

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

**Seventy-Fourth Session
March 22, 2007**

The Committee on Natural Resources, Agriculture, and Mining Subcommittee was called to order by Chair Debbie Smith at 3:10 p.m., on Thursday, March 22, 2007, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website at www.leg.state.nv.us/74th/committees. In addition, copies of the audio record may be purchased through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Debbie Smith, Chair
Assemblyman Tom Grady

COMMITTEE MEMBERS ABSENT:

Assemblyman David Bobzien (Excused)

GUEST LEGISLATORS PRESENT:

Assemblyman Lynn Stewart, Clark County Assembly District 22

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
J. Randall Stephenson, Committee Counsel
Sherrada Fielder, Committee Secretary
Matt Mowbray, Committee Assistant



OTHERS PRESENT:

Tim Tetz, Executive Director, Office of Veterans' Services
Robert Haughian, Chief of Operations, Department of Wildlife
John V. Hefner, Command Sergeant Major, Representing the Enlisted
Association of the National Guard
Chris MacKenzie, Chair, Nevada Wildlife Commission

Chair Smith:

[Meeting called to order. Roll Called.] We have a quorum with Mr. Grady and Mrs. Smith.

Assembly Bill 105: Provides certain benefits to members of the Nevada National Guard and their families relating to licenses, tags or permits for fishing, hunting or trapping. (BDR 45-833)

We heard Assembly Bill 105 in full Committee on February 28, 2007. Jennifer Ruedy will give us a review of the bill.

Jennifer Ruedy, Senior Research Analyst, Research Division, Legislative Counsel Bureau:

My review is of the bill as it was introduced. There were two distinct sections of Assembly Bill 105. Section 1 waives the six months residence requirement for members of the Nevada National Guard and their spouses and dependents in order to be eligible for hunting or fishing licenses and tags or permits for fishing, hunting, or trapping in the State of Nevada on the same terms as those issued to Nevada residents. This section waiving the residence requirements applies to spouses and dependents.

Section 2 of A.B. 105 authorizes the Nevada Department of Wildlife (NDOW) to issue fishing or hunting licenses, for a \$5 fee, to a resident of the State of Nevada who is on active, full-time National Guard duty. This section does not include spouses and dependents. There is confusion between the two sections regarding whether they include spouses and dependents. Testimony at the Committee hearing on February 28, 2007 indicated that Section 2 would apply to approximately 250 to 300 Nevada National Guard members.

Chair Smith:

We had a lot of confusion because the two sections got mixed up in the discussion, particularly in looking at the fiscal note and what the fiscal impacts would be regarding dependents and spouses.

In Section 2(a) where the language in the bill deletes "and are not stationed in the State of Nevada," does that mean that active military personnel who are stationed in the State of Nevada would be given the same consideration as all of the military personnel stationed at Nellis or Fallon Naval Air Station?

Tim Tetz, Executive Director, Office of Veterans' Services:

Section 2(a) is used repeatedly throughout the *Nevada Revised Statutes* (NRS). The qualifying section is in paragraph 1 which says, ". . .who is a bona fide resident of the State of Nevada." According to the 2000 Census, of the 20,000 active military members in the State of Nevada stationed at either Nellis or Fallon, only 8,000 members, including Nevadans outside of the State, count as active duty military members who are citizens of Nevada.

You are given the opportunity in the active duty services to waive your citizenship of a state and take the citizenship of a state you are currently stationed in. For most Nevadans, it is a foolhardy decision because they give up their income tax status. Many of the members I served with would switch their residency to the state that was more beneficial, and they could remain in that state as long as they remained in active duty service.

The qualifying answer is that the bona fide resident of Nevada would exclude a lot of the members who are currently stationed in Nevada.

Chair Smith:

I was not taking that piece in consideration. People who are stationed at Nellis and are residents are already included in the pool, but this would allow them to take advantage of the \$5 fee, whereas now they would not be able to?

Tim Tetz:

Currently, they are not eligible unless they are stationed outside of Nevada. This bill would fix that.

Chair Smith:

This would pick up residents of Nevada who are stationed in Nevada at one of the bases. How many are there?

Tim Tetz:

According to the 2000 Census, and we have extrapolated forward based on our military contacts, we show 8,000 bona fide residents in Nevada who are active duty military members out of the 20,000 who are currently stationed in the State.

Assemblyman Grady:

Can you define the 10 United States Code (USC) § 101(d)(5)?

Tim Tetz:

The 10 USC § 101(d)(5) is the Section of the USC that allows for the President to call up National Guardsmen on national orders. In the past it was used for active duty activities such as deploying them overseas. The two weeks of active duty per year was usually done under Section 10 as well as active duty training.

There is also Section 32 which is the ability to call up National Guardsmen under state orders. The difficulty we have is that oftentimes the issues are not clear-cut for calling the members up.

When we activated troops for border patrol in Arizona and New Mexico, they were activated under state orders even though they were there on a national mission and incurred fire. When they were activated for Katrina, they could have been activated under either Section 10 or 32. It is no longer clear-cut due to financial and operational juggling.

Assemblyman Grady:

I thought active duty was meant anytime they are called up with no distinction between Sections 10 and 32, even as far as to say if they are on their weekend duty, they are technically on active duty.

Tim Tetz:

We no longer differentiate between Sections 10 and 32. The attitude and position of the Office of Veterans' Services is that we need to start treating them as the sixth branch of the military because of the way we are now deploying the National Guard and because of the fact that 2,900 of those 3,500 could be deployed tomorrow under Sections 10 or 32. No matter what, if they have a Nevada National Guard emblem on their shoulder patch and they have served active duty or are serving their country during active guard service, they deserve this benefit like every other military member serving in active duty. These Sections do not apply to those who have not been to basic training and those who have not been activated for their first two weeks.

Chair Smith:

Mr. Stewart had an amendment that was presented at the first hearing; however, I wanted to clarify that you have submitted another amendment that you would like us to consider.

Assemblyman Lynn Stewart, Clark County Assembly District No. 22:

Two of the main issues brought up, particularly from some of the rural representatives, were the issuance of tags and whether the guardsmen or all the military would be given an advantage on the tags. That was considered an unfair advantage. It is my proposal to remove tags, permits, and trapping, and only include the licenses.

Chair Smith:

When I looked at that, it was really a moot issue because you cannot get a tag unless you qualify for a license. Is that correct?

Robert Haughian, Chief of Operations, Department of Wildlife:

That is correct. The phrase that needs to be looked at in that portion of the NRS is the last sentence that refers to the waiver of the residency. All it does is allow eligible service members to be treated like those who have had their residencies waived. At that time, they are eligible to purchase a license and apply for a tag like the others.

Chair Smith:

They have never had an advantage in terms of getting tags, just their residency is waived? If you waive the residency for the license, they are automatically entitled to put in for a tag?

Robert Haughian:

That is correct. The tag process is a drawing. In that category, they will compete for the draw process like any other resident.

Robert Haughian:

The first step is the license which gives the privilege to hunt and fish.

Assemblyman Grady:

I questioned Mr. Stewart with this concern because the way I first read it was that if you had a license, you could walk in and ask for a tag. We do not want that in there. The new proposal is clearer.

Chair Smith:

Mr. Stewart, can you go onto the next issue?

Assemblyman Stewart:

The next issue is concerned with active duty. We have added the phrase, "to any member of the Nevada National Guard who has served on active duty."

One of the concerns is that some people wanted it to include "while serving on active duty." The National Guard, when serving on active duty, is in New Orleans at Katrina, at the border, in Iraq, or in other places. When they get back, they are not on active duty. We tried to word it so it would include those who had actually served on active duty.

Chair Smith:

One of the things that struck me, and I asked our legal staff to clarify, was the wording, "has served." To me, that meant retroactive and that people who have served but are not active any more could be included in that.

J. Randall Stephenson, Principal Deputy Legal Counsel, Research Division, Legislative Counsel Bureau:

The phrase "who has served on active duty" could include anyone who has ever served on active duty and who is a member of the Nevada National Guard. We were wondering if that was your intent, or if there was something else in mind.

Assemblyman Stewart:

It would be those who are active members of the Guard, who are still doing their training, attending monthly meetings, and have actively served. It would not be someone who has retired.

J. Randall Stephenson:

It would be a *current* member of the Nevada National Guard who has served on active duty?

Assemblyman Stewart:

That is correct. "Current" might be a good word to add.

Tim Tetz:

If we were to mimic the education benefits of the National Guard, the NRS says "to any member in good standing of the Nevada National Guard who has served on active duty." That would eliminate the concern that we are opening it up to anyone who is in the National Guard. It would narrow it down to the 3,500 currently, and further narrow it down to "good standing." As we discussed with the NDOW representatives today, we envision the Adjutant General would write a letter to say that the guardsman is a member in good standing and is eligible for the hunting and fishing permit. Then the NDOW staff could see if the individual was in good standing and eligible for the discount.

Chair Smith:

Does that cover your amendments, Mr. Stewart?

Assemblyman Stewart:

Yes, it does.

Chair Smith:

We will let Mr. Haughian discuss the amendments from NDOW, then we will take testimony and have discussion.

Robert Haughian:

I came with some fiscal impact information relating to this.

Chair Smith:

Would you talk about your amendments and why you think they make better sense?

Robert Haughian:

The Chair is referring to the task we had, which was coordinated between Ken Mayer, our Director, and yourself, concerning whether there might be some ambiguity in the language. We did not see any ambiguity in the NDOW piece of it. I am retired military so I looked at the possibility of ambiguity in the military-related phrases. I stressed on the reference of "active duty" to include a reference to Title 10, which is 10 USC. The gentlemen here at the table have adequately addressed what the verbiage change should be. I do not think we have any problem with that. The recommended language I provided is in line with what they have done with a slight variation.

Chair Smith:

And possibly because of the current circumstances in the way Guard members are serving, it might be better to spell it out rather than leave it addressed in this definition of code.

Assemblyman Grady:

Should we include the suggestion to reference Sections 10 and 32?

Robert Haughian:

I would defer to this group. Right now it would have no bearing on our view other than what the fiscal impact would be. We have looked at a snapshot of what the impact will be in the initial bill draft and amendment.

Chair Smith:

We will get to the point where we all understand the language. We will talk about the fiscal impacts and maybe philosophical differences based on that, and try to come to an agreement.

Tim Tetz:

My ultimate concern with Mr. Grady's proposition is that 10 USC and 32 USC are our categories for call-up. Because of the ever-changing nature of the National Guard and the way they it is deployed, we might find a totally different category that we would then have to come back to readdress with a new USC. If we leave it open and stop referring to the federal register, "a member in good standing who has served on active duty" allows us to accommodate no matter what USC comes up.

Chair Smith:

That version would include the 3,900 members, which would include everyone.

Tim Tetz:

Eventually, yes, but not currently. There are 400 guardsmen deployed overseas in the "Global War on Terrorism." They are covered, but they are not in the State, so they are not going to be able to take advantage of it. According to the Adjutant General's Office, there could be, at any time, 200 to 400 guardsmen who have not met the active duty eligibility requirement. We have reduced the number to 3,000 or less. It is not automatically encompassing the 3,500.

Chair Smith:

The other category of National Guard would be the full-time guard? I am getting confused between active and what you refer to them as.

Tim Tetz:

If we start talking about those who work on a daily basis and those who work their guard duty, we will open up a can of worms.

Chair Smith:

I need to do that so everyone understands the differences, especially when we start talking about the fiscal impact. Is that full-time group covered under current statute?

Tim Tetz:

The full-time group is not currently covered under statute, but would be covered under the modification suggested by Mr. Stewart.

Chair Smith:

How many people are we talking about?

Tim Tetz:

That is a sub-class of the 3,500.

Chair Smith:

Do you know how many?

Tim Tetz:

At any given time, there are about 600 guardsmen on active duty, full-time status.

Chair Smith:

We will have Mr. Haughian talk about the NDOW's position or any fiscal notes to be put on the record.

Robert Haughian:

We have looked at two scenarios here and the one we are following benefits the larger group. From the fiscal perspective, we did a calculation based on the 3,500 people and can do an adjustment if the 3,500 is reduced.

We wanted to get a comparison of license holders. We took the state population and the number of hunting and fishing licenses sold within that population. We gave an earlier fiscal note that included additional information that needed to be compared accordingly. When we looked at license sales statewide, it showed that licenses were sold to about 4 percent of the state population. We applied that 4 percent to the Guard—the 3,500 guardsmen. The take rate for those interested in such a license would be about 4 percent. Four percent is an annual fiscal impact of approximately \$4,760. However, we made a recent assumption that the military community is more likely to be involved in hunting and fishing activities so we increased the impact to 10 percent. Assuming 3,500 guardsmen were eligible for this benefit, the 10 percent equates to 350 guardsmen with an annual fiscal impact of \$11,900.

Chair Smith:

What about the dependents, did you take them into consideration?

Robert Haughian:

No, we did not because that portion of the NRS does not address the dependents. It is just the first section. If we looked at just those deployed under the Title 10 category, it would calculate to 300 with a much lower fiscal impact. We focused on 3,500 guardsmen getting the benefit.

Chair Smith:

From the other testimony, we heard taking out the language "stationed in the State of Nevada" adds 8,000 to this scenario.

Robert Haughian:

I heard the gentlemen from Veterans' Affairs address some numbers, but we looked at this matter differently so our numbers are different. We looked at approximately 14,000 active duty Nevada residents worldwide. An assumption I made that might be incorrect is that there is a small percent that are physically in Nevada. Because Nevada has benefits such as no state income tax, military servicemen will pursue state residence. That number is probably more significant. Initially, when we looked at that percentage, I did not do the calculation because it was so small. However, if we used the same assumptions as Veterans' Affairs, we could come up with a more comprehensive fiscal analysis.

Chair Smith:

The people stationed outside of the State of Nevada were already covered in the statute, so we only need to worry about people who are stationed in Nevada and are bona fide residents.

Tim Tetz:

That is a bonus we gain from A.B. 105 because there were bona fide Nevada residents stationed within Nevada who were not eligible based on the strict definition of the NRS, and this is a great way to say thanks to them and not differentiate between them.

Chair Smith:

I do not disagree with that. I am trying to come up with a fiscal note so we understand what the fiscal impact is.

Tim Tetz:

I would agree with NDOW's assessment. I agree with the assumption that perhaps National Guardsmen use wildlife permits more often than the average public. If we want to further tie it down, we could take those 8,000 Nevadans who are residents of Nevada, and say that all 8,000 are stationed outside the State. We could then look at how many licenses we have issued under the military category—NDOW has that number—to determine the percentage. Doing so would give us a more accurate rate of military people who use this advantage. That would be what to expect from the National Guardsmen.

Robert Haughian:

We actually did that at the office and were surprised that the percentage of servicemen licenses sold was close to these percentages.

Chair Smith:

The 10 percent?

Robert Haughian:

Somewhere between 5 and 10 percent.

Chair Smith:

If you look at Section 1, and allow more people to become eligible by waiving residency requirements, you may actually capture more money than you would otherwise get. I understand there is no way to quantify that.

Robert Haughian:

We looked at that early on, but it is an issue of the timing because of the waiver of six months. It just moves up the financial impact. We had done a fiscal note earlier which was approximately \$4,000 a year. We have spent our recent efforts looking at Section 2 of the NRS.

Chair Smith:

I was looking to see if there was any offset or any other way to look at this.

Assemblyman Grady:

Lynn, have you had a chance to look at what NDOW has put out?

Assemblyman Stewart:

No, I have not.

Assemblyman Grady:

I like their language, and I think it more closely defines what you want to do. I believe we are reaching the same goal.

Assemblyman Stewart:

We still have trouble narrowing it to 10 USC, as previously mentioned.

Chair Smith:

Mr. Grady mentioned that the language Mr. Tetz offered would probably be a better substitute.

Assemblyman Grady:

Tim, did you say that you would like to use the 10 USC?

Chair Smith:

No, he said he would like to use this language.

Tim Tetz:

We want to eliminate all recognition of 10 USC or 32 USC and just say, "National Guardsmen in good standing who have served on active duty."

Chair Smith:

Another difference in the Department's amendment, Section 2901, is that it still says, "...and are not stationed in the state of Nevada." We still have a difference of opinion.

Robert Haughian:

My task was to examine the current language and address any ambiguity. I am not making any recommendation to affect the proposed language introduced today.

Chair Smith:

Are there any other comments?

Assemblyman Stewart:

If we put in "or any member of the National Guard in good standing who has served on active duty," that would make a further clarification. That would be on line 2 of the page I gave you.

Chair Smith:

Mr. Tetz, will you reiterate how you stated it?

Tim Tetz:

Line 2 would be changed to, "any member in good standing of the Nevada National Guard who has served on active duty." Line 14 would also indicate the same "proof of active duty service while a member in good standing of the Nevada National Guard." I originally put that in, but as I say that out loud, it seems like a disservice. There are members of active duty forces who have served on active duty who then choose to serve in the Nevada National Guard, and I do not want to narrow that down further. I would go back and say on line 2, "any member in good standing of the Nevada National Guard who has served on active duty."

Chair Smith:

"Any member in good standing" takes care of the concern that reaches back to the way it was written in the proposed amendment. I will take comments from Mr. Hefner.

John V. Hefner, Command Sergeant Major, Representing the Enlisted Association of the National Guard:

We endorse the amendments proposed. They encompass the original intent, which is taking care of the traditional guardsmen. The additional bonus of taking care of the active duty service member is a good thing. It narrows down the disparity between the active duty soldier and the National Guard soldier, and makes them all truly an army of one.

Chris MacKenzie, Chairman, Nevada Wildlife Commission:

We had an opportunity to discuss this with our legislative subcommittee of the Wildlife Commission on Monday. We want to make it clear that we fully support the troops, and we like this idea of giving them the opportunity. We would only ask, if possible, to codify reimbursement to the Department for the low-cost license. Each session we come forward and seek reimbursement for all of our low-cost licenses to augment the revenue lost by them. We would prefer to add a provision for an automatic reimbursement rather than having to request one. It would not only be the sportsmen supporting the troops, but all of Nevada supporting the troops.

Assemblyman Grady:

If I understand correctly, we would be looking at \$5,000 to \$11,000 each year?

Robert Haughian:

Yes, that is correct. The higher number of 10 percent is approximately \$11,000 a year. Also, for the record, we support the verbiage that Veterans' Affairs was recommending.

Chair Smith:

Mr. Haughian, do you support staying with their recommended amendment or do you want to stay with your amendment but with their description?

Robert Haughian:

I support Mr. Tetz's new version. It provides the clarity we will need for our employees statewide.

Chair Smith:

Mr. Stewart's amendment takes out licenses under the license, tag, and permit discussion.

Robert Haughian:

That is for the first section of the NRS. We would not want to see that change because the first part addresses only the six-month waiver, and includes all the eligibility issues based on that six-month waiver.

Chair Smith:

I just wanted to get that on the record. This has a fiscal note that would affect somebody's budget. Would this automatically be referred to Ways and Means whether we put an appropriation in it or not? It is a revenue loss.

J. Randall Stephenson:

Yes, my understanding is this would probably end up in Ways and Means. I am not saying there is going to be an appropriation in it, but if one was added, it would end up there.

Chair Smith:

If we put an appropriation in it, it goes to the big black hole of Ways and Means. If we did not put an appropriation in it, because it is a revenue loss, it will end up there anyway.

Assemblyman Grady:

My recommendation is to pass it out of our Committee. If the chairman of Ways and Means felt it was necessary, he could capture it on the Floor.

Chair Smith:

I was trying to think of some strategy. If it is going to Ways and Means anyhow, we should put an appropriation in it.

Assemblyman Grady:

If we put Chris's suggestion in there, it will go to Ways and Means.

Chair Smith:

Because it is a revenue loss, it may get captured anyway.

Robert Haughian:

I would like to request that we be able to look at recalculating the numbers based on the two proposed amendments. We need the opportunity to put together a fiscal note.

Chair Smith:

That is fine. Whatever we do in this Subcommittee, it will go back to the full Committee on Natural Resources, Agriculture, and Mining to decide how to proceed with the bill.

Assemblyman Stewart:

I want to thank you and Mr. Grady for your fairness in moderating this. You have done a wonderful job.

Chair Smith:

This is a little difficult because we want to be supportive of those who are serving and protecting us, but even a small fiscal impact like this is a hard issue to work with. It puts us in a difficult situation. You have three options, leave it as it is, capture only the full-time guard and military servicemen who are residents stationed in Nevada, or to capture the full-time guard stationed here and the other active guard. I see those being the three options we have.

Assemblyman Grady:

I agree. The thing that still troubles me about Mr. Stewart's recommendation is line 28, which says, ". . . and are not stationed in Nevada." Do we want to eliminate that or leave it in? I am all right with the rest of the changes.

Chair Smith:

You are okay with expanding it to about 3,000 guardsmen? Can one of you refresh me on the number of those stationed in Nevada? Mr. Tetz, can you tell me the numbers again?

Tim Tetz:

According to the National Guard, there are 14,000 to 20,000 active duty members in the military stationed in Nevada. The U.S. Census from 2000, carried forward, puts it as "bona fide active duty members in the military, Nevada residents." That number is 8,000 people. There is no way to determine how many of those are living within our borders on the two bases.

Chair Smith:

Of those 8,000, some of those could be stationed outside of Nevada but have kept their residency here?

Tim Tetz:

Yes, that is a fair estimate. Probably, a majority of those are stationed outside Nevada.

Robert Haughian:

I would ask for a little bit of time to look at this. There are resources we can use, and if we do this collaboratively, we can get the numbers.

Chair Smith:

As far as the fiscal note goes?

Robert Haughian:

Yes.

Chair Smith:

Do you have clarification?

J. Randall Stephenson:

This benefit is for any member of the Nevada National Guard who is in good standing and who has served on active duty. Bill drafters may need to change some things and this may not come out exactly like that. Another issue is the difference between the two sections of A.B. 105. Section 1 says the NDOW has a mandatory issuance of licenses and under the existing law it is a discretionary issuance of hunting and fishing licenses by the Board of Wildlife commissioners. This bill requires the issuance of a license by the NDOW in the first section and changes the issuance of the licenses to the NDOW in the second section, but it still remains discretionary. I do not know if that is an issue.

Chair Smith:

We need to get this worked out and have a product to take back to the Committee next week. The Commission is actually the regulatory body for the NDOW. Chris, is that a conflict in Section 2 where the Commission is taken out but it says, "...the Department may issue?" What if the NDOW decides not to issue?

Chris MacKenzie:

It could be an issue in terms of authority of the Commission, but the reality of the situation is it would come down to the NDOW to make this determination.

Chair Smith:

It is not the Commission that issues the license, it is the Commission that sets the regulation.

Chris MacKenzie:

Typically, we are bound by statute, and I do not know what further discretion we would have as a commission to further regulate this. It is set out clearly. We meet eight or nine times a year. If there is a dispute, you have to wait until there is a Commission meeting to come up with a resolution. If you invest the authority with the NDOW to make this determination, and a decision is not agreeable to the applicant, they can appeal it to the Commission. Nobody on the

Commission had a problem with it being changed from the Commission to the Department.

Assemblyman Grady:

There was a suggestion that the National Guard would write a letter to the Department saying an applicant was in good standing. Would this need to be in the NAC?

Chris MacKenzie:

Based on passed experience, we may have to establish regulations because you cannot always anticipate problems. If it is as straightforward as providing a letter, then that should be acceptable.

Chair Smith:

Mr. Grady, what should we do on the fiscal side? Should we put an appropriation with it or have the reduction go to the Division or Department and see what happens?

Chris MacKenzie:

I always thought this would go to Ways and Means because of the revenue impact.

Chair Smith:

I think it would too. We do not see many occasions where a bill negatively impacts revenue.

Assemblyman Grady:

If we are going to do it right, we should recommend it go to Ways and Means. We are taking a chance in doing it, but on the other side, it may be captured anyway. Therefore, we should say that we want the Department to be made whole and refer it to Ways and Means. Mr. Stewart how do you feel about this?

Assemblyman Stewart:

I would reluctantly yield to your wisdom and experience.

Chair Smith:

I know Mr. Tetz has another bill with an even smaller fiscal note and it is hard to accept the fact that something with only a few thousand dollars goes down that path. We have to remember, however, that all of the bills and actions taking place in this building that involve a few thousand dollars, eventually add up to a few hundred thousand dollars. Somehow, we have to balance the budget and the money has to come from somewhere.

I think we need to clarify in the motion how we identify the group we are referring to. If we are taking Mr. Stewart's amendment, how do we deal with the license, tag, or permit issue, and how do we deal with the fiscal issue?

Assemblyman Grady:

I motion to put "Nevada National Guard in good standing" under Section 1, on line 2. In Section 2, acknowledge that it is the Section that addresses the \$5 fee, and for our Committee, there will be a fiscal impact to be determined. We would then rerefer this to Ways and Means.

Chair Smith:

Could you address the issue about Mr. Stewart's amendment that has the deletion of the license? We agree that becomes a moot issue, so you can leave license in with tags and permits.

Assemblyman Grady:

Yes, I agree to that.

Chris MacKenzie:

My original reading is that it was okay.

Chair Smith:

Mr. Grady, would your motion include an appropriation, or would it just rerefer it to Ways and Means with the revenue loss?

Assemblyman Grady:

I do not know if we could put in an appropriation because it would change from year to year. I think we would have to say the State would make up for any loss.

Chair Smith:

You want a provision in the bill that would say the General Fund would make up for the revenue loss to the Department. Does that make sense to staff?

J. Randall Stephenson:

That makes sense to me, but it could also be picked up every year as a budget issue.

Chair Smith:

If we put it in, it would become a budget issue year to year. We have to get it to that point or you would constantly be coming back asking for the money.

J. Randall Stephenson:

That is right. I am saying, theoretically, it could be picked up as a budget issue every year, not that they want to do that.

Assemblyman Stewart:

I would like the lowest estimate put in there so when it gets to Ways and Means they will not think this is a large amount of money.

Chair Smith:

The language would read that the loss of revenue to the Department would be supplemented by the General Fund, and the Department would come up with a fiscal note to determine the revenue loss.

Assemblyman Stewart:

I would like an estimate in there so they will not think it is a large amount. If we say it is \$10,000, they might be more apt to pass it.

Chair Smith:

It will be a general statement in the bill and the Department will do a fiscal note. That concern has been duly noted and will go with the bill.

Assemblyman Grady:

I would suggest that NDOW get the figures as soon as possible so we can get this on the agenda for the Committee, then on to Ways and Means.

Chair Smith:

Is there any further comment? [There was none.]

We need to vote on the motion. Rather than repeat the entire motion, because we do not have one amendment to go by, I will reiterate that the concept of the National Guard member being in good standing will be changed; in Mr. Stewart's amendment, the license will be left in; and if we capture Mr. Stewart's amendment with those changes, that will be context, along with the loss of revenue being made up by the General Fund.

ASSEMBLYMAN GRADY MOVED TO AMEND ASSEMBLY BILL 105
AND REREFER THE BILL TO THE ASSEMBLY COMMITTEE ON
WAYS AND MEANS.

ASSEMBLYWOMAN SMITH SECOND THE MOTION.

THE MOTION PASSED. (ASSEMBLYMAN BOBZIEN WAS ABSENT
FOR THE VOTE.)

Closed hearing on A.B. 105. Thank you for providing information.

Chair Smith:

Meeting adjourned [at 4:09 p.m.].

RESPECTFULLY SUBMITTED:

Sherrada Fielder
Committee Secretary

APPROVED BY:

Assemblywoman Debbie Smith, Chair

DATE: _____

EXHIBITS

Committee Name: Committee on Natural Resources, Agriculture, and Mining

Date: March 22, 2007

Time of Meeting: 3:10 p.m.

Bill	Exhibit	Witness / Agency	Description
***	A	*****	Agenda
***	B	*****	Attendance Roster