

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

**Seventy-Eighth Session  
April 9, 2015**

The Committee on Natural Resources, Agriculture, and Mining was called to order by Chair Robin L. Titus at 1:53 p.m. on Thursday, April 9, 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](http://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](mailto: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:**

None

**Chair Titus:**

[Roll was taken. Committee policies and procedures were explained.] I have provided a desk calendar ([Exhibit C](#)) for each Committee member. These calendars are not from a lobbyist, and have been approved by the Sergeant at Arms to accept them. These are from Shaaron Netherton, Friends of Nevada Wilderness, and they have beautiful pictures.

We have work sessions scheduled for today, and I am going to take them out of order. We are going to start with the work session on Assembly Bill 408.

**Assembly Bill 408: Enacts provisions governing the acquisition and use of certain public lands. (BDR 26-1060)**

**Assemblywoman Carlton:**

I am sorry to cut off our able policy analyst. In looking at this, I am not familiar with this language. I believe this language is new to this Committee. If you would allow a little latitude with folks coming to the table and having discussions about this so that we can ask questions. I believe the Chair of the Assembly Committee on Judiciary heard this language in his Committee, but I do not think we ever have. I do have a couple of questions just to make sure I understand what is in front of us, if that would be okay.

**Assemblyman Hansen:**

That was not in my committee.

**Assemblywoman Carlton:**

I mean the language that has been inserted.

**Chair Titus:**

The current language is language that is already in the *Nevada Revised Statutes* (NRS). We went through the Legal Division of the Legislative Counsel Bureau to make sure that these statements were part of previous understood statements.

The Legal Division has been actively involved in making sure this is constitutional.

**Assemblywoman Carlton:**

This is language from another bill that was heard in another committee, if I understand correctly. If I misunderstood, I apologize. It is new language that I am not familiar with.

**Chair Titus:**

That is correct, it is new language, but I do not believe it has been heard in any other committee.

**Susan E. Scholley, Committee Policy Analyst:**

Assembly Bill 408 enacts provisions governing the acquisition and use of certain public lands. It was sponsored by Assemblywoman Fiore and others and was heard in this Committee on March 31, 2015. Assembly Bill 408, in its original version, prohibited the federal government from owning or regulating certain public lands or using public waters. It had certain requirements of the State Land Registrar and also imposed a tax through the boards of county commissioners. However, there are three amendments being proposed.

Attached to the work session document ([Exhibit D](#)) is a mock-up of proposed amendments which would be a substitute bill. As you can see in the mock-up, lines 1 and 2 say that this would delete existing sections 1 through 11 of A.B. 408 to be replaced with the following new sections 1 through 3. This one-page mock-up would be a substitute bill for the original A.B. 408.

The second proposed amendment was in addition to this language in the mock-up. It would be the inclusion of three or four findings stating the Legislature's support of private property rights, the principle of multiple uses of public lands, and access to public lands for camping, fishing, hiking, hunting, trail riding, and similar recreational uses.

The third proposed amendment is a request by Assemblyman Munford and Assemblyman O'Neill to have their names removed as bill sponsors.

As a special note, I would point out that if section 8 is removed from the original bill, it will remove the two-thirds majority vote required on the floor. This bill does have a notice of eligibility for exemption from the Fiscal Analysis Division of the Legislative Counsel Bureau, although that would have been on the original version of the bill.

**Chair Titus:**

The mock-up I have does not have three statements; it only has one and two.

**Susan Scholley:**

Number two is just a conceptual amendment. There is not a piece of paper that goes with that. There is just one attachment to the work session cover page ([Exhibit D](#)), which is the mock-up.

**Chair Titus:**

I will entertain a motion.

ASSEMBLYMAN WHEELER MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 408.

ASSEMBLYMAN HANSEN SECONDED THE MOTION.

**Chair Titus:**

Now we will have discussion.

**Assemblywoman Carlton:**

Madam Chair, I object. I apologize, but the reason why I made the statement earlier was so that we could have discussion about this language before a motion was even made. Now that it is made, we are stuck with it. If someone could please go through this language and explain it since I am not familiar with it. I am uncomfortable voting on something and not having discussion about it before a motion is made. I really think it is important to have some discussion about this language, especially since we had a huge incident in southern Nevada that impacted my district. The Las Vegas Metropolitan Police Department Northeast Area Command is the command that ended up dealing with the incident, and my citizens did not get service because of that. I think it is important that we have a discussion on this language.

**Chair Titus:**

I appreciate that, Assemblywoman Carlton. Mr. Penrose, would you explain where this language came from as far as it existing in our current Nevada law?

**Jim Penrose, Committee Counsel:**

I was not involved in the preparation of this mock-up. I would have to get some folks from Legal who were involved to come up and give you a detailed explanation of where it came from. My understanding is this is basically a codification of common law as opposed to any statutory provision. I can certainly have someone explain it to you in detail.

**Chair Titus:**

This is in existing law in *Nevada Revised Statutes* Chapter 248. That is where this is being referred. The point of this is to clarify who has authority on our public lands within the counties. That is what this is meant to do.

**Assemblywoman Carlton:**

On page 2 of the work session document ([Exhibit D](#)), section 1 states, "Chapter 248 of NRS is hereby amended by adding thereto a new section to read as follows." I believe what you are looking at is the common practice that happens in the counties now and may be done under a memorandum of understanding or through county ordinance or regulation, but it currently is not state law as far as I can tell from this mock-up. With the little information and the little bit of time that we have had, since I literally received this as I was walking out of my office, I have concerns this may be the way the sheriff in my county would like to go forward, but I have no idea. Without having time to reach out to folks and how this will impact my district, I cannot support this at this time. It may be a great idea but I cannot figure that out right now.

**Chair Titus:**

Thank you, Assemblywoman Carlton, for those comments. Are there any other comments?

**Assemblyman Edwards:**

Can anyone tell me why Assemblyman Munford and Assemblyman O'Neill asked to be removed?

**Chair Titus:**

They asked to be removed from the original document because they did not accept A.B. 408 as it was originally written. They have not been involved in the rewriting of this document, but they felt they could not accept the original document.

**Assemblyman Edwards:**

Regarding section 1, it says the sheriff or the deputies primarily responsible may enter into an agreement for the exercise of law enforcement authority on land managed by the federal government if the agreement has (a) or (b). Are those the only times they can do that?

**Chair Titus:**

The sheriff of a county can enter into an agreement with other agencies. We are trying to put this in writing to spell that out. Again, they need to go through the sheriff, and again, it is "may enter into." They do not have to enter into an agreement. I understand in *The Constitution of the State of Nevada*, and this is just my impression, the sheriff is the highest law enforcement officer of the land as the sheriff of a county. Our concern is Bureau of Land Management, U.S. Department of the Interior encroachment on those law enforcement issues. We are stating that the sheriff is the main law enforcement officer. This mock-up was done by the Legal Division.

**Assemblyman Edwards:**

Can you better explain section 2, subsection 1, Mr. Penrose?

**Jim Penrose:**

I cannot, but I can have the person who was involved in the preparation of the mock-up give you background information.

**Assemblyman Edwards:**

I would like information because we are putting in some legal requirements. I just need to make sure that I understand what they are doing.

**Chair Titus:**

For the purpose of today, if you need further clarification, you can reserve your right to change your vote on the floor. The Legal Division was involved with the drafting of this in its entirety in making sure that, although the previous language had significant constitutional concerns, we come up with constitutional language. My suggestion would be that you vote however you feel you need to vote right now and reserve your right. At this point in time, it holds you to no obligations, and then you can have your questions answered. I do apologize to everyone on this Committee for not having those answers. I, too, am not necessarily happy with the current language, but legal counsel felt that we could present this today.

**Assemblyman Ellison:**

I have been through these rules and regulations before in my county where different authorities have overstepped their boundary. The sheriff has the ruling authority. We had been challenged by the state, and the district attorney came in and proved that we were right. That is basically the language that is in here right now. The sheriff is the one who has the ruling authority to give those folks the authorization to come into those areas. That is what this is.

**Chair Titus:**

That was the impression of the Legal Division working with this earlier, that this language has been heard and testified on—not in this session—but no sheriffs have objected to this in previous arenas. Although it is not necessarily the same, that was the impression that I got. Again, I want everyone to recognize you have that right to ask for more details and meet with the Legal Division to make sure you are clear. One of my big objections to the previous bill was that, although there was a disagreement between the sponsor and what our Legal Division said, I am following our legal counsel's advice. It is my belief that we need to respect and honor the people whom we have hired to give us advice. With their advice, I have presented this and I am trusting them. Again, you do not have to take it from me. I would suggest that you vote your mind and your heart and then afterwards, you may reserve your right to change your vote on the floor. At this point, I will take any further comments before I call for a vote.

**Assemblywoman Carlton:**

I think I have made it pretty clear where I stand. I just want to clarify. I appreciate Assemblyman Ellison's position, but the district attorney gets to enforce the laws that we make. It is our responsibility to craft law that can be interpreted and fully implemented. We have seen in the past where we have made mistakes, and it has either been a fiscal issue or we have had another huge issue where we have actually had to come back in special session and change something because of an unintended consequence. Madam Chair, I appreciate all of the work that you and the staff have done on this. I honor this process to the point where I just do not feel this is appropriate at this time, and my no vote is not necessarily on some of these issues. After I have a conversation with my sheriff, I may get more comfortable, but I feel this is not appropriate for this process.

**Chair Titus:**

Are there any other comments? [There were none.] There is a motion on the floor to pass Assembly Bill 408 as amended.

**Assemblyman Edwards:**

I am going to vote yes, but I reserve my right to change my vote on the floor.

THE MOTION PASSED. (ASSEMBLYMEN ARAUJO, CARLTON,  
CARRILLO, AND SWANK VOTED NO.)

**Chair Titus:**

I will ask Assemblyman Ellison to take the floor statement. We will move to Assembly Bill 142.

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

**Susan E. Scholley, Committee Policy Analyst:**

Assembly Bill 142 revises provisions governing the administration and enforcement of wildlife laws. The bill was sponsored by Assemblyman Hansen and heard in this Committee on March 17, 2015. Assembly Bill 142 removes authority for the Board of Wildlife Commissioners and the Department of Wildlife to revoke or suspend certain hunting and other licenses for various violations, modifies and identifies maximum penalties, and transfers responsibility for the revocation or suspension of certain licenses to the courts. The bill also eliminates the demerit system by removing the authority of the Board of Wildlife Commissioners to establish the demerit system. Based upon testimony at the hearing, the sponsor has proposed further amendments to the bill as set forth in the attached mock-ups ([Exhibit E](#)). The two primary changes are reinstating the demerit system and putting it in statute, and as indicated on pages 13 and 14, adding misdemeanors relating to mountain lions to crimes that can be punished by the courts through revocation or suspension of a license. I put the incorrect mock-up in the work session document [page 10, ([Exhibit E](#))]. I would like to point out two additional changes to the mock-up. On lines 5 through 7, the language in blue italicized bold would come out of the bill. Likewise, on the same page, lines 37 through 39, the blue italicized bold language would be removed from the bill. I will be happy to answer any questions.

**Assemblyman Araujo:**

I have a question for our legal folks in regard to this for clarification because I sit on the Assembly Committee on Judiciary. It appears that some of the demerits that are highlighted would now be put in statute and are also already in the *Nevada Administrative Code* (NAC). I want to clarify how those two now jive with each other. How does that work? Which one supersedes the other?

**Jim Penrose, Committee Legal:**

The statutory provision would trump the provisions of regulation.

**Susan Scholley:**

Also, Assemblyman Araujo, in section 14, the bill declares that those regulations are void.

**Chair Titus:**

I will entertain a motion.



ASSEMBLYMAN WHEELER MOVED TO AMEND AND DO PASS  
ASSEMBLY BILL 142.

ASSEMBLYMAN ELLISON SECONDED THE MOTION.

**Chair Titus:**

Is there any discussion?

**Assemblywoman Carlton:**

In the language that is being deleted, does it eliminate the responsibility to revoke the license?

**Assemblyman Hansen:**

No, it does not. It is exactly the same. As you may recall, my original intent was to remove the demerit system entirely and allow it to go to the courts. In fact, the demerit system proved remarkably popular, so it is still the exact same system that existed. The language was accidentally left in that would not have allowed the Wildlife Commission to revoke licenses; in fact, they will be able to just as they are currently doing. The only difference is the demerits that would have been in NAC are now in *Nevada Revised Statutes* (NRS).

**Assemblywoman Carlton:**

Are you comfortable with them only being touched at the NRS level?

**Assemblyman Hansen:**

I am. As new laws are brought up at the NAC level, they have to go through the Legislative Commission or through us anyway. They will still be able to put a demerit policy on it, but then they will have to prove it down the road. That was the original intent back in 1995 when I put the bill in place. At that time, there was not enough time for the legislators to figure out what the demerits would be. They kicked it back to the Commission, which set up a subcommittee—which I was on—and that is where those numbers came from.

**Assemblywoman Carlton:**

Are these the demerits that are currently in effect?

**Assemblyman Hansen:**

No, these are the ones from 1999.

**Assemblywoman Carlton:**

Are they less stringent or more stringent?

**Assemblyman Hansen:**

In some cases less. The newer ones are exactly as they have been for the last few years. There are a few, and that is why I went back because these guys were rolling them up. They were specifically targeting certain groups, so that is where it came from.

**Assemblywoman Carlton:**

Regarding the 60-month period that you cannot assess more than 12 demerits; if there are bad actors, I want them to be able to get the bad actors, but I do not want them to abuse the innocent person. I am trying to find the middle ground that I think you are looking for.

**Assemblyman Hansen:**

Remember, this is only the administrative side of penalties. They still have a court system which adjudicates the actual penalties. This does not get all the bad guys. This is designed to be in the middle of the road. The real bad actors have to face a judge.

**Assemblywoman Carlton:**

Thank you, Madam Chair, for the discussion with the Chair of the Assembly Committee on Judiciary. He knows a lot more about these dead animals than I do. I am getting this so quickly I will go ahead and support it for now. I have concerns about putting things in statute because the regulatory process is much more flexible. When we find an issue, we can deal with it like the demerit system at the Department of Motor Vehicles. If there is an issue, they can adjust it. Since I really do not have any expertise in this, I am just going to say yes with caution in my voice.

**Assemblywoman Swank:**

I will be voting no on this. I guess I would have liked more time to talk with folks about the rolling back of some of these demerits and sorting out why we are returning to 1999.

**Assemblyman Araujo:**

I reserve the right to change my vote on the floor.

**Assemblyman Carrillo:**

I reserve my right to change my vote on the floor.

THE MOTION PASSED. (ASSEMBLYWOMAN SWANK  
VOTED NO.)

**Chair Titus:**

I will assign Assemblyman Hansen to take the floor statement. We are going to move to the work session on Senate Bill 4 (1st Reprint).

**Senate Bill 4 (1st Reprint): Revises requirements for the taking of wild mammals on private property. (BDR 45-89)**

**Susan E. Scholley, Committee Policy Analyst:**

Senate Bill 4 (1st Reprint) revises requirements for the taking of wild mammals on private property. This bill was sponsored by Senator Settelmeyer and heard in this Committee on April 9, 2015. The bill exempts a trap, snare, or similar device used in the taking of a wild mammal from registration if the device is used exclusively on private property subject to certain conditions. Also exempted is the control of rodents by an institution of the Nevada System of Higher Education or by a governmental agency. The bill also removes the requirement that an owner occupant of property obtain a permit from the Department of Wildlife prior to taking or killing a fur-bearing mammal injuring that property. [Referred to work session document ([Exhibit F](#)).]

There was a friendly amendment proposed at the hearing acceptable to the sponsor, which is set forth here. The amendment would add an additional exemption to the permit requirement for the taking of wildlife under a permit issued by the Department. They explained that they issue permits to research organizations for the taking of not only mammals but other animals, and that should be exempt but would have not been included under the control of rodents by the Nevada System of Higher Education. That was one amendment.

The second set of amendments are in the proposed mock-up ([Exhibit F](#)). There is another amendment that I need to bring to your attention. On line 4 of page 2 ([Exhibit F](#)) the word "must" would be "may." Also, on line 38 [page 3, ([Exhibit F](#))] there is a transfer of responsibility from the regulation of shed antlers from the Board of Wildlife Commissioners to the boards of county commissioners, and they are also limited to only regulating the taking of shed antlers for commercial purposes. I will be happy to answer any questions.

**Chair Titus:**

I will entertain a motion.

ASSEMBLYMAN WHEELER MOVED TO AMEND AND DO PASS  
SENATE BILL 4 (1ST REPRINT).

ASSEMBLYMAN ELLISON SECONDED THE MOTION.

**Chair Titus:**

Are there any comments or discussion? [There were none.]

THE MOTION PASSED. (ASSEMBLYMEN ARAUJO, CARLTON,  
CARRILLO, AND SWANK VOTED NO.)

**Chair Titus:**

Assemblyman Hansen will take the floor statement. The work sessions are now closed. Is there any public comment? [There was none.] The meeting is adjourned [at 2:21 p.m.].

[([Exhibit G](#)) was presented but not discussed.]

RESPECTFULLY SUBMITTED:

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Donna J. Ruiz  
Committee Secretary

APPROVED BY:

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Assemblywoman Robin L. Titus, Chair

DATE: \_\_\_\_\_

**EXHIBITS**

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

**Date:** April 9, 2015

**Time of Meeting:** 1:53 p.m.

<b>Bill</b>	<b>Exhibit</b>	<b>Witness / Agency</b>	<b>Description</b>
	A		Agenda
	B		Attendance Roster
	C	Shaaron Netherton, Friends of Nevada Wilderness	Wild Nevada 2015 Calendar
A.B. 408	D	Susan E. Scholley, Committee Policy Analyst	Work Session Document
A.B. 142	E	Susan E. Scholley, Committee Policy Analyst	Work Session Document
S.B. 4 (R1)	F	Susan E. Scholley, Committee Policy Analyst	Work Session Document
S.B. 4 (R1)	G	Trish Swain, TrailSafe Nevada	Neutral Letter