

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

**Seventy-Fourth Session
March 26, 2007**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Jerry D. Claborn at 1:43 p.m., on Monday, March 26, 2007, in Room 3161 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:

Assemblyman Jerry D. Claborn, Chair
Assemblyman Joseph Hogan, Vice Chair
Assemblyman Kelvin Atkinson
Assemblyman David Bobzien
Assemblyman John C. Carpenter
Assemblyman Pete Goicoechea
Assemblyman Tom Grady
Assemblyman Ruben Kihuen
Assemblyman John W. Marvel
Assemblyman James Ohrenschall
Assemblywoman Debbie Smith

GUEST LEGISLATORS PRESENT:

Assemblyman Lynn D. Stewart, Clark County Assembly District No. 22
Assemblywoman Francis O. Allen, Clark County Assembly District No. 4



STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
Randy Stephenson, Committee Counsel
Sherrada Fielder, Committee Secretary
Matt Mowbray, Committee Assistant

OTHERS PRESENT:

Jim Litchfield, President, Truckee River Foundation, Reno, Nevada
Pat Fried, Owner/Operator, Great Basin Sports, Minden, Nevada
Fred Messmann, Deputy Chief Game Warden, Boating Law Administrator,
Bureau of Law Enforcement, Department of Wildlife
Rick Gimlin, Deputy Director, State Department of Agriculture

Chair Claborn:

[Called meeting to order.] We will be in a work session this afternoon and Jennifer Ruedy will give the presentation.

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)

Jennifer Ruedy, Committee Policy Analyst:

Assembly Bill 105 was heard on February 28 and in subcommittee on March 22, 2007. The bill is sponsored by Assemblymen Stewart, Settlemeyer, Beers, Goicoechea, Hardy, Segerblom, and Womack. Assembly Bill 105 waives the six-month residence requirement for all members of the Nevada National Guard and their spouses and dependents to be eligible for hunting or fishing licenses, tags, or permits for fishing, hunting, or trapping in the State on the same terms as those issued to Nevada residents.

Assembly Bill 105 authorizes the Department of Wildlife to issue fishing or hunting licenses to a resident of Nevada who is a member of the Nevada National Guard on active service in full-time National Guard duty for a \$5 fee. The bill extends the reduced-fee license benefit to members of the Armed Forces of the United States on active duty who are stationed in Nevada. There was considerable confusion on this bill, particularly after an amendment was brought forth. It was sent to a Subcommittee of Assemblymen Smith, Bobzien, and Grady, with Mrs. Smith chairing the Subcommittee.

In your work session document ([Exhibit C](#)), you will find the report of the Subcommittee on A. B. 105. The Subcommittee worked with representatives of the Office of Veterans Services, Nevada National Guard, and the Department of Wildlife, and ultimately approved a recommendation to amend and rerefer the bill to the Assembly Committee on Ways and Means. I would like to review the Subcommittee report ([Exhibit D](#)) with the Committee. [Read summary.] The Nevada Department of Wildlife estimates the fiscal impact to be \$34,918 annually. The Committee's legal analyst, Randy Stephenson, prepared the mockup based on the Subcommittee's recommendation.

Currently, the resident hunting license is \$33, and a regular, resident fishing license is \$29.

Assemblywoman Debbie Smith:

The "tags or permits"—I thought we were leaving that in.

Randy Stephenson, Committee Counsel:

When I draft the amendment, that bracketed language will be taken out.

Assemblywoman Debbie Smith:

The fiscal note is much different than we were originally advised. The big change is the language that changes "any person who is not stationed in the State of Nevada." It changed the fiscal note to \$35,000. The idea of asking for the State to make up the difference in the general fund is more important now than ever.

ASSEMBLYMAN MARVEL MOVED TO AMEND WITHOUT
RECOMMENDATION AND REREFER ASSEMBLY BILL 105.

ASSEMBLYMAN BOBZIEN SECONDED THE MOTION.

THE MOTION PASSED.

Chair Claborn:

The next item is Assembly Bill 217.

Assembly Bill 217: Revises the membership of the State Environmental Commission. (BDR 40-1196)

Jennifer Ruedy, Committee Policy Analyst:

Assembly Bill 217 was heard on March 19, 2007 and requires the Governor to appoint one member to the State Environmental Commission (SEC) who has experience in advocating issues relating to conservation ([Exhibit C](#)). No amendments were brought forward. The term for the appointed members of the SEC is three years, *Nevada Revised Statutes* (NRS) 232A.020, and the bill would not require that a member be removed from the SEC to make the conservationist appointment. The bill states "as soon as practicable on or after July 1, 2007" for the appointment.

Chair Claborn:

When we heard the bill, it seemed everyone liked the bill.

ASSEMBLYMAN GOICOECHEA MOVED TO DO PASS
ASSEMBLY BILL 217.

ASSEMBLYMAN CARPENTER SECONDED THE MOTION.

THE MOTION PASSED.

Assembly Bill 13: Increases the age under which a person on a vessel is required to wear a personal flotation device. (BDR 43-144)

Assemblyman Bobzien:

I have a disclosure pursuant to NRS 281.501, that I am a supporter of the Truckee River Foundation, an organization dedicated to the safety of children and their use of safety floatation devices. I am required to make this disclosure, but not required to abstain from voting on this bill.

Jennifer Ruedy, Committee Policy Analyst:

Assembly Bill 13 was heard on March 14, 2007. Assemblywoman Allen is the sponsor. The measure increases the age at which a person must wear a personal flotation device on vessels while underway from less than 12 to less than 13 years of age ([Exhibit C](#)). Testimony indicated the bill, as introduced, would make Nevada's law consistent with most states' laws, including Arizona. Uniformity of states' laws would make enforcement on Lake Mead less problematic. The U.S. Coast Guard, the National Association of State Boating Law Administrators, the American Academy of Pediatrics, and the National Marine Manufacturers Association support increasing the age at which a person must wear a personal flotation device on vessels while underway from less than 12 to less than 13 years.

One amendment was brought forward with the approval of the bill's sponsor ([Exhibit C](#), page 3). Jim Litchfield, President, Truckee River Foundation, presented the Committee with an amendment to A.B. 13, and the Committee asked that Mr. Litchfield work with Fred Messmann of the Nevada Department of Wildlife on the amendment language. The attached amendment was prepared by Mr. Litchfield and Mr. Messmann, and it was provided by Ms. Allen. The amendment would require any person less than 13 years of age to wear a personal flotation device when operating, or a passenger of, an aquatic device on any waters in this State.

This amendment would also require anyone in the business of leasing or renting aquatic devices, including agents and employees of the owner, to provide the following to each person to whom the device is rented, to each person who will operate the aquatic device, and to each passenger: a personal flotation device of a type approved by the United States Coast Guard and prescribed by regulations adopted by the Board of Wildlife Commissioners; a summary of the laws and regulations governing the operation of aquatic devices; and instructions regarding the safe operation of the aquatic device.

Anyone in the business of leasing or renting aquatic devices must document the name and age of each person who will operate the aquatic device. Each person to whom an aquatic device is rented must ensure that only those persons documented as operators are allowed to operate the aquatic device and either review the laws and regulations governing the safe operation of the aquatic device or provide written proof that he has previously received relevant instruction.

This amendment addresses aquatic devices not classified as a vessel and not being used in a designated swim area such as an inflatable inner tube, small flexible plastic or inflatable rafts, canoes, and kayaks less than 13 feet in length, and single-chambered air-inflated devices. There is no fiscal impact.

Chair Claborn:

Is there any discussion on the bill?

Assemblyman Goicoechea:

I am fine with this, but I want to make sure the industry is all right with this. We are putting a fiscal load on them, and I would like Mr. Litchfield to address us on this.

Jim Litchfield, President, Truckee River Foundation, Reno, Nevada:

I would like to introduce a private owner and livery operator who can specifically address the impact.

Assemblyman Goicoechea:

Mr. Chair, I would like to hear from Mrs. Fried on the impact.

Pat Fried, Owner and Operator, Great Basin Sports, Minden, Nevada:

Speaking as an outfitter, this is already disclosed on my indemnity form that I have people sign before I do any rentals. I am absolutely in favor of it. It does not increase my workload and there will not be any additional impact. Any responsible outfitter should be required to do the same.

Assemblyman Grady:

I would like to ask Ms. Allen if she is in agreement.

Assemblywoman Francis O. Allen, Clark County Assembly District No. 4:

[Nods her head in agreement.]

Assemblyman Bobzien:

I offer my support of the bill as amended, but my concern is that we have seen a great blossoming of activity with the construction of the white-water park on the Truckee River. We are concerned with the safety of our children, and we have a lot of responsible operators there who would agree with this. I would be concerned about those who would drive up to the river in a truck and rent or sell inner tubes, but who are not part of the safety efforts on the part of the industry, the City of Reno, and the Foundation.

Randy Stephenson, Committee Counsel:

I would like a point of clarification from Mr. Messmann who has language regarding canoes and kayaks less than 13 feet in length. He asked if we could take the language out, and I wanted to go on the record advising that.

Assemblyman Carpenter:

Do we have laws and regulations in the State governing the operation of inner tubes?

**Fred Messmann, Deputy Chief Game Warden, Boating Law Administrator,
Bureau of Law Enforcement, Department of Wildlife:**

It is a gray area regarding inner tubes and float tubes. Float tubes are defined by U.S. Coast Guard regulation and are considered a vessel. If we put the definition in the bill, in the operation of liveries, we would then establish the requirement of wearing life jackets for the operation of float tubes.

Assemblyman Carpenter:

You do not currently have any, but will?

Fred Messmann:

Yes.

ASSEMBLYMAN BOBZIEN MOVED TO AMEND AND DO PASS AS
AMENDED ASSEMBLY BILL 13.

ASSEMBLYMAN MARVEL SECONDED THE MOTION.

THE MOTION PASSED.

Assembly Bill 228: Revises provisions governing licenses to engage in pest control. (BDR 49-626)

Jennifer Ruedy, Committee Policy Analyst:

Assembly Bill 228 was heard on March 19, 2007. The bill is sponsored by this Committee at the request of the Department of Agriculture. Assembly Bill 228 authorizes the Director of the Department of Agriculture to refuse to issue a license to engage in pest control to a person who is convicted of or enters a plea of guilty or nolo contendere to certain specified crimes in any court of competent jurisdiction in the United States or any other country ([Exhibit C](#)). This bill prohibits the director from issuing a license to engage in pest control to such a person until the expiration of the person's parole, probation, or sentence. A license to engage in pest control may be refused if the applicant has had a similar license suspended or revoked anywhere within ten years of submitting the new application for license.

The bill prohibits a person from engaging in certain pest control activities concerning wood-destroying pests or organisms without a license issued by the director of the Department of Agriculture in connection with any real estate transaction. Testimony indicated the Department had worked with the Real Estate Commission to address problems related to fraudulent termite reports produced for real estate transactions. No amendments were brought forward.

Chair Claborn

When we heard this bill there were a few questions. Are there any questions now? [There were none.]

ASSEMBLYMAN GOICOECHEA MOVED TO DO PASS
ASSEMBLY BILL 228.

ASSEMBLYMAN MARVEL SECONDED THE MOTION.

THE MOTION PASSED.

Senate Bill 47: Revises certain provisions concerning the taxation of livestock and sheep. (BDR 50-623)

Jennifer Ruedy, Committee Policy Analyst:

Senate Bill 47 was heard on March 21, 2007. The Senate Committee on Natural Resources sponsored this bill at the request of the State Department of Agriculture. Senate Bill 47 repeals the provision for determining in which county livestock and sheep are deemed to be located for purposes of a tax on livestock and sheep ([Exhibit C](#)). Concerns were raised about the effectiveness of the State's collection method. To this end, Rick Gimlin, Acting Director of the Department of Agriculture, provided information about the collection method and the revenue collected since 1995, which you should have all received prior to this meeting. There were no amendments. There is no fiscal impact.

Assemblyman Goicoechea:

Most of the Committee understands that this is strictly a volunteer program. You sign the form in May advising the number of cows you have, you send in your payment, and you are legal. It is not a good program and my concern is what happens in the case of a person who sells his livestock through an auction yard. There is a brand inspection signed after the fact, but not typically at the yard.

Rick Gimlin, Deputy Director, State Department of Agriculture:

Jim Connelly and I discussed sources of data we use to verify who should be on the head tax list. With the system we have now, and even when the counties administered the collection, there was limited ability over time to go back and verify the actual numbers reported on the forms. There will probably be some that slip through the cracks.

Assemblyman Goicoechea:

When the counties were collecting, they had an advantage. They were in their own jurisdiction and knew who had what personal property. It is now more difficult for a brand inspector or agriculture enforcement officer to determine actual declaration numbers. Today, you can ship 700 head of calves and only declare 500 head of cows.

Rick Gimlin:

I hope people do not do that, but there is always that potential.

Assemblyman Goicoechea:

In looking at your draft, it was in 2000 that the last largest number was reported, which was also the last time the counties collected it.

Rick Gimlin:

One year the count was very high, and we determined the sheep had previously been underestimated. Years ago, Director Iverson indicated that the counties felt it would cost them more to collect than it would be worth. It would cost more to collect the money than what was being transferred to the State. A better method in the future might be to take all the pieces of data received and find a way to combine it to query who has reported and if there were any wide variations in the number reported.

Assemblyman Goicoechea:

If there was a concerted effort by the Brand Division to look at the number of cattle either sold or brand inspected on an annual basis, you would have a close number. I am concerned that the person with ten head in his backyard would pay \$2.50. That is not an issue, but I am concerned we will see the revenue source decline because it is on an honor system.

Assemblyman Marvel:

Can you get information from the lending institutions to see how many they have a mortgage against?

Rick Gimlin:

I would need to look into that.

Assemblyman Marvel:

That may be a good way to find a reliable number. What about the predatory animal control tax?

Rick Gimlin:

We saw that amount go up which corresponded with the increase in revenue in 2004.

Assemblyman Goicoechea:

I think what drove the spike in the number of sheep was that they included the summer groups from California.

ASSEMBLYMAN GOICOECHEA MOVED TO DO PASS
SENATE BILL 47.

ASSEMBLYMAN CARPENTER SECONDED THE MOTION.

THE MOTION PASSED.

Chair Claborn:

The meeting is adjourned [2:22 p.m.].

RESPECTFULLY SUBMITTED:

Sherrada Fielder
Committee Secretary

APPROVED BY:

Assemblyman Jerry D. Claborn, Chair

DATE: _____

EXHIBITS

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

Date: March 26, 2007

Time of Meeting: 1:43 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 105	C	Jennifer Ruedy, Committee Policy Analyst	Work Session Document
A.B. 105	D	Jennifer Ruedy, Committee Policy Analyst	Report of Subcommittee on Assembly Bill 105