, and we don't need to go there right now. If it was a "shall," we would be very concerned. Under subsection 2(b), if you do proceed with this legislation, we have some concerns with the word "hunting" because, if your act of hunting is actually seeking out a deer, figuring out what it is, and then deciding it doesn't satisfy the point requirement, even though you don't pull the trigger, that might be considered hunting that could be a violation.

Vice Chairman Atkinson:

We will close the hearing on A.B. 115. On Wednesday, at this same time, we will hear two brief presentations, one from the Nevada Fire Safety Council and one from the Nevada Resource Commission. After the presentations, we will have a work session on some of the bills we have previously heard.

Is there any old business to come before the Committee? Any new business? Any public comment? We are adjourned [at 3:52 p.m.].

RESPECTFULLY SUBMITTED:

Mary Garcia
Committee Attaché

APPROVED BY:

Assemblyman Jerry D. Claborn, Chairman

DATE: _____

Bill	Exhibit	Witness/Agency	Description
	A		Agenda
AB 116	B	Elsie Dupree/Nevada Wildlife Federation	Prepared statement
AB 116	C	Chris MacKenzie/NDOW	Booklet: Nevada's Mule Deer
AB 116	D	Chris MacKenzie/NDOW	Nevada Board of Wildlife commissioners Mule Deer Survey Executive Summary, October, 2000
AB 116	E	Chris MacKenzie/NDOW	Booklet: Mule Deer: Changing Landscapes, Changing Perspectives
AB 116	F	Chris MacKenzie/NDOW	Mule Deer Conservation Issues and Management Strategies
AB 116	G	Mike Hawkins/Self	Nevada's Mule Deer Population Dynamics: Issues and Influences
AB 112	H	Delores Petrilena/Self	Prepared testimony
AB 112	I	Fred Messmann/NDOW	Proposed amendment
AB 112	J	Fred Messmann/NDOW	Handbook of Nevada Boating Laws
AB 115	K	Elsie Dupree/Nevada Wildlife Federation	Prepared statement
AB 115	L	Joel Blakeslee/Coalition for Nevada's Wildlife	Antler Point Restrictions: Are There Better Methods for Improving Buck Age Structure?