

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

**Seventy-Fourth Session
April 9, 2007**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Jerry D. Claborn at 1:37 p.m., on Monday, April 9, 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

STAFF MEMBERS PRESENT:

Jennifer Ruedy, Committee Policy Analyst
Randy Stephenson, Committee Counsel
Christina Van Fosson, Committee Secretary

OTHERS PRESENT:

Cecil Fredi, Private Citizen, Las Vegas, Nevada
Bud Sonnentag, Private Citizen, Gabbs, Nevada

Minutes ID: 804



Gerald Lent, Private Citizen, Reno, Nevada
Gary Coleman, Private Citizen, Lovelock, Nevada
Keith Montes, Private Citizen, Lovelock, Nevada
Earl Malay, Private Citizen, Lovelock, Nevada
Jack Robb, Member, Board of Wildlife Commissioners
Jeremy Drew, Member, Coalition for Nevada's Wildlife
Larry Johnson, Member, Coalition for Nevada's Wildlife
Kenneth E. Mayer, Director, Department of Wildlife

Chair Claborn:

Welcome. [Roll.] I will give control of the meeting to Mr. Hogan.

Assembly Bill 111: Revises provisions governing the use of tags to hunt bighorn sheep or antlered bull elk. (BDR 45-119)

Vice Chair Hogan:

Thank you. Please proceed.

Assemblyman Jerry D. Claborn, Clark County Assembly District No. 19:

[Submitted ([Exhibit C](#)).]

I am here to introduce Assembly Bill 111. This bill will place a limit on hunting bighorn sheep and bull elk. I support the amendment that removes bull elk from the bill. Therefore, my comments will focus on bighorn sheep.

In Nevada, there are three subspecies of bighorn sheep which may be lawfully hunted: Nevada, Nelson, and Rocky Mountain bighorn sheep. Last year, the California bighorn sheep tag was 137 to 1, and the Rocky Mountain bighorn sheep tag was 829 to 1. The bill will prohibit hunters from applying for another tag of the subspecies they are harvesting. The bill is not retroactive. Anyone who harvested bighorn sheep before the effective date would be able to apply for a tag for one of the three subspecies.

Currently, there are 12 states that have sheep seasons. Every state except Texas has a waiting restriction. If a hunter is lucky enough to harvest a sheep in Nevada, the wait is ten years. Seven states have gone beyond the one in a lifetime sheep law: Arizona, California, Idaho, New Mexico, North Dakota, Utah, and Washington. California, Idaho, and New Mexico do not allow anyone who has a tag for bighorn sheep to apply again. There are a few exemptions for auctions and raffles. This is a bill about fairness and limiting the hunting of bighorn sheep in Nevada. Nevada is not the first state to consider a one in a lifetime tag. I believe three bighorn sheep trophies are enough. I encourage you to support this important legislation. To reiterate, if a person harvests a bighorn

sheep right now, he would have to wait ten years before he can apply for another tag. If he is not successful in harvesting a sheep, he would have to wait five years.

Assemblyman Marvel:

How many species of sheep are there in Nevada?

Assemblyman Claborn:

Three.

Assemblyman Marvel:

I have friends who have grand slams, and I want to make sure the bill does not preclude these people from getting grand slams.

Assemblyman Claborn:

I know only one person that has a grand slam. I understand that grand slams must be worth one million dollars or so.

Assemblyman Marvel:

I have friends from Fallon who have grand slams.

Assemblyman Claborn:

That is interesting. Grand slams are not common; it is quite a feat. Perhaps someone in the audience could address that concern.

Assemblyman Grady:

There is no effective date in the bill or amendment. Is January 2008 your intent?

Assemblyman Claborn:

It depends on the hunting licenses. I believe licenses are issued in February. It would be 2008. I am filling out my deer hunting license right now.

Cecil Fredi, Private Citizen, Las Vegas, Nevada:

[Submitted ([Exhibit D](#)) and ([Exhibit E](#)).]

[Read ([Exhibit D](#)).]

Bud Sonnentag, Private Citizen, Gabbs, Nevada:

I support Assembly Bill 111. It is fair for younger generations.

Assemblyman Claborn:

Did you know that bonus points will still be active? I forgot to put that in my report. The more bonus points a hunter has, the more likely he is to get a sheep. If the bill passes, hunters will not lose any bonus points.

Gerald Lent, Private Citizen, Reno, Nevada:

I support Assembly Bill 111. Last year there were 133,000 applications for 52,000 clients, which is approximately two and a half applications per client. Anyone who submits a tag is applying for two and a half hunts. One could hunt for deer, sheep, and so on. Most people do not apply to hunt one out of the three species. Since 1983, 3,087 tags were issued to 2,985 individuals. This means 102 people have drawn tags twice, and 2883 people have drawn one time. No one drew a tag more than twice.

There is no financial impact. Only 509 people did not apply again after they drew a sheep or elk tag. There were 91 people who applied after the 5 year waiting period. Assuming there are 600 lost fees, 600 hunters would not apply for a tag again. That is roughly \$26,000 per year with a retention rate of 92.5 percent, which means 92.5 percent of hunters will reapply. When hunters draw tags, the Department does not lose money because hunters usually reapply. Many hunters hunt more than big game. Hunters could buy licenses to hunt ducks, quail, turkeys, and so on. Most of the money comes from the hunting licenses, not the application fees. In my opinion, the bill will not create a significant financial impact.

I went to many legislative committee hearings, and many people were opposed to the bill because of the process. That offends me because I am one of the people responsible for the privatization of the tag process. The Legislature diligently passed legislation to privatize the tag system. If the idea of privatizing the tag system is a good idea, the process does not matter. Ideas must be considered on their merit, and not how they are developed.

I am a member of the Grand Slam Club, and I obtained three sheep tags. I have ten bonus points and 100 draw numbers. They will draw 100 numbers randomly. Someone who is starting will get one number. I have the advantage when I am competing against a person who is just starting. I do not think that is fair since we want more young people to hunt. Hunting license sales in Nevada are going down. Many people do not have sheep tags. The tags are coveted; some people bid over \$300,000 for them. This bill will give someone who has never drawn a tag the opportunity to get one. Almost everyone at the

last Washoe County Wildlife Advisory Board meeting agreed with the bill, and I believe many hunters support it as well. I think sheep groups who oppose the bill like to dictate who can apply for the tags. They make a lot of money for the Department of Wildlife, and they are allowed to auction tags. Everyone should have a chance to get a tag. Let us give young people a better opportunity to get sheep tags because they are very difficult to get.

Assemblyman Claborn:

I am glad you brought up the Washoe County Wildlife Advisory Board meeting. People should not be told that they do not have the right to petition a bill. We are elected officials. I am willing to debate anyone who disputes that. I am glad you brought that up because we should not be told that we do not have the right to be a part of the legislative process. It is ludicrous. It upsets me when people say that.

Assemblyman Bobzien:

Mr. Lent, thank you for speaking on this issue. It is good for the debate when different viewpoints are expressed. I think we should stay away from trying to disparage other groups about their perspectives. You referred to sheep groups, and any group that can get 2,000 people on Friday night to support wildlife, which is not an easy thing to do in Nevada, does not deserve to be disparaged in that manner.

Gary Coleman, Private Citizen, Lovelock, Nevada:

I oppose Assembly Bill 111. The bill did not go through the advisory boards, and there are advisory boards in every county. The supporters are dealing with a few hundred people while we deal with several thousand people. That is why I oppose this bill.

Assemblyman Claborn:

With all due respect, there are hundreds of boards. If we have to go through all those boards, what do we need the Legislature for? I have no problem with your advisory boards. They are good, but we make the laws, not the boards. You are appointed; we are elected. We have constituents. With all due respect, we have the right to do this. The Constitution gives us that right.

Gary Coleman:

I understand that; I did not say you do not have the right. The issue at hand is what is best for the wildlife. Getting opinions from people who know the issue is important.

Assemblyman Claborn:

I disagree with you again. For example, how many people know about regional streets and highways? Everyone in the city is allowed to vote on building new streets. You guys might think you know everything, but you know what? Hundreds of people email us, and we have analysts that help us. Some people wrote emails saying that we are uninformed about the project, and that is not true. With all due respect, I disagree with you 100 percent. We are not uninformed. We work with many people, and we are trying to do the right thing. We are making a law for all of us, not just for the wildlife boards.

Vice Chair Hogan:

Thank you, Mr. Claborn. We are here to gather opinions, and we respect the opinions of everyone who comes before us.

Keith Montes, Private Citizen, Lovelock, Nevada:

I will be brief. I do not want to sit here and argue with you, Mr. Claborn, because you already made your point. I feel you are missing the point. People who work on the boards serve on a voluntary basis, and they volunteer a lot of time. If you never served on a board and had to deal with all the paperwork, then you might be missing something. I understand you have the right to make laws, but do not overlook what these people are doing. Wildlife commissioners are professional people; their input has value. No one is trying to overstep you. Not a lot of people know about this bill. I know about this bill because I am in the outfitting business. Many local people go to advisory board meetings to learn about things like this. Do not overlook that. The boards are a valuable resource.

Assemblyman Goicoechea:

Did you get input from people in your community on the bill? I talked to a lot of people from the eastern part of the State. Many people were less apprehensive when elk was removed from the bill. Can you give us insight on that?

Keith Montes:

The numbers presented by Mr. Lent do not mean much. He said that no one drew a tag for a California or a Rocky Mountain bighorn sheep twice. The numbers are not right. Mr. Lent said that he drew three tags, and he is trying to get a fourth tag. If limits are placed on people who are trying to apply now, Mr. Lent will still draw. That is what will happen. Why change the law? What happens when someone wants to change it back four years from now? That means people will have to wait five years for nothing. In my opinion, it is not worth changing. Leave the law alone.

Assemblyman Goicoechea:

Are you saying people do not have heartburn over it, but they do not want the law changed?

Keith Montes:

You do not know if some people drew tags twice. I drew a tag, but I sat out. It would be fine if it was like that from the start. I would be fine with the one in a lifetime rule, but when you start changing rules, it is not right. It is unfair for certain groups. Mr. Lent's group had the opportunity to draw those tags every ten years.

Assemblyman Claborn:

I am not arguing; I am stating a point.

Keith Montes:

No one is saying you do not have the right.

Assemblyman Claborn:

I am just stating facts.

Keith Montes:

You should not overlook the common people.

Assemblyman Claborn:

That is something I will not do.

Keith Montes:

That is what the bill did.

Assemblyman Claborn:

Mr. Lent has three sheep?

Keith Montes:

That is what I heard.

Assemblyman Claborn:

You did not like that, correct? I do not like it either.

Keith Montes:

It is the system. He drew three tags. It is not that I do not like it, it is the fact that he did it. Why change it now?

Assemblyman Claborn:

I want to change the system so he does not get four or five more tags.

Keith Montes:

Well, he told you the odds.

Assemblyman Claborn:

Perhaps one of these people sitting up here can apply for a sheep tag.

Keith Montes:

It is not worth it.

Assemblyman Claborn:

Legislators work in Carson City every two years because the system does not work sometimes. We are here every two years to change the system. That is what legislators do; we change laws to make them better for the people. I am not trying to hurt you or anyone. I think what I am doing is fair. I want everyone to have a chance to get a tag. It will not take long before all the sheep will be gone.

Keith Montes:

I do not know if I believe that. Anyway, it has been that way since the 1980s. If it was that important, you should have changed it then. Someone came to the Legislature and decided to change it to one every ten years. Now, you want to change it back. I do not want to argue with you, but there were 102 people that drew tags twice. That is not worth arguing. You should go through the county gaming boards and the Nevada Wildlife Commission. I know you do not agree.

Assemblyman Claborn:

I certainly do not agree with that, and that is why I want to change it. I am here to do what is right.

Earl Malay, Private Citizen, Lovelock, Nevada:

I think a lot of time and money was wasted. The bill will not affect anyone for ten years. I was a member of a wildlife board when the law was changed from one in a lifetime to one in ten years. I was opposed to that, and I am also opposed to this bill. Are we going to keep changing the law every ten years? You are affecting more people by changing the law every ten years. Each generation is getting a different set of rules, and that is not fair. No one drew the Rocky Mountain or California sheep tag twice. I paid \$300 to draw, but I did not mind the cost. I drew two tags; your law will allow me to draw again. My sons are figuring out what to do because the law keeps changing.

At a young age, my sons are not satisfied with hunting any sheep. They want big sheep. They do not have the opportunity I had, but you are saying that you want to give young people the opportunity. The odds of drawing a jackpot at a casino are greater. I am asking the Legislature to stop wasting taxpayers' time and money to change the law every ten years.

Assemblyman Claborn:

I disagree with you. If the law passes, it will affect people in 2008. The law will allow people who did not hunt for nine years to draw tags. I am not saying that people who hunted in the past cannot hunt again. You and your children have the opportunity to hunt for the next 30 years.

Earl Malay:

Okay, but where is the fairness?

Assemblyman Claborn:

The fairness

Earl Malay:

I drew a sheep tag five years ago, and you are saying I can draw another one next year.

Assemblyman Claborn:

That is true.

Earl Malay:

Then where is the fairness?

Assemblyman Claborn:

What I am doing

Earl Malay:

Where is the fairness?

Assemblyman Claborn:

We have to start somewhere, and we need to start now. That is fair.

Earl Malay:

I can guarantee that we will be changing the law in another ten years.

Assemblyman Claborn:

That is your opinion, sir. You are entitled to your opinion, and I have mine.

Jack Robb, Member, Board of Wildlife Commissioners:

The Nevada Wildlife Commission is opposed to this bill. The advisory boards and the Wildlife Commission go through a process. It has been stated that we do not listen, and we need to take care of that. Questions on tags were brought up. We formed a committee for tag allocations and applications. The committee traveled all over the State to gather information from advisory boards. We have 20 pages of information. There were concerns about the one in a lifetime rule, and we are trying to get people involved before we make these decisions. I am aware that people think the Commission does not listen to people, but we have to look at the whole issue. If we change one issue, it will create a ripple effect. It can cause problems with other issues.

Assemblyman Goicoechea:

Did you receive input from the county gaming boards on this bill?

Jack Robb:

No, but they are opposed to this bill as well.

Vice Chair Hogan:

Do you have an opinion on big game hunting under the old system?

Jack Robb:

I am not answering your question on behalf of the Commission. In my opinion, it is a bad bill. I drew a sheep tag, and I became involved in the gaming community. Why should my young son have to follow different rules? I do not think that is fair. I have two chances, but my son has only one chance. We killed record numbers of sheep and rams last year. Sheep populations are doing great, and people are getting involved. I do not want to see that go away.

Jeremy Drew, Member, Coalition for Nevada's Wildlife:

[Submitted ([Exhibit F](#)).]

I am opposed to the bill, but I am not against the intent of the bill, which seeks to evenly distribute popular big game tags. I am opposed to the process. I am a member of a tag allocation and application committee. The committee reviewed one in a lifetime tags for various species. While it is Assemblyman Claborn's right to bring legislation on behalf on his constituents, I feel working through issues within the framework of the advisory boards and the Commission is a better system. It includes more sportsmen and it provides more flexibility. Perhaps the one in a lifetime rule will not be necessary if the bighorn sheep population doubles in ten years. I am a proponent of advisory

boards. Nevada is a big state, and everyone cannot attend hearings in Carson City, but they can go to local advisory board meetings.

Larry Johnson, Member, Coalition for Nevada's Wildlife:

I am director of a sheep organization, and we recently contributed over \$500,000 to Nevada's wildlife. Over the years, we contributed millions of dollars and tens of thousands of volunteer hours. The bighorn sheep program is the most ambitious big game reintroduction program in the world, and the success of the program is largely due to the partnership between wildlife organizations and federal agencies.

Nevada's bighorn sheep population is expanding annually. There is more access to mountain ranges. More tags are issued each year. The California bighorn sheep has tremendous potential for population expansion. In fact, I look forward to the day when we can issue more California bighorn sheep tags.

The Coalition for Nevada's Wildlife opposes this bill, and I believe a majority of Nevada's sportsmen are also in opposition. Statistically, this bill does not make a difference. It is unnecessary. It is uncommon for people to draw tags twice, but if someone drew twice, he has hunted for many decades. About one month ago, I asked one of the proponents of the bill if he is willing to petition the Nevada Wildlife Commission rather than introduce this bill. Apparently, that offer was declined. We have a wonderful system that receives input from sportsmen across the State. People have the right to use the legislative system, but quite frankly, this is better served elsewhere.

Assemblyman Carpenter:

I have been a member of the Legislature for many years. There were times when legislators had to act because the Commission did not act. Sometimes we need to act with legislation because the Commission fails to do so.

Larry Johnson:

The records show that damage compensation and land owner incentive tags were discussed in the Legislature because the Commission worked with the legal department on statutes. I attended subcommittee meetings that drafted the legislation and regulations. The damage compensation tags were unanimously supported by sportsmen and agricultural organizations. It was very good legislation.

Assemblyman Claborn:

I have been a member of this Committee since 1999, and the Commission considers my bills only when I give them money. This committee passed a bill that helped the Commission to control predators. I sponsored a bill that

established a heritage trust fund. It passed. There was \$5 million in the fund, and the Commission was allowed to receive 70 percent of those funds per year. That is a lot of money. However, the condition of the deer and elk went downhill. Since 1999, this Committee gave the Commission hundreds of thousands of dollars. However, the Commission did not make improvements. The Commission supports my bills only if they get money.

Kenneth E. Mayer, Director, Department of Wildlife:

[Submitted ([Exhibit G](#)) and ([Exhibit H](#)).]

We are neutral on this bill because it is a research allocation issue. I do not believe it is our place to take one side over the other. It is our job to provide factual information. I looked at the language of the bill and the new amendment. There are a number of people that have spent hundreds of thousands of dollars through the years for auction tags. If the bill as amended affects the heritage tag program, it would have an adverse impact. There are not too many people who can spend \$100,000 for a sheep tag. A person spent \$440,000 on sheep tags in a two year period.

Assemblyman Bobzien:

This legislation will cover the heritage tags?

Kenneth E. Mayer:

Section 1(3) states, "A person who obtains a tag to hunt" That pertains to a person who buys a tag at an auction. The provision would not affect the purchase of a different sheep tag. I am not sure that was the intent, but that is our concern.

Assemblyman Bobzien:

Would it impact the bidder of the tag, and not the organization or agent that is putting the tag out for auction?

Kenneth E. Mayer:

That is correct. If you bought a tag last year, and decide to purchase one this year, that would impact you if you are a successful bidder. It would impact the organization.

Assemblyman Bobzien:

I see that as a serious disincentive for someone who wants to bid on a heritage tag.

Kenneth E. Mayer:

I do not know how many people can afford these tags.

Assemblyman Claborn:

There is a problem if you think that would eliminate sheep tags. Perhaps I misunderstood you, but eliminating sheep tags is not my intent.

Kenneth E. Mayer:

That is my assumption.

Assemblyman Claborn:

I never took money away from wildlife efforts, but the bills I sponsored have helped to give money to wildlife organizations. The amendment makes sure someone will not prevent tags from being auctioned. I am not against that.

Kenneth E. Mayer:

I assume that because you helped to bring money to the Department of Wildlife. There are some individuals who bought tags year after year, and they will be removed from the candidate pool.

Assemblyman Claborn:

If that is so, I will amend the bill today to correct that problem.

Assemblywoman Smith:

I am not sure if Mr. Bobzien's comment went in that direction, but it raises concerns when people who can afford tags are allowed to draw more than one tag. It adds another layer of complications. I am not speaking for Mr. Bobzien, but that is my concern.

Vice Chair Hogan:

Is there any more testimony? [There was no response.] The hearing on Assembly Bill 111 is closed. I will return the gavel to Chair Claborn.

Chair Claborn:

Thank you, Mr. Hogan, you did a great job as usual. There is new business before the Committee. It regards Assembly Bill 67, and it seems the Committee would like to revisit that bill. I have no problem with that, and we can discuss it during work session. I can place it on the agenda for Wednesday. I understand there are new regulations, and it would be a good idea to revisit the bill. I would rather work under state regulations instead of federal regulations. Are there any comments? [There was no response.] We are adjourned [2:54 p.m.].

RESPECTFULLY SUBMITTED:

Christina Van Fosson
Committee Secretary

Katrina Zach
Transcribing Secretary

APPROVED BY:

Assemblyman Jerry D. Claborn, Chair

DATE: _____

EXHIBITS

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

Date: April 9, 2007

Time of Meeting: 1:37 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 111	C	Assemblyman Jerry D. Claborn Clark County Assembly District No. 19	Mock-Up
A.B. 111	D	Cecil Fredi, Private Citizen, Las Vegas, Nevada	Prepared Testimony
A.B. 111	E	Cecil Fredi, Private Citizen, Las Vegas, Nevada	2006 Final Bighorn Sheep and Mountain Goat Harvest by Hunt and Unit Group
A.B. 111	F	Jeremy Drew, Coalition for Nevada's Wildlife	A Brief History
A.B. 111	G	Kenneth E. Mayer, Nevada Department of Wildlife	Analysis of Hunters that Draw Multiple Elk and Sheep Tags
A.B. 111	H	Kenneth E. Mayer, Nevada Department of Wildlife	Heritage Tag by Successful Bidder