

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

**Seventy-Eighth Session
March 3, 2015**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Robin L. Titus at 1:44 p.m. on Tuesday, March 3, 2015, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 31, Griswold Hall, University of Nevada School of Medicine, 735 Walnut Street, Elko, Nevada, and to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, 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/App/NELIS/REL/78th2015. In addition, copies of the audio or video of the meeting may be purchased, for personal use only, through the Legislative Counsel Bureau's Publications Office (email: publications@lcb.state.nv.us; telephone: 775-684-6835).

COMMITTEE MEMBERS PRESENT:

Assemblywoman Robin L. Titus, Chair
Assemblyman Jim Wheeler, Vice Chair
Assemblyman Nelson Araujo
Assemblywoman Maggie Carlton
Assemblyman Richard Carrillo
Assemblywoman Victoria A. Dooling
Assemblyman Chris Edwards
Assemblyman John Ellison
Assemblyman David M. Gardner
Assemblyman Ira Hansen
Assemblyman James Oscarson
Assemblywoman Heidi Swank

COMMITTEE MEMBERS ABSENT:

None



GUEST LEGISLATORS PRESENT:

None

STAFF MEMBERS PRESENT:

Susan E. Scholley, Committee Policy Analyst
Jim Penrose, Committee Counsel
Donna J. Ruiz, Committee Secretary
Cheryl Williams, Committee Assistant

OTHERS PRESENT:

Cruz Marin, Private Citizen, Spring Creek, Nevada
Tony Wasley, Director, Department of Wildlife
Brian M. Patchett, Private Citizen, Las Vegas, Nevada
Megan Bedera, representing Nevada Firearms Coalition
Jim Sallee, Private Citizen, Las Vegas, Nevada
John Ridgeway, Private Citizen, Las Vegas, Nevada
Chris Hisgon, Private Citizen, Las Vegas, Nevada
Bonnie McDaniel, Private Citizen, Las Vegas, Nevada
Kyle Davis, representing Coalition for Nevada's Wildlife
Les Smith, Private Citizen, Sparks, Nevada
Doug Martin, Private Citizen, Carson City, Nevada
Robert Boehmer, Private Citizen, Carson City, Nevada
Jeremy Drew, Chair, Board of Wildlife Commissioners, Department of
Wildlife
Tyler Turnipseed, Chief Game Warden, Department of Wildlife
Richard Perry, Administrator, Division of Minerals, Commission on Mineral
Resources

Chair Titus:

[Roll was called. Committee rules and protocol were explained.] I will open the hearing for Assembly Bill 136.

Assembly Bill 136: Makes various changes relating to wildlife. (BDR 45-561)

Assemblyman John Ellison, Assembly District No. 33:

I am here to present Assembly Bill 136. The first two sections of this bill are about children with special needs and licensing. These children have hunted with their families for many years, but the problem is they want to be able to shoot and tag their own game. Some of these children can pass the verbal test, but they cannot take a written test. This bill would allow those individuals to

get their hunting license, pay for their hunting license, and be able to hunt with their families, just like anyone else. In addition, after speaking with the Department of Wildlife (NDOW), if a child with special needs does shoot a game animal but only wounds it, the adult member of the family can put the animal down.

Section 3, subsection 2 of this bill is about bow hunting. Currently, under Nevada law, a bow hunter cannot carry a revolver for protection against predators. This bill would allow a bow hunter to carry a firearm while bow hunting in Nevada. Let me remind you, Nevada is an open carry state. However, if a hunter has a bow in his hand, he is not allowed to carry a firearm. There have been people attacked by mountain lions this year, one person was bit by a rattlesnake, and others were attacked by badgers. This bill simply allows bow hunters to carry a firearm for protection while they are hunting.

My colleague Assemblyman Wheeler is also sponsoring the bill.

Chair Titus:

I would like to hear from Assemblyman Wheeler.

Assemblyman Jim Wheeler, Assembly District No. 39:

To expound on what Assemblyman Ellison was saying, the supervisor hunter accompanying the special needs child, as stated in section 1, subsection 7, must be at least 21 years of age and must hold a hunting license issued in this state. Basically, there is a true hunter with the child. This will obviously help our children with special needs to learn to hunt, go out with the family, and do the things children without special needs do.

Chair Titus:

Are there any questions from Committee members to the presenters of the bill?

Assemblywoman Carlton:

Assemblyman Ellison, I understand what you are trying to do, but when I read the bill, it would apply to anyone with a physical or mental impairment, not just children. Were you specifically aiming for this bill to only apply to children? What is the age range you are looking for?

Assemblyman Wheeler:

Assemblyman Ellison has asked me to answer this question. The idea here is that children of all ages have special needs. After sitting on the Legislative Committee on Senior Citizens, Veterans and Adults with Special Needs during the interim, I know it does not matter what age a person is, they sometimes

have special needs, and a family member or friend can hunt with them. I do not believe there is an age limit.

Assemblywoman Carlton:

I have concerns with that. It is a loaded firearm, and usually someone close by ends up getting hurt. The definition of "supervisor hunter" provides no actual qualifications other than age, having a hunting license, and having completed a course of instruction. Is the course of instruction the same course every hunter takes, or is there a special course as far as supervising?

Assemblyman Wheeler:

There is nothing in the bill that requires any more training than that. A supervisor of a special needs child or a special needs adult basically has that type of training. They know what they are doing with that special needs person. For the purposes of this bill, we have not added anything like that.

Assemblyman Ellison:

The special needs child does have to pass a verbal test. They would not be out there totally unaware. They still have to know the restrictions and limits of Nevada law.

Assemblywoman Carlton:

Reading section 1, subsection 4, it states, "A person with a disability is not required to complete a course of instruction...." It does not delineate between a written or verbal course of instruction. We may need to address that unless the citation addresses that. I do not know the citations as well as you do. I just want to make sure what is written on the page is really what we are talking about.

Assemblyman Wheeler:

That was the true intent of this law. They must pass a verbal test.

Assemblywoman Swank:

In section 1, subsection 1(a), regarding "physical or mental impairment," is there a definition for that in the *Nevada Revised Statutes* (NRS)? I feel this is a very broad category with a wide range of disabilities.

Assemblyman Ellison:

I believe the parents who will testify from Elko have done a lot of research about what the other states are doing and what they consider physical or mental impairment. Most of these children have a learning disability with regard to reading and writing. Other children have problems walking, but they can still

be with their parents while they hunt. Based on this bill, I believe the existing statutes will cover that.

Assemblywoman Swank:

In our education system, we will often make allowances for children who cannot take the written exam, but they can take the exam orally. Perhaps that is a path we could take; either the child takes the written test or takes it orally, and then we would not need to worry about the physical or mental impairment. If the issue is actually being able to read the document, but the child knows the information, perhaps that would be an easier path forward rather than opening it up to a wide category of physical or mental impairment.

Assemblyman Ellison:

I think some of the children may have more of a physical impairment. We do have experts here who can address that issue. These examinations have apparently been done before. They are done in Utah and other states. This is not something that is uncommon; we just have not been doing it in Nevada.

Assemblywoman Swank:

I also have a question about the supervisor hunter. Usually, in other areas, if you are supervising, you have some years of experience. As I read the bill, it could be someone who is a new hunter but is 21 years of age without a physical or mental impairment. As far as supervising, having some kind of requirement as to the extent of experience would give them better qualifications to help these children.

Assemblyman Wheeler:

I believe the author of this bill would be open to amendments to this bill, and it could be something we talk about at a later date.

Chair Titus:

We will now go to Elko for testimony in support of the bill.

Cruz Marin, Private Citizen, Spring Creek, Nevada:

I am the stepfather of Kolby Fillmore, for whom this bill was drafted. The reason we are here today is because there were some questions and concerns about the oral versus written test. We have approached NDOW for the last five years on several different occasions. We have exhausted all avenues of approach to have either an oral or written test. We set it up with NDOW approximately five years ago to conduct an oral test. They sent videos home with us for our son to watch, and they asked us to give them a call when we were ready. Our son watched videos for approximately five or six months.

When we called NDOW, they told us they were denied the ability to give an oral examination.

We met with NDOW after we were told no and wanted some specifics. All they could say was they were not allowed to do this in Elko. As time went on and we did further research, it was available, but only available to certain individuals and not our son. This is not strictly about our son. It is about all the handicapped people in the state of Nevada.

After we researched every state in the United States, we discovered about 85 to 90 percent of the states had some kind of special hunt for the disabled. The state of Nevada has nothing. We met with Assemblyman Ellison in early May and asked if this would be possible. In turn, he contacted NDOW for us and we had a conference call with them. They told us again they could do this. As time went on, things changed with NDOW and they wanted more specifics. They wanted to change a lot of things from what they had originally told us. After all the research we did and meeting with NDOW, we exhausted every avenue to have our child tested orally. Our son would be unable to read the test. We were denied again, so we decided to push this legislation through. I believe our son could have passed the test orally. We watched the videos for five or six months. Once we were told no, our son's motivation went down, as did our own motivation.

At the time we decided to go through with this, we met with Teresa Moiola, the administrator for the Conservation Education Division of NDOW in Carson City. She advised us they had done a test in Elko for a blind individual. How is it possible that it is okay for a blind individual to take the test, but not our son?

There was also a concern in reference to the bill regarding loaded firearms for handicapped individuals. My son had been hunting from about the age of 5 until he turned 12, when all the restrictions came into play, including the hunter safety course. From age 5 until the age of 12, he handled a loaded gun by my side. I tell him when to shoot and when not to shoot. We have hunted birds and small game. It all had to stop when he was required to take the hunter safety course. He cannot hunt anymore because of this restriction.

When we were motivated about him taking the test, he was motivated. After everything was denied, the motivation was lost. However, it was not okay with us. Once we researched every other state across the country, 85 to 90 percent of the states had something to offer. The state of Nevada has nothing to offer for the handicapped. The only thing the state of Nevada offers is a discount on the fee for the licensing.

We are not asking for special treatment. All we are asking is that we make an exception for the individuals who cannot take the written test to receive a hunter's license. They would still have to go through all the procedures of applying for tags, getting stamps, and getting hunting licenses. I am not just talking about our son; I am speaking for everyone who is handicapped.

We have been fighting NDOW for the last five to six years over this. We have been denied many different times. We have come to a standstill. We also contacted David Sullivan at the Buckmasters American Deer Foundation's services for the disabled. He advised us that the state of Nevada is required to provide reasonable accommodations for an individual who is handicapped per the Americans with Disabilities Act (ADA). We have nothing. We are here because we have nothing for him to do. When we go out hunting as a family, which everyone enjoys doing, he only gets to come for the ride. He does not actually get to hunt.

[The audio and video feeds from Elko were lost.]

Chair Titus:

If you are able to hear me in Elko, we have gotten your testimony and do appreciate it. Are there any questions from Committee members?

Assemblyman Araujo:

Could NDOW tell us how many individuals have filed similar complaints or have made similar requests? Do we know how many other states have been following the practice Assemblyman Ellison is looking to implement in the state of Nevada?

Assemblyman Ellison:

I will let NDOW answer your questions.

Tony Wasley, Director, Department of Wildlife:

We have approximately one student a year or so, at least in the Elko area, who requires some special accommodation. As far as the complaints, I know of no other complaints. I do have some prepared testimony I will provide ([Exhibit C](#)), and I will address some of the concerns and questions that have been voiced.

The bulk of our funding is federal dollars, and we have to comply with the ADA in order to qualify for that funding. We have regular reviews to ensure we are in compliance. Some of our testimony will speak to that specifically.

Assemblywoman Swank:

I am looking at similar legislation that was passed in South Dakota. It appears they allow for physical disabilities and mental conditions, but not mental impairment. I am wondering why mental impairment was added to this bill. Do other states include mental impairment?

Tony Wasley:

There are two pieces to this bill. One is the hunter education component, and the other is the actual hunting. As I understand this bill the way it is currently drafted, it provides an exemption to the hunter education requirement for anyone who meets the broad definition of having a disability. As I said, our testimony will speak to some of those concerns.

There are a number of different models available nationally. We have looked at several states trying to model what would work best for Nevada. We will certainly commit to working with the bill sponsor to offer some friendly amendments to address some of our concerns and some of the concerns we have heard today. I believe our testimony will address some of those concerns more specifically.

Chair Titus:

You may go ahead and provide your testimony.

Tony Wasley:

I certainly admire and respect the bill that is before us. We are happy and willing to provide accommodations. As you heard in earlier testimony, we have passed blind hunters. We have passed hunters with Down syndrome through accommodations in verbally administering the examination. We have spent considerable time and energy in home instruction. In this case, we provided videos. I am not familiar with all the details of this particular case, but I believe the most productive avenue looking forward is how we can provide accommodations to allow citizens to partake in hunting enjoyment with their friends and family in the safest way possible.

What I would like to provide in testimony now pertains to section 1 of the bill. We interpret it as exempting persons with mental or physical disabilities from completing a basic hunter education course, which is now required, before obtaining a hunting license. Currently, the NRS requires anyone who was born after January 1, 1960, to complete a course in the responsibility of hunters before obtaining a hunting license.

Section 1 of the bill creates a wholesale exemption from hunter education for persons with disabilities. It would exempt hunters with disabilities who could otherwise pass hunter education either with or without an accommodation. [Continued to read from prepared text ([Exhibit C](#)).]

Chair Titus:

Mr. Wasley, since we have your written testimony, you do not need to read it all, but could you summarize your concerns?

Tony Wasley:

The concern is really the broad exemption regardless of disability type. We would like to see the definition of disability addressed so individuals with a shoulder disability cannot gain an exemption for hunter education requirements. We agree with the idea of a supervisor hunter. We would certainly like to see some kind of tracking, designation, or registration process because there are liabilities that those individuals are assuming. If there is some way to track or identify who that supervisor or mentor hunter was, then there could be some verification of the skills and credentials, and we would know who was assuming the responsibility and liability for that individual.

We would also like to see consideration of existing accommodations for the disabled. Nevada is presently compliant with federal regulations, as I indicated. We do have a significant number of opportunities, accommodations, and licenses that are made. We certainly support the opportunity for everyone.

Our intent today is to provide neutral testimony that would allow us to convey our support for the concept, and also convey our concerns where we see present deficiencies, which is the broad exemption to hunter education and the definition of disability.

Assemblyman Oscarson:

How often does the federal agency that oversees your compliance with ADA regulations review what you are doing? Is it an annual review or something done on a regular basis? How and when does that occur?

Tony Wasley:

I believe it is an annual review. I can verify that, but I am pretty sure it is an annual review.

Assemblyman Oscarson:

Do you have a plan that you submit to them that they approve?

Tony Wasley:

We provide them with everything we are doing, and they provide feedback. If there is any area they feel we are not compliant with, then we are required to address those areas deemed deficient.

Assemblyman Oscarson:

Is that information public record?

Tony Wasley:

I believe so.

Assemblyman Oscarson:

Could you provide that to the Committee with the Chair's permission?

Tony Wasley:

Absolutely.

Chair Titus:

Yes, I believe we would all like to see that.

Assemblyman Hansen:

You mentioned one case in Elko that NDOW has had to deal with regarding the ADA situation. Overall, in the state, what is your estimate? Assuming the intent of the bill as Assemblyman Ellison presented, how many cases are we looking at?

Tony Wasley:

I could not tell you for the southern region, which is the four-county area in the south. There have been five to seven individuals over the last five years in the four-county area in the northeast. I would say two to three individuals per year.

Assemblyman Hansen:

It is pretty minimal. I was wondering where the fiscal note came from if you are only dealing with two or three individuals per year.

Tony Wasley:

The way individuals can obtain a hunting license in another state is by providing a hunting license from their current state. If there is nothing on that license designating the individual was not required to pass hunter safety, then we are sharing what we perceive to be a liability with other states. We believe the

responsible thing to do would be to provide a special designation on that license that advises other states the individual was not required to pass hunter safety. The fiscal note was provided by our third-party contractor who does the programming and license generation. It would be a programming cost to generate a license that would notify other states the individual was not required to pass hunter safety.

Assemblyman Hansen:

How much was that?

Tony Wasley:

I believe it was \$6,000.

Assemblyman Hansen:

It would cost \$6,000 for six licenses.

Tony Wasley:

It would be the programming cost.

Assemblyman Hansen:

Could you not hand stamp it? There has to be a way to cut that number way down.

Chair Titus:

Is there anyone else in Elko who would like to testify in favor of this bill? [There was no one.] Is there anyone in Las Vegas who would like to testify in favor?

Brian M. Patchett, Private Citizen, Las Vegas, Nevada:

I am a person with a visual disability, and I also work with Easter Seals Nevada. Today I would like to testify on behalf of myself. This is a wonderful opportunity to have a conversation, and I appreciate what has been said so far. I appreciate what we have just heard regarding the ADA. I think he is absolutely right when he talks about the ADA, specifically Title II, which would certainly allow for accommodations for people with disabilities to hunt. However, oftentimes in practice that is not what happens. I suspect there are a lot of folks who would like to hunt who are not doing so.

I would like to tell you my personal experience. I have been visually impaired since I was seven years old. When I was eight years old, I had a paper route to earn money to buy a .22 rifle with a scope. My father taught me to shoot. Throughout my life, I have been someone who enjoys shooting, both rifles and handguns. The concern has been going through the process. When you go through hunter safety, it depends on who you get as the instructor and whether

or not they understand how to accommodate someone with a disability. That is why I am speaking in favor of this bill. I believe there have been some interesting comments made about some positive amendments that might be helpful. It has been one of my dreams for a long time to be a successful hunter. I hunted when I was younger. When I look at hunting, I look at those of us with disabilities. Sometimes I think there is a lot of fear and concerns as to whether or not the system is going to be amenable, or if it will just be tough for us to get through the system.

As a person with a disability, the thing that has made the most difference for me in my life has been something called assistive or adaptive technology. Prior to being in college, I did not have much access to technology to help me see and read things accurately. When it came to shooting, I tried to find the most powerful scope available and had assistance from my friends and my father.

I offered some written testimony and a positive amendment to the Committee ([Exhibit D](#)). I think of adaptive technology as being a positive part of this. I would like to offer the potential for the positive amendment. For those of us with visual disabilities, only five states offer the opportunity to hunt with a laser scope as adaptive technology. That is a wonderful thing because it allows the visually impaired to hunt. There must be a person with you to make sure the laser scope's green dot is on the animal in the right place in order to harvest that animal in the most humane and appropriate way. I would love to see this happen.

However, I think this really addresses the issue we are talking about here. Do all of those who teach hunter safety understand what it takes to help someone with a disability to be successful in this process? Do they understand how to work with people with disabilities? Do they understand what their rights are under Title II of ADA? I would be very willing to be a part of this conversation and would be interested in talking to Mr. Wasley. I appreciate what he said and I believe he is right in where he would like to go. I understand the frustration of those in Elko because it can be a very frustrating process when you run into people who are not trained in how they can help people with disabilities.

I appreciate the opportunity to speak. Assemblyman Ellison, I would certainly be willing to have a conversation about adaptive technology for hunters so they can be successful in the hunt.

Chair Titus:

Are there any questions from Committee members? [There were none.]

[The Elko audio and video feeds were recovered.]

Is there anyone in Elko who would like to testify? [There was no one.] Is there anyone else in Las Vegas who would like to testify? [There was no one.]

Cruz Marin:

I would like to complete my testimony since we lost the feed. I would like to testify that my son is handicapped, but at the age of 18 he can go to any gun store and buy a gun. However, he cannot hunt because he cannot take hunter safety. Does that seem like a fair deal? He turned 17 last month. In one year, he will be considered an adult and can purchase any gun, but he cannot hunt in the state of Nevada. That does not make sense to me. We are not asking for much. I found out from Mr. Wasley that in the Reno and Las Vegas areas, NDOW goes to the homes of Down syndrome individuals to help them pass the test. Why is okay to do it in Reno and Las Vegas, but not in Elko? The more research we do, it seems to me it is not fair across the state. That is why I agree with this bill. Obviously, it is fair for Reno or Las Vegas to do certain things, but not in Elko. I am 100 percent in support of this bill.

In Florida, their mentoring programs state that individuals who are 16 or older may hunt without a valid hunter safety certificate if they are under the supervision of an adult 21 years of age or older who holds a valid Florida hunting license. That is pretty cut and dry. Nevada does not even offer that. There was a question asked about having experience hunting. I have a lot of military background and I would not let my son hunt by himself ever. I cannot seem to get that across to anyone. He would always have supervision. This is who he is and who he will be for the rest of his life. I am sure he is not the only one. I understand the percentage rate is low for the state of Nevada. We were denied the right for our son to hunt since the age of 12. Why were we denied if people in Reno and Las Vegas are able to do it?

Chair Titus:

I appreciate your testimony and I am hearing your frustration. Hopefully, we can move forward. Thank you for standing up for your son. It sounds like it has been a long process for you.

Is there anyone in Carson City who would like to testify in favor of the bill?

Megan Bedera, representing Nevada Firearms Coalition:

The Nevada Firearms Coalition is dedicated to the safe use of firearms for self-defense, competition, recreation, and hunting. We strongly support this bill, and we strongly support section 3, which has not yet been discussed. [A letter of support was submitted by the Nevada Firearms Coalition ([Exhibit E](#)).]

Chair Titus:

Is there anyone else in Las Vegas wishing to testify in support of A.B. 136?

Jim Sallee, Private Citizen, Las Vegas, Nevada:

I am a 51-year resident of Clark County. I am legally blind in one eye. I have been shut out of a lot of things over my lifetime. I think this bureaucracy is deplorable since this man could not pull this together for him and his son to go out and have some hunting experiences together. I hope this bill will cure that. We need to bring families together, not keep them apart.

John Ridgeway, Private Citizen, Las Vegas, Nevada:

I am 100 percent in support of this bill. I would like to be able to consider having one thing added in section 3, subsection 2. I would like to add black powder equipment. Black powder firearms are not necessarily 100 percent as reliable as today's modern arms. This is for self-defense. If individuals are hunting with black powder, and if there is a dangerous situation when they need a reliable firearm, they should be able to carry a modern firearm with them during black powder hunting season.

Chris Hisgon, Private Citizen, Las Vegas, Nevada:

I am in favor of this bill. I do not understand how, if this young man was able to hunt from the ages of 5 to 12, he was not grandfathered into the system as an experienced hunter. I do not think they could say he did not experience hunting from ages 5 to 12 and then suddenly have to pass written tests he is unable to pass. That violates the spirit and the letter of the ADA law.

Regarding carrying backup firearms, I think it is essential for the safety of the longbow or black powder hunter to have a reliable weapon in case of attack by wild animals. Usually in bear wrestling, the human comes out on the short end of the stick. I would stand in favor of this bill.

Bonnie McDaniel, Private Citizen, Las Vegas, Nevada:

I am a 55-year resident of Clark County and Las Vegas. I have been hunting since I was four years old. I have children who hunt, and I still go hunting whenever possible. I was born and raised in South Dakota. My first hunting experience was with my father. At age four, I shot my first deer. I fully support this bill. For the young man in Elko not able to take his test, mainly

because it is a small town and no one from NDOW wants to go to Elko to give him this test, is deplorable to me. They need to get off their behinds, go to Elko, and give this young man his test.

Chair Titus:

Is there anyone else in Las Vegas wishing to testify in favor of the bill? [There was no one.] Is there anyone in Carson City wishing to testify in favor of the bill? [There was no one.] Is there anyone wishing to testify in opposition to the bill?

Kyle Davis, representing Coalition for Nevada's Wildlife:

With me today is my colleague Les Smith, who is more of the content expert on this issue. He attempted to contact the sponsor by email over the weekend with some of our concerns, and he would like to give a little background in terms of the hunter education we have been through in the past.

Les Smith, Private Citizen, Sparks, Nevada:

I am representing myself today, although I am a part of the Coalition for Nevada's Wildlife. For 15 years, from 1992 to 2006, I was the hunter education coordinator for the State of Nevada. When I took over, it was a very old-school program. We had a lot of instructors who not only could not but would not make any accommodation for people with any type of disability. I saw that was a serious problem when we had three cases in one year regarding people with mental impairments and two people with hearing impairments come before us. Similar to the young man in Elko, they had exhausted their avenues for trying to get their sons and daughter through the hunter education program. At that point, I realized we needed to make some serious revisions and some accommodations for those who were physically handicapped.

At that point, I started developing the hunter education program that is in place today. There are actually three parts to that. I am not going to say anything about the people in Elko because I have worked with them, I know them, and I respect them. I do not know enough about this man's case to be able to address whether NDOW is meeting their commitments or not. I do know firsthand that several of the instructors who are still there today have made accommodations for people with these types of handicaps.

As Mr. Wasley mentioned, there are ADA rules specific to hunter education through the U.S. Fish and Wildlife Service of the U.S. Department of the Interior. They are the ones who actually audit the hunter education program. The entire hunter education program is paid for with federal dollars from the Wildlife Restoration Program. Consequently, they are real sticklers in making

sure all of those compliances are met. I have no doubt that my successor sat through several grueling compliance audits as the hunter education coordinator, because I did.

Going back to the case in Elko, there are two sides to every story. We are only hearing one side here. I am sure this is not a legislative matter. This can be taken care of very handily with some administrative adjustments.

Assemblyman Wheeler:

I hate to interrupt, but I have to say something here. When regulations are not changed after people have asked for them repeatedly, then I think it is time for legislative action.

Les Smith:

There was a game warden in Elko who used to joke about managing wildlife by the onesies. I think you have to be a little careful because this is no joke. You are talking about legislating by the onesies. You are talking about something that could be handled and remedied through administrative means without having to open a large class of individuals to an exemption for which they may not be qualified. You have to be careful in making legislation for the exception so you do not make the exception so big that you could drive a truck through it. That is the danger of this piece of legislation.

You are correct, this would be a remedy, but not as it is written. I think you could modify it and amendments could be made to make it clearer, more specific, and more effective in its application. As the bill is written now, I do not think it will accomplish what you want it to.

Assemblyman Oscarson:

While I appreciate your comments, over periods of time when there have not been remedies to these kinds of situations is when it ends up on our desk. That is when the Legislature takes up these sorts of issues because it has not been remedied through other processes available. For those who are disabled, in a lot of cases, it is difficult for them to advocate for themselves or get people to recognize they need to be advocated for. I take some exception to your comment, for the record.

Les Smith:

Again, I do not know the circumstances of the man in Elko, but I admire his zeal, his passion, and his desire to have his son hunt with him. I have met a man just like that. He was one of the cases I referred to. His son could not read, could barely understand verbal directions, and had a difficult time understanding the most fundamental concepts of safety and responsibility in

the field. I personally took him through the hunter education course. He was actually the model I used to develop the course that is there today. All of the instructors have a great deal of latitude in how they deal with people who are impaired in any way. There are remedies. I do not know enough about the situation to be able to say how they were or were not applied in this case. The question is, if you have one individual or ten individuals in the state that, for some reason, the remedies are not applied or do not apply, is that a valid reason to create a whole section of law that opens a tremendous opportunity for people who are not qualified to get that exemption?

Chair Titus:

We will move on to what this legislation is about and not whether or not there is a justification for one or many. Is there further testimony in opposition?

Doug Martin, Private Citizen, Carson City, Nevada:

I come here today as a volunteer hunter safety instructor. My role in this part of the system is to look you in the eye and have you understand that every person who leaves a class knows to treat every firearm as if it is loaded until they determine it is not loaded, to make sure of their background, to make sure of their foreground, make sure their shot is safe, that they are going to shoot at something capably, and to kill it cleanly and efficiently. There are other rules, but we also look at ethics, sportsmanship, game care, and wildlife management.

I support everything that encourages and gives opportunities to people with special needs. When I was in college, I worked at the Nevada Mental Health Institute and worked with the mentally retarded and people with special needs. I am here to tell you, when we give a test, I ask if there are any students who need the examination read to them. I am not there to teach English or to see if someone can read or write. I am there to make sure they are safe, understand the ethics of hunting, and understand the purpose they are there for, meaning a clean kill and to use that animal completely.

I am not opposed to the bill to give special opportunities for people with special needs. However, in the bill it is specified that I am exempted, and the reason I do what I do is exempted from the process. Let me continue to be part of the process. I do not do this for salary; I do this for love and to make sure people have that understanding. I am hearing something that may be solvable administratively or legislatively. However, please do not take out the hunter education component. That is the gist of it.

I am the chairman for the Carson City Advisory Board to Manage Wildlife. As far as I know, we just acted on a regulation that would allow archers to carry a handgun in the field at the last meeting we held approximately five weeks ago. That portion of the bill I believe has already been addressed.

Anything to help people with special needs to have more opportunity is great, but please do not take people like me out of the equation.

Assemblyman Carrillo:

I have a question for Mr. Martin. You mentioned that section 3 of the bill has already been addressed. Could you elaborate on that point?

Doug Martin:

There was a proposed regulation before our advisory board about six weeks ago to allow archers to carry a handgun while they were hunting in order to have a measure of self-defense. I know that our advisory board, and other advisory boards, endorse that. The Board of Wildlife Commissioners heard that issue approximately five weeks ago. As far as I know, it was heard and adopted. It is now a temporary regulation.

Chair Titus:

Was this at the state level?

Doug Martin:

Yes, at the state level.

Assemblyman Carrillo:

Is the bill sponsor aware of this?

Doug Martin:

I do not know.

Chair Titus:

We will have the bill sponsor speak to that.

Assemblyman Carrillo:

It is a part of the bill, so I want to make sure that is addressed. We can change it in regulation, but I do not know if it has to go as far as changing a statute.

Robert Boehmer, Private Citizen, Carson City, Nevada:

I am here to address the Committee as a hunter education instructor for NDOW. I am certified as an International Hunter Education Association instructor, as well, and a national training counselor for the National Rifle Association (NRA),

both of which provide training in firearms instruction and the ethical use of firearms.

I have many colleagues who act in the capacity as hunter education instructors. I truly believe this is an isolated instance. I do not think there are as many complaints as we think with regard to this issue. I am a little concerned that by allowing this exemption, it will open the door for people to abuse this qualification and pose a public safety issue in the field, as well as to the individual.

I have been teaching hunter education for almost 13 years. There have been three times out of all the classes I have taught where I have had to deny someone a hunter education certificate. Those three individuals were young ladies who shared with me that they did not want to be there. They told me their fathers were making them take the course so they could draw a tag and their father would harvest the animal. Every single class I have had, there is always someone with a reading disability who has trouble taking the test. As volunteers, we provide accommodations for these individuals, sometimes later in the evening or on another day, to provide the assistance they need to pass the course.

I really think this is an isolated incident. Passing legislation that would open such a broad potential of people abusing this would be something to consider. I am 100 percent for having something changed in the regulations that would allow for that accommodation.

Assemblyman Wheeler:

We keep going back to the anecdotal evidence in Elko and everyone saying this is an isolated incident. Have you ever heard of the Wounded Warrior Project?

Robert Boehmer:

Absolutely I have.

Assemblyman Wheeler:

Have you been through a VA [U.S. Department of Veterans Affairs] hospital where there are adults with some type of disability? Would this bill not open it up for those individuals, as well, not just a child in Elko?

Robert Boehmer:

I agree with you 100 percent. I am compassionate to that. However, I think allowing for a regulation change that would give a complete waiver of the hunter education requirement is not necessary. I think we could accomplish this without making that happen. In fact, I can give testimony about the fact that

I have worked with Wounded Warriors in Carson City at Capitol City Gun Club every year. We are able to help those individuals to not only pass hunter safety but also utilize a firearm properly and safely.

Assemblyman Wheeler:

We really appreciate what you do. Without people like you, we would not be able to run our hunting program. I have hunted all my life, and I understand what it takes. As a volunteer, have you ever done it in Tonopah, Elko, Ely, or Winnemucca, or do you just do it here in Carson City?

Robert Boehmer:

It is funny you should mention that. This coming weekend my partner and I are driving to Winnemucca to teach hunter education instructors how to provide live-fire, learn-to-shoot programs sponsored by NDOW. I have provided that instruction in Elko and Las Vegas. I am not the only one who would do that. Of course, my situation allows me to do that. It is my way of being involved and giving back to something I have taken from Nevada my entire life.

Assemblyman Wheeler:

If that is the case, how is it that this family cannot find someone to give a verbal test in Elko when everyone is saying it is so easy?

Robert Boehmer:

I agree. This is the first I have heard about this situation. I cringed as a hunter education instructor. It never would have happened in my class. I would have taken the time for that individual. The big picture is providing the opportunity for that individual to successfully and safely harvest an animal, but do it to where it is not a detriment to public safety and, more importantly, a detriment to himself. If NDOW has not taken the initiative to make that happen, then we have an administrative problem that can be addressed. In all fairness, the people we have working for NDOW are fantastic. I work with them regularly throughout the year.

Assemblyman Hansen:

I have a few comments regarding this issue. This law applies to people born after January 1, 1960. I was born in October 1960. When I was 11 years old, I took the first hunter safety course. All four of my sons and two of my daughters have gone through the hunter safety program. I am extremely familiar with the program. We are looking at a small window of people who may be allowed a slight exception to that rule. It would also require them to hunt with someone who is 21 years old and has a valid license. We are blowing this thing way out of proportion to the realities of what we are discussing.

I also believe the Committee should know that in my opinion, after watching this for many years, while hunter safety programs are great public relations for NDOW and hunters, there is a consistent decline in the number of young hunters. I believe one of the reasons is because of a week-long hunter safety course. I was going to take one of my children who was interested in hunting. However, we could not line up the time frame for the course.

I believe we are making this ten times more than it really is. The reality is we are talking about 10 to 20 people who would get an exception from the hunter safety requirement. I have hunted most of my life with people who had never taken the hunting safety course. In fact, the level of safety and accidents for the people who did not have the safety course versus the one who did have it, there was not much of a statistical difference. I think we are off course. We are not getting rid of the hunter safety course. We are talking about a few kids. I have been watching the gentleman in Elko fidget because everyone here is saying they do not want to make an exception for one because it would open Pandora's box. Mr. Marin and his son have waited five years for this administrative remedy to happen. It has not. That is why this bill is here today, and we are going to take care of it. I will guarantee it.

Assemblyman Oscarson:

I agree completely with Assemblyman Hansen. Mr. Boehmer, I do appreciate your passion in doing what you do. I would like to get one thing for the record. You noted when you came up to testify that you have certification with several organizations. Are you speaking on behalf of the NRA or any of the other organizations you have credentials with? I believe that needs to be clear for the record whether or not you are representing them at this meeting.

Robert Boehmer:

No. I am speaking for myself. I mentioned the organizations to show the Committee I am a professional in what I do. I have taken countless hours and dollars to give back to this sport we all love and appreciate.

Assemblyman Gardner:

You mentioned there could possibly be abuses if a law like this was passed. Could you explain what abuses you are concerned with?

Robert Boehmer:

I believe the fear, coming from a hunter education instructor's point of view, is that we would have the potential for people to abuse that. If there is not an actual definition of what constitutes a mental or physical disability, which this bill does not have, in my opinion, this bill would apply to hundreds or thousands of people who simply do not want to take the hunter safety course. They could

tell us they have attention deficit/hyperactivity disorder or some other disorder so they would not have to take the test. I am not downplaying that, so please do not take it the wrong way. I am saying it then turns into a potential threat to public safety in the field.

Chair Titus:

Is there anyone else wishing to testify on this bill? [There was no one.] I would like to bring the sponsor back to the table for one question.

Assemblywoman Swank:

I would like a clarification in section 3, subsection 2. I would like to confirm if that is an open carry and not concealed carry.

Assemblyman Ellison:

It is open carry. We had over 200 letters sent in support. It can be placed into regulation, but what is placed in regulation can be removed. We want to make the ability to carry a weapon while bow hunting a law. There was an 18-year-old kid bit by a rattlesnake this year who had over \$20,000 in medical bills.

I just received a text from the NRA, if I may read it.

Chair Titus:

Yes.

Assemblyman Ellison:

The text says, "Just wanted you to know, we are supportive of your bill that is being heard this afternoon. I had plans to be there to testify but cannot because of a family emergency. I will submit a letter of support, but will not be able to get to it until after the hearing. Does that work?" That text was from Dan Reid of the NRA.

Assemblyman Oscarson:

I want to make sure when we talk about the carry component, if you do have a concealed weapon permit, that does not put a person in a different category. You maintain the integrity of the permit you hold.

Assemblyman Ellison:

That is correct. If you have a concealed weapon permit, you can put it under your coat. Usually, most hunters wear a heavy coat anyway. Those who do not have a concealed weapon permit can carry it open.

Chair Titus:

Is there anyone wishing to testify as neutral?

Jeremy Drew, Chair, Board of Wildlife Commissioners, Department of Wildlife:

The Board of Wildlife Commissioners is formally neutral on this bill, as we have not had a chance to review the language as a body. My testimony from this point forward will be completely personal in nature. In regard to the special license provision, I am completely in favor of the intent. I believe we have discussed some of the concerns with some of the particulars with the language today, and I am more than willing to work in my personal capacity with the bill sponsor to resolve some of those. In fact, there may be a role where the Commission can help in terms of implementing this going forward.

Regarding section 3 of the bill, I did want to clarify that the Commission recently passed a temporary regulation [Board of Wildlife Commissioners, Commission General Regulation 454, LCB File No. T005-14] that would allow bow hunters to carry handguns with a barrel less than eight inches and no scope. Essentially, they could have a handgun, but no rifles or muskets. That is what the temporary regulation reads at this point.

Assemblywoman Carlton:

Could you give me the statutory authority the Commission used to promulgate that regulation? If it is already in statute, we do not need to do it twice.

Jeremy Drew:

I cannot speak specifically to the statutory authority. I will get back to you with that information.

Assemblyman Hansen:

That was a temporary regulation, and I assume the catalyst for the temporary regulation was this bill, was it not?

Jeremy Drew:

The catalyst to this was that Assemblyman Ellison indicated he had a bill, and we also had several county advisory boards, I believe Humboldt and Elko, who had suggested we bring this forward. We were happy to do that.

Tyler Turnipseed, Chief Game Warden, Department of Wildlife:

I can address two of the issues that have been brought up today. *Nevada Revised Statutes* 501.105 is the blanket statute providing for the authority of the Board of Wildlife Commissioners. Beyond that, I can give testimony regarding section 3 of the bill unless you have further questions about Commission authority.

Chair Titus:

Do you have any statements or concerns that have not already been addressed?

Tyler Turnipseed:

Yes, specifically, section 3 of the bill regarding carrying a firearm during archery season. I can give you a little background on that and I will try to be brief.

Section 3 authorizes a person hunting with archery equipment to carry a firearm for self-defense. This issue was recently addressed with public input at the regulation level. It essentially amends *Nevada Administrative Code* (NAC) 503.144 to allow for carrying a handgun with a barrel length less than eight inches and without a scope. Through the public vetting process with county wildlife advisory boards and the Board of Wildlife Commissioners, that was where the sportsmen and others drew the line in the sand, indicating this is a personal protection firearm versus a hunting firearm. Anything with a barrel length less than eight inches and without a scope would be practical for protecting oneself against perceived dangers, such as marijuana growers, mountain lions, or rattlesnakes, which were some of the concerns brought forth over the last few years. Beyond that, the public, the sportsmen, and NDOW law enforcement felt going beyond that entered the realm of hunting firearms.

As the bill is written, it would essentially allow a person to be carrying a .30-06 over their shoulder with a scope during the archery season. The perception was that goes against the feeling of an archery hunt, and certainly opens the potential for abusing that firearm to take an animal during an archery hunt in an archery-only season.

Assemblyman Wheeler:

As a game warden, can you tell the difference between a gunshot wound and a wound from an arrow?

Tyler Turnipseed:

Yes, I can. With certainty in a court of law to prove it, that is another question. We have had cases where we have caught people shooting deer with a rifle during archery season. We have even witnessed hunters walk up to the animal they had just shot with a rifle and stick an arrow through the bullet wound so it would show broadhead cut marks. We were miraculously in the right place at the right time to witness that happen and were able to catch those people. A bullet wound will cause a lot of bruising and hemorrhaging that an arrow may not. That is assuming you have the whole carcass. When a hunter packs just the quarters or the boned out meat, then of course, that bullet wound is gone. If they carve out the wounded portion to get rid of the bloodshot meat, the part

that is not edible, then that wound would be gone as far as any forensic evidence.

I can speak to the spirit of that regulation that has been in place for decades about not carrying a firearm during archery season. Attorney General Opinion No. 57-335 states the Board of Wildlife Commissioners has the power to address in regulations the carrying of firearms during archery season. I would also liken it to other parts of law in which there is a small violation, maybe a misdemeanor, that goes to preventing bigger crimes. One example might be an open container of alcohol in a vehicle. An open container of alcohol in itself is not illegal, but when it is in a vehicle, it is a smaller law designed to prevent the bigger crime of drunk driving. You could also compare it to possession of drug paraphernalia. In this case, the crime of carrying a firearm during archery season, or since the regulation change, carrying a rifle during archery season, would be a time in which a game warden can intervene and prevent the felony from occurring by addressing it at the misdemeanor level. If a hunter has a .30-06 on his shoulder with a scope, it is clearly not a personal protection firearm. The game warden can intervene before the hunter shoots his archery deer with the rifle.

Assemblywoman Carlton:

I looked at NRS 501.105, and you could drive a truck through that language. I understand where you are coming from. I believe the better argument you have is the one you just mentioned, NRS 503.150. With this Attorney General opinion and what you are trying to accomplish, if you truly want to give this some statutory authority, I think you may want to consider providing Assemblyman Ellison with some good language to put in this bill to make sure what you all seem to be on the same page about will actually work. The next commission, under NRS 501.105, could decide you really do not have the authority. It is open to a lot of interpretation. I support what you are trying to do. I do not want anyone hunting who is not protected. Then again, we do not want them taking a rifle and a scope when they are not supposed to. I think that is the solution to your problem.

Tyler Turnipseed:

That is where we are coming from. I feel the county wildlife advisory boards and the Board of Wildlife Commissioners address the issue and put some sideboards on it by limiting it to handguns with a barrel length less than eight inches and no scopes, rather than having it wide open for any firearm. That was the result of a couple of months of public input that basically stated the language that way, and I think that makes more sense than carrying a 7mm rifle during archery season.

Jeremy Drew:

For further follow-up to Assemblywoman Carlton's earlier question, the authorities that are specifically listed on our temporary regulation are NRS 501.105, NRS 501.181, and NRS 501.1818.

Chair Titus:

Is there any further neutral testimony? [There was none.] Are there any final comments from the bill sponsor?

Assemblyman Ellison:

I am sure we can work most of this out. If someone is bow hunting with a friend, the friend can carry a gun, but the hunter carrying the bow cannot. If you shoot someone with a .30-06, there will be a hole the size of a quarter or larger. I do not have a problem with a gun or a scope, but this bill is here because we could not get anyone to act on behalf of the people who are without protection in the wild. They only moved forward after this bill became a reality. I am glad they did, and I am glad they are addressing the issue. We would not be here today discussing section 3 if not for the newspapers and letters that followed. I look forward to working with these gentlemen in order to come up with some agreeable language. In the meantime, I believe we need to go forward with the bill.

Chair Titus:

Before I close the hearing on A.B. 136, I would like to mention we have some other testimony in written form from the Stillwater Firearms Association, which is in favor of this bill ([Exhibit F](#)). I will now close the hearing on A.B. 136 and move forward to the presentation from Mr. Perry.

Richard Perry, Administrator, Division of Minerals, Commission on Mineral Resources:

I would like to give you a quick update on activities at the Division of Minerals of the Commission on Mineral Resources, and on mineral, oil, and geothermal production in the state.

I will start with this slide [page 5, ([Exhibit G](#))]. This is the gross revenue of mineral production in the state of Nevada for everything that is produced, all metals, oil, gas, and geothermal. The Division of Minerals collects this data every year, puts numbers to it, and produces a publication about midyear that we send to all legislators and the public. This graph tells the story of the mineral industry in the state of Nevada. The first thing that jumps out is gold is 85 percent of that. Then there is copper as well as geothermal energy and quite a number of different industrial materials. You will notice this only goes through 2013, because the 2014 data has not been collected yet. We will

have that information around May. In 2013, there was a major drop in gross revenues, but in the most recent year, the industry is about a \$9 billion per year industry to the state.

The gold production graph [page 6, ([Exhibit G](#))] shows the production of gold in the state of Nevada has hovered in the 5 to 5.5 million-ounce range for the last five years. The white line is price. What you saw in the previous graph is the effect of commodity prices coming down. We produced about the same amount of gold in 2013 as we did in 2012. That is from 22 different operating mines in the state of Nevada.

Nevada has always been a major copper producer [page 7, ([Exhibit G](#))]. We have two operating mines currently. There have been years where we did not produce much; however, production is growing. Copper is a base metal. We also have a lot of potential and a lot of deposits are being permitted or built. If you are familiar with the Pumpkin Hollow Project out of Yerington, that is a copper mine where they are sinking a shaft. I foresee that base metals, such as copper, molybdenum, vanadium, zinc, and lead, are probably going to increase in the future.

The one challenge this industry has is they produce a concentrate and have to have it smelted and refined. There is no smelting or refining capacity available in the United States, so it is all going out of the country. About one-third of their operating costs are going to smelting and refining. It is a major downstream risk to them, and something we talk about at the meetings of the Commission on Mineral Resources regularly, trying to come up with some model to justify getting a company to come to Nevada to build a smelter.

Assemblyman Edwards:

What would it do to the copper industry or other mining industries if we were able to get a smelter locally within Nevada?

Richard Perry:

Economically, it would likely lower their operating costs because of all the freight they are paying to go overseas. It would lower the grade cutoff of their deposits, and they could probably make ore out of what is now waste. It would certainly provide more surety to their ability to finance these projects.

Assemblyman Edwards:

Are there any indications of how many jobs might be created, how big the industry might grow, and what kind of economic benefits Nevada would receive?

Richard Perry:

The smelters that are in the United States are in Salt Lake City at the Bingham Canyon Mine and in Arizona. Typically, they attract a lot of other industries around them, such as copper wire makers and specialty steel makers. A conservative estimate would be 1,000 jobs to have a toll-type smelter built in Nevada, in addition to employment at mines which becomes an economic upside.

I will move on to industrial minerals [page 8, ([Exhibit G](#))]. The largest industrial mineral produced in Nevada is gypsum. We produce limestone, zeolite, barite, and a whole host of industrial minerals that are used in construction and other areas. Gypsum is used in construction. Most of our gypsum mines are located in Clark County, and they produce wallboard. Gypsum is also used in the manufacturing of cement. In 2012 and 2013, you can see production increased, which is a good indicator of construction activity.

We use active claims as an indicator of exploration activity in the state [page 9, ([Exhibit G](#))]. The last time we did a survey was in 2011. At that time, it revealed about \$670 million in exploration was attracted to the state, mainly from capital markets in Canada and overseas. There is a lot of money spent in Nevada on this, and that impact is felt economically. We have seen claims drop about 20 percent during the last several years, mainly because it moves with the price of metal.

We run an abandoned mine lands program for the state [page 10, ([Exhibit G](#))], which is funded from claim fees that are collected annually for unpatented claims. We keep track of that on a county-by-county basis. We prioritize it every year as far as the risks [page 11, ([Exhibit G](#))]. This program has been around since 1987. We estimate there are about 50,000 hazards in the state that are old, orphaned mines, mainly on federal grounds. In 1987, because there had been fatalities from people driving all-terrain vehicles in the area, the program was started. Since then, we have addressed 14,000 of the hazards with fencing or physical closure, and we continue to prioritize based on how close the hazard is to a city or a road and what the degree of the hazard is. This map shows the work we will be doing this year.

We hire interns who are natural resource majors from the University of Nevada, Reno and the University of Nevada, Las Vegas for much of the summer work [page 12, ([Exhibit G](#))]. We get a lot of work done during the summer with the interns logging information, building fences, and repairing fences throughout Nevada.

This slide [page 13, ([Exhibit G](#))] shows examples of physical closures. The Division of Minerals is generally the lead agency on federal ground for this. We work with the Bureau of Land Management (BLM), the Department of Wildlife, and the Office of Historic Preservation of the State Department of Conservation and Natural Resources. We have to go through an analysis with all of those agencies. These underground workings became bat habitats. You can see the before and after pictures after a physical closure, the idea being to keep the public out and safe, and to allow the bats to go in and out of the workings. The bottom picture shows a cupola that was installed to complete a closure.

As we have money available in our budget, we partner with the BLM and the State Department of Conservation and Natural Resources, Forestry Division, to conduct backfill projects [page 14, ([Exhibit G](#))]. We are primarily the lead agency on these projects. We do a lot of backfill and physical closure projects in high hazard areas.

In southern Nevada, we leverage our relationship with the Boy Scouts of America [page 15, ([Exhibit G](#))]. One of our field specialists in southern Nevada does a lot of work with the Boy Scouts. They work on Eagle Scout projects by building fences around abandoned mine land hazards. That fieldwork happens mainly during the winter season in southern Nevada.

Mineral education is something that is done by all of our staff. We are available to any school, civic organization, or elected body to give presentations. We do a lot of those throughout the state, and this slide [page 16, ([Exhibit G](#))] shows our numbers from last year.

I chose this mine in particular [page 17, ([Exhibit G](#))] because I thought it would be prudent, given the battery factory being built in Storey County, to point out Nevada has the only lithium mine in North America in Esmeralda County at Silver Peak. It has been operating since 1967. It is not an open pit mine; it is a mine that is a brine operation. As you can see, there is a racetrack of pools. As they discovered years ago, lithium comes up with the salt brine, is pumped into the pools, and over two years has evaporated and cycled up so the lithium content in the solution reaches about 5,000 parts per million. It is pumped into the plant shown and precipitated into various compounds, mainly lithium carbonate. This mine produces around 5 percent of the lithium production for the world.

I was asked in the Senate Committee on Government Affairs what lithium is used for. The largest percentage of lithium is used in lithium batteries. It is used in ceramics and glasses. It is used in aircraft parts because it is a very light metal. It is also used in the pharmaceutical industry as a mood-stabilizing drug for bipolar disorders. It is truly a high-tech metal, and Nevada is the only producer in the United States. If you look at the side of the drum on this slide, it says "lithium hydroxide monohydrate." It is a 100-kilogram drum that was in the warehouse. On the side of drum, it says "battery grade." I have to think that has some impact on our attraction to companies who want to build batteries here.

Moving on to fluid minerals [page 18, ([Exhibit G](#))], this is the activity chart for 15 months in the state of Nevada for oil and geothermal drilling. The Division of Minerals is the fluid mineral permitting agency for those. Most of the geothermal drilling is in the west, and most of the oil drilling is in the east. That is true because that is the geology of the state. The open circles you see in Elko County are wells that were drilled for hydraulic fracturing.

A very positive story for Nevada last year, and really in our lifetime, is that the geothermal industry in the last 30 years has grown from nothing to producing over 2.7 million megawatt-hours of power [page 19, ([Exhibit G](#))]. To give you a feel for what that is, that is the equivalent of 247,000 average households' power consumption for the state of Nevada. This is a growing industry, and we have a good potential for it to continue to grow in the state of Nevada. It creates good employment, and it is certainly a green energy producer.

The major player is Ormat Technologies Inc., and the major project last year was north of Austin in the McGinness Hills field [page 20, ([Exhibit G](#))], where they more than doubled the capacity of their plant from 30 megawatts to 72 megawatts.

Nevada has never been a major oil producer. However, we have been producing oil since 1954. As you can see [page 21, ([Exhibit G](#))], the oil production has basically been on a decline. Oil production is done mostly in the east. We are down to about 70 to 80 producing wells in the state. They are located in Railroad Valley, where we also have a refinery that produces a number of petroleum products; in Pine Valley; and in Elko County. Elko County was not included last year, but is now represented by two wells that Noble Energy Inc. drilled. Those are the first two unconventional oil producing wells in the state. They did have some production of oil this last year, mainly from flowbacks. It is a little too early to determine if this is going to be a producing oil field, but they have at least produced some oil.

Chair Titus:

When you said "unconventional," does that mean fracking?

Richard Perry:

Yes, it does. Unconventional really refers to hydraulic fracturing and horizontal drilling.

I could go into a long explanation on an update of Nevada's hydraulic fracturing regulations [page 23, ([Exhibit G](#))], but I am trying to be as brief as possible and will just go through the process. In Senate Bill No. 390 of the 77th Session, the Division of Environmental Protection of the State Department of Conservation and Natural Resources and the Division of Minerals were jointly charged with updating the hydraulic fracturing regulations and coming up with a program for the state. That basically became a major update of our oil and gas code, *Nevada Administrative Code* (NAC) Chapter 522, which was accomplished last year.

Assemblyman Edwards:

What is the latest update as far as how much oil might be produced here in Nevada, especially if we are able to do fracking?

Richard Perry:

There is not one. Noble Energy Inc. published a general idea that if they were successful, they could produce 50,000 barrels per day. That is a forward-looking statement if you look at their website. The price of oil has obviously dampened some of that, as most of the unconventional oil in this country needs a price of \$60 to \$70 per barrel to be economic. However, they are still active. They are finishing the third well and putting a pump on it. They will start pumping to see what they can produce. We are in a wait-and-see mode regarding what their next steps are and what the future of oil in Nevada will be.

Assemblyman Edwards:

How long does it take to put a refinery in place? I know it is based on capacity, but how long did it take the third well to become operational?

Richard Perry:

It takes about three weeks to drill the well. They spend another week encasing the well, look at all the core and geology, and then make a determination if they are going to hydraulically fracture it. They typically come back a month or two later to do that. They then test the well to see what they can get out of it. With regard to the cycle, it takes probably three or four months before a well is

started to the point at which they know whether they are going to be able to pump anything out of it.

I have some highlights of the regulations we developed [page 24, ([Exhibit G](#))]. I believe we have developed very strong regulations that are practical for the state. We had the opportunity of tapping into the Interstate Oil and Gas Compact Commission, of which Nevada is a member. I have highlighted the major changes here in the difference between drilling a conventional well and an unconventional well. That is an application process that involves a one-mile area of pre- and postfracking sampling, and a lot of additional casing and cement to make sure the groundwater is protected.

I will skip to this slide [page 27, ([Exhibit G](#))] to point out in the permitting of an oil and gas well, there can be up to four agencies involved. If it is on federal ground, the BLM is the lead agency. We permit in parallel with them, as both a federal permit and a state permit are required to drill in Nevada. Air permits are required, and underground injection control permits are required if water is to be reinjected back into the formation. Any water used for drilling the well has been appropriated under the normal State Engineer's appropriation process.

This slide [page 28, ([Exhibit G](#))] shows a picture of the fourth well that was drilled by Noble Energy Inc. with a drawing of what they are drilling for. In Elko County, where this target exists, it all went well. Our regulations require us to be present during the setting of casing in cement and the actual hydraulic fracturing.

Much of this information is available on our website [page 29, ([Exhibit G](#))] if anyone from the public wants to look at the conditions for approval of a permit for oil, gas, or geothermal.

Chair Titus:

Are there any questions from Committee members? [There were none.] We had two other groups scheduled to present today, the Nevada Mining Association and the Nevada Mineral Exploration Coalition. I would ask if they would be willing to come back another day. I promise to give you top billing. Thank you all for your patience.

Is there anyone here for public comment? [There was no one.] This meeting is adjourned [at 3:32 p.m.].

RESPECTFULLY SUBMITTED:

Donna J. Ruiz
Recording Secretary

Lori McCleary
Transcribing Secretary

APPROVED BY:

Assemblywoman Robin L. Titus, Chair

DATE: _____

EXHIBITS

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

Date: March 3, 2015

Time of Meeting: 1:44 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 136	C	Tony Wasley, Department of Wildlife	Written testimony
A.B. 136	D	Brian Patchett, Easter Seals Nevada	Written testimony
A.B. 136	E	Don Turner, Nevada Firearms Coalition	Letter in support
A.B. 136	F	J. L. Rhodes, Stillwater Firearms Association	Letter in support
	G	Richard Perry, Division of Minerals	PowerPoint presentation