

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

**Seventy-Eighth Session
March 17, 2015**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Robin L. Titus at 1:34 p.m. on Tuesday, March 17, 2015, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. Copies of the minutes, including the Agenda ([Exhibit A](#)), the Attendance Roster ([Exhibit B](#)), and other substantive exhibits, are available and on file in the Research Library of the Legislative Counsel Bureau and on the Nevada Legislature's website 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 L. Williams, Committee Assistant

OTHERS PRESENT:

Leah Sturgis, representing League of Humane Voters-Nevada
Tyler Turnipseed, Chief Game Warden, Department of Wildlife
Elaine C. Carrick, Private Citizen, Reno, Nevada
Beverlee McGrath, representing Best Friends Animal Society; Nevada Humane Society; Northern Nevada SPCA; Nevada Political Action for Animals; Lake Tahoe Humane Society & SPCA; Pet Network of Lake Tahoe; Wylie Animal Rescue Foundation; Fallon Animal Welfare Group; Hidden Valley Horse Rescue; Compassion Charity of America Las Vegas; Nevada Humane Society Carson City; and Paw Pac
Fred Voltz, Private Citizen, Carson City, Nevada
Margaret Flint, representing Canine Rehabilitation Center and Sanctuary; and Nevadans for Responsible Wildlife Management
Trish Swain, Director, TrailSafe Nevada
Jeremy Drew, Chair, Board of Wildlife Commissioners, Department of Wildlife
Rebecca L. Palmer, State Historic Preservation Officer, Administrator, Office of Historic Preservation, Department of Conservation and Natural Resources
Claudia Vecchio, Director, Department of Tourism and Cultural Affairs

Chair Titus:

[Roll was taken. Committee policies and procedures were explained.] I am going to open the hearing on Assembly Bill 142.

Assembly Bill 142: Revises provisions governing the administration and enforcement of wildlife laws. (BDR 45-402)

Assemblyman Ira Hansen, Assembly District No. 32:

District No. 32 includes 38,000 square miles of Nevada. It includes most of Washoe County, all of Humboldt County, Lander County, Mineral County, Esmeralda County, and a big chunk of Nye County. This bill is interesting, and it goes back to the early 1990s. In the late 1980s and early 1990s, I was doing a great deal of testifying at the Legislature and other activities in front of

the Board of Wildlife Commissioners. I made some pretty strong political enemies. At that time in Nevada law, if you received any two citations in a five-year period, the Department of Wildlife could revoke your licenses for up to three years. This is found in *Nevada Revised Statutes* (NRS) Chapter 501. I was not aware of the statute at the time. In November 1992, I got a call from a game warden who said he had found some guys messing with my traps down on the Truckee River, and he asked me to identify those traps. I did not know that I was being set up a little bit. I went and identified my traps and let him know I had some additional traps. He said some of my traps were missing numbers and wanted to know where the numbers were. I told him I had little copper tags on them, but I shot them with a shotgun and maybe some of them were knocked off. The warden went back out and found some additional traps and called me the next day. He said he wanted to talk to me, and I told him I would come back to the Department the next day. He said he needed to talk to me now, and he came out and questioned me. I was trying to talk my way out of a ticket. I did not know it, but he had a tape recorder going in his pocket. When the conversation was ended, we went out to his truck where he already had two citations written up. I did not understand the significance of the citations at that time. I was a little mystified.

At that time, I had some good friends at the Department of Wildlife, the Game Division folks. The head of the Game Division at that time was George Tsukamoto, and he asked me to come to his office. He told me they were going to try to revoke my licenses. At that point, red flags went up, and I ended up going to the small claims court with Justice of the Peace Paul Freitag. My uncle is an attorney in Las Vegas, and he came with me. What we did not know because we did not ask for discovery was that the game warden had tape-recorded that conversation, and I basically convicted myself. The judge fined me \$50 for both the tickets, \$100 total. At that point, we asked about the revocation, and the warden and the district attorney said they had no intention of revoking my licenses. The judge said that these were not the types of things they would take licenses away for. If you look in the packet I handed out to you ([Exhibit C](#)), on the back page you will see a letter from Sparks Justice Court, and I highlighted a line from the judge. Four months later, I got a notice of revocation ([Exhibit C](#)), which I have also included. I had to go to Las Vegas to appear before the Board of Wildlife Commissioners. At the time, the chairman was a man named B. Mahlon Brown, and thanks to Chairman Brown, this matter was handled judiciously. I ended up not getting my licenses revoked.

I came back to the Legislature in the 1995 Session with Assembly Bill No. 537 of the 68th Session, which is the demerit system that we are talking about now. I wrote the bill, and Assemblyman Dave Humke helped me get it passed.

I had listed every single demerit value; it was based on a demerit schedule that the game wardens used in the field. It was very fairly based. However, when I came to the Legislature, there was concern over doing it in statute. They wanted a higher level of flexibility, so we agreed to leave the demerit portion of it out. The concept went in and it was passed—unanimously as I recall—and it became law. Before they could revoke a license, the licensee had to build up a certain number of demerits. It was based on a very fair, reasonable series of steps. I believe the demerits were 3, 6, 9, and 12; so very minor things would be 3 demerits, and something very severe would be 12 demerits and revocation of the license. B. Mahlon Brown was still the chairman of the Board of Wildlife Commissioners, and he set up a committee that had the Department of Wildlife, myself, and some others on it to determine what the demerit points themselves should be. We ended up having quite an interesting discussion and debate on this, and thanks to Chairman Brown, we ended up with a demerit system that existed in 1996, which in my opinion was very fair and even-handed.

As I said, I had some serious opponents to that whole concept. They could not stand the fact that I basically removed a power that they had. Keep in mind, the demerit system is an administratively imposed penalty. It makes it fair because, unlike in a court where you can explain extenuating circumstances and so forth to the judge, the demerit system assigns the exact same number of penalties in every case. Even if you had completely extenuating circumstances, you could still receive the same number of demerits as somebody who actually had intentionally done something fairly serious. Through the years, the law enforcement folks have tried to ratchet those numbers up and down. There were some fights over it and some opposition. They did bump some of them up significantly. I discovered this in 2010, when my son and I were out trapping, and he received two citations in two different counties. They were for six demerits each, and I felt it was to get back at me. The reason I say that is because both of those were dismissed by the district attorneys after we went through the whole process. I can show you that there has definitely been a pattern of using these types of laws to help either punish or suppress people who are critics of an agency.

For those of you who serve with me on the Assembly Committee on Judiciary, one of the reasons you will find that I am much more sympathetic than probably your average conservative guy when it comes to the public defender side of the law is because I have learned the awesome power of the state. Even though the Wildlife Department is a fairly small branch, the state has incredible powers, and the need to protect ordinary citizens from possibly suffering abuse of those is very, very, high. I am Chairman of Judiciary and I deal with some of those very issues. I am very sensitive to how it is not that tough to be

abused in law enforcement, especially if you are on a side that is known for being very vocal and a very public critic of some of those things.

When my son received those citations, that was the first red flag because I noticed they were six demerits each. They were originally three but they bumped them up in 2007. By giving him two tickets, in two different counties, we were going to have to go to the Austin court and the Tonopah court. Fortunately, the district attorneys saw right through it and they both were dismissed outright.

About a year ago, we had a chairman of the Board of Wildlife Commissioners who decided he was going to bump up some numbers. He decided that there were some people who were trespassing on private property and he did not like that, so he bumped trespassing up to a 12-demerit citation. That meant a license could be revoked for at least a year or two or whatever it was at that point. There was also another citation that if you were more than 48 hours late to check your traps, you would receive 12 demerits. The interesting thing about that was there were also citizen advisory boards in the wildlife process. Virtually every county in Nevada has an advisory board. There are 17 counties and there are about 15 very active boards. Every single one of those boards opposed that change to those demerit schedules. They ignored the boards' opposition and the Board of Wildlife Commissioners ended up pushing that through. We actually blocked that at the Legislative Commission because we thought it was excessive. All of those regulations have to go through the Legislative Commission for review. That is why I now want to, in effect, go back and change my original bill, Assembly Bill No. 537 of the 68th Session.

I have made an offer to the Department of Wildlife that if they would be willing to go back to the demerit schedule that we all agreed to back in 1996, I would be happy to drop the bill. However, the concern in either case is I have to deal with some rogue people. If you end up with a demerit system where you get 12 demerits by a commission, it is not that much different from having a rogue justice of the peace who decides to throw the book at you. That is one of the oppositions to this bill as well. We are just trying to make it fair. Nevertheless, I do want to make sure you understand there is not just one side that can be a problem when it comes to law enforcement. Do you want to go through the bill now?

Chair Titus:

I was just going to say, Assemblyman Hansen, if you would just walk us through what your changes are and their significance.

Assemblyman Hansen:

The major change in section 1 is that right now the Commission has the authority to revoke licenses. That would be changed; it would only be after a court order, after a full hearing, and after a justice of the peace typically had an opportunity to hear all of the variables in a case. That is a very important thing. As I stated, there are often extenuating circumstances that come up, and that is why I would not have a problem with the demerit system if the points were kept at a moderate level. When you start bumping it to maximum penalties for everything, that removes any discretion by a court.

In section 2, the wildlife folks have a possible amendment which I am not uncomfortable with. It talks about a gross misdemeanor; if you have a gross misdemeanor, the court can suspend your license up to five years, and if it is a felony, up to ten years. With two or more felonies, your license can be revoked permanently. You just have not learned your lesson and are out doing some pretty significant things, like poaching big game or something like that.

Chair Titus:

Just for clarification, what are we seeing under section 2, line 6? Is this an amendment that they offered or that you had offered?

Assemblyman Hansen:

I consider it a friendly amendment basically to add the word "misdemeanor." Originally, it was limited to just "gross misdemeanor." We have had some situations where people do not seem to learn their lesson and repeat the same misdemeanor over and over. I think that would be a reasonable thing for a judge to consider when it comes to whether or not their licenses should be revoked.

Assemblyman Ellison:

In section 1, you said that you might change your bill if they moved the demerit system back to where it was. What are the odds of that happening?

Assemblyman Hansen:

I think the odds are probably pretty good. I think we are in a position to make this law happen, but I am willing to be reasonable about it. I am not out to try to force anybody's hand on anything. I think that is a very reasonable compromise at this point. We have Chairman Jeremy Drew of the Board of Wildlife Commissioners here. He is an excellent guy; I get along great with him and I think he is a wonderful person. We will find out before the April 10 deadline whether that is a possibility.

Assemblyman Ellison:

At the joint meeting we had with the Senate, we talked about the county advisory boards and there was a proposal to have only three boards. Would that help this at all?

Assemblyman Hansen:

I do not think it would help. There is an unwieldy factor with having 15 different boards, so I think there was an attempt to make it regional. I do not know if that will go anywhere or not. I think the current system is okay. I think it gives a lot of folks in Elko County or Eureka County an opportunity to participate. They might feel it is a little bit diluted if you go to three different geographical areas rather than county by county. I have not heard all the pros and cons of that bill, to be honest with you. As far as impacting this bill, I do not think it will.

Assemblyman Oscarson:

If you go through a justice of the peace, there is a better chance you can get it adjudicated in a different way, with a different fine, and a different violation.

Assemblyman Hansen:

My concern is not so much how the adjudication works. It is to make sure that the extenuating circumstances are taken into account. What I see with this demerit system gradually going up is you are going to get to a point where any two citations are very soon going to end up being a revocable action with licenses. That is what we are trying to get away from. That is what the original law was prior to 1995.

When someone deals with a district attorney on a serious offense, poaching big game for example, he and his attorney meet with a district attorney and they plea bargain in an attempt to keep it out of court. Frankly, they do not want people in the state penitentiary for shooting a deer. The Judiciary Committee has been trying to reduce the number of felonies because it costs \$25,000 per year for every person in that prison system. What happens with the demerit system is typically not that well known by either the defense attorneys or whomever. They think their client gets a penalty and they agree to what the penalty may be. They find out later that there is this demerit process, and they end up losing their hunting, fishing, and trapping privileges for years without any knowledge of that prior to the plea bargain arrangement. That has been another consistent problem, and I have talked to a fair number of attorneys who say they did not even know about that.

I will give you another example of another serious case where this potentially punishes way beyond what it should. I have a friend who is an archery hunter,

and he was hunting antelope in northern Washoe County. He used this guy's blind and the guy got mad at him. He harvested an antelope and he boned it all out; however, he left the rib meat and the neck meat on some of it. This guy ended up calling a warden and accusing my friend of what is called wanton waste. That is a pretty serious ticket; in fact, it is 12 demerits. My friend was embarrassed by it. He did not know that the neck meat and the rib meat was something they would possibly go after him for. By the way, they have changed that law since. He ended up paying the fine and walked away from it. I believe he ended up getting his hunting, fishing, and trapping licenses revoked for two years without knowing that was even part of the penalty process. Because it is administratively applied and there is no give and take by a judge, you cannot provide extenuating circumstances in a demerit system. In that case, he did remove 95 percent of all the meat from the animal. He made a good faith effort. That did not matter because when he was cited for wanton waste his licenses were revoked. Twelve demerits, no ifs, ands, or buts. Even though the judge might have been totally sympathetic, he got his privileges revoked.

Those are the kinds of problems with demerit systems. It was better than nothing at all originally. You will hear testimony indicating I am wrong and they only applied some of these. There is some truth to that, but there has clearly been an element of using the law enforcement branch to punish people. We need people to be activists and help keep those government agencies under control. Think of all the people we answer to. Those people are actually good and part of the process, even though we may not agree with them. They help keep everybody on their toes, including those bureaucracies that otherwise can be very monolithic and difficult to change.

Assemblyman Wheeler:

Can you give us examples? You said the demerit system is changing and has over the last 20 years. Can you give us an example of a citation where the demerit has changed and if there is any reason for it that you know of?

Assemblyman Hansen:

I can give you one: my son's case. That was originally a three-demerit citation. They have been trying to bump up trapping citations consistently. As you probably know, I am a very active commercial trapper and have been now for 40 years, since I was 14 years old. Because trappers are out in the hills for months at a time, they are more susceptible, perhaps because they are constantly out in the field. They run into wardens and those wardens can make their life pretty miserable if they want. In that particular case, they bumped up the demerits in 2007 from 3 to 6. When they ran into my son, they gave him not one but two different citations in two different counties, and in my opinion

that was clearly designed so that if, in fact, they got lucky and they got both convictions, that would be a 12-demerit situation, and he would lose his license.

Assemblyman Wheeler:

So they doubled the demerit system. Was there any reason for doubling it that you know of or was it arbitrary?

Assemblyman Hansen:

It could be a series of things. In some cases, I think it was arbitrary. The demerit system, in the eyes of the Board of Wildlife Commissioners, often is seen as the only punishment that exists for sportsmen. The Commissioners think 4 demerits for a particular violation is too low. They do not understand that the real penalties are applied in the judicial hearing by a judge. With a misdemeanor, there is a possible fine of \$1,000 and you can go to jail for six months. For a gross misdemeanor, I do not know what the fine amount is, but you can go to jail for a year. The ability for a judge to have flexibility and to punish adequately is already built into the existing judicial system. This is an added punishment, and sometimes the folks in the sportsmen world do not see that part of it. They only see the demerit and think we should throw the book at these guys. You will find that there has been some push to do that internally.

I think if you go back and look at the original system, and what we came up with, it was extremely fair to all parties. Remember, I am going with a moderate level of punishment with demerits because there is no flexibility, there are no extenuating circumstances, there is no way a judge can reduce the demerit system. There is no flexibility at all in that. That is why it should be very moderate.

Assemblyman Oscarson:

I want to understand, Assemblyman Hansen, would the judicial system assess the points if there were points to be assessed?

Assemblyman Hansen:

No, the points would actually disappear. There would not be any points. In effect, I am eliminating my bill from 1995, Assembly Bill No. 537 of the 68th Session. It would be up to the discretion of the judge. Keep in mind, the justices of the peace in our area hear over 3,000 cases in the Sparks Justice Court. In Pahrump, it is probably not that many. Nevertheless, these judges hear a lot of cases and have a very good understanding of what reasonable penalties are for punishing people who break the law.

Assemblyman Oscarson:

Would that increase monetary penalties since they are using the court system?
Would there be additional judicial costs associated with that?

Assemblyman Hansen:

I do not think so because they are already being run through the judicial process. This is something that is entirely administrative. If anything, it could possibly reduce some costs for the Executive Branch, but I am sure the costs are very minimal.

Assemblywoman Swank:

If the justices of the peace hear thousands of cases a year, would this slow down the process?

Assemblyman Hansen:

You do not go before the Board of Wildlife Commissioners when you have a citation. You go before a justice of the peace now. The justice of the peace then determines your innocence or guilt. If you are in fact guilty, currently there is a demerit point system that is assigned to that. If it is something fairly minor, it can be as low as 3 demerits. If it is something extremely serious, it can be 12 demerits. That is all done judicially first. If it is serious enough, they can bring it to the Board of Wildlife Commissioners if you have accumulated 12 demerits or more. The concern is that they have been increasing the numbers slowly. In certain categories, you are back to any 2 citations and you can have your license revoked. Or, the Commission just decides to increase the penalty to 12 demerits because they think those are the only penalties involved in the process, when in fact that is an additional administrative penalty.

Getting back to the bill, in section 3, there is nothing dramatic other than making it the court rather than the Department of Wildlife or the Board of Wildlife Commissioners. Again, section 4 deals with that. Section 3 states what the penalties can be if they do not appear. Again, that is a judicial discretion aspect. In section 3, the judge can also order the suspension of a license or other privilege, and that is turned over to the Department of Wildlife for the actual implementation. Section 5 deals with the maximum amount of penalty. This means that essentially you have a three-year cap. A judge still has a certain limitation on how far he can take those situations. That may change because of the misdemeanor request, but it is a cap and very similar to the existing cap. Section 6 says that instead of the Commission, it would go to a court of competent jurisdiction, which would be either the justice of the peace or district court. I believe the rest of section 6 goes with those sorts of things as well. Section 8 simply repeats that language so that the provisions in the law that currently allow the Commission to do the revocation are turned

over to the justice of the peace or the judges. That should walk you through the bill.

Assemblywoman Swank:

When a license is suspended or revoked and then reinstated, is there an exam that has to be taken again in order for that suspension to be lifted?

Assemblyman Hansen:

No, there is simply a time frame. There is a provision in existing law where they can take a test to eliminate three demerit points, but at the moment, no.

Assemblywoman Swank:

I would like to see some kind of reeducation take place before they get their licenses back. Clearly, there has been a misunderstanding of what they were supposed to be doing.

Assemblyman Hansen:

That is something we can certainly take into consideration.

Chair Titus:

Seeing no further questions, is there anyone who would like to testify in support of Assembly Bill 142? [There was no one.] Is there anyone who would like to testify in opposition to Assembly Bill 142?

Leah Sturgis, representing League of Humane Voters-Nevada:

I would like to thank the Committee for listening to my case against Assembly Bill 142. I feel very strongly about A.B. 142 because the Department of Wildlife's demerit system is the only recourse we have for trappers who do not follow the laws. Just over three years ago, trappers came onto my private property and set five traps. Imagine you are on your private property when your dog gets horribly ensnared in a trap. You are frantically trying to free his leg but you do not know how to open the trap. You cannot leave the dog to go get help and you cannot free him. All you can do is scream for help. Luckily, in my case a neighbor heard the screams and came to help. When animal control finally arrived and got the trap off his leg, my dog had been screaming in pain for over an hour. He was rushed to the vet with a broken paw. My mother, who sliced her hand while trying to get the dog out of the trap, also went to the emergency room for stitches. When the Department of Wildlife arrived, I was extremely anxious to find out who the trap belonged to so that justice could be served. What the wildlife warden told me next left me completely in shock. He said there would be no way to find out who the trap belonged to. He explained that the registration numbers on traps are no longer required and that the numbers that were scratched onto the side

were probably old. I pleaded and asked, Why? The warden explained that there was a trapper who had political influence and had been caught illegally trapping and because of his influence, he was able to get the laws changed on trap registration. He told me they are no longer required. I also found out that trappers had four days before they needed to check the trap since that is the law as well, which is unusually long for most states in this country. They had four days until they needed to check the trap, and the likelihood that I would catch these guys was slim.

I decided to go on a stakeout on that area of our property, and I waited for four days. On the fourth day, a ranch hand saw a truck driving onto our property, and sure enough it was the trappers. He actually managed to snap a picture of the truck going right around the posted No Trespassing sign. We finally caught up with three large men carrying guns. First, they lied and said they were quail hunting and then after we confronted them and explained my dog was trapped and they were on private property, they were forced to come clean. They did continue to lie about how many traps were there and where they placed them. I immediately called the Department of Wildlife and the police. When they arrived, I thought this would be a slam dunk and the trappers would be in a lot of trouble. Well, I was wrong.

The Department of Wildlife explained that I could sue the trappers in a civil case for trespassing, but if I did that it would prevent the Department of Wildlife from issuing demerits, which could eventually get their licenses suspended. I had to choose either/or. Either I could sue them in a civil case and the worst outcome would be a misdemeanor crime for trespassing, or I could go the route of the Department of Wildlife and get the demerits issued in hopes that after accumulating 12 points their licenses would be revoked for three years. Neither of these options felt just to me. I did not feel there was much recourse for how much pain and suffering and trauma these trappers caused to my family. In the end, only one trapper was cited, and I want to make it clear that only three demerits were issued. The other two trappers got off scot-free. Now imagine you are in my shoes and your life has been affected by this event.

Members of the Committee, I cannot believe I am here today speaking out against Assembly Bill 142. The demerit system is the only recourse left to punish trappers who do illegal things, and now Assemblyman Hansen is trying to do away with that as well. I feel this is absolutely despicable. I know now that the man responsible for getting trap registration thrown out is the same person who is now trying to do away with the demerit system, the very system that he created. Ladies and gentlemen of the Committee, this bill opens the door to more illegal trapping, and it ends a system of justice for trappers who do not follow the laws. It negates the state's very own Department of Wildlife and

strips them of their ability to revoke a trapper's license if he is found breaking the law. This bill only serves to protect trappers who are already breaking laws. It is being brought forward by Assemblyman Hansen, who himself has been cited on numerous occasions for trapping violations. It appears to me that this bill is motivated by nothing but the desire to get even with the Department of Wildlife.

Assemblyman Wheeler:

Ms. Sturgis, you and I have spoken about this. You are one of my constituents, and I understand what you went through. It seems to me that you are worried about the demerit system going away, and, of course, they have to have a citation to get the demerit. If a trapper gets a citation, it goes to court where the judge can revoke the license no matter what the demerits are. In your case, if the trapper on your property got three demerits, his license would not be revoked, yet a judge would be able to do that according to this bill the way I read it. I think this would actually help your situation instead of hurt because that guy's license could have been revoked.

Leah Sturgis:

Yes, that is a good point. I guess it would depend on who that person was. You can get powerful lawyers to do things. I honestly do not know. All I know is that this bill is trying to take away a demerit system, and there is already so little recourse when there are trappers doing things they are not supposed to be doing. If penalties could be increased somehow, if I felt they could be more severely punished in the court, I think that would potentially be something good. I guess I will have to look more into exactly how this is written. It just seems to me that with the trend of Assemblyman Hansen's laws in the past, where he pushed through the removal of trap registration, which I am really upset about because you cannot find out who owns the trap when they set it illegally, I am very suspect.

Assemblyman Wheeler:

You were talking about the registration, and the way I read this bill, it has absolutely nothing to do with registration in one way or the other. The only thing we can look at is this bill. I am sure there will be another registration bill coming.

Leah Sturgis:

He has another bill coming already about registration. I am ready for that.

Assemblyman Wheeler:

That will be the time to bring that up. The question was going to be if you saw anything in here about registration, but apparently not.

Leah Sturgis:

I was just saying there is a history of making laws so that trappers cannot be punished.

Tyler Turnipseed, Chief Game Warden, Nevada Department of Wildlife:

To answer your question, Assemblyman Wheeler, the current system in place with the demerits establishes a minimum, and any judge or justice of the peace can go beyond that. For instance, in Ms. Sturgis' case, the citation that the trapper received is worth three demerits, but the person is only up to three demerits on a 12-demerit scale. At the time that citation was dealt with in justice court, the justice of the peace, in addition to the three demerits and a fine, could also revoke the license for x number of years.

Assemblyman Wheeler:

The justice of the peace knows about the demerit system, but he is not the one who issues it. You issue it. Is that correct?

Tyler Turnipseed:

Most of the judges and justices of the peace in the state know about the demerit system. For most of the cases we deal with, that is the primary topic of discussion in the hallway on plea bargains. The hunters, fishermen, and trappers want to know if their licenses are going to be revoked. Will they still be able to keep doing what they love to do? Yes, I think for the most part people are aware of it. The judges and justices of the peace can go beyond our demerit system and judicially revoke someone's licenses. Outside of that, we have this process for the administrative end.

Assemblyman Wheeler:

Are you saying there are double penalties, one by the judge and one by the Department of Wildlife, for one citation?

Tyler Turnipseed:

There could be, but in the vast majority of misdemeanors, the person pays the citation through the mail and never makes a court appearance. Only if they were to appear in court, or if the judge mandated that they come to court, would the judge have some influence on sentencing. That is speaking to misdemeanors. In the case of gross misdemeanors and felonies, poaching for example, those do require a mandatory appearance in court. The citations that are paid through the mail would be dealt with administratively within the Department.

Assemblyman Ellison:

I think I just got a little confused and I need some clarification. You issue the demerits, and you can increase the demerits any way you choose. Is that correct? It is not the judge who determines the demerits? The judge determines the fine but you actually determine the penalties on the demerits.

Tyler Turnipseed:

We do not arbitrarily set the demerits. The demerits are set in *Nevada Administrative Code* (NAC). When we get a citation back from a justice of the court indicating a person was convicted of fishing without a license, our office enters that as a six-demerit citation because that is set in NAC. Those demerits are set by the Board of Wildlife Commissioners. I can address some of what Assemblyman Hansen spoke to earlier about when those have been changed over the last 20 years, but those demerits are set by the Board of Wildlife Commissioners after input from county game boards and public input. We do not, within the Department, set demerit levels. We assess them to a citation when someone is convicted of something on the schedule. Does that answer your question?

Assemblyman Ellison:

Can you raise or lower the demerits any way you see fit?

Tyler Turnipseed:

No, we cannot. The demerit levels are set in stone in NAC. We do not just issue a citation randomly assessing nine demerits. When a person is convicted in a court of a given violation, perhaps hunting big game without a tag, that is set at nine demerits. Fishing without a fishing license is set at six demerits. These are just for instance examples. Failing to visit your trap within 96 hours is three demerits. Those are set in NAC. When we get a citation back that has that specific violation on it, we give it that number of demerits, and those demerits stay with that person for 60 months. If they do not receive any other violations in that 60-month period, they go away.

Assemblyman Ellison:

I thought the traps themselves had to have the owner's name or some kind of identification mark. Is that not correct?

Tyler Turnipseed:

That is a much more complicated question than it sounds like. Twenty years ago, trap registration was required. Trappers had to have a unique number on their traps. We assigned the number usually as an NV and four digits. That identified which traps belonged to which trapper. Assemblyman Hansen was able to get that changed and do away with trap registration 20 some years ago.

In the 2013 Session of the Nevada Legislature, there was a bill that brought back trap registration. It got hung up to the point where we have not been enforcing it because the NAC that would go along with that statute did not make it through the Legislative Commission due to some confusion over exemptions to private property. Specifically, some concerns were brought about if it applied to mousetraps, gopher traps, et cetera. Obviously that was never the intent of the bill but, because of that hang up, it was stopped at the Legislative Commission level. There are now a couple of bills in this session that are going to deal with trap registration. Senate Bill 4 fixes that private property exemption. Assemblyman Hansen can speak to his intent, but I think he was going to bring another bill draft request (BDR) that addresses going back to doing away with it.

Assemblyman Ellison:

I remember that bill from last session. There was a lot of discussion on the marking of traps. Maybe that is what stuck in my mind.

Assemblyman Edwards:

Regarding the demerits, is it always a hard number? Is there never a range? Is there no leeway when you are assigning what the demerits would be?

Tyler Turnipseed:

That is in my written testimony ([Exhibit D](#)). You will see NAC 501.200 outlines those demerit levels. As I said, the Board of Wildlife Commissioners sets those numbers after public input and input from county wildlife advisory boards. For any given wildlife violation, we can look at the scale to see hunting big game without a tag is nine demerits and fishing without a fishing license is six demerits. We do not have any subjectivity in setting those demerits.

Assemblyman Edwards:

Do the folks who pay those citations by mail even know they are going to get the demerits?

Tyler Turnipseed:

I would say for most of the tickets we write, people ask about it because they have heard about the system and they are worried about their licenses. The more serious violations, such as aerial hunting from a plane or shooting a deer, cutting the head off, and leaving the body to waste, are 12-demerit citations. In those cases, we will explain to the person that if he is convicted of this in court, his license will be revoked. For some of the smaller violations, we do not explain it. If a person received a citation for fishing without a license, which is by far our most common citation, that is six demerits. I cannot say that all of those people are advised that they will have six demerit points. If people reach

nine demerits, we send them a certified letter. At that time, they have the option of coming back and taking our hunter education class to have four of those demerits removed. It is an emergency measure when people make mistakes they did not realize and they want to fix it and drop four demerits from their record. They would drop down from nine demerits to five demerits.

Assemblyman Edwards:

A person could get to 12 demerits by simply not being told about the requirement of a fishing license the first time. The second time he would be up to 12 demerits.

Tyler Turnipseed:

Yes, possibly. Whenever we issue a citation, we check the record through dispatch. Dispatch will come back and say that this person was cited two years ago for the same violation, fishing without a license. At that time, we would understand that the person has already received six demerits on his record, so we would advise him then that he already had six demerits and that he should have known he needed a fishing license.

Assemblyman Oscarson:

Does the Department set the demerit levels?

Tyler Turnipseed:

No, the Board of Wildlife Commissioners sets the demerit levels. They ask us for input, the public provides input at those meetings, and the county game boards provide input. Some people say the Nevada Department of Wildlife is arbitrarily assessing demerit points. We do not do that. We deal with the levels the Commission assesses.

Assemblyman Oscarson:

You deal with the hand your board has dealt you, so to speak. Would a sliding scale give you some discretion? If you had some discretion in those levels of point categories, would that help?

Tyler Turnipseed:

It is my belief that this system was put into place 20 years ago to remove some of the subjectivity and some of the inconsistency. I think the idea was to set those levels in stone. If a person is convicted of fishing without a fishing license, it does not matter if he is in the Tonopah Justice Court, Wells Justice Court, or Sparks, it is going to be six demerits regardless of whether the judge believes he should be allowed to fish without a fishing license or if the justice of the peace is his cousin. I think there were allegations 20 years ago that the Department of Wildlife was picking and choosing who we

recommended revocation for, and so the demerit system was put in place to remove some of that subjectivity and remove the inconsistency. I do not know that the original spirit of the creators of the bill 20 years ago would be to allow us the discretion of a sliding scale.

Assemblywoman Carlton:

Could you help me understand the depth of this problem? How many citations would you say have been issued in the last year? I am not going to hold you to an exact number, but if you could give me a global number, that would be fine.

Tyler Turnipseed:

I do not have the number of citations issued, but I did print out all of the numbers on how many people we revoked.

Assemblywoman Carlton:

I was going to get to how many certified letters were sent out and how many people took the option of the class to remove four demerits. How many people were revoked? If you have the final number that would help. I would like to understand the certified letter aspect to see where we are in the real scheme of things.

Tyler Turnipseed:

As I said, I did not bring the number of citations we have issued. I do have some other numbers that I looked up. I had my assistant hand-search through the files for the number of people we have actually revoked since the system was put in place in 1996. There were 182 licenses revoked for misdemeanors, 73 revoked for gross misdemeanors, and 6 revoked for felonies, for a total of 261. An example of a felony would be big game poachers.

Assemblywoman Carlton:

Did you say that has been since 1996?

Tyler Turnipseed:

That is correct. To put that in some perspective, we sell approximately 60,000 to 65,000 hunting licenses each year, averaged over the last 20 years, and we sell 125,000 fishing licenses per year, for a total of 190,000 license holders. It averages out to 13 people per year. To put that into perspective, we have revoked 13 people on average out of 190,000 license holders each year, or 0.0068 percent of license holders.

Chair Titus:

How many trapping licenses do you issue?

Tyler Turnipseed:

I did not print that number, but last year it was over 600. To put it in perspective, this system works for the worst of the worst violators. On average, we have revoked about 0.007 percent of license holders in a given year. The other 99.993 percent of license holders would probably argue that there is no problem with this demerit system.

Assemblywoman Carlton:

Out of 600 trapping licenses, could you tell me the percentage of problems you have had with trappers as they relate to fishing and hunting? Does the problem seem to lie in trapping?

Tyler Turnipseed:

I did not specifically bring trapping citation numbers, but I could certainly get those to you. It is a much smaller scale. We issue a very small number of trapping citations every year. I would say less than ten on average. I do not know how that compares to per capita versus license numbers sold. There are some difficulties for us making trapping cases; for instance, the trap visitation law. First, the burden of proof is on us to prove whose trap it is. Second, we have to prove the trapper has not checked the trap for 96 hours. Those cases are extremely hard to make and are part of the reason for the demerit system. We may invest 100 hours in making one of these trap visitation cases. The trapper receives three demerits for a trap visitation citation and a couple hundred dollars fine but can continue trapping. The trapping violations that were brought up earlier have all been raised. If you look in NAC 501.200, the trapping violations that are listed would be capturing a raptor in a steel leg-hold trap; trapping in a closed area; removing a trap that is lawfully set, such as stealing a bobcat or a trap from another trapper; then closed season and trapping birds of prey by unlawful means. Those five violations are 6 demerits on the 12-demerit scale. The other trapping violations, such as visitation, spacers of the jaws, those sorts of things, are 3 demerits. For a trapper to actually have his license revoked takes a lot of citations.

Assemblyman Araujo:

When you walk through your testimony, could you give more detail into how this bill passage would impact our relationship with the Interstate Wildlife Violator Compact? You reference here that we are one of 44 states that are part of this Compact in order to avoid having folks go from state to state and violating the law. I would appreciate it if you could emphasize what impact that would have for our state as a member of this Compact.

Tyler Turnipseed:

We, along with 44 other states, are a member of the Interstate Wildlife Violator Compact, which was a coalition put in place to prevent the wildlife violator from just going to the state next door. Traditionally in the past, monetary fines have been fairly low for wildlife crime. There has been a lot of public perception over the years that the penalties for poaching have been too low and not stiff enough. This demerit system addresses that if we take away violators' licenses, which really hits home for a chronic wildlife violator. Monetary fines may not get their attention, but if we take their licenses away, that generally does get their attention. Prior to the Interstate Compact, if we revoked their licenses, they may have gone to Utah or Colorado, or a neighboring state to trap or hunt. Now, the Interstate Wildlife Violator Compact states that if we revoke someone's privileges in Nevada, as long as that same violation would be illegal in the home state, the license would also be revoked in those other 44 states. If we revoke someone's privileges here, that violator cannot go to any of those other 44 states and hunt or trap. As for how this bill would affect that, I am not sure. Many states have a demerit system similar to ours, some do not. Some would be a court-ordered mandate like the bill being proposed. I do not know how that would fit in with the Interstate Compact. I do not know if that would jeopardize our participation or not.

Assemblyman Wheeler:

You caught my interest when you said you use this as a tool to really get their attention. I am wondering what the difference would be if the judge removed their license or if you removed their license. Would that not still get their attention?

Tyler Turnipseed:

To the person whose license is revoked, I suppose that person does not really care who revoked it. He just knows that it was revoked and that hit home for him. Part of that would be some of the inconsistencies from around the state. As I said, if you are convicted of crime XYZ in Tonopah, the demerit system ensures that you receive the same sentencing or same end result if you were convicted of that same crime in Wells Justice Court or anywhere else in the state. With different judges or justices of the peace, some may take wildlife crime more seriously or less seriously depending upon the jurisdiction.

Assemblyman Carrillo:

The demerits are not applicable until after the conviction by a court. Is that correct?

Tyler Turnipseed:

That is correct. There has also been a false perception that people are paranoid that the Department of Wildlife is just assessing demerits. I would remind them that it has to go through the whole court process. A person has his day in court and may choose to plead not guilty. Demerits only come into play once someone is convicted. If that person wants to reach a plea agreement to a different violation so that the demerit amounts are less, those are discussed in plea agreements. Quite often, the demerits are brought up in those plea agreements. We may have charged a person with one of the big ones. He violated one of the holy grail wildlife laws that ended up getting him 12 points, and he may use that in his plea agreement with the district attorney's office. He may agree to plead guilty to a lesser crime so that he only receives 6 demerits on his license rather than 12. I guess it would be similar to driver license pleas. The courts can look at a lesser charge that carries a lesser demerit amount. I guess the note to remember is that a person does not get demerits until he is convicted in a court of law. Everyone gets their day in court prior to receiving any demerits administratively.

Assemblyman Carrillo:

Essentially, there is nothing to prohibit the activity up until the actual conviction. Is that correct? They can continue with whatever they are doing even though they have been caught or it is pending. You do not tell them they need to stop until they have their day in court.

Tyler Turnipseed:

Correct, sir. The way the system works is that when we issue violators a citation or file a criminal complaint for various violations, they have an opportunity to plead guilty or not guilty and pay the citation through the mail if it is a misdemeanor. If they are convicted, even at that point their licenses are still not revoked until we get the notice that they were convicted from the court. Then we send them a registered or certified letter. When they receive that letter and sign for it, that is when the revocation period starts. If the revocation period is two years, that two-year revocation starts on the day they get their certified letter saying that they were notified of their conviction.

Assemblywoman Swank:

You had given a number for the percentage of hunters and fishermen who had been cited with violations in the past on an annual basis on average. What was that percentage?

Tyler Turnipseed:

I just took a quick glance at the number of licenses we sell, and I apologize I did not actually look at trapping licenses because it is usually 500 to 700 versus

190,000 for fishing and hunting licenses. The revocations over the last 20 years average out to about 13 people per year. That percentage comes out to approximately 0.0007 percent of license holders.

Assemblywoman Swank:

I believe you said that there were about 10 trapping violations per year and about 625 licenses offered per year.

Tyler Turnipseed:

I completely grabbed that number off the top of my head. It is low and in the single digits. I would estimate that we average 10 or less. We certainly do not issue a large number of trapping citations.

Assemblywoman Swank:

About 625 trapping licenses a year.

Tyler Turnipseed:

I recall seeing somewhere in the 600s for last year and that number goes up and down, say 100 each year, depending on fur prices, the price of gas, and that sort of thing.

Assemblywoman Swank:

It seems to me that if among hunters and fishermen, we have a violation percentage of about 0.007 being cited and we have a little bit under 2 percent of trappers being cited, maybe that is the area we need to be looking at, if those numbers are correct. Maybe there is something there that we need to be looking at.

Tyler Turnipseed:

I could certainly get firmer numbers for you. I am grasping out of the air at the specific trapping numbers. I guess I would clarify just a little bit on your point of 0.007 percent. Those are people who have actually been revoked per year on average, not just received a citation. The vast majority of the people we cite would not be revoked because they have gotten a three- or six-point citation.

Assemblywoman Swank:

I would love to see those numbers. It would be really helpful.

Chair Titus:

You have excellent testimony here in your presentation, and you are quoting the statutes and the regulations. I appreciate that. Is there any further testimony or points that you would like to make?

Tyler Turnipseed:

Director Wasley just provided me with some of the trapping citation numbers. My assistant is watching online, and she sent those over. In 2003, regarding trapping warnings versus citations, there were 12 citations and 6 warnings. In 2004, there were 9 citations and 17 warnings. It ranges up and down to a high in 2008 of 22 citations and 18 warnings. In 2013, there were 19 citations and 55 warnings. I guess I misspoke in saying single digits. It looks like the average is 15 to 20 citations per year for trapping violations.

Chair Titus:

Is there any further testimony that you would like to offer us? I think everybody on the Committee has a copy of your written testimony ([Exhibit D](#)). Are there any other points that you want to make that we have not already asked of you?

Tyler Turnipseed:

We did sort of skip around all of this. I would reiterate we have a process in which people can get points removed from their license. If a person accumulates 9 points but less than 12, they have the option of taking our hunter education class to remove 4 of those points from their accumulated total. There are statutes and codes that are applicable. We touched on the point that most state licensing and regulatory agencies have an administrative procedure just like this, whether it be the Department of Motor Vehicles or real estate brokers, appraisers, et cetera. This authority would be very similar to dozens of other agencies. There is an appeals process. If someone gets his privileges revoked because of too many demerits, he can appeal that revocation to the Nevada Board of Wildlife Commissioners. If he is not satisfied there, he can appeal that decision to the court system, so there is a stopgap measure there. If someone is unhappy with the whole process, there is an appeal procedure that ends up back in district court. You probably have that information in front of you in my written testimony ([Exhibit D](#)).

One thing that Assemblyman Hansen touched on, and one of my biggest concerns with this bill, is that it makes no allowance for misdemeanor revocations. Section 2 talks about revocations for felonies and gross misdemeanors, but as I pointed out with those numbers, the vast majority of violations that we have revoked over the years are misdemeanors. As this bill is written, without a judge's authority to revoke for misdemeanors, a person would not be able to lose his license for shooting deer from a helicopter or for leaving the deer to waste after he shot it and cut the head off. Obviously, those are some of the more egregious violations, but those are misdemeanors, and as this bill is written, there is no allowance for revocation for misdemeanors.

As we spoke to before, since 1996 there were 182 people revoked for misdemeanors, 73 for gross misdemeanors, and 6 for felonies. There was also a little bit of discussion earlier about how the demerit system has been ramped up over the years, and I looked at that. I looked at each time the NAC has been opened in the last 19 years. It has been opened six times, but out of those six times, only two of them actually raised any demerits. Several were put into the demerit system in the year 2000 as 12 demerits, and those primarily had to do with hunting from the air. We had a problem that developed in the late 1990s in Lincoln County and White Pine County with people flying powered parachutes to scout for deer, hunt deer, hunt elk, and that sort of thing. Obviously, we feel that goes far beyond the ethics of fair chase. We passed a new NAC about aerial scouting. Some of those things were added in 2000. There are a few others that were bumped up and/or added in 2007. I guess my point would be that in the 19 years this system has been in place, the demerits have only been bumped up twice, once in 2000 and once in 2007, and those look like ten of the demerit levels. As I said, the trapping citations are all either three or six. There is no way to be revoked for one trapping citation.

Assemblyman Wheeler:

Can you tell us why some of the demerits were increased? I do not think it has anything to do with inflation. I am just wondering why. Usually we bump things up for inflation or pop cap or something, but why in those two cases were the demerits bumped up?

Tyler Turnipseed:

I was not involved in that process at those times, but it can come from various things. In the case of the aerial hunting, that was an issue that just popped up out of nowhere. We did not have that problem prior to that, so there were some new laws and regulations that came into play. Demerits popped up on this schedule then. Some of the other things generally come out of the public process. It is usually not the Department of Wildlife thinking a specific violation should have more demerits. There is a public process. Trapping has been under the microscope the last couple of years. There was a trapping subcommittee established specifically by the Board of Wildlife Commissioners. The demerits that the sponsor mentioned bumping up that would have bumped up this past year had to do with trap visitation. If you miss your 96-hour visitation by more than 48 hours—in other words you had not checked your traps in six days—there was a proposal to raise that demerit level from 3 to 6 or 9. I do not know which, but it was not to 12. That did not pass through the Legislative Commission, but that was the result of the trapping subcommittee of the Board of Wildlife Commissioners. They had hundreds of hours of testimony in numerous meetings throughout the year. They were looking at the trapping regulations, visitation, demerits, and all of those things.

Chair Titus:

I was just curious since you brought it up about new regulations as technology evolves. Are you looking at any regulations limiting the use of drones to do the scouting?

Tyler Turnipseed:

Obviously, the drone issue is in the front of everyone's minds. Right now, we have an aerial hunting law. It is a regulation; we wrote that in the early 2000s as a result of some of those problems we were having in Lincoln County with people flying manned aircraft. I think the law covers drones fairly well. We may look at doing something to make sure the teeth are there, whether it be a new regulation or adding some wording to that existing regulation. Some of the other things we are looking at are electronic trigger mechanisms that lock in a laser tracking on the animal, things that I think the majority of hunters believe have gone far beyond fair chase and ethical hunting. Technology outruns the animal sometimes.

Chair Titus:

I know we have other folks that want to testify and oppose, and I really appreciate how much time you put into your response and testimony for us and taking all of our questions.

Assemblywoman Carlton:

There were many numbers tossed out. I think I heard Warden Turnipseed say that there were 6 trapping violations in 2003 but 55 in 2013. There has been a lot discussed here, so if we could get more information on some of these things and see the history and progression of it, I think it would give us a better sense of where the problem is and what we need to do to address it.

Chair Titus:

I concur. It would be nice if perhaps you could get the Committee a copy of those numbers.

I would also like to acknowledge Ms. Sturgis. She stepped back before I could respond that an event like the one she experienced with an animal that you love is something that you are going to remember for the rest of your life. I do respect that and horror what you must have felt at the moment. Believe me, we did hear your message.

Leah Sturgis:

Thank you so much. I really appreciate that. It is just that this has really affected me very deeply just knowing that I could be walking on my property with my dogs and there could be a trap somewhere and I would not even know

who set that trap. As I said, it was only three demerit points for one trapper, and the other two did not get any.

Chair Titus:

I appreciate the horror of that experience. I just wanted to acknowledge that. Is there anyone who would like to testify in opposition to A.B. 142?

Elaine Carrick, Private Citizen, Reno, Nevada:

I oppose this bill. I think that the authority to give demerit points should stay with the Department of Wildlife and the Board of Wildlife Commissioners. I believe that they better understand the situation when they see violations rather than the court doing this. The court is already overrun with so many other important issues. I have heard a lot of personal situations where the person has been unhappy with the outcome, and it concerns me when I hear someone trying to talk their way out of a ticket. I think that the demerit system should be in place with the Department of Wildlife. We have heard a lot of the personal situations here and the violations that someone did not feel were handled correctly, but I do not think this is sufficient to make a change in the current demerit system. Just because we have one person who has not been happy with the way things have turned out is not a good reason.

Beverly McGrath, representing Best Friends Animal Society; Nevada Humane Society; Northern Nevada SPCA; Nevada Political Action for Animals; Lake Tahoe Humane Society & SPCA; Pet Network of Lake Tahoe; Wiley Animal Rescue Foundation; Fallon Animal Welfare Group; Hidden Valley Horse Rescue; Compassion Charity of America Las Vegas; Nevada Humane Society Carson City; and Paw Pac:

All of these groups are in favor of keeping the demerit system. We are opposed to eliminating the demerit system. We feel additional accountability for trapping is a necessary entity, especially for trappers who proclaim that trapping is an additional income to them. We would like to see it kept in place.

Fred Voltz, Private Citizen, Carson City, Nevada:

I will make four very quick points about this legislation. I am very opposed to it as an individual. I feel it is a solution in search of a problem, given the number of actual revocations and suspensions we have heard from Warden Turnipseed this afternoon. If anything, the demerits are not enough, given the severity of some of the violations as we have heard from Ms. Sturgis. The demerit system protects the public from serial violators of the law, and finally, violation should not be treated in a vacuum, which is essentially what this legislation proposes to do. That it is one violation and there is never anything taken into account from previous violations that could have been convictions. They are just treated in a vacuum.

Margaret Flint, representing Canine Rehabilitation Center and Sanctuary; and Nevadans for Responsible Wildlife Management:

My issue with this after hearing the testimony from the Department of Wildlife is the lack of consequences on these misdemeanor offenses. I do not think that is something that we can afford to ignore, considering these could probably be accumulative. I think that is something that needs to seriously be considered. This is not part of this bill, but I want to bring up the fact that there does not seem to be anything to protect anyone from people being able to continue doing this during the interim while they are waiting for their court dates. Regardless of the demerit system, none of these demerits is even applied until after the court hearing, and that is bothersome to me. Again, in the position that some of these could be very accumulated offenses by the same people, I would like to see some discussion on some type of revocation. Especially again considering that this could be accumulative and that some consideration be made that maybe some of these licenses should be suspended until the determination of the court.

Trish Swain, Director, TrailSafe Nevada:

I was not sure whether we would take any position on this bill whatsoever because it was hard to understand why this bill was brought forth in the first place. When you just look at it, it looks like it is being written for the benefit of someone who has been in the newspaper for repeated trap violations and to protect himself from losing his license. At first glance, that is how it appeared. I was looking forward to the testimony to find out more about it, and now I hear it is a more complicated process than I had realized. Our concern is the end result on the wildlife of the state. The faster those violators can be stopped and the faster an animal can be taken out of a trap would certainly be an advantage.

We are the ones who brought forth Senate Bill No. 213 of the 77th Session, and trap registration would be an enormous help to the wardens and to the Department of Wildlife. That is another concern of ours. I still think I have more questions than meaningful comments on this bill. We do oppose it on the face of it as to the extent of our understanding.

Chair Titus:

Is there anyone else opposed to A.B. 142? [There was no one.] Is there anyone neutral?

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

At this time, the Commission is neutral on A.B. 142 simply because we have not been able to review the bill as a body. However, we did have a legislative committee of the Commission that reviewed the bill and did have some of the

same concerns that I think the Department has expressed during their testimony today. I did have an opportunity to visit with the bill sponsor and have a discussion about those concerns. I would mention something that did come up in his presentation regarding whether or not the Commission would be willing to review the demerit point system, if we would be receptive to taking that back to what it was originally set up for. In regard to changing the system or reviewing the demerit schedule, I can say that we would always be open to reviewing the demerit system and the schedule. In terms of an outcome, I cannot guarantee this body anything. It would run through our public process, so we would take public comment, we would consider the views of the county advisory boards, and we would take the views of the Department into consideration when reviewing that demerit schedule as we have in the past. I will be happy to answer any questions.

Assemblywoman Carlton:

I have been curious ever since I heard about the trapping issue and the bill getting through and then not making it through the Legislative Commission. I just want to understand where you think that fell apart because you guys did a lot of work on that. A lot of resources were spent on getting that done, and now it seems as though something went wrong somewhere. Can you share with us what happened?

Jeremy Drew:

There were two issues, the first one being registration requirements. The Commission worked quickly to put that into place in terms of the regulatory structure that we needed. That did not pass the Legislative Commission. I think primarily the concern with that was in regard to traps on private property. One of the issues that came up through the Nevada Farm Bureau Federation at the time was someone with a mousetrap would be required to register that mousetrap under that law. In the opinion of the attorneys at the meeting, they did not feel that the law gave us enough latitude to exempt mousetraps or private property at that time. That is my understanding in terms of the issue with the registration. In terms of the demerits, I do not believe there was any discussion of those two items that Warden Turnipseed addressed earlier.

Assemblywoman Carlton:

We put public safety at risk over mousetraps. I just wanted to make sure we got that on the record.

Chair Titus:

Also on the Nevada Electronic Legislative Information System (NELIS) there is a neutral letter you can access from the Coalition for Nevada's Wildlife ([Exhibit E](#)). Are there any other neutral comments? [There were none.] Assemblyman Hansen, do you have any closing comments?

Assemblyman Hansen:

As far as some of the cases that have been brought up, the demerit system is not a punishment system—that is what the judge does. In the case of the trappers on private property, throw the book at them. I do not have any problem with that, but that is not what the demerit system was designed for.

On the issue of registration of traps, we will have some discussions because there are several bills dealing with that. I think it is critical for the Committee to understand it is prima facie evidence that you have to have in order to prove it. If somebody robs a bank and uses your license plate on his car, you are not going to be found guilty. This is the same situation, but we will cover that more in the future.

As far as the idea of having people revoked before they have even had a day in court, in the United States we are still innocent until proven guilty. People are allowed rights until they are proven guilty in a court of law; they should not have their rights restricted. Regarding a misdemeanor, if it is a serious enough misdemeanor, the officers can in fact deny bail. You do not have to automatically give someone bail. I have experienced that.

I have to point out that they have used these citations to discredit me politically. I was cited in this state several times. The last time I had a citation in Nevada where I was found guilty was 1993, and it was the \$50 ticket that I talked about earlier. You may have noticed my opponents. They are new to you, but these are old folks to me. We have had go-arounds for many, many, years. You notice they bring my citations up all the time. That is to discredit my credibility in front of you and that is one of the reasons why those citations were issued in the past.

A bigger issue was brought up, and that is the number of citations per trappers, fishermen, and so forth. That is a critical one, and actually the number one citation issued in Nevada is fishing without a license. Normally, they issue 1,000 citations total out of 190,000 people. Among sportsmen, compliance levels are very, very high. Trappers are perhaps more vulnerable in that unlike most people who are weekenders, they are often out for three and four months at a time every day, 24 hours a day, so you have to keep some of those things in perspective.

Another point, while it is true that demerits were only raised twice since 1996, the reason the other ones were not, in at least a couple of cases, is because I got involved and blocked those at the Commission level. When they heard my testimony and that of others, they agreed to leave the system as it is.

We have a drone bill coming up in front of the Judiciary Committee. Keep in mind, there is another danger to the fair chase concept. When you are driving down the highway, you are used to having highway patrolmen, and drones could perhaps be used in the future to replace them. I know I am off topic, but keep in mind that cuts both ways. People can privately use them. We also have to be a little bit concerned about their use by law enforcement in the future. There are constitutional rights about being reasonably free from government intrusion in our lives.

Thank you very much for allowing me to present this. I would also like to see some of those numbers. I did give you a handout ([Exhibit C](#)) which involves big game poaching and reports of one or two citations. They mentioned since 1996 only six felony convictions for revocation. Those would be for big game poaching, just to give you some idea how minimal that problem really is in the overall scope of things.

Chair Titus:

We will close the hearing on Assembly Bill 142 and open the hearing on Senate Bill 20.

Senate Bill 20: Changes the name of the Commission for Cultural Affairs and moves the Commission to another department of the State Government. (BDR 33-319)

Rebecca L. Palmer, State Historic Preservation Officer, Administrator, Office of Historic Preservation, Department of Conservation and Natural Resources: Senate Bill 20 was prepared by the Department of Conservation and Natural Resources at the request of the Director of the Department of Tourism and Cultural Affairs, Claudia Vecchio. The bill moves the Commission for Cultural Affairs from its current position in the Department of Tourism and Cultural Affairs to the Department of Conservation and Natural Resources, where my division currently acts as the administrative and technical staff for that Commission. [Ms. Palmer continued to read from prepared testimony ([Exhibit F](#)).] I would be happy to answer any questions you might have.

Chair Titus:

Are there any questions? [There were none.] Perhaps Director Vecchio could come forward because I would like to have her go through this quickly so we

understand the changes. You are adding a new commission, although I see there is no fiscal note on any of that.

Assemblyman Oscarson:

Ms. Palmer, I have had lots of interaction with you over the interim, and I have found you to be very helpful in some of the services that we needed throughout the area that I represent.

Rebecca L. Palmer:

Thank you very much, it was my pleasure. If you want to walk through the bill, we certainly can do that. The items to note are that this does not create a new commission. It moves the Commission for Cultural Affairs from where it currently resides in the Department of Tourism and Cultural Affairs to the Department of Conservation and Natural Resources. It is a holdover from when we moved from the Department of Cultural Affairs.

Chair Titus:

I was just looking at the first line where it says, "The Commission for Culture Centers and Historic Preservation is hereby created." as opposed to just being moved. If you could just go through all of that in a timely manner, it looks like it was just basically the first page of the bill.

Rebecca L. Palmer:

It moves that existing Commission for Cultural Affairs. That language was not mine. We simply moved it from *Nevada Revised Statutes* (NRS) Chapter 233 to NRS Chapter 383. There is not a new commission. It is composed exactly as it currently is with the same six members. It was at the request of Director Vecchio, who felt that it needed to be moved to the Department of Conservation and Natural Resources, where my division currently resides.

Chair Titus:

Are you happy to receive it?

Rebecca L. Palmer:

Yes, indeed I am.

Claudia Vecchio, Director, Department of Tourism and Cultural Affairs:

The first line is incorrect. It is not establishing the Commission for Cultural Affairs as an advisory board of the Department of Tourism and Cultural Affairs. When I came on board as the Director of the Department and I was given the organizational chart of this newly formed agency, there were a number of boards that were associated with the agencies in the Department. The Arts Council has its board, Tourism has its commission, and then there was this Commission for Cultural Affairs sort of hanging out there without an associated agency. All this does is realign and put the correct alignment together with that board to its agency, which had moved over to the Department of Conservation and Natural Resources. It is a simple alignment. The embellishment of that and further maximizing their use and working with Ms. Palmer's team is part of what they added.

Chair Titus:

Are there any questions? [There were none.] Is there anyone wishing to testify in support of S.B. 20? [There was no one.] Is there anyone wishing to testify in opposition? [There was no one.] Is there anyone wishing to testify as neutral? [There was no one.] I will close the hearing on S.B. 20. Is there anyone here for public comment? [There was no one.] This meeting is adjourned [at 3:10 p.m.].

[([Exhibit G](#)) and ([Exhibit H](#)) were submitted but not mentioned.]

RESPECTFULLY SUBMITTED:

Donna J. Ruiz
Committee Secretary

APPROVED BY:

Assemblywoman Robin L. Titus, Chair

DATE: _____

EXHIBITS

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

Date: March 17, 2015

Time of Meeting: 1:34 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 142	C	Assemblyman Ira Hansen	Supporting documents
A.B. 142	D	Tyler Turnipseed, Department of Wildlife	Testimony
A.B. 142	E	Larry Johnson, Coalition for Nevada's Wildlife	Neutral letter
S.B. 20	F	Rebecca L. Palmer, Department of Conservation and Natural Resources	Testimony
A.B. 142	G	Trish Swain, TrailSafe Nevada	Testimony in opposition
A.B. 142	H	Stephanie Myers, Private Citizen, Las Vegas, Nevada	Comments