

**MINUTES OF THE
SENATE COMMITTEE ON LEGISLATIVE OPERATIONS AND ELECTIONS**

**Seventy-Seventh Session
February 28, 2013**

The Senate Committee on Legislative Operations and Elections was called to order by Chair Pat Spearman at 8:05 a.m. on Thursday, February 28, 2013, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4412E of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada, and to Greenhaw Technical Arts Building, Room 118, Great Basin College, 1500 College Parkway, Elko, 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 Pat Spearman, Chair
Senator Mark A. Manendo, Vice Chair
Senator Kelvin Atkinson
Senator Barbara K. Cegavske
Senator James A. Settelmeyer

GUEST LEGISLATORS PRESENT:

Senator Scott Hammond, Senatorial District No. 18
Senator Joyce Woodhouse, Senatorial District No. 5

STAFF MEMBERS PRESENT:

Carol M. Stonefield, Policy Analyst
Melissa Mundy, Counsel
Kaci Kerfeld, Committee Secretary

OTHERS PRESENT:

Wayne Kodey
Neal Osten, National Conference of State Legislatures
Chris Nielsen, Executive Director, Department of Taxation
Tray Abney, The Chamber Reno-Sparks-Northern Nevada
Brian McAnallen, Vice President, Las Vegas Metro Chamber of Commerce

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Mike Cathcart, Business Operations Manager, City of Henderson
John W. Griffin, Amazon.com; Zappos.com
Ray Bacon, Nevada Manufacturers Association
Dagny Stapleton, Nevada Association of Counties
Larry Johnson, President, Coalition for Nevada's Wildlife; Director, Nevada Bighorns Unlimited
Joel Blakeslee, Coalition for Nevada's Wildlife; Southern Nevada Coalition for Wildlife; President, Nevada Trapper's Association
Rachel Andersen, Southern Nevada Coalition for Wildlife
Kes Andersen, Vice President, Southern Nevada Coalition for Wildlife
John Reed
Michael Reese
Tom Smith, Director, Truckee River Fly Fishers
Bob Brunner
Mike Cassidy
Ken Joy, Director, Nevada Bighorns Unlimited
Gil Yanuck, President, Friends of Nevada Wildlife
Dennis Wilson, President, Nevada Bighorns Unlimited
Doug Busselman, Executive Vice President, Nevada Farm Bureau Federation
Darrell Pursel
Janine Hansen, State President, Nevada Families
Caleb McAdoo
Randall Stoeberl
Rich Sandoz
Dave Gowan, Vice President, Nevada Houndsmen Association
Al Harris
Jason James
Robert P. Gaudet, President, Nevada Wildlife Federation, Inc.
Wayne Bliss
Joe Luby
Jana Wright
Steve Brittingham
Stephanie Myers
Trish Swain
Joseph Johnson, Sierra Club, Toiyabe Chapter
Fred Voltz
Pamela Gartin

Chair Spearman:

I will now open the hearing on Senate Joint Resolution (S.J.R.) 5.

SENATE JOINT RESOLUTION 5: Urges Congress to reintroduce and pass the Marketplace Fairness Act. (BDR R-697)

Senator Joyce Woodhouse (Senatorial District No. 5):

I will read from prepared testimony ([Exhibit C](#)).

Wayne Kodey:

I have notes from my testimony in favor of ([Exhibit D](#)).

Customers used to come to my camera store with magazines or ads from mail order stores. More recently, people have been coming into the store with smartphones and price shop right there. They would examine the cameras in the store and take up our time getting educated on the cameras, only to go home and make the purchase online.

The 8.1 percent tax disadvantage we have versus the Internet dealers was a huge burden to our store that we could not overcome. Brick-and-mortar stores across the Country should have the same advantages as the Internet stores.

Neal Osten (National Conference of State Legislatures):

The National Conference of State Legislatures is the voice of state legislatures and our federal system. We advocate on behalf of the states' agendas, supporting state sovereignty, state flexibility and protecting against unfunded federal mandates and unwanted federal preemption.

I will read from prepared testimony in favor of S.J.R. 5 ([Exhibit E](#)).

Chris Nielsen (Executive Director, Department of Taxation):

We are in support of this resolution. We are currently tracking this legislation at the federal level through the Governor's Office in Washington, D.C.

Tray Abney (The Chamber Reno-Sparks-Northern Nevada):

We strongly support this legislation. This is not a tax on the Internet or a tax increase. Consumers are supposed to be paying this tax; however, most of them are not if they buy from an online retailer that is not based in Nevada or charging tax. We want to level the playing field for our brick-and-mortar members.

Brian McAnallen (Vice President, Las Vegas Metro Chamber of Commerce):

We are here today in support of this resolution. Our chamber has been in support of this issue for years in the United States Congress. This is a national issue that needs to be addressed to level the playing field.

Senator Settlemeyer:

I understand this issue well. There are local businesses in my community where customers utilize the barcode scan on smartphones which automatically shows where the price is cheaper on the Internet. Small businesses cannot compete with the price, and it becomes even more problematic once sales tax is added. I sponsored A.B. No. 403 of the 75th Session trying to bring Nevada into compliance with the Streamlined Sales and Use Tax Agreement. Would the Sales and Use Tax of 1955 have to be changed if this resolution passed? Even if the federal government made this change, we would still have to change Nevada law that is not in compliance, and that can only be changed by the voters.

Mr. Nielsen:

No. Our sales and use tax laws would not have to be changed. This nexus was created by a U.S. Supreme Court decision. Through the Marketplace Fairness Act, Congress has the ability to regulate intrastate commerce pursuant to the U.S. Constitution. This would give Nevada nexus and the ability to require out-of-state retailers doing business in our State to collect sales tax on our behalf. We have made incremental changes throughout the years to be in compliance with the Streamlined Sales and Use Tax Agreement. We are in good standing with the Agreement, which means if Congress acted, we may begin collecting taxes within 90 days after passage of the legislation. We are waiting for Congress to act.

Senator Settelmeyer:

Two years ago, I was told that we were losing about \$175 million per year in revenue, and it is now believed we are losing around \$200 million per year.

Mike Cathcart (Business Operations Manager, City of Henderson):

We would like to voice our support for S.J.R. 5.

John W. Griffin (Amazon.com; Zappos.com):

Last year, Amazon.com and the Governor came to an agreement that Amazon.com would voluntarily collect sales tax starting in January 2014. Amazon.com as a strong supporter of a federal solution in the Marketplace Fairness Act is working hard to get this passed at the federal level. The federal estimate of potential tax revenue if the Marketplace Fairness Act is passed is \$23 billion. Nevada makes up almost 1 percent of gross domestic product. Nevada's portion would be \$230 million annually, \$460 million in a biennium. Amazon is in support of S.J.R. 5.

Ray Bacon (Nevada Manufacturers Association):

We have been working on this issue for around 10 to 12 years. The National Association of Manufacturers and all state associations have members who produce consumer goods. The Internet is a way that some products are sold; however, the frustration from a seller's standpoint was that every tax rate in every state was different. When we started on this project, there were sometimes 200 to 300 different sales tax rates inside of one state. The rates are now consolidated by zip code. This can be complied with, is reasonable, helps everyone and makes it manageable from a manufacturer's standpoint.

Dagny Stapleton (Nevada Association of Counties):

The Nevada Association of Counties supports the enactment of legislation that would create an equitable, nationwide system for the collection of sales and use taxes on remote sales. Sales tax is one of the most important sources of revenue for county governments in Nevada, and they are not receiving sales tax revenue for most Internet sales transactions. In addition to reducing the amount of resources available to the counties to provide the governmental services that their constituents depend on, the current system of voluntary sales tax collection by remote sellers or reporting by purchasers places many local brick-and-mortar retailers at an unfair competitive disadvantage.

Senator Cegavske:

We have received emails in opposition to this without explanations as to why people were opposed. We have to do something to make this fair for the brick-and-mortar businesses.

Chair Spearman:

Mr. Osten in Washington, D.C., elucidated the phenomenon about the growing numbers of people who are shopping online. Is it estimated that by the year 2016, multihundreds of billions of dollars will be spent online.

I will now close the hearing on S.J.R. 5 and open the hearing on Senate Joint Resolution 7.

SENATE JOINT RESOLUTION 7: Proposes to amend the Nevada Constitution to preserve the right to hunt, fish and trap in this State. (BDR C-586)

Senator Scott Hammond (Senatorial District No. 18):

I will read from prepared testimony ([Exhibit F](#)).

Larry Johnson (President, Coalition for Nevada's Wildlife; Director, Nevada Bighorns Unlimited):

I am a Native American by heritage, an engineering geologist by profession and an outdoorsman by passion. I will read from prepared testimony in favor of S.J.R 7 ([Exhibit G](#)).

Joel Blakeslee (Coalition for Nevada's Wildlife; Southern Nevada Coalition for Wildlife; President, Nevada Trapper's Association):

I will read from prepared testimony supporting the bill ([Exhibit H](#)). I have included an excerpt of an overview of the Pittman-Robertson Federal Aid in Wildlife Restoration Act from the Wikipedia Website within the prepared testimony that I will not read.

Fishing has a counterpart with the Pittman-Robertson Act, placing an excise tax on fishing equipment, boats, motors and fuel. It provides a tremendous amount of funding for sports fishery restoration and habitat.

Rachel Andersen (Southern Nevada Coalition for Wildlife):

I will read from prepared testimony supporting the bill ([Exhibit I](#)).

Kes Andersen (Vice President, Southern Nevada Coalition for Wildlife):

I will read from prepared testimony that endorses S.J.R. 7 from the economic standpoint ([Exhibit J](#)).

John Reed:

I will read from prepared testimony favoring the bill based on the North American Model of Wildlife Conservation ([Exhibit K](#)).

Michael Reese:

I will read from prepared testimony for the bill ([Exhibit L](#)).

Tom Smith (Director, Truckee River Fly Fishers):

I will read from prepared testimony in support of the bill ([Exhibit M](#)).

Bob Brunner:

I would like to voice my support for S.J.R. 7.

Mike Cassidy:

I am a Reno resident and I am a sportsman. I am here to express my support of S.J.R. 7.

Ken Joy (Director, Nevada Bighorns Unlimited):

I would like to voice my support for S.J.R. 7.

Gil Yanuck (President, Friends of Nevada Wildlife):

Friends of Nevada Wildlife believe that the right to hunt, fish or trap is similar to certain other inalienable rights granted to all of us and must be preserved for all residents of Nevada. Friends of Nevada Wildlife also feel that it is important that the right to hunt, fish and trap be managed through State statutes and regulations that shall preserve this right. As history has shown, hunting, fishing, trapping and conservation have been effective tools in the overall management of wildlife in Nevada.

This proposed amendment to the Nevada Constitution is important to preserve and protect the heritage of hunting, fishing and trapping in Nevada. Though the hunters, fisherman and trappers in Nevada represent but a small percentage of

the total State population, they represent a heritage that dates back to the earliest days of Nevada. With your support, the passage of S.J.R. 7 will ensure that this important heritage is preserved now and into the future.

Dennis Wilson (President, Nevada Bighorns Unlimited):

Nevada Bighorns Unlimited is in strong support of S.J.R. 7. I have provided a statement voicing our support ([Exhibit N](#)).

Doug Busselman (Executive Vice President, Nevada Farm Bureau Federation):

We have policy in support of hunting and are here to support passage of S.J.R. 7.

Darrell Pursel:

I am a farmer, rancher and sports hunter, and I am here in support of S.J.R. 7.

Janine Hansen (State President, Nevada Families):

People in my family are avid hunters. When I went hunting for the first time, it changed my life. I felt a great deal of confidence. One of the best things about the opportunity to hunt and fish is the family fun we have. Children learn self-confidence, independence, self-reliance and responsibility. They learn skills, increase physical activity and family togetherness—traditions that are important to maintain freedom. I am in support of this measure.

Caleb McAdoo:

I am a wildlife biologist by profession, speaking today in support of S.J.R. 7 as a wildlife manager. I concur with the statements made by Mr. Johnson, Mr. Blakeslee and Mr. Reed. As a manager, we rely on harvest, specifically from anglers, sportsmen and trappers. Without these tools, we cannot manage our wildlife populations.

Randall Stoeberl:

I would like to voice my support for S.J.R. 7 because I want our children to have the same right to hunt, fish and trap as we do.

Rich Sandoz:

I agree with the statement given by Senator Hammond, and I am in support of S.J.R. 7.

Dave Gowan (Vice President, Nevada Houndsmen Association):

I am a hunter, a guide, a trapper and a fisherman. There is a growing difference in Nevada between rural and urban people. There is a misunderstanding of the people who live in the rural areas and what is required to keep our livelihoods meaningful. The ability to hunt, fish and trap is needed to manage the rural areas. People in urban communities are disconnected from the needs of people living in the rural areas because they do not see the areas often.

Al Harris:

I am a licensed taxidermist and a licensed trapper. I make a living as a taxidermist which I could not do if we could not hunt, fish and trap. I want to voice my support of S.J.R. 7.

Jason James:

My family depends on wild meat as survival throughout the year. I would also like to voice my support of S.J.R. 7.

Robert P. Gaudet (President, Nevada Wildlife Federation):

I will read from prepared testimony that favors this bill ([Exhibit O](#)).

Wayne Bliss:

The purpose of S.J.R. 7 is to protect our role as the animal with dominion over all other animals as granted by the Creator, not by society. I support S.J.R. 7.

Joe Luby:

I want to make sure that the voices of the people here in support of S.J.R. 7 will not be silenced.

Jana Wright:

I will read from prepared testimony in opposition to S.J.R. 7 ([Exhibit P](#)).

Steve Brittingham:

I have a master's degree in biology, and I have done research throughout the Mojave desert. My work has been published in scientific peer-reviewed journals. I have spent most of my life in the mountains, working for the Forest Service and the Bureau of Land Management as a seasonal employee. I have an intimate knowledge of and interaction with the wildlife. The U.S. Constitution represents our highest values, including the freedom of speech and freedom of worship, and in the Nevada Constitution, antislavery. These constitutional aspects are human-centered.

Hunting and trapping should not be protected by the Nevada Constitution because the center of such activities is centered on the population numbers and the dynamics of the species interactions as well as reestablishing wildlife populations such as elk. Many of the previous supporters of this amendment have correctly stated that hunters have done a great job in reestablishing elk and bighorn sheep populations—they should be commended.

Hobbies such as trapping should not be elevated to a constitutionally protected status since predators keep species such as deer mice—that carry the bubonic plague and hantavirus—in check. Removal of the predators allows the species of mice to expand. There have been recent deaths in California and throughout the Southwest of people contracting hantavirus because the virus is carried by these mice species. A study published in the April 2003 *Journal of Wildlife Diseases* says that general culling of populations does little to reduce the threat of rabies. Culling or trapping of a species is only beneficial in the initial outbreak stage when it is confined. Europe has found a good way to control rabies through oral vaccinations.

Despite values previously discussed, the reality is that the recent Department of Wildlife regulations are probably the genesis of this constitutional amendment, coming from a regulation that says there should be no trapping within 1,000 feet of trails, campgrounds, picnic areas and residential areas in Clark County. This was a result of traps being placed along heavily used trails, camp sites and areas heavily used in wintertime snow areas. The people before me testified that the mountains are not used during the wintertime, which is not true. In the winter, there are snowshoers and cross-country skiers, many of them with pets. Public lands are not only used for trapping and hunting, although hunting is a valuable asset to public land management.

I have photos of my dog who stepped into a trap and a veterinarian bill of the expense incurred because of this ([Exhibit Q](#)). After my dog was caught in a trap, I became involved in the trapping issue and was surprised to find out how many other people's animals have stepped in traps. Traps are placed with a sense of arrogance, and some people think that there is a right to place traps extremely close to the edge of heavily used trails. A trapper recently posted a video on YouTube of him tormenting a bobcat before killing it. He said it was training for his dog. This behavior should not be tolerated and should not be given the umbrella of a constitutional protection.

Most Nevadans enjoy the public lands and do not hunt or trap. Those values should be understood and protected. A failure of this constitutional amendment will not affect the economic benefits of hunting within the State. The privilege that the responsible hunters have will hopefully be a statement that hunting and trapping must be responsible—it is not a right guaranteed by anyone. I have a concern about anyone who thinks they are speaking for God.

Stephanie Myers:

I will read from prepared testimony against the bill ([Exhibit R](#)).

Trish Swain:

I will read from prepared testimony to strongly oppose the bill ([Exhibit S](#)).

Joseph Johnson (Sierra Club, Toiyabe Chapter):

We are in opposition of S.J.R. 7. This does not indicate a position of the Sierra Club Toiyabe Chapter in opposition of hunting, fishing or trapping—our concerns are technical in nature. On page 2, lines 2 to 4 establish a clear priority for hunting, fishing and trapping as the preferred management techniques for wildlife. Wildlife is constitutionally and statutorily a broad term. Many species of nongame animals are subject to licensing and processing of the normal hunting, fishing and trapping priorities.

We did not bring any proposed amendments to this Committee; however, we would like to address the issue of what is considered the preferred management technique. We prefer a science-based management or best practices established by scientists rather than defining in the Constitution a management protocol that sets hunting, fishing and trapping as the preferred method. For managing nongame wildlife, it would seem irrational to define endangered species that are

not among the hunted species as being subservient to game animals. It also establishes clear priority to trophy hunters as opposed to other types of hunters.

Fred Voltz:

I will read from prepared opposition testimony ([Exhibit T](#)).

Pamela Gartin:

I will read from prepared testimony against the bill ([Exhibit U](#)).

Senator Hammond:

Hunting, fishing and trapping have been an integral part of the human experience for generations. If this resolution passes, it will eventually go to the vote of the people where we will find out where people stand on this issue through the ballot process. By passing this resolution, this will guarantee that the conversation continues into perpetuity. Both sides of this issue will always be able to discuss this resolution. In no way does this resolution stop the conversation of who can hunt, where they can hunt, how they can hunt, fish or trap. This resolution guarantees the right of those who do enjoy these activities to continue to perform these activities. Amending the Nevada Constitution to protect these activities guarantees that future generations can enjoy the outdoors and continue supporting the Nevada economy.

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Chair Spearman:

I will now call this meeting to adjournment at 10:18 a.m.

RESPECTFULLY SUBMITTED:

Kaci Kerfeld,
Committee Secretary

APPROVED BY:

Senator Pat Spearman, Chair

DATE: _____

<u>EXHIBITS</u>				
Bill	Exhibit		Witness / Agency	Description
	A	1		Agenda
	B	10		Attendance Roster
S.J.R. 5	C	6	Senator Joyce Woodhouse	Prepared Testimony
S.J.R. 5	D	1	Wayne Kodey	Notes for Testimony
S.J.R. 5	E	7	Neal Osten	Prepared Testimony
S.J.R. 7	F	3	Senator Scott Hammond	Prepared Testimony
S.J.R. 7	G	2	Larry Johnson	Prepared Testimony
S.J.R. 7	H	3	Joel Blakeslee	Notable Wildlife Legislation and Contributions by Sportsmen in NV.
S.J.R. 7	I	2	Rachel Andersen	Prepared Testimony
S.J.R. 7	J	2	Kes Andersen	Economic Input
S.J.R. 7	K	2	John Reed	The North American Model of Wildlife Conservation
S.J.R. 7	L	1	Michael Reese	S.J.R. 7
S.J.R. 7	M	1	Tom Smith	Prepared Testimony
S.J.R. 7	N	2	Dennis Wilson	Nevada Bighorns Unlimited Supports Nevada State Senate Joint Resolution 7
S.J.R. 7	O	2	Robert Gaudet	Prepared Testimony
S.J.R. 7	P	1	Jana Wright	Prepared Testimony
S.J.R. 7	Q	4	Steve Brittingham	Pictures/Veterinarian Bill
S.J.R. 7	R	2	Stephanie Myers	Prepared Testimony
S.J.R. 7	S	5	Trish Swain	Prepared Testimony
S.J.R. 7	T	2	Fred Voltz	Prepared Testimony
S.J.R. 7	U	1	Pamela Gartin	Prepared Testimony