

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

**Seventy-Fifth Session
April 8, 2009**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Jerry D. Claborn at 1:34 p.m. on Wednesday, April 8, 2009, 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/75th2009/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, Chairman
Assemblyman Joseph M. Hogan, Vice Chair
Assemblyman Paul Aizley
Assemblyman David P. Bobzien
Assemblyman John C. Carpenter
Assemblyman Pete Goicoechea
Assemblyman Tom Grady
Assemblyman Don Gustavson
Assemblyman Harvey J. Munford
Assemblyman James Ohrenschall
Assemblyman Tick Segerblom

COMMITTEE MEMBERS ABSENT:

None

GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

J. Randall Stephenson, Committee Counsel
Jennifer Ruedy, Committee Policy Analyst
Judith Coolbaugh, Committee Secretary
Cheryl McClellan, Committee Assistant

OTHERS PRESENT:

Chad Bliss, Private Citizen, Eureka, Nevada
Bjorn Selinder, Private Citizen, Fallon, Nevada
Larry Johnson, President, Coalition for Nevada's Wildlife, Inc., Reno, Nevada
Tom Smith, representing the Coalition for Nevada's Wildlife, Inc., Reno, Nevada
Kenneth E. Mayer, M.S., Director, Department of Wildlife
Gerald Lent, Chairman, Board of Wildlife Commissioners, Department of Wildlife
Jeremy Drew, representing the Coalition for Nevada's Wildlife, Inc., Reno, Nevada
Kyle Davis, Policy Director, Nevada Conservation League, Las Vegas, Nevada

Chairman Claborn:

We are going to hear Assembly Bill 183. We are going to have work sessions on Assembly Bill 246, Assembly Bill 362, and Assembly Bill 516.

I am going to open the hearing on A.B. 183.

Assembly Bill 183: Authorizes the Board of Wildlife Commissioners to establish an additional kind of drawing for the existing allotment of big game tags. (BDR 45-76)

[Chairman Claborn turned control of the Committee over to Vice Chair Hogan. Chairman Claborn remained in the room.]

Assemblyman Pete Goicoechea, Assembly District No. 35:

Assembly Bill 183 pertains to what is called the Silver State Tags. It will allow for an additional drawing for tags that would otherwise be only available through an auction. Typically, some of the prizes in these auctions have brought as much as \$120 per tag. This puts the ability to acquire one of these desired tags in the hands of the average sportsman.

In your documents is a mock up that has been prepared by our legal analyst, Randall Stephenson ([Exhibit C](#)). There are a couple of slight changes in the bill. It talks about the Silver State Tag drawing or auction. That wording has been modified to say, "A bid, auction, Silver State Tag Drawing or Partnership in Wildlife Drawing...." That is reflected in the text of this bill in five places, and reference is made to *Nevada Revised Statutes* (NRS) 502.250, which has to be revised in order to establish the Silver State Tag Drawing.

Chad Bliss, Private Citizen, Eureka, Nevada:
[Spoke from written testimony ([Exhibit D](#)).]

Assemblyman Segerblom:
Explain how the tags are currently given out.

Chad Bliss:
These particular tags are either given out through a sealed bid process, which I do not believe we have done, or awarded to the highest bidder at a live auction.

Assemblyman Segerblom:
Public resources are given away to the richest people?

Chad Bliss:
Yes. You could say that with the way it is conducted now. The reason we come up with this concept is to give the average sportsman in Nevada a chance at such a great opportunity. We have to remember that the average sportsman in Nevada is the backbone of the Department of Wildlife. They are the ones buying hunting licenses and keeping the Department afloat. It also could generate additional funds for that account as well.

Assemblyman Segerblom:
The average sportsman is also a voter.

Assemblyman Goicoechea:
I assume that is why you signed on the bill ticket.

Assemblyman Carpenter:
I do not think that you explained it. Are there 15 tags out there now that have been auctioned off? What is the going charge?

Chad Bliss:
Yes. Right now the department sets aside 15 big game tags and 5 wild turkey tags each year that can be issued through the sealed bidding process or at a live

auction. Our intentions are to have one more avenue for the Commission to utilize in the draw system for those 15 tags that already exist. Right now the department is utilizing nine of those tags, and I believe five of the turkey tags but I am not sure about the turkey tags. Does that answer your question?

Assemblyman Carpenter:

You would have six of these tags as part of the Silver State Drawing?

Chad Bliss:

Yes. It would be totally up to the Wildlife Commission as to which tags they give through the Silver State Tag Draw or at the auction. Right now we are auctioning off two tags for particular species of elk. I think if we were to auction off one of those tags and then utilize the other tag for the Silver State Tag Draw, we would not be harvesting any more animals, but increasing the opportunity and generating additional funding for that account.

Assemblyman Carpenter:

You are still going to auction off one or two? That has been bringing in a lot of money.

Chad Bliss:

Definitely. This is not designed to remove the auction. The auction is a great tool. It has generated a tremendous amount of money over the years for the Heritage Trust that the Department utilizes. There have been thousands of dollars spent on things like rehab fires and water development. There have been a lot of good things that have come out of it. The intent is in no way, shape, or form to remove the auction. The auction is a needed tool, and I think they will work well as a combination.

Assemblyman Gustavson:

This question has to do with having the same 15 tags that we are talking about being available for a drawing. You say that you raise a tremendous amount of money with the live auction. If you remove some of those tags from the live auction and only charge so much for those tags, I think you are going to not raise as much money, but that will probably increase the value of the other tags. Is that correct?

Assemblyman Goicoechea:

In the handout Mr. Bliss gave you there is a spreadsheet that shows what revenue they anticipate the Silver State Tag to generate ([Exhibit E](#)). Clearly, I think you are correct, Mr. Gustavson. There are not too many people who can afford \$100,000 to kill elk. They say, "We will pay \$100,000 and that is it. You take the first one, I will take the second, and you will take the third." This

gives the opportunity to people who are in the draw to access a tag that would otherwise be completely unaffordable to the average hunter. You have to understand that these 15 tags, I believe, are for all species. You have 15 tags, but there are three elk tags, three deer tags, and three antelope tags. There are only 15 tags, and they are all for big game species. It is a limited number, and I feel this does nothing to expand that number. The tags will be determined by the Wildlife Commission. Exactly what tags will be offered in a silent auction or the Silver State Tag Drawing will be up to the Commission.

Assemblyman Gustavson:

That means that Mr. Carpenter might have a better chance of spending \$50 for a tag instead of \$150,000.

Assemblyman Goicoechea:

It looks like you could buy one for \$15 to \$50.

Chairman Claborn:

I spoke with Mr. Bliss last summer when I first heard about this bill. I misunderstood that I was supposed to issue additional tags. I had already committed myself to not issuing any additional tags whatsoever. Mr. Bliss finally called me last Friday. He assured me that those are not newly issued tags.

Bjorn Selinder, Private Citizen, Fallon, Nevada:

I am here to ensure that two letters are entered into the record in support of A.B. 183. One is from the Eureka Board of County Commissioners, and the other is from the Eureka County Natural Resources Advisory Commission ([Exhibit F](#)) and ([Exhibit G](#)). This is an opportunity for the "little guy" to take advantage of a new program without impacting the resources in any manner and an opportunity for the wildlife program to benefit from additional revenue in these hard economic times as well. That is certainly something that should be considered. I urge your favorable consideration of A.B. 183 along with the provided amendment.

Larry Johnson, President, Coalition for Nevada's Wildlife, Inc., Reno, Nevada:

I am here to support A.B. 183. I think it is a great revenue generator for the cash-strapped Department of Wildlife. Great programs can result from this. We want to clarify that of those 15 tags that were originally authorized from the Heritage program, 9 of them are presently delivered at competitive auctions. I am also the director of Nevada Bighorns Unlimited. We hold the record for the highest of any of those auction tags; we paid \$120,000 for a desert sheep tag. It was amazing. It generates a tremendous amount of excitement for the evening and is done very nicely. There are six tags now available that are

unused within that Heritage quota. At present, what has been authorized by the Wildlife Commission is two desert bighorn tags, two rocky mountain bighorn tags, two mule deer tags, two antelope tags, and one California bighorn tag; that makes up the nine tags. The remaining Silver State Tags can include each of those species without cutting into the auction, but that is up to the discretion of the Commission. As performance records are developed on the Silver State Tag Drawing, we are going to see what our best revenue producers are, and I expect our Wildlife Commission to adjust those numbers between the auction and the Silver State Tag Drawing based upon what is the best revenue producer.

We urge your passage of this bill.

Tom Smith, representing the Coalition for Nevada's Wildlife, Inc., Reno, Nevada:
I am here in support of Mr. Bliss. This is a very well thought out bill. It is going to give a much needed shot of income to the Department of Wildlife and the Heritage Trust Fund without raising taxes in the State of Nevada. In our economic times that is very important. It is a strictly voluntary program for sportsmen. They can participate if they want but are not forced to enter. I urge your support.

Kenneth E. Mayer, M.S., Director, Department of Wildlife:

We would like to state our support of this bill. I think it is a wonderful opportunity for sportsmen in the state. This bill provides an option to the Commission; it does not dictate anything to the Commission. This provides a wonderful tool. Not only can we provide an offer to the Heritage tag option, which generates a lot of money for conservation in this state, but it can also provide a drawing for a tag that somebody might pay thousands of dollars for. The revenue projections are quite remarkable. Those funds go into the Heritage Trust Fund, which the Commission has the oversight for. I think it is a win/win situation for Nevada.

Gerald Lent, Chairman, Board of Wildlife Commissioners, Department of Wildlife:
We had a special meeting on Monday. We supported the bill with an amendment. We did not have this current amendment, so I cannot comment on it.

Vice Chair Hogan:

You are in favor of the bill, preferably with the amendment that the Commission had indicated. I think we need a little clarification on the amendment that is before us and the amendment you are describing.

Assemblyman Goicoechea:

This is the amendment from the Wildlife Commission as provided by Ms. Jolly.

Gerald Lent:

We voted on the motion that was made to approve the bill as presented with an amendment we made. If this is that amendment, then that is what the Commission voted for.

The law says there are 15 potential tags that can be awarded for the Heritage Foundation. We are only using nine now. We are issuing 38 Partnership in Wildlife (PIW) tags. With the other bill that is out there right now, Assembly Bill 439, the dream tag, there are potentially 16. We have a potential total of 69 tags.

Jeremy Drew, representing the Coalition for Nevada's Wildlife, Inc., Reno, Nevada:

[Spoke from written testimony ([Exhibit H](#)).]

Kyle Davis, Policy Director, Nevada Conservation League, Las Vegas, Nevada:

I think a lot of good arguments have been laid out to you as to why this is a good bill. I think it will benefit the wildlife of the state, and I encourage your support.

Assemblyman Goicoechea:

The Commission Chairman, Mr. Lent, spoke to the other tags that might be available. This bill does not address any of those. That is up to the Commission and other legislation. We do not have any control over that. This just deals with the 15 tags. It is another tool in the tool box.

Vice Chair Hogan:

When we act on the bill we will be acting on the bill with the amendment as a single completed unit of legislation.

We will close the hearing on A.B. 183 and bring it back to the Committee.

We are open to a motion.

VICE CHAIR HOGAN MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 183.

ASSEMBLYMAN SEGERBLOM SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We can now proceed onto the work session.

Chairman Claborn:

[Chairman Claborn resumed the Chair of the Committee.]

We are going to start with Assembly Bill 362.

[Assembly Bill 362](#): Revises provisions governing the use of certain fees charged for processing an application for a game tag. (BDR 45-709)

Jennifer Ruedy, Committee Policy Analyst:

Assembly Bill 362 requires that revenue generated by the additional \$3 fee that is charged and collected for processing an application for a game tag must be used only for costs related to projects approved by the Board of Wildlife Commissioners for the management and control of predatory wildlife for the enhancement of mule deer populations.

This bill was also considered on Monday. There was an informal working group that met after the meeting on Monday and reached an agreement on Amendment No. 3712 in your work session documents. It restates much of the original language from the original statutes ([Exhibit I](#)). Mr. Stephenson drafted this amendment.

Chairman Claborn:

We met last Monday. We had a little opposition to some of the language we have been trying to put together for some clarification as to the duties of the Wildlife Commissioner, the Director, and the Advisory Board ([Exhibit J](#)). We invited all people involved to sit at the table and come up with some kind of mechanism that this committee could look at and act upon.

J. Randall Stephenson, Committee Counsel:

As you indicated, on Monday the working group came up with some of the language that everybody is comfortable with. If you look at page 2 of Amendment No. 3712 you can see that the language concerning the express approval of the programs, activities, and research by the Commission has been taken out of the bill and the amendment. The working group felt that substituting that approval language with language of the Commission providing guidance under its current duties in subsection 2 of *Nevada Revised Statutes* (NRS) 501.181 would be an acceptable way to proceed. That is basically how the amendment works. Everything else remains the same up until that point.

Assemblyman Goicoechea:

I want to make sure that we all understand that the legislative intent. We are going back to NRS 501.181, restating what is in existing law. The duties of each group are fairly clear, and it is time we got back to working within those guidelines.

Assemblyman Ohrenschall:

I want to reiterate we drafted the language, referring to subsection 2 of NRS 501.181, specifically with the intent not to alter or abridge any of the current powers of the Wildlife Commission, but to have played an active role with the Department.

Chairman Claborn:

I will entertain a motion.

ASSEMBLYMAN GOICOECHEA MOVED TO AMEND AND DO
PASS ASSEMBLY BILL 362.

THE MOTION WAS SECONDED BY ASSEMBLYMAN CARPENTER.

THE MOTION PASSED UNANIMOUSLY.

We are going to Assembly Bill 516.

Assembly Bill 516: Revises provisions governing the use of money in the Wildlife Account. (BDR 45-708)

Jennifer Ruedy, Committee Policy Analyst:

Assembly Bill 516 was heard on Monday in the Committee. It requires that the use of any fees and matching money received by the Department of Wildlife and deposited in the Wildlife Account must be approved by the Board of Wildlife Commissioners. This was also discussed in a working group on Monday. The working group reached an agreement on Amendment No. 3715 in your packet ([Exhibit K](#)).

Chairman Claborn:

I am going to bring it back to the Committee.

J. Randall Stephenson, Committee Counsel:

The amendment removed the express approval required by the Commission for spending those certain fees that this amendment applies to. The language concerning the existing authority of the Wildlife Commissioners for providing guidance to the Department concerning when the money in the Wildlife Account

was put in. It is virtually identical. It does the same thing as the amendment for A.B. 362. It should not affect any existing authority of the Board of Wildlife Commissioners. It came out virtually the same. One thing to clarify with this particular amendment is that the money from that does not go into the Wildlife Account. We are not talking about money derived from any of those fees.

Assemblyman Segerblom:

It says, "any matching money received by the Department of Wildlife from any source...." That might mean more money from that federal fund?

Chairman Claborn:

Yes. If it is programmed correctly and we have the matching funds, then it is three to one federal funding. We ensure they do that properly, and we receive the matching funds. I am sure we will offer that to the Heritage Trust Fund. It is set up for that.

Randall Stephenson:

Absolutely. The working group did not get into that sort of language. That is language that is already in the bill and has been considered before without creating any problem. Of course, this guidance language that we added in does not apply to those matching funds. The guidance language simply applies to the fees from the general sale of tags and licenses.

Assemblyman Ohrenschall:

The reference to the guidance of the Commission pursuant to subsection 2 of NRS 501.181 is meant to refer to existing statute and existing statutory powers of the Commission. It is not meant to alter or bridge any of the existing powers of the Commission.

Chairman Claborn:

I will entertain a motion.

ASSEMBLYMAN CARPENTER MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 516.

VICE CHAIR HOGAN SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

We are going to get into Assembly Bill 246.

Assembly Bill 246: Provides for the issuance of an apprentice hunting license.
(BDR 45-512)

Jennifer Ruedy, Committee Policy Analyst:

[Read directly from ([Exhibit L](#)).]

The sponsor of the bill brought forth an amendment at the Committee hearing on the bill ([Exhibit M](#)).

Chairman Claborn:

You stated that the amendment is in the mock bill. Is that correct?

I have a problem with the bill. We have an \$82,000 fiscal note on this ([Exhibit N](#)). This bill has to go to Ways and Means. We cannot take the fiscal note off of this bill; they are the only Committee that can do it.

Assemblyman Bobzien:

Mr. Chairman, could I have the Director address the fiscal note? I appreciate what you are saying about not being able to take the fiscal note off, but circumstances have changed that would impact that note.

Chairman Claborn:

I would be more than happy to have him address it, but it still has to go to Ways and Means. We have no authority to take the fiscal note off of the bill.

Kenneth E. Mayer, M.S., Director, Department of Wildlife:

You are right. This fiscal note is bimodal. If we added up all the fully implemented modals, it would be \$80,500. We can choose a variety of implementations. The cheapest way is the web application process. If you have system eligibility it is about \$12,500. There is a little bit of cost involved here. We have looked at the other 28 states that have an apprentice hunting opportunity. On average, it results in an 8 percent increase in hunting license sales. In the long term there is little investment up front for a return that will certainly cover this. We will be happy to provide any and all additional information that you want as well.

Chairman Claborn:

I will entertain a motion.

ASSEMBLYMAN SEGERBLOM MOVED TO AMEND AND DO PASS
ASSEMBLY BILL 246.

ASSEMBLYMAN OHRENSCHALL SECONDED THE MOTION.

THE MOTION PASSED UNANIMOUSLY.

The motion is approved. We are going to refer this to Ways and Means with a recommendation to approve.

We are adjourned at [2:34 p.m.].

RESPECTFULLY SUBMITTED:

Judith Coolbaugh
Recording Secretary

Kyle McAfee
Transcribing Secretary

APPROVED BY:

Assemblyman Jerry D. Claborn, Chair

DATE: _____

EXHIBITS

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

Date: April 8, 2009

Time of Meeting: 1:34 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Sign in Roster
A.B. 183	C	J. Randall Stephenson	Proposed amendment
A.B. 183	D	Chad Bliss	Testimony in support
A.B. 183	E	Chad Bliss	Spreadsheet on anticipated revenue
A.B. 183	F	Bjorn Selinder	Letter in support
A.B. 183	G	Bjorn Selinder	Letter in support
A.B. 183	H	Jeremy Drew	Testimony in support
A.B. 362	I	Jennifer Ruedy	Work session documents
A.B. 362	J	Chairman Claborn	Neutral testimony
A.B. 516	K	Jennifer Ruedy	Work session documents
A.B. 246	L	Jennifer Ruedy	Work session documents
A.B. 246	M	Jennifer Ruedy	Proposed amendment
A.B. 246	N	Jennifer Ruedy	Fiscal notes