

**MINUTES OF THE  
SENATE COMMITTEE ON NATURAL RESOURCES**

**Seventy-fourth Session  
April 25, 2007**

The Senate Committee on Natural Resources was called to order by Chair Dean A. Rhoads at 3:31 p.m. on Wednesday, April 25, 2007, in Room 2144 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

**COMMITTEE MEMBERS PRESENT:**

Senator Dean A. Rhoads, Chair  
Senator Mike McGinness, Vice Chair  
Senator Mark E. Amodei  
Senator Joseph J. Heck  
Senator Bob Coffin  
Senator Maggie Carlton

**COMMITTEE MEMBERS ABSENT:**

Senator Michael A. Schneider (Excused)

**GUEST LEGISLATORS PRESENT:**

Assemblywoman Francis Allen, Assembly District No. 4  
Assemblyman Harry Mortenson, Assembly District No. 42

**STAFF MEMBERS PRESENT:**

Susan E. Scholley, Committee Policy Analyst  
Randy Stephenson, Committee Counsel  
Shirley Parks, Committee Secretary

**OTHERS PRESENT:**

Fred Messmann, Deputy Chief Game Warden, Department of Wildlife  
Jim Litchfield, Truckee River Foundation  
Pat Fried, Owner, Great Basin Sports  
Mike Milner, Owner, Tahoe Whitewater Tours

Senate Committee on Natural Resources  
April 25, 2007  
Page 2

Pamela B. Wilcox, Administrator, Division of State Lands, State Department of Conservation and Natural Resources  
Steve Weaver, Chief of Planning and Development, Division of State Parks, State Department of Conservation and Natural Resources

CHAIR RHOADS:

I will open the hearing on Assembly Bill (A.B.) 13.

**ASSEMBLY BILL 13 (1st Reprint)**: Revises provisions governing the use of watercraft. (BDR 43-144)

ASSEMBLYWOMAN FRANCIS ALLEN (Assembly District No. 4):

This bill is a combination of two concepts. My original concept changes the age of persons on a water vessel who are required to wear a life vest from 11 years and under to 12 years and under. We are lucky that we have two amazing lakes here in the middle of the desert, recreation destinations where locals and tourists go with friends and family to spend time on the water. The problem is that we share both of these lakes with other states, and in Arizona and California, the age for required life vests is 12 years and under. This new uniform standard would give an extra year to teach kids boat safety and make it a simpler and more convenient experience for recreational users around our natural playgrounds.

When this bill was heard in the Assembly, section 1 was added in a friendly amendment.

SENATOR COFFIN:

Are people on boats licensed in Nevada being cited by rangers from the other states?

FRED MESSMANN (Deputy Chief Game Warden, Department of Wildlife):

I serve as the boating law administrator and the liaison with the boating programs from other states and federal agencies such as the National Transportation Safety Board (NTSB), the United States Coast Guard and the United States National Park Service. I also regulate recreational boating safety. The Department of Wildlife wholeheartedly supports the plan to increase the age for mandatory use of personal flotation devices (PFDs) from 11 to 12 years. In answer to Senator Coffin's question, the law is already well complied with. This just makes it less confusing for boaters to comply. The NTSB, the National

Senate Committee on Natural Resources  
April 25, 2007  
Page 3

Association of State Boating Law Administrators and the American Academy of Pediatrics all endorse this age limit. I have a handout from the NTSB giving their opinion on A.B. 13 ([Exhibit C](#)).

The Department also supports the amendment to section 1 requiring boat livery companies to provide PFDs and instruction for their use when renting aquatic devices.

JIM LITCHFIELD (Truckee River Foundation):

The amendment was largely the result of the increase in the number of liveries that rent aquatic devices for recreation in our state waters. Existing statute is clear in its definitions of watercraft and water vessels. I have a handout that includes a photo taken at the Truckee River Whitewater Park in Reno ([Exhibit D](#)) showing a number of children without life vests. While this is a personal choice, every one of the aquatic devices shown in this picture, including inner tubes and boogie boards, were rented by private businesses at the park. There is no current requirement that those businesses provide life vests to children under the age of 13. Section 1 of the bill is included to reduce liability to both municipal operators and private liveries.

CHAIR RHOADS:

Is there a cost for the State?

MR. MESSMANN:

No. This program is already established via rentals on all other liveries. We will provide written safety material for the liveries to give to renters of inner tubes, for example, telling them not to get in the way of high-powered boat traffic, to stay near the shore and so on. Section 1 only applies to liveries.

CHAIR RHOADS:

What is the penalty for noncompliance?

MR. MESSMANN:

The penalty is a misdemeanor, a minimal fine. We are more interested in the education aspect of this. In the field, we will be inclined to educate violators first; if they do not want to pay attention, we will take it from there.

SENATOR HECK:

I have some concerns about section 1. Section 2, subsection 1, requires PFDs to be worn by everyone under the age of 13. However, section 1, subsection 1, says the livery will provide PFDs for all persons who use the aquatic device. I would like to know the financial impact on those liveries that will now have to buy all those PFDs. This seems to be a lot of burden on liveries and users to require PFDs for people floating down the river in an inner tube. I know the Trauma Registry tracks drownings and other accidents related to watercraft, but do we have any statistics about injuries associated with people in inner tubes?

PAT FRIED (Owner, Great Basin Sports):

In the indemnity form I use, there is a portion talking about the use of PFDs. I require anyone who rents equipment from me to sign that form saying they will wear a PFD. I support this bill. It will keep children safe. It is no more cost to me because I do not rent anything without enough PFDs for all children and adults.

MR. LITCHFIELD:

We wrote the amendment carefully to avoid curtailing the user's personal choice. Section 1 specifically addresses liveries and concessions doing business on the State's waters and requires them to provide PFDs to kids under 13.

SENATOR HECK:

I understand, but that is not what the bill says. The bill says that everyone gets a PFD, not just children under 13.

MS. FRIED:

I believe the bill says if you are 13 or over, you do not have to wear a PFD, but there does have to be a PFD for you in the craft. If you are under 13, you must wear a PFD.

SENATOR HECK:

Where do you put the PFD if you are in an inner tube if it has to be in the craft? I understand the idea of wanting children in inner tubes to wear PFDs, but the bill says, " ... provides to each person to whom the aquatic device is rented and to each person who will use the aquatic device ... ." I must be missing something.

RANDY STEPHENSON (Committee Counsel):

I am not here to advocate for or against this bill, but I was involved in drafting the amendment. What the authors were trying to do here was say that while everyone must be given a PFD and given the opportunity to be safe, there is no requirement for adult renters to wear a PFD. This is the liberty issue. As to children 12 years and younger, what they were trying to do was capture those folks and say that if you use an inner tube, you must wear a PFD, and they will be provided by the liveries.

MIKE MILNER (Owner, Tahoe Whitewater Tours):

I own a concession at the Truckee River Whitewater Park in Reno. I support this amendment because I also provide PFDs and ask that everyone who goes out on the river wear a PFD. I have always tried to talk the parents into having kids wear helmets as well. It is a safety issue, and it is something that is smart. I am totally in support of PFDs and helmets. With regard to the cost, it is something I plan for and expect to pay as part of the cost of doing business. It is something I want to see on the river, for a safety reason if nothing else. I recognize that everyone is entitled to freedom of choice once they are old enough, but for kids and those who do not know the dynamics and power of swift water, it makes sense to require PFDs. I will gladly bear the economic burden to make people safer on the water.

SENATOR MCGINNESS:

Assemblywoman Allen referred to the two lakes. Does this bill cover just those, or does it include all the lakes in Nevada?

MR. MESSMANN:

It would cover all the waters within Nevada. The point Assemblywoman Allen was trying to make was that the laws are the same between Arizona and California, but Nevada's current law is slightly different.

CHAIR RHOADS:

If we pass this bill, will we be in compliance with Arizona and California law?

MR. MESSMANN:

With Arizona law, yes. California is still working on this.

SENATOR COFFIN:

When we have worked on this issue in the past, we discussed declaring that a windsurfing board was its own PFD. I do not see windsurfing boards included in statute anywhere. Where do they fit in?

MR. MESSMANN:

Sailboards were exempted from the carriage of life jackets in *Nevada Revised Statute* 488.193. They were not classified as PFDs, but the argument was that they could serve as one. But they are certainly not U.S. Coast Guard-approved PFDs.

MR. MILNER:

With regard to PFDs and float tubes, when I rent a float tube I always provide a PFD. Those who choose not to wear them typically either hang them off the tube's carrying handle or drop them on the floor of the craft.

CHAIR RHOADS:

I will close the hearing on A.B. 13 and open the hearing on Assembly Joint Resolution (A.J.R.) 9.

**ASSEMBLY JOINT RESOLUTION 9**: Urges Congress to allow certain proceeds from the Southern Nevada Public Land Management Act to be used for Nevada's state parks. (BDR R-693)

ASSEMBLYMAN HARRY MORTENSON (Assembly District No. 42):

Nevada is growing by leaps and bounds, both in the south and in the north. However, our recreational facilities are not keeping pace. Not only are they not growing by leaps and bounds, but they are almost diminishing, and they are always on the bottom of the priority list. At one time, I am told, in a White Pine County bill dealing with the Southern Nevada Public Land Management Act (SNPLMA), there was a provision where state parks could apply for some of that SNPLMA money, which results from sales of land. This bill asks our congressmen to put that provision back in. There is so much money available; some is designated for schools, some to the water authority and other areas, but there is a huge chunk there that could be available by grant to state parks.

CHAIR RHOADS:

It seems that when we have tough budget times, we cut funding to parks and libraries first.

PAMELA B. WILCOX (Administrator, Division of State Lands, State Department of Conservation and Natural Resources):

We have been trying for a long time to make this happen. As Assemblyman Mortenson said, the first draft of the White Pine County bill included a provision that would have made funds available to state park facilities statewide, and I initially argued that they should be available to state wildlife facilities as well. The second draft of the bill was changed to make funds available only to state parks in Clark County, and in the final bill the provision was deleted. As A.J.R. 9 points out, the money has been used "for the enhancement and conservation of many federally managed areas in Nevada," and it is also available for local parks in Clark County. However, it is not available to state parks.

CHAIR TOWNSEND:

Parks do not come under "environmentally sensitive lands," correct?

Ms. WILCOX:

The money for environmentally sensitive lands is for acquisition, and that acquisition must be by the federal government, and title has to be owned by the federal government. State parks do not benefit from SNPLMA in any way at all.

SENATOR MCGINNESS:

On page 2, lines 8 and 9 refer to several state parks by name. There are other state parks. We should probably either not list any parks or list them all.

Ms. WILCOX:

I agree. I do not know why that list is in the resolution.

STEVE WEAVER (Chief of Planning and Development, Division of State Parks, State Department of Conservation and Natural Resources):

We fully support this bill. I have always thought it curious that state parks were thought to be less deserving than local and federal parks and are expressly exempted from eligibility for these funds. This resolution will help resolve that unfortunate situation.

Senate Committee on Natural Resources  
April 25, 2007  
Page 8

CHAIR RHOADS:

Assemblyman Mortenson, do you know why all parks were not listed in the resolution?

ASSEMBLYMAN MORTENSON:

I have no idea; that is the way it was drafted. I agree that the funds should be available to all parks. If you consider this resolution, I would hope you would amend the language to include all parks.

CHAIR RHOADS:

I will close the hearing on A.J.R. 9. Is there any further business to come before this Committee? Hearing none, I will adjourn at 3:59 p.m.

RESPECTFULLY SUBMITTED:

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Lynn Hendricks,  
Committee Secretary

APPROVED BY:

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Senator Dean A. Rhoads, Chair

DATE: \_\_\_\_\_