

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

**Seventy-Fourth Session
April 2, 2007**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Jerry D. Claborn at 1:35 p.m., on Monday, April 2, 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
Assemblywoman Debbie Smith

COMMITTEE MEMBERS ABSENT:

Assemblyman James Ohrenschall (Excused)

GUEST LEGISLATORS PRESENT:

Assemblywoman Heidi S. Gansert, Washoe County Assembly District
No. 25



STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Ira Hansen, Private Citizen, Reno, Nevada
Kenneth Mayer, Director, Department of Wildlife, Nevada
Rob Buonamici, Chief Game Warden, Bureau of Law Enforcement,
Department of Wildlife, Nevada
Francis Piccinini, Private Citizen
Frank C. Page, Private Citizen

Chair Claborn:

[Meeting called to order.] Before we get started, I would like to apologize to the Committee for some things that took place at our last Committee hearing on March 28, 2007, when we addressed Assembly Bill 259. I apologize to the Committee for allowing some people to give testimony for too long. It caused the meeting to be too long. I also apologize to the Committee for opening the meeting and turning the gavel over to Vice Chair Hogan when I gave testimony on the bill. I have been informed that is not the proper procedure to resume as Chair until the debate on a measure has been completed; I apologize. I am turning the gavel over to Vice Chair Hogan.

Vice Chair Hogan:

[Opened the hearing on Assembly Bill 338.]

Assembly Bill 338: Makes various changes relating to wildlife. (BDR 45-916)

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

Assembly Bill 338 relates to wildlife and I will review the key provisions of the bill.

Currently, there is a schedule of demerit points for wildlife convictions in the *Nevada Administrative Code* (NAC), Chapter 501.200. Section 2 places that schedule in Chapter 501 of the *Nevada Revised Statutes* (NRS). Section 3 requires the Nevada Department of Wildlife (NDOW) to revoke hunting, fishing, or trapping licenses of anyone who gets 12 or more demerit points within a 60-month period. Sections 4, 8, 11, and 12 prohibit certain wildlife activities

that are generally addressed in regulation at this time. Section 7 of the bill prohibits the Board of Wildlife Commission from adopting regulations establishing demerit points for wildlife convictions and revocation and issuance of certain licenses.

Section 10 prohibits a person from using an aircraft, hot air balloon, satellite, or certain other devices to locate or observe any big game mammal in certain areas 48 hours before a big game hunting season. If you are flying from Carson City to Elko a day before the season and you fly over a herd of elk, does that mean if you shoot an elk on the first day of the season, you get fined? That was not the intent of the bill so I eliminated that part.

I was asked to introduce the bill because it seems the NAC has more power than law. In the Committee on Transportation meeting, we had a bill that says a person cannot use a cell phone if he is in an automobile and 18 years of age or under. The penalty in the bill made a violation a regular offense. The Committee determined that an amendment was needed to make it a secondary offense such as a seatbelt violation. A car cannot be stopped unless there is an initial offense.

If a young-looking person were driving while speaking on a cellular phone, an officer could pull them over to ask if they had been speaking on their cell phone. If the officer then asked the driver's age, if the driver responded that he was 22 years old. The officer says he stopped the man because he looked like he was 17. If the driver, who was allowed to be on the cell phone, says that the officer was profiling him, then a lawsuit would ensue.

Another example could be a person driving down the road in a truck, equipped with camouflage clothing, a gun rack in his car, and a load of wood in his pickup bed. If he got stopped by a game warden who asked to see his hunting and gun license, he could tell the game warden that he was not hunting, but woodcutting. The game warden might respond that he is wearing camouflage and it appears as though he is hunting. He could then tell the game warden that he is being profiled.

He cannot sue the game warden because hunting regulations are not law. But the department would have more enforcement power if it were. It appears that the regulations are stronger than the law and that is not right. I believe that any penalty for a violation has to be in the law. What we want to do is take all of the NAC regulations for wildlife violation enforcement and put them into the NRS.

The more I study the bill, the more difficult it becomes to explain its provisions. That is one of the reasons why I would like to hear testimony from both sides on this today. I do not know if this bill will pass, but it warrants a hearing to accomplish our purposes.

Assemblyman Grady:

I would like to clarify that you do not think that the NAC has the same force as law. When the NAC was developed, it was brought before the legislature for acceptance.

Assemblyman Claborn:

In order to be passed, laws must go through the legislative process. To pass regulations, all that is required is a consultation with the Legislative Commission. They meet quarterly. Regulations can be passed every four months. They are similar to the law in effect.

I am not discussing all NACs, only wildlife violations. I would like to place existing NAC penalties and the provisions of Assembly Bill 338 in the NRS. Then the only disadvantage would be how they add or change provisions. Regulations would be required to go through the legislative process. Propositions to the Legislative Commission would have to wait every other session. When these types of issues are brought forth, they would become the law instead of regulation. I do not know how many regulations there are, but I am willing to have them placed in the NRS.

Assemblyman Grady:

I respectfully disagree with you. Do the demerits in this bill match what the NAC currently has?

Assemblyman Claborn:

That is where they are. Each of the demerits is currently in the NAC and I am not changing any of them. The only difference is NDOW. The Board of Wildlife Commissioners would have to come back here and go through the legislative process if they want to make any more laws. This only applies to convictions. If a person is pulled over, goes to court, and is fined; they can do it through the NRS instead of the NAC.

Assemblyman Goicoechea:

I understand that all the demerits in place are technically NACs that are going to go into the NRS.

Vice Chair Hogan:

Are there any additional questions? [There were none.]

Assemblyman Claborn:

I would like for us to understand this. It warrants a hearing in case we want to pursue it in the future.

Assemblywoman Smith:

You mentioned the aircraft language. I remember hearing about that last session. Is it the same language that was presented then?

Assemblyman Claborn:

No, it is not quite the same. The last one did not have air balloons in it. Aside from that, it was the same language.

Assemblywoman Smith:

I do not see much difference between the previous bill and this bill.

Assemblyman Claborn:

The other bill was more stringent than this one. It stated that if a person flew over any big game and then killed it, he was in violation of the NAC.

Vice Chair Hogan:

Are there any further questions? [There were none.]

Ira Hansen, Private Citizen, Reno, Nevada:

I am the author of the original demerit bill passed during the 1995 legislative session. The original intent of the bill was to have it incorporated into statute. The Committee decided to delegate the responsibility to the Board of Wildlife Commissioners. The Commission set up a committee, and we came up with all the numbers you see in this bill. This bill delivers what was originally intended in 1995.

Sections 1 through 7 addressed the demerit system legislation. From Section 8 on, there are amendments that do not have much to do with the demerit system, and we would be willing to amend those in order to make this an acceptable bill. We share Chair Claborn's concern of administrative law; it has the same affect as standard statutory law. The disadvantage of statutory law is that it goes through the legislative process. When it went through the administrative process, it was much simpler.

From 1996 until one year ago, the current demerit system in the NAC was unchanged. A year and a half ago, individuals from NDOW revamped the system and made new regulations. I discovered that the changes did not come from the Board of Wildlife Commissioners or any sportsmen groups, but from the NDOW Law Enforcement Division.

Essentially, laws that would impact hundreds of thousands of Nevadans could be conceived by a couple of individuals inside a single bureau. The Bureau had minor consultations with a few sportsmen groups. They presented their changes to the Board of Wildlife Commissioners. There were 27 pages of changes that should have been presented before a Committee like this. We reduced the changes to less than one page. Those changes were adopted by the Board of Wildlife Commissioners. They will be integrated into this bill.

Sections 1 through 7 takes what is in the NAC and rolls it over to the NRS. The reason for that is to prevent the ability to arbitrarily change the laws or regulations. It should be impossible to pass a law, especially 27 pages of new rules and regulations, without being reviewed by a legislative committee and going through the legislative process. That is the intent of this bill.

Section 1 does not change anything. Section 2 is several pages long. It consists of all the current demerits which are not being changed. Sections 3 through 7 have no changes. Sections one through seven primarily place the current demerit system of the NAC into the NRS. That is to ensure that these rules cannot be changed and made enforceable, without the review of lawmakers.

I ask the Committee to pass sections 1 through 7 of Assembly Bill 338. Nevada Department of Wildlife is neutral on this, but they are concerned that this would create difficulty for the Board of Wildlife Commissioners. The intent of this bill is to ensure that any laws that have court-enforceable penalties go through the legislative process.

Assemblyman Goicoechea:

I am confused about page seven of the bill. It says that if someone refuses to show his license it is 12 demerits. But if he does not have a license, he only gets six. That does not make sense.

Ira Hansen:

That is something the Committee can review. When I noticed that, it represented a red flag for me also. Mr. Buonamici can address that. If you are caught in the field without a license but can present it later, the charges will be dismissed.

Assemblyman Goicoechea:

This says, "for not having obtained a license."

Ira Hansen:

Mr. Buonamici from the Bureau of Law Enforcement of NDOW can answer that much better than I can.

Vice Chair Hogan:

Are there anymore questions for the witness?

J. Randall Stephenson, Committee Counsel:

We cannot leave Sections 8 through 12 out of the bill because if demerit points are imposed for something, we need to ensure that it is unlawful. The only way to make it unlawful is to include them in the regulations.

Ira Hansen:

The items which are not specified in the demerit section of the bill are already included in the demerit system. Because of the misdemeanor status of those violations—three demerit points—they are not broken out. The list does not include every single wildlife violation that exists. It concludes with a disclaimer which states that all laws or NACs that are violated, but are not listed will be punishable by three demerits or less."

J. Randall Stephenson:

I want to address why the provisions are there. In the section under "tags and seal" it says, "possession of a bobcat pelt without a seal [is six demerit points]." Where does it state that it is impermissible? In the future there might be an issue with people wanting to know where in NRS it specifies whether or not it is permitted.

Ira Hansen:

To make the bill workable, the sections specifically addressing that concern should be left in the bill. But section 10, number two, which refers to mountain lions and lights, would fall under the category you brought up. I am not certain. You and the LCB would have to address that. I do not think that is something to be delegated. It is a new amendment to the wildlife laws.

J. Randall Stephenson:

Section 10 refers to the wholesale importation of NAC 503.148. It does include the hot air balloon language in it. We might be getting into issues that are unnecessary to clarify at this time. I just brought that up as the reason why some of the sections are in there. We can amend them out.

Vice Chair Hogan:

Section seven, paragraph two includes the new language. That section states that the Commission shall not adopt regulation that establishes demerit points

for a wildlife conviction. Not transporting the lesser convictions, (the non-felony convictions) into the statute would create a problem. The Board of Wildlife Commissioners has other demerit provisions still in regulation. Do they lose any of their enforceability?

J. Randall Stephenson:

The point of section seven, subsection two is to clarify that the Board of Wildlife Commissioners will have no authority to revoke hunting or fishing licenses for demerit points. If there are any NAC provisions left after this bill, they will be void and unenforceable.

Vice Chair Hogan:

This will require careful thinking. We must ensure that we do not disconnect any longstanding and presumably sensible regulations by not transferring them into the statute.

Assemblyman Claborn:

Once these are in statute, in order to make changes, NDOW will have to come to this committee and go through the legislative process. If they want to include any more demerits, they would be required to come here and make them law.

Ira Hansen:

The intent was not to eliminate anything, but to keep in place what is currently in the NAC and transition the penalty aspects into the NRS. If there are some glitches in doing so, we anticipate that the LCB and staff can work them out. We probably need to clarify that the bill's proponents did not intend to eliminate NAC rules and regulations through omission.

Assemblywoman Smith:

Prior to last session regulations could get passed without legislative oversight. But we passed a bill which required every regulation to be approved by the commission, which is a legislative body. Is that correct?

J. Randall Stephenson:

Yes, that is correct. All adopted regulations have to be presented to the Legislative Commission.

Ira Hansen:

That is correct. When they are reviewed the LCB determines if they comply. They also determine whether or not they conflict with existing NRS. It allows them expansion power outside any overview of a committee like this.

Assemblyman Claborn:

How many modifications have there been? You mentioned that since 1995 there have been very few?

Ira Hansen:

I am unaware of the exact number, but there have been very few. Almost all of the changes in the demerit system were based on legislative changes. In effect, what this is going to do is put into law what has been done up until a year and a half ago.

Assemblyman Bobzien:

In addition to oversight, the role of the Legislative Commission is to ensure that the legislative review process is followed closely in order to allow for public comment. Is that correct?

J. Randall Stephenson:

Yes, that is my understanding of how the Legislative Commission works. One of the issues they oversee is that the adoption agency has regulatory and statutory authority. They also ensure that regulations expedite the intent of that authority. Last interim, there were numerous controversial regulations. They caused several problems and did not get past the Legislative Commission.

Assemblyman Claborn:

I do not want people to lose perspective of what I am trying to accomplish, which is to make the NACs law for enforcement purposes.

Vice Chair Hogan:

Are there any questions? [There were none.]

Kenneth Mayer, Director, Department of Wildlife, Nevada:

We have taken a neutral position on the changes as written. I have Mr. Buonamici here to explain the process we are currently going through.

Rob Buonamici, Chief Game Warden, Bureau of Law Enforcement, Department of Wildlife, Nevada:

As a game warden, it is irrelevant to me whether we enforce NAC or NRS. Society establishes laws and regulations. We enforce them. The regulation contains a lot of detail in it. It has incited a lot of time-consuming discussion. The Legislature is highly competent, but limited to 120 days. We have been working for one year and half on the last revision, which has changed substantially from the original proposal.

I am concerned about placing certain sections of the NAC into the NRS. Upon close reading of this material, there is a myriad of examples for me to draw from. On page four it says "possessing twice the legal limit or more of game fish." Not only is that a regulation, it is a commission regulation. It is not an NAC. It is a season-and-bag-limit issue. Consequently, we would have to legislate hunting seasons such as the limit of quail and the hours of hunting.

At the top of page eight, number two states "a person who is convicted of committing (a), a violation of a provision of this title that does not appear in the schedule set forth in subsection one must be assessed three demerit points."

That section takes all other regulations, such as all commission regulations, and season and bag limits, and allocates three demerit points if they are not covered. That means that we may be required to transfer hundreds of NACs into the NRS. We would probably have to schedule them throughout the legislative process. They are enforceable regardless. But I am cautious about the confusion that major changes would cause to our sportsmen constituents.

Vice Chair Hogan:

The lesser misdemeanor infractions do not appear in what we are looking at today. But they are valid regulations you currently enforce. What would have to be done to maintain the enforceability of those regulations?

Rob Buonamici:

The list of demerits that have points associated with them includes many misdemeanors. They are administrative penalties applied to individuals who are convicted of misdemeanors.

Vice Chair Hogan:

Are there significant, currently enforced regulations which are not printed in this version of the bill that would be rendered ineffective until they were put through the legislative process? What would have to be done to keep them enforceable?

Rob Buonamici:

We would have to go through each individual current NAC to pull out the regulations we enforce. Many apply to the tag application process. That is a process issue. It is not an enforcement or criminal offense issue. There are NACs written under the authority of the NRS on the books that would need to be reviewed. But that would take a lot of time since there are well over 100.

Assemblyman Claborn:

Would I be able to integrate in every statute that is in the bill?

J. Randall Stephenson:

We are getting a little off topic. This bill leaves in place what is already available to the Board of Wildlife Commissioners and the Department so they can enforce regulations. This bill focuses on the program for the demerit system and removes their authority. Any regulation which deals with their demerit system or revokes tags and licenses on the basis of demerits would be covered by this bill. The other provisions of the NAC would still be valid and enforceable.

Assemblyman Claborn:

I am not trying to remove anything from the NACs. I want to transfer the enforcement of convictable laws from the NAC to the NRS.

J. Randall Stephenson:

Yes, and I am assuming it would pertain to wildlife convictions and the premises of receiving a demerit.

Assemblyman Claborn:

If a person were caught doing something wrong, such as catching too many fish, that would be a violation. That person would get a ticket and would be required to go to court. That is what I want to do. We only want to deal with the penalties associated with convictions.

J. Randall Stephenson:

That is what it will do. The Board of Wildlife Commissioners would still have the authority to set the daily bag limits. The three-point demerits are the catchall for any other regulations that the Board of Wildlife Commissioners has the authority to adopt. This bill would not affect the Board's authority to set bag limits or enforce those unspecified demerits. Those would all be three-point demerits. They could still set their bag limits.

Assemblyman Claborn:

We can all agree that this is not an easy bill.

Kenneth Mayer:

The original regulation needs to be integrated in, in order for them to be linked.

J. Randall Stephenson:

I did not work on this bill. But it might be an example of why we may need to include those other sections in order to clarify what is unlawful.

Assemblyman Claborn:

Mr. Hansen and I discussed that. We knew it was going to be a problem because of the bobcat seal. A person has 15 days from the day they took the bobcat, to submit the seal.

Rob Buonamici:

It is 10 days after the close of the season.

Assemblyman Claborn:

If a person possesses a bobcat, it is not a violation until after the tenth day with no seal. We anticipated that it would be a problem. We will address that. If the bill were to take effect, we would meet with NDOW and the Bureau of Law Enforcement to produce a solution.

Assemblyman Goicoechea:

I do not understand this. We are discussing a series of regulations that would continue to be regulations. If a person were convicted, his conviction would roll into the provisions of the statute. Is that correct?

Assemblyman Claborn:

That sounds reasonable.

Assemblyman Goicoechea:

We are going to codify these regulations into statute, but how you get the demerit points would be under NAC or wildlife regulations. That is what I understand.

Rob Buonamici:

Yes, that is correct.

Kenneth Mayer:

If there was a public proposal to change it from 10 to 15 days, that would go through the Board of Wildlife Commissioners. Once that regulation was set, it would change. But the demerit part would not change. That portion would remain in statute.

Assemblyman Goicoechea:

I want to clarify the intent. We are essentially codifying the demerit system in the NRS and the rest would remain in the NAC or wildlife regulations.

Rob Buonamici:

The Board of Wildlife Commissioners adopted the changes we worked on last year. If the Committee chooses to adopt this, we would like to incorporate those changes into the new wording.

Vice Chair Hogan:

Have those changes gone through the approval process within your department?

Rob Buonamici:

Yes, they have gone through everything except legislative approval.

Vice Chair Hogan:

Does the committee approve of that in lieu of it going to the Legislative Commission?

J. Randall Stephenson:

It would have to go before the Commission if it is going to be a regulation.

Assemblyman Goicoechea:

Did you equate the penalty for not having a license with the penalty for not showing the license?

Rob Buonamici:

No we did not. Regardless of whether a person had a license, if they refused to abide by the lawful demands of an officer, the consequences would be more severe than if they did not have a license.

Assemblyman Goicoechea:

It bothers me that it would be exceedingly difficult to provide a license if a person did not have one.

Rob Buonamici:

We are concerned with the overt act of refusing to provide proof of having one.

Vice Chair Hogan:

Is there anyone else who would like to provide pertinent testimony?

Chris MacKenzie, Chair, Nevada Board of Wildlife Commissioners:

I did not state a position on this bill because I was waiting for an explanation from testimony. I was uncertain of the purpose of this bill. Having heard explanations, I appreciate its basis. It is your role to decide whether this body or the commission should determine the demerits. When the proposal was

presented it went through our Commission process. Public concerns regarding changes in the demerit system were addressed.

We decided not to act on it until all the parties came to a settlement. It was referred to as the "regulation from hell" because it returned several times and there were still items which required public input. Not everyone was happy, but the process seemed to work this time. I understand the concern with why it should be a legislative rather than a commission process. We can proceed as long as there are no inconsistencies that result from the changes.

Assemblyman Grady:

That begs a question. You mentioned that you have gone through a long process to arrive where you are in this process. Do you think that people would find it easier if it was in statute instead of going through the long process in the board of commissioners? If someone said that they did not like a particular demerit and it needed to be changed, do you think we would see several of those bills every two years?

Chris MacKenzie:

The answer to your question would depend upon the composition of the commission. It would also depend upon whether or not people could address their concerns to a commissioner or a commission, through a petition. Commissioners are subject to lobbying just as legislators are. Special interest groups seek an audience from them. As a legislative body you would see more bills if concerns came up that would have otherwise been addressed by the commission. The process is similar. The commission deals specifically with topics pertaining to sportsmen. But you can become educated and learn the process in the same way.

Assemblyman Claborn:

In response to Assemblyman Grady's question, it would be easy for a person to come here to change the bill. You would only need to submit a bill draft request or an amendment to make the change. It will not be a problem.

Vice Chair Hogan:

Are there any other questions? [There were none. Closed the hearing on Assembly Bill 338.]

**Assembly Bill 343: Revises provisions governing hunting and fishing licenses.
(BDR 45-1285)**

Assemblywoman Heidi S. Gansert, Washoe County Assembly District No. 25:

In order to get a senior discount on a fishing license a person must have been a resident for five years. This bill changes the time to six months. Several years ago this topic was addressed, but it did not culminate. I wanted to draw attention to this issue again. I had the Research Division put together a list of residency requirements for different issues.

In order for a senior citizen over 65 years old to get a discounted fishing and hunting license the current requirement is 5 years. But to adopt a child in Nevada, the residency requirement is six months. For a divorce it is six weeks. For a drivers license it is 30 days. There is no requirement to get a marriage license. The Millennium Scholarship requires two years of attendance in a Nevada high school, vehicle registration is to be done within 30 days of moving here, and voting registration is 30 days. You can see that the residency requirements are much different than the five years for a senior discount. I want to draw your attention to this discrepancy.

Assemblywoman Smith:

I want to clarify the residence requirements you presented. Those are actually to have whatever the benefit is. With requirement they can get the license, but would have to pay a higher fee. Is that correct?

Assemblywoman Gansert:

That is correct. I am interested in discrepancies in residency requirements. Another residency requirement that I did not mentioned is for in-state tuition for higher education. It is six months to receive a significant discount for that.

Francis Piccinini, Private Citizen:

For several years the residency requirement for obtaining a fishing license was six months. I do not know how or why it was changed, or who changed it, but it was changed to five years. That time requirement is unreasonable.

My business is issuing and selling hunting and fishing licenses. The passage of this legislation would result in a slight financial gain for me. I have customers who have only been residents for three years. When they seek a fishing license from me and I inform them that they are required to pay a higher price, they leave. That hurts my business and in turn hurts the State.

A child can move to Nevada and get a reduced fee for a junior license after six months. A senior citizen has to wait for five years. Who generally has more

time, a child or his grandfather? One of my customers who passed away could not pay the higher price. He had simply wanted to take his grandson fishing. That is unjust. If a person moved to another state they would probably not be pleased to have to wait three years to obtain a license. Seniors citizens who relocate to our State do not like the current regulations. We want them to become a part of our community.

Frank C. Page, Private Citizen:

Five years may be a lifetime for some people. The current required regulation is unfair; six months seem like a fair amount of time. The ability to obtain a divorce in six weeks is much more drastic than obtaining a fishing license. This change would not be detrimental to the State. It would actually be beneficial to the State because people could purchase a license at a discounted rate after six months. They may not purchase one at all if they have to pay a higher price under the current regulations.

Assemblywoman Gansert:

On the second page of the handout that I distributed there is a history of the regulation including the change to five years ([Exhibit C](#)). It was six months until 1995 when A.B. No. 212 of the 68th Legislative Session was passed and changed it to the five-year residency requirement.

Vice Chair Hogan:

That puts this into perspective. The length of time you have chosen is one we were once familiar with. The current requirement has been in regulation for 12 years. It is time to reconsider.

Assemblyman Claborn:

I have had many calls over the past few years from people who wanted to see this regulation change. I have no problem with the bill, but there might be a fiscal note associated with it.

Assemblyman Goicoechea:

We heard on a previous bill that if a person bought their license at Wal-Mart, they paid a higher fee.

Francis Piccinini:

That is incorrect. We are allotted \$1 per license we sell. That allotment is included on the face of the license. It is not in addition to the regular fee. The senior citizen fee for fishing is \$13. For hunting, it is \$13. I gain a dollar from each sale. The combination hunting and fishing license costs \$21. I also gain \$1 from that sale. That is what the State gives us. The fee should be consistent.

Assemblyman Goicoechea:

I noticed the bill says the fee is \$9.

Francis Piccinini:

That is incorrect. I noticed that today.

Assemblyman Goicoechea:

That needs to be corrected. We need to learn the proper fee structure.

Francis Piccinini:

It was \$9, but now it is \$13.

J. Randall Stephenson:

The statute says \$9.

Vice Chair Hogan:

Are there any further questions?

Frank C. Page:

One thing to keep in mind is you are talking about people who are no longer in the early part of their life. Money becomes more important to them.

Assemblyman Claborn:

Now that I am 65 years old, purchasing a combination license is only \$17. It is unbelievable.

Francis Piccinini:

The fee for a senior's combination license is \$21.

Assemblyman Claborn:

The \$21 fee for a combination license is reasonable. We have to support wildlife by some means.

Kenneth Mayer:

The Department of Wildlife is in favor of the bill and anything in our power to get more people hunting and fishing. The Department of Wildlife requests consideration for reimbursement from the general fund for the difference in the license fees. The current price for a senior hunting license is \$13. For fishing it is \$13 and for a combination license it is \$21. The standard fee for people under age 65 is \$33 for hunting, \$29 for fishing, and \$54 for a combination.

I would like to draw your attention to section two. It states that "this act would become available July 1, 2007." The license year begins on March 1, 2008. We may need to make a modification to meet regulations.

Assemblyman Claborn:

Please explain the Pittman-Robertson (PR) Act for the committee. Would we have a three-to-one ratio for that money?

Kenneth Mayer:

The purchase of sporting equipment is taxed at the federal level. That money is matched and made available to the states for conservation projects. We use sportsmen's money to match as the three-to-one match.

Assemblyman Grady:

You are not being reimbursed. Is that correct?

Kenneth Mayer:

That is correct.

Assemblyman Grady:

We should not send this to Ways and Means. It will never pass in that committee.

Vice Chair Hogan:

Mr. Mayer, did you say March 1, 2008?

Kenneth Mayer:

Yes, that is what I said.

Vice Chair Hogan:

The bill should say \$13, \$13, and \$21. Is that correct?

Kenneth Mayer:

Yes, that is correct.

Assemblyman Bobzien:

When we are talking about PR funds, is that reflected in the fiscal note you provided?

Kenneth Mayer:

No, it was just a general question about Pittman-Robertson. We also have the Dingell-Johnson Sport Fish Restoration Act and the Wallop-Breaux Amendment

as well. The State Wildlife Grant program does not use sportsmen's money to match, but uses General Funds and in-kind contributions.

Assemblyman Bobzien:

This topic is similar to one we dealt with earlier this Session. These are worthy goals. I am pleased that you pointed out the need for reimbursement because our concern is to keep the department intact.

Vice Chair Hogan:

We have a fiscal note for \$16,171 per year or \$32,342 for two years. That would be the difference between regular senior license fees and the discounted fees.

Assemblyman Claborn:

I can explain the Dingell-Johnson Act. It works the same way as the PR Act. Money is generated from excise taxes from fishing license sales or equipment. That goes into a fund controlled by the federal government and they match the funds three-to-one. That system is one of the only ways to keep these programs alive.

Vice Chair Hogan:

Are there any questions?

Chris MacKenzie:

The discrepancy between \$9 and \$13 can be explained by habitat fees charged in addition to the license. Each consumer is charged a predetermined fee. We also request reimbursement for the low-cost licenses. But that is discretionary. We are never guaranteed it. We would like for the request to include the same language as the veteran's bill. That way we are not required to supplicate reimbursement. That would make it an automatic provision.

Vice Chair Hogan:

I assume we can change that language.

Assemblyman Carpenter:

It appears that the fiscal note may be blown out of proportion. More people are going to purchase the license if it is cheaper. I would like to see how it is actually calculated.

Chris MacKenzie:

Mr. Mayer may be the more appropriate person to answer that. But it is true. It is likely that more people will purchase a discounted license than one sold at the full price.

Kenneth Mayer:

The discretionary section of this bill is pertinent. As the testimony suggested, it is possible to cause several people to purchase the discounted license. Our revenue might increase as a result. The only way to calculate this is to observe statistical information on how many senior citizen licenses were sold compared to how many people over age 65 lived here for less than 5 years. That is how the fiscal note was developed. It is difficult to calculate the exact number of people who will purchase discounted licenses.

Assemblyman Goicoechea:

Did the number of licenses increase or decrease 12 years ago when we changed regulations from 6 months to 5 years? There should be a record of that.

Assemblyman Claborn:

Over the past five years we have lost thousands of dollars in fees. Most of that loss was a result of the combination licenses. People are not hunting and fishing as much as they were ten years ago. Hopefully we will regain fish and wildlife. Then there will be more people participating and the fees will increase.

Assemblyman Carpenter:

Mr. Mayer, you seem to have a different outlook than the former director. In 1995 he wanted a different time requirement. He proposed that a person would be required to have resided in Nevada for 25 years before qualifying for licensure. We reduced that limit from 25 to 5 years. At the time we thought we were being generous. You say you agree with this bill and that it is preferable to reduce the requirement for the time of residency.

Assemblyman Bobzien:

I wish there was something in the bill about reciprocal licenses with California so that their license fees would decrease. The overall decline in hunting and fishing licenses applies to most states. It might be helpful if to demonstrate the difference in the number of senior licenses sold before and after the change in 1995.

Kenneth Mayer:

We will consider that.

Vice Chair Hogan:

When the reduction is initiated may be an opportune time to advertise to various senior organizations so that people become aware of the change.

Are there any questions? [There were none. Closed the hearing on Assembly Bill 343.]

Vice Chair Hogan:

Meeting adjourned [at 3:04 p.m.].

RESPECTFULLY SUBMITTED:

Sherrada Fielder
Committee Secretary

Christina van Fosson
Transcribing Secretary

APPROVED BY:

Assemblyman Jerry D. Claborn, Chair

DATE: _____

EXHIBITS

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

Date: March 7, 2007

Time of Meeting: 1:30 p.m.

Bill	Exhibit	Witness / Agency	Description
***	A	*****	Agenda
***	B	*****	Attendance Roster
A.B. 343	C	Assemblywoman Heidi S. Gansert, Washoe County, Assembly District No. 25	Memorandum on residency requirements in Nevada.