

**MINUTES OF THE
SENATE COMMITTEE ON NATURAL RESOURCES**

**Seventy-Eighth Session
May 5, 2015**

The Senate Committee on Natural Resources was called to order by Chair Don Gustavson at 1:54 p.m. on Tuesday, May 5, 2015, in Room 2144 of the Legislative Building, Carson City, Nevada. The meeting was videoconferenced to Room 4404B of the Grant Sawyer State Office Building, 555 East Washington Avenue, Las Vegas, Nevada and to Room 114, McMullen Hall, Great Basin College, 1500 College Parkway, Elko, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Don Gustavson, Chair
Senator Pete Goicoechea, Vice Chair
Senator James A. Settelmeyer
Senator David R. Parks

COMMITTEE MEMBERS ABSENT:

Senator Mark A. Manendo (Excused)

GUEST LEGISLATORS PRESENT:

Assemblyman John Ellison, Assembly District No. 33

STAFF MEMBERS PRESENT:

Alysa Keller, Policy Analyst
Matthew Nichols, Counsel
Gayle Farley, Committee Secretary

OTHERS PRESENT:

Tyler Turnipseed, Chief Game Warden, Department of Wildlife
Amanda Marin
Cruz Marin
Beau Sterling

Senate Committee on Natural Resources
May 5, 2015
Page 2

Jeremy Drew, Chair, Board of Wildlife Commissioners
Brian Patchett
Megan Bedera, Nevada Firearms Coalition
Larry Johnson, President, Coalition for Nevada's Wildlife, Inc.

Chair Gustavson:

We will open the hearing on Assembly Bill (A.B.) 136.

ASSEMBLY BILL 136 (1st Reprint): Makes various changes relating to wildlife.
(BDR 45-561)

Assemblyman John Ellison (Assembly District No. 33):

There are two parts to A.B. 136. One part allows the Department of Wildlife (NDOW) to make reasonable accommodations for people with disabilities who wish to attend hunter education classes. The second part of this bill would allow a person to carry a handgun for protection, with restrictions, while bow hunting.

Several constituents came to me with stories about how close they have come to being attacked by mountain lions, badgers and rattlesnakes while bow hunting. When an article was published in the newspaper about this bill, we received several letters from people sharing stories of how they had been confronted by big game animals while bow hunting.

We are introducing this bill to allow bow hunters to carry handguns, with the restrictions that the handguns have barrels no longer than 8 inches and no scopes.

The second part of this bill addresses disabled hunters. We were contacted by a parent whose son has a learning disability and although their son can tell you everything there is to know about hunting; he is unable to pass the written test. The NDOW has provided a solution to this; however, the language did not get into the bill.

Assembly Bill 136 passed unanimously in the Assembly Committee on Natural Resources, Agricultural and Mining.

Chair Gustavson:

Section 3, subsection 2, states, "A person who is hunting with archery equipment or a muzzle-loading firearm: (a) May carry for self-defense a firearm ... (b) May not use the firearm to hunt any wildlife." This is confusing.

Assemblyman Ellison:

The intent of this section is if a person hunting with a muzzle-loading firearm were attacked by a mountain lion, he or she would have the ability to protect himself or herself. The hunter would be allowed to carry a modern firearm for protection. The firearm is not for hunting, it is only for protection.

Chair Gustavson:

I understand the intent of the bill; I just need it clarified. I would like to know if NDOW has a proposed amendment.

Senator Goicoechea:

The words that are confusing are in section 3, subsection 2, paragraph (b), where it says, "May not use the firearm to hunt any wildlife." This implies that person is already carrying a gun. I assume it is legal to use a sidearm to hunt some game animals in certain cases.

Matt Nichols (Counsel):

You did identify some confusion in the language. I spoke with representatives of the NDOW, and they had similar concerns.

Tyler Turnipseed (Chief Game Warden, Department of Wildlife):

We support A.B. 136 and have submitted proposed changes in my written testimony ([Exhibit C](#)). The language that Chair Gustavson referred to in section 3, subsection 2, paragraph (b) is confusing. Perhaps, we could say in paragraph (a), "May carry a handgun for self-defense that has a barrel length of less than 8 inches and does not have a telescopic sight." In section 2, paragraph (b), we could say, "May not use a handgun to hunt any wildlife."

Mr. Nichols:

If it is the Committee's desire to clarify language in the bill, it will require an amendment. Mr. Turnipseed's proposal would accomplish that goal.

Chair Gustavson:

Do you want to change the terminology to "handgun" instead of "firearm," Mr. Turnipseed?

Mr. Turnipseed:

Yes. If the word firearm were changed to handgun in section 3, subsection 2, paragraph (a) and paragraph (b), it would clarify the type of firearm. The second language difference is in subsection 2; "A person who is hunting with archery equipment or a muzzle-loading firearm" could be amended to "hunting during muzzle-loader or archery seasons." This might not seem like a significant difference, but during any legal weapon season, you could use a bow, a muzzle-loader or a rifle. This would limit the confusion as to what type of handgun can be carried during the archery season and muzzle-loader season.

Senator Goicoechea:

Are you saying you cannot carry a sidearm if you are in rifle season?

Mr. Turnipseed:

We do not want to change any legal weapon season.

Senator Goicoechea:

Is it legal to have a sidearm in rifle season?

Mr. Turnipseed:

Yes. We want to make sure this language is clear so there is no confusion.

Senator Goicoechea:

Do you think this could cause confusion in rifle season if this language is not changed?

Mr. Turnipseed:

My concern is that we have three seasons, archery season, muzzle-loader season and any legal weapon season. When the NDOW initially proposed this bill, it was to address the use of handguns only during the archery season and the muzzle-loader season. The way the language is written now, any open weapon season could be affected. If we said, "A person who is hunting during archery season or muzzle-loader season may carry a handgun," it would not affect other weapon seasons.

Assemblyman Ellison:

Section 3, subsection 2, states, "A person who is hunting with archery equipment or a muzzle-loading firearm." When you go to section 2.5, I become confused.

Mr. Nichols:

In section 3, subsection 2, line 36 the language says, "muzzle-loading firearm." The term firearm is used again in section 3, subsection 2, paragraph (a) and paragraph (b). The testimony from the Assembly was clear on the intent. The language is not precise and that is a concern. If someone were to be prosecuted for violating this provision, and the language were clouded, the law has to be interpreted in favor of the offender and against the State. Leaving any confusion in the language could hinder the enforcement of the law. The Committee has the opportunity to clear up the language. It sounds like the intent was clear and that the handgun is only to be used for self-protection. We want to ensure someone is not bringing a sawed-off shotgun with a barrel length of 8 inches. The use of the term handgun would make this precise and well-defined.

Senator Goicoechea:

I agree with you, the gun has to have a proper description. I would also like to see language in the bill for disabled hunters, allowing someone to assist them in the retrieval of a game animal in the event they had wounded it and could not get to the animal. I have written language in my office that would work well with this bill.

Amanda Marin:

I support this bill. I have tried for 6 years to get a hunting license for my son who has Down syndrome. This bill will help him and other disabled children under the age of 18 years to be able to enjoy a sport with their families and friends with the guarantee they are never hunting by themselves.

Cruz Marin:

My son was allowed to hunt with us until he was 12 years old because he could go with a parent. When he turned 12 years old, he was unable to get a hunting license because he was disabled, so he could not hunt with us. This is why we contacted Assemblyman Ellison to help us. Assembly Bill 136 is needed and I support it.

Beau Sterling:

I have been a volunteer certified hunter safety instructor for the NDOW for 15 years. I support A.B. 136 and hope that getting the technical language in the amendment does not impede passage of the bill.

Senator Goicoechea:

Regarding the technical language issue, when you were repeating the language in section 3, subsection 2, paragraph (a), you used the word handgun instead of firearm. This is why we need this amendment, to make the distinction between a handgun and a firearm so there is no confusion.

Jeremy Drew (Chair, Board of Wildlife Commissioners):

The Board of Wildlife Commissioners is happy with the amendment and supports A.B. 136.

Brian Patchett:

This bill is a good bill for disabled hunters and I support it. I have been legally blind since I was 7 years old, which was around the same time I had begun to hunt with my father. I would like to have this bill also address assistive technology. When I am hunting, I want to make sure that I hit the animal in a clean and humane way. For me to do that, I use a scope with someone behind me also using a scope or with someone assisting me to use a laser scope.

Megan Badera (Nevada Firearms Coalition):

The Nevada Firearms Coalition supports A.B. 136.

Larry Johnson (Coalition for Nevada's Wildlife):

The Coalition for Nevada's Wildlife supports A.B. 136. I am the director of Nevada Outdoorsmen in Wheelchairs. We take disabled people hunting and this bill is important to them. I want to thank Senator Goicoechea for this amendment.

Senator Goicoechea:

I do not want to taint A.B. 136. I want to make it clear for the record that the language for the amendment is not mine, it came directly from the NDOW.

Assemblyman Ellison:

I just noticed that Senator Goicoechea's name is not on this bill. Senator Goicoechea did a lot of work with me on this bill. He actually met with some of the family members and worked with the NDOW on the handgun specifications. When the bill is amended, perhaps we could place his name on it.

Senator Goicoechea:

Sometimes it is best not to have my name on a bill.

Chair Gustavson:

We will close the hearing on A.B. 136 and open the work session on A.B. 79.

ASSEMBLY BILL 79 (1st Reprint): Revises provisions relating to agriculture.
(BDR 50-345)

Alysa Keller (Policy Analyst):

I will read from the work session document ([Exhibit D](#)).

Assembly Bill 79 deletes obsolete provisions related to State grazing boards. It also revises the procedures for compensating owners who have been ordered to destroy their animals due to infection or exposure to dangerous diseases. In addition, the bill provides that money obtained from administrative fines relating to the control of diseases in animals be deposited into the Junior Agricultural Loan Program and the Account for the Control of Weeds.

Assembly Bill 79 revises the exclusions from the definition of "food establishment." With respect to statutes affecting agricultural products and seeds, the bill adds civil penalty provisions for violations of such statutes and repeals criminal penalties.

No amendments were proposed, and there was no testimony in opposition. The Assembly vote was unanimous.

SENATOR SETTELMAYER MOVED TO DO PASS A.B. 79.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chair Gustavson:

We will proceed to A.B. 144.

ASSEMBLY BILL 144 (1st Reprint): Makes various changes relating to the Land Use Planning Advisory Council. (BDR 26-554)

Ms. Keller:

This bill was the result of a recommendation from the Sunset Subcommittee of the Legislative Commission and is outlined in the work session document ([Exhibit E](#)).

Assembly Bill 144 changes responsibilities for making recommendations and adopting proposed regulations for land use planning involving areas of critical environmental concern (ACEC), from the Executive Council of the State's Land Use Planning Advisory Council (SLUPAC), to the membership of the SLUPAC. The Executive Council of SLUPAC consists of the administrator of the Division of State Lands and four members. The total membership of SLUPAC consists of one person representing each of the 17 counties and one person representing the Nevada Association of Counties. No amendments were proposed and there was no testimony in opposition. The Assembly vote was unanimous.

SENATOR GOICOECHEA MOVED TO DO PASS A.B. 144.

SENATOR PARKS SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Chair Gustavson:

We will proceed to Assembly Joint Resolution (A.J.R.) 2.

ASSEMBLY JOINT RESOLUTION 2 (1st Reprint): Urges the United States Congress and the United States Fish and Wildlife Service to take certain actions to reduce the impact of common ravens on the greater sage grouse and desert tortoise populations in this State. (BDR R-33)

Ms. Keller:

Assembly Joint Resolution 2 urges the United States Congress to amend the Migratory Bird Treaty Act to remove the common raven from the list of protected species or take other action to accomplish that goal. The resolution also urges the U.S. Fish and Wildlife Service to work with the Department of Wildlife to adopt regulations for the management of common ravens and reduce their population in Nevada as outlined in the work session document ([Exhibit F](#)).

No amendments were proposed and there was no testimony in opposition. The Assembly vote was unanimous.

SENATOR PARKS MOVED TO DO PASS A.J.R. 2.

SENATOR GOICOECHEA SECONDED THE MOTION.

THE MOTION CARRIED UNANIMOUSLY.

* * * * *

Senate Committee on Natural Resources
May 5, 2015
Page 10

Chair Gustavson:

There being no further testimony or public comment, the Senate Committee on Natural Resources is adjourned at 2:40 p.m.

RESPECTFULLY SUBMITTED:

Gayle Farley,
Committee Secretary

APPROVED BY:

Senator Don Gustavson, Chair

DATE: _____

EXHIBIT SUMMARY				
Bill	Exhibit / # of pages		Witness / Entity	Description
	A	2		Agenda
	B	3		Attendance Roster
A.B. 136	C	1	Tyler Turnipseed / Department of Wildlife	Written Testimony
A.B. 79	D	1	Alysa Keller	Work Session Document
A.B. 144	E	1	Alysa Keller	Work Session Document
A.J.R. 2	F	1	Alysa Keller	Work Session Document