

Date: March 2, 1981 - Monday

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PRESENT:

Chariman Jeffrey
Vice Chairman Redelsperger
Assemblyman Mello
Assemblyman Dini
Assemblyman Kovacs
Assemblyman Polish
Assemblyman DuBois
Assemblyman Rhoads
Assemblyman Schofield

Other Present:

Mr. Bill Parsons
Mr. Joe Greenley
Mr. Frank Daykin

The meeting was called to order by Chairman Jeffrey at 3:30 P.M.

AB 106

Grants free hunting and fishing licenses to elderly residents.

Assemblyman Dini stated that there is a fiscal impact connected with this bill to the Department of Fish and Wildlife, however it is his feeling that this is something that could be done for the senior citizens. If the impact amounted to \$60,000.00 to \$80,000.00 even if it had to be supplemented from the general fund money. The senior citizens in this state have little to do for recreational purposes. Fishing is an inexpensive way for many of these older citizens to spend their days. Mr. Dini stated that he felt that the state should make the natural resources available to this segment of our society at as low a cost as possible.

Joe Greenley, Director of the Department of Wildlife, stated that he must testify in opposition to the passage of this bill strictly from an economic standpoint. It is his feeling that the \$2.00 that the senior citizen is now charged is a substantial break especially compared with the \$10.00 that is the fee for any other adult purchasing a license. Financial impact of this bill would be great as the department sells 7,735 senior resident fishing licenses annually and about 2,229 senior resident hunting licenses.

Mr. Greenley stated that the direct impact would be approximately \$20,000.00 annually, the first year it would not be that high. Assuming that the legislation would become effective July 1, 1981 the fishing licenses are on an annual license and they would already be sold. The hunting licenses are on a fiscal year and the full number of hunting licenses would be sold with this impact but, only a few fishing licenses. The second year it would encompass the full \$20,000.00. That which is difficult to anticipate is the impact it would have on the apportionment on federal aid fund that they receive both from the Pittman Act and the Dingle-Johnson Act. This states apportionment from those acts is based on the number of licenses that are sold here. When you subtract from the totals the 2½% which make up the hunting license and the 7½% which make up the fishing licenses according to the regional office in Portland, it would amount to about \$68,000.00 dollar reduction in apportionment.

(Committee Minutes)

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MINUTES AND THE MICROFICHE.**

for a 15 day lead time on the permit issuance. The department feels that 15 days are not adequate to get safety personnel. They are requesting that it be changed from 15 to 30 days prior notice. They are requesting that it be changed from 15 to 30 days prior notice. The last part of that section has had a provision that no person may operate in a race or regatta unless he is a member of the American Power Association or the National Association of Outboard Owners, the department feels that this provision does nothing for them and recommends deletion of it.

The last section, Section 3, referring to the liens on disposal of abandoned vessels, and for warehouse liens, He stated that each year they get several sailboats, motorboats that are abandoned on the shores of Lake Tahoe and other bodies of water. There is no way under the existing statute of handling the charges that might accrue to some that tries to move that particular boat or vessel from the shore and put it into storage. This amendment would authorize every motorboat or vessel to be subject to lien for all debt incurred for the moving and storage of said boat or vessel if it is found to be abandoned on any property.

Assemblyman Kovacs referred to Section 1, he stated that he felt that on line 7 the terminology should also be changed to read vessel instead motorboat in order to maintain consistency in the bill.

Chairman Jeffrey wondered about the term "for hire" wondered if all boats were required to carry life preservers or if this is limited to just those that were for hire.

Mr. Parsons replied that all boats must carry life preservers but all boats for hire must carry at least one life preserver for each person aboard. Mr. Jeffrey felt that since there was no difference between the types of preservers that had to be carried by a private boat and those carried by a boat for hire the language beginning on line 7 and ending on line 10 was unnecessary and could be deleted.

Assemblyman Mello felt they should check with the legal division for a ruling regarding the necessity of the language in lines 7 through 10.

Assemblyman Kovacs wondered why the need for 30 days notice when requesting a permit for a parade or regatta, instead of 15 days notice. Mr. Parsons replied that the need for the organization and possible patrol boats in a parade, or race or regatta required more time than sometimes allowed in the past. Mr. Parsons stated that he felt it would not work a hardship on the applicant but would give the department more time to prepare for these events.

Assemblyman Mello wondered about the definition of abandoned and wondered if a boat that has been in a storm on a body of water and has been broken loose from their mooring would be picked up immediately or would there be reasonable notice given and time given for the owner to reclaim it before it was towed and charges were incurred. He stated that he felt many times there boat owners that may not know about the boat being loose for sometime and would be happy to take care of the situation once they were made aware of it.

Mr. Parsons replied that in the past the Department of Wildlife had been very reasonable and cooperative on this type of matter. Mr. Kovacs wondered about the legal definition of the word "abandoned". Mr. Mello wondered about the definition of "vessels" as opposed to motorboat. After discussion of this bill it was decided that if a lein was necessary on an abandoned motore or vessel it would be very difficult to do so without statute so instructing.

Mr. Frank Daykin, legislative legal counsel, came before the committee at the request of Chairman Jeffrey for an explanation of abandonment on Page 2, line 43 of A.B. 156. Mr. Daykin stated that if no one is asserting ownership over it anymore, i.e., that he has left it there for a period of time and not come back or claimed it.

Assemblyman Mello stated that his question was the period of time necessary to be considered unclaimed.

Mr. Daykin stated that it is not defined in this act or any other law as far as specified period of time is concerned. The question of fact in this particular instance, if you had left something of considerable value and easy portability you would probably be thought to have abandoned it. If you left something that was large and very hard to move probably the law would not think it had been abandoned for quite sometime.

Mr. Mello cited the instance of a storm breaking the mooring of boats causing them to be beached and the owners not knowing about the storm for sometime and their boat being towed away and stored, this incurring charges. It was the opinion of Mr. Daykin that in this case it would not constitute abandonment because the act would not be a voluntary relinquishment. Chairman Jeffrey questioned the substitution of vessel for motorboat in some parts of the bill and other sections where a motorboat and vessel is also used.

Mr. Daykin replied that it was his assumption that the different use of motorboat and vessel was deliberate in the way that the bill request was made because he felt that vessel was substantially broader than motorboat and that they want a life preserver or the like following after line 2 upon every vessel, but then every motorboat must be provided with such number, size and type of fire extinguishers. For instance, if you had a sailboat your likelihood of catching fire is substantially less. It was Mr. Daykin's suggestio that if there are any questions regarding this in the bill it should be attended to while the boating experts were present. It was the feeling of the committee and Mr. Daykin when there was a question the broader definition would be used. For example if there was an instance where boat and vessel were both used, vessel being the carrier of the most encompassing definition, vessel would be the reference.

There was considerable committee discussion regarding the redundancy of the phrasing of what types of life preservers, boyant cushions, and life belts. It was decided that the language was necessary and would best be served by leaving it as it was.

There being no further testimony on AB 156 the public hearing on this bill was closed.

Chairman Jeffrey called for testimony on SB 5.

SB 5 Creates special hunting and fishing privileges for severely handicapped persons.

Joe Greenley, Director of the Department of Wildlife, stated that his department supports S.B.5, with the following comments. Line 10 and 11, Page 1. "Has a severe physical handicap as defined in the regulations of the department", "department" does not makes regulations and this terminology should be changed. Chairman Jeffrey stated some concern as to the second section of the bill referring to paraplegic, wondering whether this special license would apply to a person who had lost the use of one leg, as a result of a stroke or accident.

Chairman Jeffrey decided that he would check on the definition of severely handicapped with the possibility of amending the bill to include the same.

There being no further testimony on SB 5, the public hearing was closed.

The committee then discussed the amendment to AB 28. Chairman Jeffrey stated that Mr. Newman, and Mr. Westergard had discussed the amendment with the bill drafter regarding the possibility of redundant language in one section of the bill. Mr. Jeffrey stated that a compromise had been worked out and gave a report of the following language to the committee:

Amend Section 3, Page 2, by deleting line 43 and inserting: "and are accompanied by prescribed fees."

The committee then considered action on AB 106.

Motion was made by Assemblyman Mello to AMEND AND DO PASS, amending the price to be .25 instead of free. Mr. Dini seconded the motion. The motion was carried with Mr. Rhoads voting NO.

The committee then considered action on AB 156.

Assemblyman Dini moved for an AMEND and DO PASS, Mr. Mello seconded the motion. The motion carried with Mr. Rhoads voting NO. The Chairman will check with the bill drafter to see if the terminology of vessel as opposed to motorboat should be changed in the bill.

The committee then considered action on SB 5. Chairman Jeffrey stated that one requested amendment was to change the words department, on line 11, to the work commission.

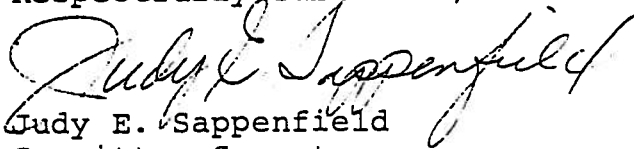
Chairman will also check to see if this bill could be extended to include a person who had lost the use of one leg, whether it had been amputated or not.

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Assemblyman Dini moved to hold this bill until the Chairman could check on the information regarding one leg.

There being no further business before the committee, the meeting was adjourned at 4:20 P.M.

Respectfully submitted,



Judy E. Sappenfield
Committee Secretary