

**Approved Minutes from the March 19, 2009 Meeting of the
Nevada Board of Wildlife Commissioners Legislative Committee
Held at NDOW Headquarters, 1100 Valley Road, Reno, NV 89512.**

Committee Members Present: Chairman Lent, Commissioner Tom Cavin, and Daryl Capurro

NDOW Staff Present: Director Ken Mayer, Management Analyst III/Legislative Liaison Kim Jolly, Executive Assistant Suzanne Scourby, Deputy Director Rich Haskins, and Staff Conservation Educator John McKay.

Public Present: Chad Bliss, Judi Caron, Rex Flowers, Ira Hanson, Tim Humes, Chris MacKenzie, Rick Smith, and John Zenz.

Chairman Lent called the meeting to order at 4 p.m.

Item 2- Public Comment Period

Timothy Humes said he was at the last Legislative Committee meeting and thought from the discussion at that meeting that the “wanton waste regulation” would be on the agenda for further discussion, and he is bringing it up now to make sure that it does not fall through the cracks as that is something that sportsman want clarified.

Mr. Capurro also said that he had thought that the regulation was to be discussed again here today.

Director Mayer said that the regulation will be on the Nevada Board of Wildlife Commission’s March agenda as an informational item and will be fully vetted in a workshop before final action is taken.

Judi Caron asked Chairman Lent about the Legislative Committee’s Jan. 14 meeting when a new appointee was named to the committee and said she had attended the majority of the Nevada Board of Wildlife Commission’s Feb. 6 and 7, 2009, meeting and did not hear the Commission address the charter at that meeting.

MA III Jolly said she the Legislative Committee voted to amend the charter and on Deputy Attorney General’s counsel was advised that the full Commission did not need to approve charters.

Chris MacKenzie said there were two scoping meetings on the Carson Lake and Carson Wildlife Management Area transfer to the Department and he realized there was no provision for the Department to charge fees at Carson Lake. At the scoping meetings there was no opposition heard for a fee and significant support. He said he talked to Senator McGinness and he said he put it in a Bill Draft Request; therefore SB 280 was introduced on Monday by himself and Senator McGinness. He’d like support on that. Mr. MacKenzie said on the predator bill funds being solely dedicated to the mule deer and is concerned about other species and programs suffering. The Dream Tag bill came out on Monday which is a revenue generating proposal for the Department and would be solely at discretion of Commission. Assembly Bill 241 that talks about dedicating 40 percent of Heritage to predator control and hopes that gets aired out by the CABMWs and hopes these are discussed at the Commission meeting, and get full public comment on this legislation. He suggested that the Legislative Committee meet weekly and receive public comment as legislation comes out. Commissioner MacKenzie cautioned commissioners who are in Carson City if you’re by yourself that you are doing that on your own, as you cannot comment on behalf of the Commission as a Commissioner without support of full Commission.

Chairman Lent said he didn’t mean for the Committee to act on behalf of Commission.

Mr. Capurro said Mr. MacKenzie’s point is well taken and anybody who appears without the official Commission position cannot represent the Commission.

MA Jolly noted that two bills for discussion are on today’s agenda AB 183 and AB 246 which were noticed and you cannot discuss other bills unless in “public comment period” or “new business” sections of today’s agenda.

Clint Bentley (by phone) said he would like to bring up that the draft agenda that the CABMWs received had the legislative item as informational and then the final agenda had a legislative item as action. He said the Clark CABMW had several legislative items that they wanted to discuss and obtain public input and the CABMWs could not discuss.

Chairman Lent said the CABMWs can put the legislative items on their agenda if they choose.

Mr. Bentley said Chairman Lent can follow his logic and can understand where the CABMW is coming from.

Mr. Ira Hansen said he just met with Assemblyman Claborn for over one and one-half hours and that Claborn asked him to come to this meeting and represent his displeasure with the entire Commission because of a personal attack, and an apology is needed before Assemblyman Claborn will work on wildlife bills.

Mr. Rick Smith, Washoe CABMW, said this legislation is for the good of the whole state, and that is not right. He said there is legislation out there that could have been listed on this agenda today because they have been out there for a while. Secondly, he said Chairman Lent had made a comment that it is his right to appoint people to this committee and Mr. Lent told him personally that Director Mayer told him to keep committees small. Mr. Smith suggested having a CABMW member on each committee for representation. Then, Mr. Smith asked Director Mayer if that is accurate about why the committee's size is limited.

Director Mayer said his comment was not to size but rather on the financial side because of where people were traveling from, and those costs.

Mr. Smith said then it should be a consideration that all committees meet via teleconference.

Ms. Jolly read into the record public comment from Gil Yanuck, Carson CABMW, who is personally in support of AB 183; Clark CABMW noting they are opposed to AB 241 and AB 362; and Tina Nappe, former Wildlife Commissioner stating her support for SB 280, and that she had concerns about AB 241 and AB 362.

Mr. Larry Johnson, said to the committee, why are we not discussing AB 241 and AB 362 at this meeting, as they are the two bills that will receive the most public comment this session and he is disappointed that they were not included on the agenda.

Chairman Lent said if the Legislative Committee meets more frequently we will have them on the agenda, and he closed the public comment period.

Item 3 - Approval of Minutes from Last Meeting – Jan. 14, 2009

Mr. Capurro said there was on page 3 of the Committee minutes extensive discussion of the 48 hour notification period and there was a motion made by him to take to the Commission for temporary regulation to provide for tag draw information within 48 hours.

Chairman Lent said he recalls it being discussed.

Director Mayer said we are going to do it and he recalls no hurry to get the regulation in place for this year and in conversations with Chairman Lent he said he wanted it in NAC and that is more involved. He said the Department is planning on doing this and not sure what the concern is.

Mr. Capurro said his recollection is that it be put in as NAC and understands all the time periods involved, and his intent was that it be added to NAC.

Director Mayer said we could not have made the time period for the March meeting but will do it for the May meeting, and we will do it this year. He said he talked to Mr. Sefton and it will be done this year.

Chairman Lent said when contractor came up and testified that he could do it and wants to make it clear that it be in NAC and that is the direction.

MR. CAPURRO MOVED TO ADOPT THE MINUTES FROM Jan. 14, 2009. COMMISSIONER CAVIN SECONDED THE MOTION. MINUTES APPROVED UNANIMOUSLY.

4 - Legislative Items Requested by the Committee

4a. AB 183 Silver State Tag – Chairman Lent said it allows for additional drawing for the existing allotment of big game animal tags and that memo from Eureka CABMW said it would be a drawing.

Commissioner Cavin said the language is confusing and his interpretation is that it amends language of the original Heritage bill, but it doesn't separate the two (the auction and a Silver State tag drawing). When we tie the Silver State Tag (SST) drawing to auction tags, that is where the confusion comes in.

There was discussion that perhaps the Legislative Counsel Bureau (LCB) drafters did not make the distinction between the two. Commissioner Cavin asked about subsection 1 where the fees are listed, whether the mountain lion fee is current or not.

Director Mayer said the LCB drafters do their own drafting, and he will have staff check the fees.

[Update: Staff checked and the tag fees are correct as listed in the bill; resident mtn lion \$25, non-resident mtn lion \$100. What he may be thinking of are the add on fees - the \$3 predator fee and \$1 habitat conservation fee, which are added to the tag fees. That is interpreted by the public as a total amount (\$29 and \$104, respectively) for simplicity.]

Mr. Capurro said he reads AB183 it does not add new tags, but anybody reading this will not understand that tags not utilized for Heritage and that one will go to the Silver State tag.

Director Mayer said people who can afford \$100,000 for a sheep tag get a unique experience, and the thought here is to provide that opportunity to sportsmen for a nominal fee. Director Mayer said the 18 percent administrative fee will cover the programming changes, and the revenue generated would be about \$3.8 million and revenue will come in from the SST drawing.

Public Comment on AB 183-

Chris MacKenzie said his quick review is that section 4 of the bill allows Silver State Tag and section 5 says you can have up to 15 tags, and Commission will have power to have Silver State Tag Tag Drawing and the Commission will have to draw up the regulations for setting up the draw.

Chad Bliss, Eureka CABMW, said the Eureka CABMW brought this forward through a petition three and one-half years ago. He said he personally called the committee members, the board petitioned the Commission in November 2007 with the idea and the Commission did approve the petition to move ahead. At the time the petition had 100 percent support of CABMWs. The issue that are being brought up today are all new, he had not heard these concerns before on the language and wished someone had called him so he could get to the bottom of it earlier.

All they were doing was trying to help the average hunter - the backbone of the Department and they wanted to make it possible for sportsmen to have the same opportunity as those who can afford the Heritage tag. He said there are two sides, and is not seeking additional tags and that is why it is tied to Heritage as they already have 15 tags and the public already has a say in how those tags are distributed and would not be killing additional animals other than spreading out opportunity.

This bill has no intent to force anyone to do anything, it leaves it up to Commission's discretion and the public. Mr. Bliss said the fiscal note is not a total of \$30,000; they were two separate estimates depending on two separate ways to implement - one estimate was \$18,000 for one programming method of implementation, the other was \$12,000 for a method of implementation. Either or, not a total.

He said it could generate \$1.1 million for the first year. The fiscal note is a one-time cost and it could generate money for Nevada's wildlife and in his opinion, why we all sit here, is to do better for Nevada's wildlife and the bill has lots of support and does not understand some of the political stuff going on because their thought process was to do something good for Nevada and sportsmen. The intent is not to take away from the auction tags it is an addition and an option for sportsmen in Nevada. Mr. Bliss asked the committee for any questions and said they tried to involve as many people as possible and comes from sportsmen across the state. Nothing was hidden, and he was always out there to discuss and get ideas from everybody.

Chairman Lent said two years ago it was a different Commission and there are a lot of new Commissioners not familiar and he has no idea if change from two years ago and today.

Mr. Bliss said he remembers Mr. Lent being at that Commission meeting and he has done everything he possibly could to get input. As far as Commissioners being new, that was Commissioner Raine's first meeting and only three members since that time who are new. The only new person he could not contact was Grant Wallace, and the ball is in the Commission's court. He said we do not have to increase quota above nine, it just spreads the opportunity among sportsmen who are the backbone of the Department. He said he did not put a spreadsheet together until after one year of proposing it and when he did the spreadsheet he was amazed at the revenue it would generate.

Commissioner Cavin said he would assume there would be an application fee to Systems Consultants. He asked how much would that fee be.

Mr. Bliss said when they talked to Mr. Sefton they were told it would be similar to the cost for the Partnership in Wildlife. This is a voluntary program to opt into the Silver State draw, and part of standard application.

Mr. Capurro said the way it is written, all 15 tags authorized could be under the SST drawing and none for auction.

Director Mayer said it gives the Commission maximum flexibility to auction, draw, or whatever they chose to.

Mr. Bliss said there is nothing in here that is bad and does not understand the pushback and has spent three and one-half years on it and wants the committee's support and the commission to move forward.

Commissioner Cavin said his correction to the language should be not taken as opposition.

Director Mayer said he appreciates Mr. Bliss' zeal for pursuing this cause and wishes there were one million more sportsmen like him. He has used his own time and money for this issue.

Larry Johnson, Coalition for Nevada Wildlife, said they support the bill and the revenue it would generate. He said when he was reading it he penciled through the 15 Heritage tags and there are ways to make it cleaner but the main thing is, it is a Governor's Tag for the average sportsman. He thanked Mr. Bliss for the years he has put into it. There is no intent or need to increase the 15 tag limit because there are enough as it is; the Commission has full authority on these and what combination (auction to drawing) is most needed. Mr. Johnson hopes the subcommittee and Commission support the Silver State Tag.

Judi Caron, said she would like to compliment Mr. Bliss for his efforts on the tag and sees it as another tool in the tool box to provide opportunity. Her recollection is that the Commission accepted his petition and little things came up but overall everyone was supportive.

Mr. Capurro said the concept is fine and people think the average hunter isn't represented through the Heritage tags. His concern is that it not be for more tags than authorized, and it does not do that. And also, that the Commission could eliminate Heritage tags altogether and just have Silver State Tag Drawing. Mr. Capurro is not sure if the language should be included to say "x" number for the Heritage auction, and "x" number for the Silver State Tag Drawing. He knows it would have to go through regulatory processes.

Mr. Bliss said that is a possibility, but the public would come unglued if the auction was eliminated, and that would be wrong, so he did not think of that scenario. Mr. Bliss said regardless of this bill, that could happen, and could even happen now. He said the intent of AB 183 is to provide opportunity. Mr. Bliss asked Chairman Lent if the committee doesn't take a vote today, will this be acted on at the March meeting?

Chairman Lent said action could be taken at the March meeting.

Director Mayer pointed out that the entire Assembly Natural Resources Committee is the co-authoring with the exception of one person.

Mr. Bliss said he has overwhelming support for this bill and would hate to see this go down the tubes because of something small.

Mr. Ira Hansen said this may be something that erases the criticism of hunting as a rich man's sport. With the revenue generated, if Mr. Bliss' math is correct, would be substantial as compared to the current auction tags. He said from a dollar and sense mindset this could be huge.

(No vote was taken.)

4b. Assembly Bill 246 – Apprentice Hunting License

Chairman Lent said he has concern with no hunter education required and no effective date.

Mr. Capurro said Oct. 1 is the effective date and his concern is the same, with no hunter education required, while having a weapon and does not think that is reasonable. He said his biggest concern is that we require a normal hunter to go through safety course, he is not happy that the apprentice hunter does not have to.

Ms. Jolly said during the committee hearing the proponent of the bill amended language to add a hunter education section.

NDOW Hunter Educator Coordinator John McKay said the idea is to "try before you buy" and is directed at all ages, especially older people who may have friend that knows a hunter and may want to try it before making the time and financial investment. The hope is that it is enough that they will like what they have seen and they will become a hunter.

Chairman Lent asked if you're an adult, don't you have to go through hunter education? He also asked about the fiscal note.

Mr. McKay said that is correct if you are born after 1961. What he focuses on is the mentor part because even if we turn a student out after a hunter education class, the key is that the student goes out with someone who knows how to hunt. Hunting is a lifelong learning experience and the mentor aspect is key with regular hunting experience. There is a lot of responsibility on mentors to make sure their apprentice is operating within close proximity to exercise control of the apprentice and make sure that they are responsible and will take control if they are not.

The \$82,500 fiscal note was addressed by staff as the total of a number of different modules that could be pieced out. After the amendment is approved, a new fiscal note would be requested of NDOW by the LCB because that would allow for other fees to be charged, the habitat and conservation fee, the federal and state stamps, and other fees. Also, NDOW has done preliminary estimates based on other states increased license sales (8% increase) and the revenue make it pay for itself in 1-2 years.

Chairman Lent asked for the statistics for the committee.

Mr. McKay said 27 states have some form of mentor program and from their statistics no accidents attributed to a mentor/apprentice. Mr. McKay said this is a one-time deal, and the apprentice has to attest that they do not have a license in another state, and can only try for one time in one season.

Commissioner Cavin asked whether we would derive revenue from stamp sales.

Director Mayer said yes, and he attends national meetings and many studies done on hunter recruitment and number one thing in common with all the studies is mentoring, because people do not hunt for the first time without an experienced hunter usually.

Mr. Capurro said Safari Club International did a study that average age of hunter goes up every year and has no problem with apprentice concept, but is concerned with responsibility and authority on the adult mentor, and the liability on the adult.

Director Mayer said hunting is statistically safe as compared to other sports.

Mr. McKay said Nevada law allows a licensed adult to take someone out under 12 without hunter education and this fills that gap for people who are not from a hunting family. It would allow for recruitment of youth from a non-hunting family.

Public Comment AB 246 –

Judi Caron said she is a Nevada Department of Wildlife hunter education instructor and has looked at other states with programs by *Families Afield* and she herself did not obtain a hunter education card until she became an instructor. She said she hunted with family members at a very young age and this is something Nevada needs. Ms. Caron said this is a fantastic tool for new hunters to be exposed to hunting. Ms. Caron said Safari Club International holds free shotgun clinics for youth and ladies and had equal numbers of youth and ladies attending. She said four ladies attended and it was the first time they handled a gun and actually went bird hunting and they were of an age where hunter education was not required. Ms. Caron said when the bill first came out she had questions, and said we need to control how many mentors an apprentice can have, and decide how many firearms are allowed. Ms. Caron said she is in favor of each person having a firearm, and another issue she likes is that by requiring them to have a stamp, it teaches them ethics and how dollars support wildlife and plays a role in continuation of hunting. She said she emphasizes HIP reporting requirement in her classes, and will also open up swan permit to those people. She said she only sees positive things from this bill.

Mr. Capurro asked if the language that exists limits the number of mentors and apprentices.

Director Mayer said it does not.

Rick Smith, Washoe CABMW, said he had a few questions because this is going to come up at his board too. He asked if it is a one-time only chance, and secondly, that if he is a mentor that apprentice only goes afield with him to insure consistency and repetition. He asked what happens if this person does something illegal and how does that affect the mentor.

Ms. Jolly said the one-time only purchase of an apprentice license also came up at the committee hearing and the language in Section 1, B addresses that. The other question about one mentor to one apprentice in the field was not addressed but since the Commission would have to adopt regulations to implement this program, that could be dealt with in the NAC regulation. Discussions with the author (Bobzien) wanted to provide maximum flexibility to allow apprentice to go with other mentors. She said as far as liability, Section 1. 7 the amendment addresses that.

Chairman Lent closed the comment period.

(No vote was taken.)

Item 5 - New Business – Schedule Next Meeting

Mr. Capurro said there have been many bills that have dropped and may need to have additional meetings.

Chairman Lent said weekly meetings would be difficult with noticing and staffing.

Commissioner Cavin said we would want to discuss with full Commission and could we have telephonic Commission meeting in April to discuss legislation.

Director Mayer said yes.

Chairman Lent said he would like to discuss further with the full Commission and asked staff to provide the legislative deadlines so that they could be coordinated with the Commission. He said he will take input from the Commission and strategic date will be decided for telephonic meeting, and as chair he can set the date.

There was other discussion about other issues, but it was noted that that was not on the agenda.

Meeting Adjourned at 6:10 p.m.

Note: The minutes are a synopsis of the meeting, not a transcript. At the Department of Wildlife headquarters in Reno is a complete record of the meeting, including recordings; and all the exhibits received/referenced during the meeting. The record is available upon request for review.