

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

**Seventy-Eighth Session
April 23, 2015**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Robin L. Titus at 1:30 p.m. on Thursday, April 23, 2015, in Room 3138 of the Legislative Building, 401 South Carson Street, Carson City, Nevada. The meeting was videoconferenced to Room 4401 of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada, and to Room 120, High Tech Center, Regional Professional Development Program, Great Basin College, 1290 Burns Road., Elko, 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:

Senator Scott Hammond, Senate District No. 18

STAFF MEMBERS PRESENT:

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

OTHERS PRESENT:

Larry Johnson, President, Coalition for Nevada's Wildlife, Inc.
Mike Reese, President, Southern Nevada Coalition for Wildlife
Tracy Truman, Private Citizen, Las Vegas, Nevada
Robert Gaudet, President, Nevada Wildlife Federation
Vernon Brooks, Private Citizen, Las Vegas, Nevada
Marcial Evertsen, Private Citizen, Crescent Valley, Nevada
Rich Sandoz, Private Citizen, Spring Creek, Nevada
Mitch Buzzetti, representing Nevada Outfitters and Guides Association
Randall Stoeberl, District Director, Elko County, Nevada Trappers
Association
Jason James, Private Citizen, Elko, Nevada
Riley Manzonie, Private Citizen, Elko, Nevada
Joel Blakeslee, representing Nevada Trappers Association, and Southern
Nevada Coalition for Wildlife
Mike Cassidy, Private Citizen, Carson City, Nevada
Bob Brunner, Private Citizen, Carson City, Nevada, and Director, Coalition
for Nevada's Wildlife, Inc.
Tom Smith, Private Citizen, Reno, Nevada
Kyle Davis, Cochair, Nevada Backcountry Hunters and Anglers, and
representing Nevada Conservation League
Doug Martin, Private Citizen, Carson City, Nevada
Janine Hansen, President, Nevada Families for Freedom
Lynn Chapman, Vice President, Nevada Eagle Forum
John Wagner, representing Independent American Party of Nevada
Jeremy Drew, Chair, Board of Wildlife Commissioners, Department of
Wildlife
Jim Puryear, representing Nevada Outfitters and Guides Association
Trish Swain, Director, TrailSafe Nevada, and representing Nevada Chapter
of League of Humane Voters
Caron Tayloe, Board Member, League of Humane Voters

Margaret Flint, representing Nevadans for Responsible Wildlife Management, and Canine Rehabilitation Center and Sanctuary
Beverlee McGrath, representing American Society for the Prevention of Cruelty to Animals, Best Friends Animal Society, Nevada Humane Society, Nevada Political Action for Animals, Northern Nevada Society for the Prevention of Cruelty to Animals, Tahoe Humane Society and Society for the Prevention of Cruelty to Animals, Pet Network of Lake Tahoe, Wylie Animal Rescue Foundation, Fallon Animal Welfare, Nevada Humane Society of Carson City, Hidden Valley Horse Rescue, and Compassion Charity for Animals
Brian F. Wakeling, Game Division Chief, Department of Wildlife
Richard Perry, Administrator, Division of Minerals
Arthur Henderson, Commissioner, Commission on Mineral Resources
Paul J. Enos, Chief Executive Officer, Nevada Trucking Association, and representing Noble Energy
Jordan Davis, representing Western States Petroleum Association
Joe Johnson, representing Toiyabe Chapter, Sierra Club

Chair Titus:

[Roll was taken. Committee policies and procedures were explained.] I will open the Committee hearing on Senate Joint Resolution 11 (1st Reprint). If the sponsor of the bill would please come forward.

Senate Joint Resolution 11 (1st Reprint): Proposes to amend the Nevada Constitution to preserve the right to hunt, trap and fish in this State. (BDR C-1001)

Senator Scott Hammond, Senate District No. 18:

I am presenting Senate Joint Resolution 11 (1st Reprint), which proposes to amend the *Nevada Constitution* to preserve the right for residents in Nevada to hunt, trap, and fish. As you know, the benefits of wildlife recreation are many. Not only does it provide an economic boost to our economy, but it also offers those who participate a unique connection to the land and a true appreciation and respect for wildlife and the environment. We recently learned from the briefings from the Department of Wildlife (NDOW) that sport fishing and hunting contribute a combined \$417 million through direct retail sales to Nevada's economy. Another \$33.3 million is contributed through local and state tax revenues. Nationwide, state wildlife agencies could not survive without the financial contributions of hunters, trappers, and fishermen as they provide a vast majority of revenue for those agencies. Also, wildlife recreation goes beyond simple economics. It promotes a healthy lifestyle through exercise, relaxation, and camaraderie between family and friends. Moreover, most hunting and fishing organizations tend to be altruistic by promoting community

fundraising events, field days, and outdoor education. Wildlife recreation offers Nevadans a unique opportunity to interact with nature and provide a deep spiritual connection with the land, the wildlife, and our planet.

Senate Joint Resolution 11 (1st Reprint) specifically provides that hunting, trapping, and fishing, including the use of any traditional method, must be preserved for Nevada residents and managed through laws and regulations to preserve that right. The resolution states that these activities by members of the public are the preferred means of managing wildlife. The resolution also clarifies that the right to hunt, trap, and fish does not create a right to trespass; divert, appropriate, or use water; diminish any other private right; or prohibit the enactment or enforcement of laws required in the suspension or revocation of a person's hunting, trapping, or fishing license.

Senate Joint Resolution 11 (1st Reprint) is not unique to Nevada. According to the National Conference of State Legislatures, 17 states guarantee the right to hunt and fish in their constitutions, with 16 of those approved via the voters. Vermont's language dates back to 1777. The rest of these constitutional provisions have passed since 1996. In fact, as recently as November 2012, voters in four of those states—Idaho, Kentucky, Nebraska, and Wyoming, overwhelmingly passed legislatively referred ballot measures to add a constitutional right to hunt and fish. The state of Mississippi referred a similar constitutional amendment to its general election ballot for 2014, and it was approved by the voters. Alaska's constitutional language states, "Wherever occurring in their natural state, fish, wildlife, and waters are reserved to the people for common use." Many states consider that language as meeting the test guaranteeing hunting, trapping, and fishing rights due to its strong case law history. Finally, I would note that included in NDOW's mission statement is the directive "To protect, preserve, manage, and restore wildlife and its habitat for the aesthetic, scientific, educational, recreational, and economic benefits to citizens of Nevada." Senate Joint Resolution 11 (1st Reprint) ensures that this mission statement is achieved.

For generations, hunting, trapping, and fishing have been an integral part of the human experience. Amending the *Nevada Constitution* to protect these activities guarantees future generations can enjoy the outdoors and continue supporting Nevada's economy. I urge your support of this resolution.

Assemblywoman Carlton:

I am curious about section 23, subsection 2 (e). Being in this building since 1999 myself, I have concerns about saying that we are going to prohibit any future Legislature from making any decisions they would like to make.

We cannot tie the hands of a future Legislature. I am not sure what your goal in that language is, but I have serious concerns. Could you explain what you are trying to accomplish with that language?

Senator Hammond:

I appreciate you highlighting that. It may sound like we are prohibiting or tying the hands of a future Legislature, but that is what the *Nevada Constitution* does. Obviously, we are able to amend the *Nevada Constitution*, change language, remove a right, or place another right. In the beginning, the founders of the *Nevada Constitution* wanted to enumerate a few of the basic rights they believed existed, such as the right to free speech, the right to associate, the right to bear arms, et cetera. These were all things they felt needed to be in the *Constitution*. However, they did not enumerate some of the other rights that we as citizens of this great country have, such as the right to get up in the morning and shave or the right to a great education. Over the past few years, the Legislature has actually enumerated those rights when we felt they needed to be in the *Constitution*. This is another of those rights that many of our ancestors moved to this country for in order to get away from places where they were not allowed to hunt, trap, or fish. They came here for that very purpose: to experience that and be able to do that on lands that are free. As time goes on, we are seeing that ability diminish. I believe people are beginning to say that is one of the reasons they are here. They enjoy that particular aspect of our existence. We want to make sure we preserve that in our *Constitution*. When something becomes constitutional, we are basically telling the future Legislatures hands off unless, of course, that changes. Nothing is set in stone.

Assemblywoman Carlton:

I understand that part, and that is fine. However, the resolution basically says we cannot establish any statutes to develop guidelines or regulations that would set up the structure for these activities. I understand what you are trying to say. I do not participate in hunting, trapping, or fishing, but I understand they are an integral part of this state. However, this resolution says the Legislature cannot establish laws to regulate these activities. Many of the laws Nevada has are for the protection of the hunters, the public, and the conservation of wildlife. Most of the hunters I know are conservationist-type folks. I have concerns about limiting the Legislature's responsibility to establish the correct guidelines to address these rights you would like placed in the *Constitution*.

Senator Hammond:

I appreciate that viewpoint and I understand your concerns. My understanding of how this resolution was interpreted by those in the legal profession is it

would still allow deliberative bodies to decide on limitations, such as permitting when a hunt can begin or end and where trapping may or may not occur. The only thing this resolution would not allow is to abolish hunting, trapping, and fishing completely.

Assemblywoman Carlton:

As I read the resolution in plain language as a reasonable person would read it, "Prohibit the enactment or enforcement of any statute or regulation requiring a person to obtain a hunting, trapping or fishing license or requiring the suspension or revocation of a person's hunting, trapping or fishing license." That means people could break the rules and I could not penalize them by taking away their license. Yes, we could go the civil or criminal route, but I would hate to make people go through that. I think we really need to understand the plain meaning of that language. We fund the Department of Wildlife, and it is a very valuable department in this state. I understand where you are trying to go and I do agree with you; I am just pointing out what the plain language says.

Assemblyman Wheeler:

On page 2, subsection 2 says, "This section does not... (e) Prohibit the enactment or enforcement of any statute or regulation." I think that means we cannot do that.

Assemblywoman Carlton:

I apologize. I want to make sure we do address all of these things.

Assemblyman Edwards:

I do understand what you are trying to accomplish here. However, if we have a right within the *Constitution*, I do not think it can be taxed. Freedom of speech cannot be taxed. I ponder whether this would cause the ability to charge license fees, user fees, et cetera, to be eliminated. We may be able to issue a license, but the question that comes to mind is can you really limit the number of game being hunted or the fish being caught? If it is a right, there is no limitation.

Senator Hammond:

We will do some research; however, there are 17 other states which have the same makeup and there have been no constitutional challenges on those grounds. I cannot speak more to that.

Assemblyman Edwards:

I understand the goal and I am all for it. My concern is we may inadvertently be eliminating our ability to raise user fees that would actually promote the same wildlife we want to have available to everyone. We may be eliminating the

ability for elk control, fire control, et cetera. If there is an adherent right to do something in the *Constitution*, I do not see how we could then tax it. I think there may be an unintended consequence. We may need to look into this more.

Senator Hammond:

We will look into that issue and get an answer.

Assemblyman Ellison:

I think this resolution is great. What it does is protect our current rights. If you look at section 23, subsection 2(c), it does not diminish any other private right. I believe everything in this resolution should be there. This is a resolution asking for the protection of hunting, trapping, and fishing in the future.

Assemblywoman Swank:

It seems to me the goal of this bill is to protect the use of our lands in the state and protect those activities we engage in in nature.

Senator Hammond:

That is correct. The other goal is to put it before the people to see if they agree with that intent.

Assemblywoman Swank:

I grew up fishing every summer. My father was a champion bow hunter, and it was always wonderful when he shot a deer and we had venison all winter. There are many other uses for our land as well. There are many other activities that go back in time. We walk the same lands Native Americans walked. Hiking has long been part of what we do in this country. Camping is also something people do to experience the land and enjoy the outdoors. I think there are other things we should amend into this bill which are on par with hunting, trapping, and fishing. If the aim of the bill is to put protections into the *Constitution* for how we use the outdoors, there are many other things that also require protection. I am wondering if you would be interested in talking to me about amending those into the resolution.

Senator Hammond:

I did bring a Native American voice with me today, and he will speak to some of the activities that have been going on for many years. There will be others who will speak to the hiking and camping. Through their participation, much of the money sportsmen spend on these activities goes toward NDOW's ability to preserve hiking trails in order to allow others to use those recreational areas. That is another benefit in preserving these rights.

Assemblywoman Swank:

We often pay fees to camp or hike. There are many economic benefits that come from all of the ways we use our outdoors in the state of Nevada. In that way, they are very similar to hunting, trapping, and fishing and also deserve protection.

Assemblyman Carrillo:

Regarding the language in section 23, subsection 1, "...including by the use of any traditional method..." does that protect those who do not follow the law?

Senator Hammond:

No, this does not protect them. It goes back to the original question from Assemblywoman Carlton; this does not prohibit any deliberative body from creating policy that says X, Y, and Z are not allowed or placing parameters. A person may submit he would like to hunt or fish a particular way, but if it is not allowed under law, it is prohibited. I would be more than happy to have Mr. Johnson explain what is contemplated by this resolution. Mr. Johnson is an expert in dealing with this issue.

Assemblyman Carrillo:

If a person is placed in prison, for example, certain rights are taken away. In this case, rights would still be established. That is what I need clarified. Would a person's rights be infringed upon if he or she were violating certain laws?

Senator Hammond:

If I understand your question, if someone violates the law and spends some time in prison, their right to vote is taken away and their right to own a firearm is taken away. You are wondering about the same thing in this situation. I do not think that would be true. I am not an expert, but whatever rights are reinstated to a person upon release from prison are restored automatically, including this one, I would imagine. Some rights take longer to restore, as you may know.

Chair Titus:

At this point, we will move forward with testimony.

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

The Coalition for Nevada's Wildlife is a sportsmen and wildlife conservation organization. We represent organizations and sportsmen across the state,

including big game, small game, upland game, waterfowl, fishing, and trapping organizations. Our sister organization in the south, the Southern Nevada Coalition for Wildlife, is organized along the same vein and will be represented here a little later.

We are here to support Senate Joint Resolution 11 (1st Reprint). We feel an intense need for this constitutional amendment since our culture, heritage, and outdoor way of life has been under continual attack for many years now, from the administrative side, the judicial side, and the legislative side. An example is bear hunting, which has been through the courts because of injunctions to stop bear hunting. Administratively, there have been years of testimony before the Board of Wildlife Commissioners trying to end bear hunting. There were bills last session trying to stop bear hunting. Similar things have been brought against us in the use of hunting dogs. The same is true on the trapping side. Unfortunately, we are continually playing defense. People like me, who have dedicated a big portion of their lives to the protection and enhancement of our wildlife resources, are tired of playing defense. We would like to protect our culture and heritage.

My people have trapped, fished, and hunted in the Sierras for a thousand years. It wounds me deeply to hear the attacks that are continually placed upon what my people hold dear. It is our culture, our religion, and our life. Yes, it is also a means of putting healthy meat on the table. I enjoy four full freezers of wild game at home. We have been instrumental in the enhancement and restoration of our wildlife populations that were nearly obliterated just a century ago. In the last 50 years, with a very close partnership with NDOW and other federal agencies, we have restored our wildlife resources for the entire public to enjoy, not just sportsmen. Everyone enjoys seeing that bull elk bugling in September, or the bighorn sheep standing on the ledge above Hoover Dam. Those are there for the entire public but we, as sportsmen, have been the driving force in the restoration of these animals.

I ask you again today to please join us in supporting this resolution. It is sorely needed.

Assemblyman Araujo:

Regarding section 23, section 1, where it states, "The right to hunt, trap and fish, including by the use of any traditional method, shall be preserved for the residents of this State...." Have you given any thought as to what the implications would be for out-of-state folks who wish to hunt and fish in Nevada? How do we address that?

Larry Johnson:

This resolution, and hopefully a constitutional amendment, prevents the closure and the ending of hunting, fishing, and trapping. It does not, in any way, prevent NDOW from developing regulations as to seasons, quotas, license fees, et cetera, both resident and nonresident. Those are currently, and will continue to be, set in regulation by the agency.

Senator Hammond:

I would point to section 23, subsection 2(e), which contemplates the ability to continue to ask for permitting. The resolution is preserving the right but still allows the state or any deliberative body to create policy or statute that would limit or request permitting fees. Going back to Assemblyman Edwards' question, I am still contemplating that. One of the things that continues to come to mind is we have the right to assemble, but we do sometimes charge a fee. There is a charge for a permit in order to conduct a parade. We do have the right to bear arms, but we still have to pay for the background check.

I do have someone in Las Vegas who is part of my presentation, if we could now have him testify.

Mike Reese, President, Southern Nevada Coalition for Wildlife:

I am also the vice chair of the Clark County Advisory Board to Manage Wildlife and a 40-year resident of Nevada. I am going to go over some of the points that have already been raised regarding rights we have. We all know we have the right to own and bear a firearm. However, the majority of the people in the state do not understand that if they take that firearm and go out into the field, they have just downgraded that right to a privilege. Hunting in the state of Nevada is a privilege; it is not a right. This resolution is to bring hunting, trapping, and fishing to the same level as the right to own a firearm.

I know some of the questions that have come forth perceive hunting, trapping, and fishing as recreation. The answer to that is a matter of interpretation. When hunters hunt, they are providing food for the table. I would ask the Committee if they consider grocery shopping a recreation. If you take a soccer mom who may have two or three kids in tow going to the grocery store, that is probably a chore. Yes, there are hikers who hike the trails for enjoyment. There are also hunters on the same trail carrying a firearm. Once an elk or a deer is harvested, the work begins. It is work, and sportsmen look at it as work. We are doing this to put food on our table. We feel it should be a right to decide where our food comes from. It should not matter if we get our food from a grocery store, a mountain, or a stream. It should be a right.

Getting food from the latter two is currently a privilege. The crux of this resolution is to elevate the privilege to a right, just as owning a firearm is a right.

Chair Titus:

Is there anyone in Las Vegas wishing to testify in favor of the bill?

Tracy Truman, Private Citizen, Las Vegas, Nevada:

I appreciate Senator Hammond's courage in bringing this resolution forth. I am not as eloquent as Mr. Johnson or Mr. Reese in talking about the cultural background of this provision. My background is in the law, so I would like to address how I see this provision working. I think it may help answer some of the questions raised by members of the Committee.

This provision, like many good legislative or constitutional provisions, starts by laying a broad foundational proposition. We want to establish the right to hunt, trap, and fish. Section 23, subsection 2, details all the things this bill does not do. It does not create a right that allows me to trespass on private property, nor does it allow me to divert water to fill my fishing pond under the guise of protecting a constitutional right. I think section 23, subsection 2(e), is one area we should focus on and understand. It says this section does not "Prohibit the enactment or enforcement of any statute or regulation requiring a person to obtain a hunting, trapping or fishing license...." That resolves the question that was asked about taxation and revenue. All of those provisions are still in place. All of those tools from NDOW and the Legislature are still in effect. As we continue reading, it says "...or requiring the suspension or revocation of a person's hunting, trapping or fishing license." A moment ago we were asked the question about whether a person who is about to be convicted or has been convicted of a crime is entitled to use this proposed constitutional provision as a defense. The answer to that is no, because it says the state can still suspend, revoke, or take whatever legal action it needs to take with regard to a person who has been convicted of a crime. I believe section 23, subsection 2(e), scales back and provides some real illustration for what this bill does not do.

I appreciate the opportunity to speak to you, and I appreciate the opportunity to be a sportsman in this state and pass that heritage down to my five sons.

Robert Gaudet, President, Nevada Wildlife Federation:

The Nevada Wildlife Federation is the state's oldest nonprofit educational organization. Sportsmen who founded this federation in 1951 created an

organization for a leading voice on issues that affect wildlife, wetlands, lakes, streams, forests, rangelands, and all other priceless natural resources. The Nevada Wildlife Federation represents the views of hunters, fishermen, and anyone else who deeply cares about the wildlife of our state.

I represent the voice of nearly 600 members and supporters of the Nevada Wildlife Federation who are in full support of S.J.R. 11 (R1). It is a simple resolution that will amend the *Nevada Constitution* to preserve our right to hunt, trap, and fish in Nevada. We need to stand up for our birthright as American citizens and know what is at stake. Do not allow trickery, abstract ideology, or emotions of a few to deprive us or our children of our freedom, or our hunting, fishing, trapping, and outdoor enjoyment.

Vernon Brooks, Private Citizen, Las Vegas, Nevada:

I believe most of what I wanted to say has already been said by others, specifically the statement that was made regarding elevating what is currently a privilege to a right. I think that is important. I intend on spending the rest of my days in Nevada and raising my family here. I look forward to having this protection in place for my children and their children.

Chair Titus:

Is there any further testimony in support of the resolution in Las Vegas? [There was none.] Is there anyone wishing to testify in support of the resolution in Elko?

Marcial Evertsen, Private Citizen, Crescent Valley, Nevada:

As a sportsman in the state of Nevada and a current fishing, hunting, and trapping license holder, I am in support of S.J.R. 11 (R1) guaranteeing the right to hunt, fish, and trap.

Rich Sandoz, Private Citizen, Spring Creek, Nevada:

I support S.J.R. 11 (R1). I want to vote on it myself. Last session, this resolution was heard in committees but never went to a vote. I would like to at least have it out for a general public vote. In regard to what one of the Committee members said about hiking and camping, those people are not under the attack that sportsmen are. I run hound dogs, I trap, hunt, and fish, yet I am constantly at these meetings trying to fight for the right for my kid to be able to do that too. I understand it is not a right and I would like to make it a right. Once it gets to a point where campers are being threatened, then it would be time for another constitutional amendment.

Mitch Buzzetti, representing Nevada Outfitters and Guides Association:

Obviously, hunting, fishing, and trapping are a big deal for the Nevada Outfitters and Guides Association. As mentioned in previous testimony, it is a privilege. The Nevada Outfitters and Guides Association would definitely like to see that made into a right to make sure the livelihoods of individuals in rural Nevada continue in order to pass it on to the next generation. Guiding and outfitting is a special niche to hunting, and we would really like to see it continue.

Randall Stoeberl, District Director, Elko County, Nevada Trappers Association:

We do support S.J.R. 11 (R1) and ask you all to please vote yes.

Jason James, Private Citizen, Elko, Nevada:

I am in support of S.J.R. 11 (R1). I think it is really important we pass this resolution. We are always on the defense every year. What has not been thought about by some is the amount of money the legislative process has to spend every year going through the same bills. Every year we rehash the same thing and are totally on the defensive. I believe it could save the state a lot of money for other bills and provide the ability to move on to other things. I believe it is great for all future generations, and I am in total support.

Riley Manzonie, Private Citizen, Elko, Nevada:

I am in support of this resolution. Before it was brought forth, I actually thought hunting in the state of Nevada was a right. We would all like to think it will be around forever and no one can take it away from us. I have a couple of friends who live in Hawaii where they are fighting for their right to continue to be able to hunt the animals on the islands. The state of Hawaii wants to exterminate the animals with aerial gunning. I would like to see this constitutional amendment in the state of Nevada and hopefully ensure that my children and their children also get to enjoy hunting, trapping, and fishing.

Chair Titus:

Is there any further testimony in support of S.J.R. 11 (R1) in Elko? [There was none.] Is there any testimony in support of the resolution in Carson City?

Joel Blakeslee, representing Nevada Trappers Association, and Southern Nevada Coalition for Wildlife:

This issue is not so much recreation as it is culture and tradition. Those are important to preserve. The first Legislature I attended was in 1977. I have been here many times in defense of trapping. As old as I am, my people go back further than that. In fact, there is a statue of a famous hunter and trapper on the north lawn of the Legislative Building and who Carson City is named after. I will close by saying I represent Kit Carson right now. I know he would urge you to have this resolution go forward.

Mike Cassidy, Private Citizen, Carson City, Nevada:

I am a life member of Safari Club International and local chapter president of the northern Nevada chapter of the Safari Club International. I am here to say that I totally support this resolution. I think we need to protect our right to life, liberty, and the pursuit of happiness. I say hunting, trapping, and fishing fall right into that. I totally support S.J.R. 11 (R1).

Bob Brunner, Private Citizen, Carson City, Nevada:

I support S.J.R. 11 (R1), and ditto.

Tom Smith, Private Citizen, Reno, Nevada:

I am a member of the Truckee River Flyfishers and quite a few other conservation organizations. I am here to support S.J.R. 11 (R1). I would like to remind the audience and the lawmakers that one of the things you are here for is to protect the minority from the majority. Hunting, trapping, and fishing have all become a minority. Without the protection of a constitutional amendment, we can see losing that right in the future.

Kyle Davis, Cochair, Nevada Backcountry Hunters and Anglers:

We are in favor of the resolution in front of you today. We think it is important to recognize the value of hunting, fishing, and trapping in our state. Really the entire North American Model of Wildlife Conservation has been the best force for the enhancement of wildlife habitat which, of course, benefits game animals and all types of wildlife. Because of the way we do things, both in this state and throughout the North American continent, we have been able to enhance wildlife populations. That is why we feel it is important for the future of our wildlife to make sure we continue these traditions and continue to have this ability.

Doug Martin, Private Citizen, Carson City, Nevada:

I serve on the local county advisory board, I am a hunter education teacher, and I have been educated by the University of Nevada in renewable natural resources. I am passionate that this is a good resolution, and a constitutional amendment is something that is important. I would like to read something that happened yesterday in the state of Wyoming. There is an organization there called Wyoming Untrapped that made a proposal to the state of Wyoming yesterday. The preamble states, "The mission of Wyoming Untrapped (WU) is to use Education, Advocacy and Reform to improve trapping practices in Wyoming. The right to trap is guaranteed in the Wyoming constitution and thus WU is not pursuing an outright ban on trapping." That is part of the reason and the purpose of this resolution: to protect our right to hunt, fish, and trap. I do support it.

Janine Hansen, President, Nevada Families for Freedom:

I found a wonderful quote by Norman Schwarzkopf, which I would like to share with you: "What people don't understand is this is something we only have in America. There is no other country in the world where the ordinary citizen can go out and enjoy hunting and fishing. There is no other nation in the world where that happens. And it's very much a part of our heritage." I think another important reason to secure the rights of hunting and fishing is because hunting teaches our children and our grandchildren the importance of the right to keep and bear arms and about gun safety. If they never have an opportunity to use a gun, they do not learn how important that is for our heritage and keeping our freedoms.

In addition, I do believe that our rights to hunt, fish, and trap are under assault, especially if you look at the United Nations Conference on Environment and Development, Agenda 21, to see how those are encroaching upon our ability to use our natural resources.

I found a study by the International Association of Fish and Wildlife Agencies that talks about the potential cost of losing hunting and trapping as wildlife management methods. That is what sportsmen do; they are involved in the management of the wildlife for the benefit of everyone. I will just read a couple of things and then I will be finished. It talks about how deer automobile accidents result in over \$1 billion worth of damage annually. Hunters help to reduce those costs. Wildlife damage to households amounts to \$633 million. Beavers, woodchucks, and other species cause millions of dollars worth of damage each year to roads, bridges, dams, water drainage systems, and electrical utilities. Crop and livestock losses from wildlife in the United States total \$944 million.

This is important, not only for maintaining our inherited rights and putting them in the *Constitution*, but also as a useful and practical tool in managing wildlife to the best advantage of all.

Lynn Chapman, Vice President, Nevada Eagle Forum:

I would like to start by saying my husband is a premier fly fisherman, and he is going to be very delighted I said that on the record at the Legislature. He loves fly fishing and he is very good at it. I am terrible, but it is a lot of fun. I was thinking about the song "This Land Is Your Land" by Woody Guthrie. If it is our land, then we should decide what we want to do to recreate on our land. I think this should go to the people to make that decision. The people will decide whether to have our land there for us to recreate, hunt, fish, and trap. I think it is a good idea to have S.J.R. 11 (R1) so there will not be any questions or problems down the road.

John Wagner, representing Independent American Party of Nevada:

I will be extremely brief by saying ditto.

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

In short, the Board of Wildlife Commissioners supports S.J.R. 11 (R1) as presented to you today. I would like to point out that this is a first reprint. We had similar concerns as expressed by the Committee with the original language. We appreciate Senator Hammond working with folks to bring in some amendments that I think clarify and codify that this body can still manage wildlife through statutes, and that the Department of Wildlife can still manage wildlife through the regulations we keep. I appreciate the questions and wanted to relay the position of our Commission.

Jim Puryear, representing Nevada Outfitters and Guides Association:

I am a member of a fifth-generation family here in Nevada. My grandfather was a scoutmaster who helped plant elk in Ely in 1932. My conservation and hunting family and the Nevada Outfitters and Guides Association support this resolution. Let the people make the decision. I believe it would be lovely to have a right without someone trying to take it away.

Chair Titus:

Is there any further testimony in favor of S.J.R. 11 (R1)? [There was none.]
Is there any testimony in opposition?

Trish Swain, Director, TrailSafe Nevada:

TrailSafe Nevada has close to 1,500 subscribers, and we will pick up quite a few more on Earth Day. Comments from colleagues will be included in my testimony today.

Trapping should not be enshrined in our *Constitution*. I have read through all the constitutional amendments. This resolution is boilerplate language that comes from some central organization within the country. I believe I know which organization it is. Of the 18 states with hunters' rights in their constitutions, only six specifically mention trapping, although in 12 other states trapping might be implied by phrases such as "harvest wildlife by traditional methods." That phrase appears in almost all of them. Trapping has caused a public outcry, which has been shown to you in the public media because the public is not in favor of trapping. The public finds it an offensive activity. To many in the general public, it is perceived as cruel. Of course, it is a commercial activity. Therefore, of the many activities that take place outdoors, we do not see any reason trapping should be included in a constitutional amendment.

We have heard conversation about the North American Model of Wildlife Conservation. For eight years I have been going to wildlife meetings about the North American Model of Wildlife Conservation. I have taken a hard look at it and have used it as a framework to list my objections to S.J.R. 11 (R1).

First of all, they call their principles "sisters," but I do not know the history behind that. Sister No. 1 is "Wildlife is Held in the Public Trust." Who is the public? Does the public include nonsportsmen? As was mentioned earlier, there are any number of activities the public takes part in. Should they all be enshrined in the *Constitution*? I like to hike and camp, but does that need to be in the *Constitution*? Does golf need to be in the *Constitution*? Does playing backgammon need to be in the *Constitution*? I really think S.J.R. 11 (R1) trivializes the *Constitution*.

Sister No. 2 is "Prohibition on Commerce of Dead Wildlife." This is a clear and obvious violation of the sister when you look at trapping, which is a commercial activity that brings in considerable profit for those who engage in it. Certainly, trapping is not in accordance with Sister No. 2.

Sister No. 3 is "Democratic Rule of Law." How is amending the *Constitution* to benefit a small minority democratic? Sportsmen are a tiny percentage of Nevada's population. The best data I could find online was from 2011-2012, which said the total number of hunt/fish/trap licenses sold was 156,888. The 2014 Nevada population was 2.839 million. This is not because of some opposition that is constantly referred to as trying to stop all hunting and fishing, which I have not heard in the eight years I have attended wildlife meetings. What I have heard is opposition to trapping. Other than that, I think there is attrition, and I have read about this in the general literature. There is attrition among hunters. I do not know anything about fishing but among hunters, the attrition is just that the younger generation is not interested in it. I guess they are more urban or whatever. Wildlife watching, which is nonlethal and nonconsumptive, has risen in numbers dramatically. Wildlife watchers now outnumber so-called sportsmen 5 to 1. This is a natural process that is not some kind of evil agenda by some organization; it is simply attrition among folks who participate in these activities.

I have heard a lot of references to culture and religion. I also have culture and religion. My culture and religion most definitely talk about kindness to those who are helpless, along with noncruelty and preservation of animals. I feel my culture and religion are being attacked constantly, just as the other side has mentioned.

Sister No. 5 is "Non-Frivolous Use." What is frivolous use? That is a subjective phrase. To kill an animal just to mount the head on a wall seems to me utterly frivolous. People talk about feeding their families by hunting. I imagine that is a better situation for an animal than being killed in a slaughterhouse, so I can certainly see that point. However, I wonder how many people in America today are dependent upon hunting for their food supply, or for their clothing supply.

Sister No. 7 is "Scientific Management." It has been claimed that hunting is a component of management. I assume it may be to some extent. I would like to talk about what is said in the scientific literature about scientific management. To argue that hunting is needed for population management is an overly simplistic argument about natural systems. Over the last decade, conservation biologists have been in favor of implementing broad conservation measures that preserve and manage functionally intact, interconnected ecosystems. This is pretty complicated. It takes agencies in communication with one another to do this. It takes scientists who keep up with the current trends and research. It also takes a lot of training. What we need is more scientific management, as the sister says.

I see no need for S.J.R. 11 (R1), which violates good conservation values and which trivializes our *Constitution*, and I urge you to vote against this resolution. On the matter of right versus privilege, as long as we have the language in section 23, subsection 2(e), as long as there is some kind of authority that is in charge of obtaining a hunting, trapping, or fishing license, and again revoking that license for violations, what we have is a privilege, not a right. [Written testimony was submitted ([Exhibit C](#)).]

Caron Tayloe, Board Member, League of Humane Voters:

I am one of the wildlife watchers who brought in \$682 million to the state in 2011, and one of the 95 percent of Nevadans who do not hunt, fish, or trap. The League of Humane Voters opposes S.J.R. 11 (R1) for the following reasons.

Nevada law should be about wildlife and helping wildlife, and not about helping the people who trap, skin, and sell the pelts to other countries. If trappers were really interested in helping wildlife, they would actually do something constructive about wildlife; for example, support a constitutional amendment to ensure water for all animals during the drought years.

Section 23, subsection 1, references traditional methods and heritage. Trappers use motorized vehicles to kill and gather more animals. We do not consider motorized vehicles as traditional. Some trapped animals are electrocuted, some are stomped on, and some are suffocated. Electrocuting a trapped animal is

certainly not part of my heritage as a Nevadan, and I doubt that any other Nevadan, except maybe a few in this room, would want this on the state record as heritage. Dragging a bobcat around while trying to get a dog to attack it is certainly not my heritage as a Nevadan.

Section 23, subsection 1, references trapping as an integral component of the management of wildlife in this state. It is certainly not the preferred component. We believe biology and the folks in that area would be the preferred method of management.

Trapping for the fur industry on public lands is separate from trapping that assists farmers and ranchers on their private lands. Trapping for the fur industry includes animals exposed to below-freezing temperatures in the open, lack of food and water, and the attacks of other animals while in a trap for up to 96 hours, or four days. This is not good wildlife management.

The thousands of nontarget animals that have been caught over the years, including raptors and dogs, would not be considered good wildlife management. Carcasses of skinned animals left in the desert is not good wildlife management.

Section 23, subsection 2, references other private rights. As a U.S. citizen and a Nevada resident, I have a birthright to be able to enjoy the outdoors without coming upon a trap, a trapped animal, or skinned carcasses. I also have the birthright to protect the animals in my state.

As a side note, this Legislature has demonstrated that it has no interest in ensuring the constitutional rights of women, but it is willing to give a minority or special interest group a revered place in our *Nevada Constitution*. The League of Humane Voters will continue to monitor your votes during this session.

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

Responsible is the key word in Nevadans for Responsible Wildlife Management. I am also representing myself today. Outside of this legislative body, I spend most of my time outdoors. I am actually a bluejeans, boots, and visors sort of girl. One of the things I would like to make clear is that I have been working on animal-related issues and wildlife issues for three sessions. Never in those three sessions have we come to this body and asked not to trap, not to hunt, and especially not to fish, although I am starting to be a little concerned with our drought seasons, and maybe we should start being concerned about some of our fish. The only thing we have ever asked for as far as trapping is concerned is for some public safety issues and regulations to be addressed.

Last session, in Senate Bill No. 213 of the 77th Session, we asked for trapping areas to be flagged. We were unable to get that. Trappers give us every reason in the world why they cannot put up a flag to let others know there are traps in order to protect ourselves, our children, and our animals. More animals are unintentionally caught in traps than anything else. I like to be outside with my dogs. I take my dogs on dirt roads in my Jeep and let them out to run. One of the hunters or trappers made the comment that I had no business letting my dogs off leash, yet they are perfectly welcome to hunt with their dogs off leash. It is okay for them, but not okay for me.

In statute, it is illegal for us to set off a trap if we come across one. Suddenly, you could find yourself in a vulnerable situation with your dog or your children faced with a trap. If we find ourselves in imminent danger, it is illegal for us to set off that trap. We could not get that passed either. The most we were able to get to address a public safety issue was the registration. What gives them any more right than I have to be able to go outside to recreate safely and know that I am safe and not have to worry? Why are their rights more important than the rest of us who want to be outdoors?

This is not about rights. Hunting, trapping, and fishing are privileges. I enjoy fishing. No one has ever threatened fishing. For them to stand here and tell us they are constantly being attacked is very misleading information to all of you. This is about a constitutional amendment. To me, as a citizen of the state of Nevada, a constitutional amendment is something reserved for the most important of the important. Nothing is threatening hunting, trapping, or fishing. Public safety issues are being requested, and that is all it is. This resolution is not the most important of the important. I oppose S.J.R. 11 (R1).

Beverlee McGrath, representing American Society for the Prevention of Cruelty to Animals, Best Friends Animal Society, Nevada Humane Society, Nevada Political Action for Animals, Northern Nevada Society for the Prevention of Cruelty to Animals, Tahoe Humane Society and Society for the Prevention of Cruelty to Animals, Pet Network of Lake Tahoe, Wylie Animal Rescue Foundation, Fallon Animal Welfare, Nevada Humane Society of Carson City, Hidden Valley Horse Rescue, and Compassion Charity for Animals:

Senator Hammond claims that this is a boost to the economy. I would like to give you some numbers. Hunting license sales annually in Nevada are about \$48,000; trapping license sales are about \$1,400; resident fishing license sales are about \$83,000. Resident hunting and trapping licenses annually are about \$50,000, which represents 1.7 percent of the state's population. If fishing license sales are combined, it totals about \$135,000 annually, which is about 4.8 percent of the state's population. If the revenue from those license

sales is combined with tag sales, boat registration, and all other license tags and registration fees collected by NDOW, that amounts to about one-third of NDOW's annual operating budget. Two-thirds of NDOW's budget comes from elsewhere.

Senate Joint Resolution 11 (1st Reprint) favors a tiny percentage of our state's population. I consider this very unfair, and all the groups I represent consider it unfair. It has been stated that S.J.R. 11 (R1) is about putting food on the table, and trapping is culture and tradition. Trapping is a commercial entity. Killing wildlife for money violates the prohibition against killing wildlife for commercial gain, which is described in the North American Model of Wildlife Conservation. I urge you to oppose this resolution.

Assemblyman Wheeler:

Ms. McGrath, you mentioned it is a tiny percentage that takes advantage of our hunting, fishing, and trapping in this state. Would you not agree that in a republic, it is the absolute duty of the *Constitution* to take care of the individual and not the majority?

Beverlee McGrath:

As has been stated by so many in previous testimony, there are many other concerns that should also be taken care of. If you are going to take this step forward, then expand it and take care of the camping, hiking, or roller skating. Why zero in on the hunting, fishing, and trapping? You are favoring a small percentage. Is that fair to the rest of us?

Assemblyman Wheeler:

As I am sure you are aware, this is a joint resolution. If this passes through this Legislature, it will have to come back word for word in another session. It will then go to a vote of the people. I am wondering why you want to stop this now before the people actually get to vote on this issue. The larger percentage will then take over to determine what is right or wrong. I say take it to the people and let them decide.

Beverlee McGrath:

We would like to stop it at this point as written. If the resolution included all of the other entities that need recognition, then perhaps we would not try to stop it. Trapping, which is a commercial entity, should certainly be removed from this resolution. The resolution should include many other minorities that are now excluded in S.J.R. 11 (R1).

Chair Titus:

Is there any further testimony in opposition to S.J.R. 11 (R1)? [There was none.] Is there any neutral testimony? [There was none.] Senator Hammond, do you have any closing statements?

Senator Hammond:

I do not have any closing statements, but I believe Assemblywoman Swank has a question for me.

Assemblywoman Swank:

I was looking on the National Conference of State Legislatures web page that you cited regarding the 17 states that had this kind of protection in their constitutions. I see 17 states protect hunting and fishing, and 2 protect fishing. None of the states mention trapping. Could you clarify that?

Senator Hammond:

I believe you heard in the testimony in opposition that there are six states that mention trapping. Some of the states have language that implies harvesting of game is trapping.

Assemblywoman Swank:

I am a little concerned whether there are ongoing attacks regarding hunting and fishing. In states where this is happening, is there a decrease in funding for their analogous departments to the Department of Wildlife? I am wondering where we see these impacts of attacks against hunting and fishing in other states. Do we see some things impacting the economies of those other states? I am looking for something that is actually happening because of the attacks on hunting and fishing.

Senator Hammond:

I do not have that information right now, but I can certainly get it for you and have an offline conversation to show you what the impact has been in some of these states and why they decided to take the step we are trying to take here. For the record, when we talk about fees for tags and licenses, that is only a small percentage of what we spend as sportsmen in the state of Nevada. Obviously, some of that money goes to the coffers of NDOW. For example, if someone receives an elk tag, there may be a party of five people who go out to hunt. One person has a tag and is allowed to harvest the animal, but the other four or five are out there with him. They actually categorize those other four or five people as wildlife watchers, which actually raises the number of wildlife watchers. It gives the impression they are out there only watching birds.

They are a part of the hunt, and they spend money on equipment, fuel, and other products. That is why we say there is a significant impact to the economy, and there is some truth in that as well.

Assemblyman Ellison:

When the settlers first came to this country, they trapped, hunted, and fished. They did whatever they could to survive. That tradition has been going on for hundreds of years. The American Indians are still hunting, trapping, and fishing. They fill their freezers with the meat. Hundreds of my friends do this.

Regarding the money coming into the state, there are hundreds of thousands of dollars that come into Elko County. People buy trucks and equipment. It is a big boost to our economy when it comes to hunting. I thank you for bringing this resolution. I have close friends who depend on hunting and fishing to fill their freezers before winter.

Senator Hammond:

I could not agree with you more. I understand and appreciate the questions from Assemblywoman Swank about the hiking and other outdoor activities. Many people may ask why Senator Hammond, who lives on the outskirts of Las Vegas, would bring this particular resolution. Why was it not someone from the rural areas? For full disclosure, I grew up in Alaska. Growing up, I hunted and fished every day in the summer. I enjoy the outdoors. I have a daughter who is a native Eskimo. Having spent many years in Alaska, true subsistence hunting and fishing is still very much a part of that culture. They still participate in order to perpetuate their heritage. It is a big part of what I do. That is why a guy from Las Vegas is presenting this resolution, because I think it is important. I thank the Committee for the fine questions and the indulgence in hearing this resolution.

Assemblyman Edwards:

I completely agree with the idea of having as much wildlife as possible. With the resolution as written, I do have a concern with section 23, subsection 2(e). If you receive a license to hunt, fish, or trap, it is a privilege, just as a license to drive. I think the last word in section 23, subsection 2(e) should be changed from "license" to "right." I do not mean to be a wordsmith, but I believe that would be more appropriate if this resolution goes forward.

I am extremely cautious of making any constitution longer than it really needs to be. I am hesitant to do so unless there is a great reason. I do not want the *Nevada Constitution* to become as long as the *Nevada Revised Statutes*. It then becomes too complicated for everyone.

You mentioned how we pay fees for parades. I would like to make the distinction that in group activities there is oftentimes a fee. However, in an individual activity, such as walking down the street, there would be no fee, so there would be no restriction as opposed to a group activity. I think we need to keep those distinctions in mind so if this resolution goes forward, we cover all the bases.

Senator Hammond:

We will take a look at the language to try to tighten it up. To address the matter of the length of the *Constitution*, I believe Assemblyman Wheeler touched on that. I taught Nevada Constitution at the University of Nevada, Las Vegas for several years. Our *Constitution* is much lengthier than the *Constitution of the United States* because members of this state felt we needed to add things or, in some cases, take things away. However, the process is a very lengthy one. We have to bring the resolution this year, again next session, and then to the vote of the people. There are firewalls built in and may be costly during the initial process, in addition to the time spent. In that regard, only that which we believe are essential items tend to find their way there.

The opposition to this resolution stated this will serve only a small minority, and a number of people do not care or want this. If that is true, it will not be passed by a vote of the people. I think that may help you feel a little better about that.

Assemblyman Edwards:

Even if it only protects the rights of 1 percent of the people in a republic, that is why we have a constitution and are not a total democracy.

Senator Hammond:

To your last question, whenever we look at constitutional rights, we have to look at precedent and court cases. Even though people have the right to walk down the street alone without paying a fee, there are still some cases where a fee must be paid in order to assemble. There is precedence for that sort of thing. Perhaps tightening the language will help.

Chair Titus:

Seeing no further questions from the Committee, I will close the hearing on S.J.R. 11 (R1).

[([Exhibit D](#)), ([Exhibit E](#)), ([Exhibit F](#)), and ([Exhibit G](#)) were submitted but not discussed.]

Will the presenters for Senate Bill 417 (1st Reprint) please come forward.

Senate Bill 417 (1st Reprint): Prohibits the use of telemetry data to harass or take game mammals, game birds or other wildlife. (BDR 45-549)

Kyle Davis, representing Nevada Conservation League:

I would like to turn it over to Mr. Wakeling to explain the need for the bill, then I will go through what is in the bill, if that is agreeable to the Committee.

Brian F. Wakeling, Game Division Chief, Department of Wildlife:

The need for this bill largely stems from advances in technology and the possible uses by the private sector. Senate Bill 417 (1st Reprint) proposes to protect wildlife. The bill provides protection from the precise locational data that we currently collect and use for scientific purposes, looking at movements, habitat use, and monitoring populations. The technology has advanced to the point where exact locations of wildlife within just a few meters can often be obtained virtually in real time, certainly within a few hours.

The cost of this technology has dropped substantially and has become something that is affordable for private individuals. The term that we often use for marking wildlife with radio telemetry equipment is "collaring." The original radio telemetry equipment was placed around the neck of animals. It is not limited to that type of technology. Some of the technology is placed within amphibious animals or reptiles. Sometimes the technology is inserted internally. The advanced technology can be placed on Gila monsters, mule deer, and bighorn sheep.

Because we have so much more quantity and quality data, we are beginning to get public records requests. In the past year, we had a request prior to hunting season for our large, older-age-class rams and where they were on our surveys. Revealing these exact locations not only compromises fair chase, but it can also compromise the wildlife populations in specific animals within sensitive populations, being game or nongame species. I am available for any questions.

Chair Titus:

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

Kyle Davis:

Madam Chair, would you like me to go through the bill?

Chair Titus:

I am fine with you not going through the bill. Is there anyone wishing to testify in favor of S.B. 417 (R1)?

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

The Board of Wildlife Commissioners of the Department of Wildlife is in full support of Senate Bill 417 (1st Reprint) as presented to the Committee today.

Bob Brunner, Director, Coalition for Nevada's Wildlife Inc.:

The Coalition for Nevada's Wildlife supports this bill.

Margaret Flint, representing Nevadans for Responsible Wildlife Management:

We would like to be on record in support of this bill.

Beverlee McGrath, representing American Society for the Prevention of Cruelty to Animals, Best Friends Animal Society, Nevada Humane Society, Nevada Political Action for Animals, Northern Nevada Society for the Prevention of Cruelty to Animals, Tahoe Humane Society and Society for the Prevention of Cruelty to Animals, Pet Network of Lake Tahoe, Wylie Animal Rescue Foundation, Fallon Animal Welfare, Nevada Humane Society of Carson City, Hidden Valley Horse Rescue, and Compassion Charity for Animals:

All those I represent are in favor of the bill.

Trish Swain, Director, TrailSafe Nevada, and representing Nevada Chapter of League of Humane Voters:

Those I represent are in favor of this bill.

Chair Titus:

I would like to thank all sides of the wildlife questions. It is nice to see we can be on the same side sometimes on good legislation. Is there any further testimony in favor of the bill? [There was none.] Is there any testimony in opposition to the bill? [There was none.] Is there any neutral testimony? [There was none.] Are there any closing comments from the presenter? [There were none.] I will close the hearing on Senate Bill 417 (1st Reprint). I will open the hearing on Senate Bill 44 (1st Reprint).

Senate Bill 44 (1st Reprint): Makes various changes to provisions related to oil and natural gas. (BDR 46-344)

Richard Perry, Administrator, Division of Minerals:

Thank you for the opportunity to present Senate Bill 44 (1st Reprint), which is a proposed modification to *Nevada Revised Statutes* (NRS) Chapter 522. The Division of Minerals is the state agency that administers the provisions of NRS Chapter 522, the oil and gas statutes of the state of Nevada.

Senate Bill 44 (1st Reprint) is a proposed change to the way fees are set for oil and gas well permitting. In the current statute, the Commission on Mineral Resources establishes a fee by regulation for a permit to drill an oil or gas well in an amount not to exceed \$200. The current fee was set by regulation in 1999. The Commission on Mineral Resources also establishes, by regulation, an administrative fee for operation of the Division's inspection and compliance program and to pay the state's dues to the Interstate Oil and Gas Compact Commission, not to exceed 20 cents per barrel of oil or 50,000 cubic feet of gas produced. The actual fee is currently set by regulation at 15 cents. Senate Bill 44 (1st Reprint) would remove the statutory \$200 permit fee and allow the Commission to prescribe by regulation a fee for a permit to drill and operate an oil and gas well to include the reasonable administrative costs of the Division.

The original bill was amended in the Senate Committee on Natural Resources to include a statutory cap of \$2,000 for a conventional well; \$5,000 for an unconventional well, which is best defined as a well to be hydraulically fractured; and \$400 for a request to change the terms of a permit. [Continued to read from prepared testimony ([Exhibit H](#)).]

The Commission recommends a reasonable fee schedule be developed by regulation with industry and other stakeholder involvement, which would have three factors: (1) The depth of the proposed well; (2) whether the well is to be drilled on federal or nonfederal land, which has to do with whether the Bureau of Land Management (BLM) of the Department of the Interior or the state of Nevada is the lead agency on permitting; and (3) whether the well is to be a conventional well or an unconventional well. Again, an unconventional well is one that will be hydraulically fractured, as there is a significant difference in time between the engineering review and site visits for both of those types of well. [Continued to read from prepared testimony ([Exhibit H](#)).]

Chair Titus:

Is there anyone wishing to testify in favor of S.B. 44 (R1)?

Arthur Henderson, Commissioner, Commission on Mineral Resources:

I am here today to testify in favor of Senate Bill 44 (1st Reprint). The Commission on Mineral Resources was involved in the process of updating the oil and gas code in 2014 and gave final approval for the new regulations. Nevada's new hydraulic fracturing regulations are considered by industry, other states, and the federal government to be a model for protecting the environment while providing industry with a sound basis for conducting business in Nevada. These regulations are now in place, and there has been oil and gas exploration activity in Nevada.

The Commission on Mineral Resources required Division staff to provide details on the oil and gas regulatory program costs in 2014. It was clear to commissioners that the current permit fee of \$200 does not cover the cost of processing a permit, of oil field inspection time required to ensure oil and gas wells are drilled and completed per code, and for ongoing compliance programs necessary to ensure environmental protection as a well operation.

The Division operates its own gas program together with its geothermal drilling program. Since the drilling of large-diameter deep wells is common to both oil and geothermal, there has been a long synergy to the two programs, as it minimizes the manpower required to run both programs. Geothermal well drilling fees are set by regulation in *Nevada Administrative Code* (NAC) Chapter 534A.

This bill proposes to allow the Commission to develop a table of fees based on depth and well types, much like those in the current geothermal code. Deeper wells require more time to process the application. Wells on federal land require less time, as the BLM is the lead agency. Wells to be hydraulically fractured require significantly more engineering evaluation and field inspections when the well is drilled, cased, and fractured.

This fee schedule would be developed in the second half of this calendar year through the regulation process, which includes workshops and public hearings. The Commission has made few requests for changes in the statutory cap in the past. We want the Division to be ready when activity in oil and gas increases and to have the resources to ramp up permitting and compliance programs. Completing the hydraulic fracturing regulation was an impressive accomplishment by the Division of Minerals and the Division of Environmental Protection (NDEP), State Department of Conservation and Natural Resources. We now need to take the steps to ensure the Division has the resources to administer these regulations. We do not want to be in front of the Interim Finance Committee asking for changes because we did not plan. I encourage you to vote in favor of this bill.

Paul J. Enos, Chief Executive Officer, Nevada Trucking Association, and representing Noble Energy:

Noble Energy is an energy company based in Houston, Texas, and has been exploring in Nevada for a number of years. They have about 370,000 acres in Elko County. At this point, they have hydraulically fracked three wells. I want to say thank you to the Division of Minerals and NDEP because they have really done a tremendous amount of work in coming up with some regulations that are some of the most stringent in the country but still allow for responsible development of our natural resources. In order to carry that out, they need to

increase the fees on the entities they are regulating. Noble Energy is one of those entities, and we do support this fee increase. We feel the Division of Minerals is the place where this activity should be regulated to make sure our groundwater is protected and that borehole integrity is there. We think the Division of Minerals needs that wherewithal and those resources to be able to do it. We are here supporting a fee increase for those activities.

Kyle Davis, representing Nevada Conservation League:

We are in support of this bill. We think it is appropriate as we move forward that the Division has the resources necessary to regulate these activities to protect our air, water, and groundwater. I was a part of the process during the last interim of putting together the regulations on hydraulic fracturing in the state. While I may not agree that we have gotten to everything, we do have regulations in this state that are pretty strong and are among the best in the country. I do appreciate everyone's work in putting those together.

Jordan Davis, representing Western States Petroleum Association:

We would like to express our support for S.B. 44 (R1).

Assemblyman Ellison:

I know you have all worked extensively over the last couple of years to make sure these fees and regulations are stiff, but they are fair. Anytime a fee is raised, there could be a lot of dissension created. This is not the case here. Everyone came together and said it was something that was needed. We have some of the strongest regulations in the country when it comes to these fees. Is that correct?

Paul Enos:

That is correct. As for Mr. Henderson, I do not believe I have seen anyone appointed to a board who has taken this much ownership over regulation and making sure all the stakeholders were contacted. He was not only reaching out to the stakeholders, but there were numerous public meetings across the state. There was one in Carson City, Las Vegas, and Elko. We were able to get everyone together to have a discussion, and there was debate. There were some people who were not happy with any regulations being passed regarding hydraulic fracturing. However, when you see some of the responsible environmental organizations testifying in support today, that shows how well the state of Nevada has done in reaching out to those stakeholders, and not just the folks who are concerned with fracking, but also the companies who are going to be paying the fees and adhering to the regulations. That is why we are here in support today.

Joe Johnson, representing Toiyabe Chapter, Sierra Club:

We would like to testify in support of S.B. 44 (R1) and the fees necessary to have the staffing and the ability to enforce the regulations we have participated in developing. We encourage your support of S.B. 44 (R1).

Chair Titus:

Is there any further testimony in support? [There was none.] Is there any testimony in opposition to the bill? [There was none.] Is there any neutral testimony? [There was none.] Does the sponsor of the bill have any closing comments?

Richard Perry:

We appreciate the Committee hearing this bill. We believe we have done a good job of developing regulations, and we also believe we have put a lot of thought into moving forward with the potential of oil and gas exploration and production in the state of Nevada. We strongly believe this bill is necessary for us to move forward.

Chair Titus:

I will close the hearing on S.B. 44 (R1). Is there anyone here for public comment? [There was no one.] This meeting is adjourned [at 3:16 p.m.].

RESPECTFULLY SUBMITTED:

Donna J. Ruiz
Recording Secretary

Lori McCleary
Transcribing Secretary

APPROVED BY:

Assemblywoman Robin L. Titus, Chair

DATE: _____

EXHIBITS

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

Date: April 23, 2015

Time of Meeting: 1:30 p.m.

Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
S.J.R. 11 (R1)	C	Trish Swain, TrailSafe Nevada	Testimony in opposition
S.J.R. 11 (R1)	D	Daniel S. Reid, National Rifle Association of America	Letter of support
S.J.R. 11 (R1)	E	Don Turner, Nevada Firearms Coalition	Letter of support
S.J.R. 11 (R1)	F	Elaine Carrick, Nevadans for Responsible Wildlife Management	Letter in opposition
S.J.R. 11 (R1)	G	Jana Wright, Private Citizen	Letter in opposition
S.B. 44 (R1)	H	Richard Perry, Division of Minerals	Prepared testimony