

## **DRAFT Legislative Committee Minutes from April 1, 2008 Meeting**

**Committee Members Present:** By phone Commissioners Clint Bentley (Chair) and Commissioner Jack Robb, in person Commissioners David McNinch.

**Others Present:** Chris MacKenzie, Judi Caron, Diane Belding, Chad Bliss on behalf of the Eureka County Advisory Board to Manage Wildlife, Gerald Lent, Steve Robinson, Kyle Davis on behalf of the Nevada Conservation League, and Larry Johnson on behalf of the Coalition for Wildlife.

**Staff present:** Management Analyst III Kim Jolly, Director Ken Mayer, Chief Game Warden, Deputy Director Doug Hunt, and Executive Assistant Suzanne Scourby.

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Meeting called to order at 1 p.m.

Ms. Jolly asked that we take item #3 out of order since we had Mr. Bliss and Ms. Belding on the phone and at the meeting. Chairman Bentley opened item #3.

### **NON-NDOW BDRs**

First, Mr. Bliss was asked to provide an update on his proposal and conversations with Assemblyman Pete Goicoechea.

#### **Update on the Silver State Tag Proposal**

Mr. Bliss said that he and staff Ms. Hullinger drafted NAC language sent to the Legislative Counsel Bureau (LCB) with two items to change, money to go to Heritage Account but NDOW no authority to designate where money goes, and called it Silver State Tag/PIW Tag in order to get around that and the way the PIW language allows for one draw, so that would require an NRS change. With regard to the fee structure, Mr. Bliss said he set it at \$25 because Ms. Hullinger thought it had to have a fixed number to go into NRS, but he would rather leave it up to the Wildlife Commission's discretion and have that be set in NAC each year. He talked to Assemblyman Goicoechea who is willing to sponsor this legislation and is also willing to co-sponsor legislation with Assemblywoman Debbie Smith and main point is to get good legislation. Randy Stevenson of LCB said they still have it and he would draft it as a BDR.

#### **Update on the Mega tag proposal**

Director Mayer said Assemblywoman Debbie Smith told him she had received an unofficial response from the LCB regarding the ability to do a raffle and was told it was a go. Director Mayer then spoke with Assemblyman Goicoechea whom was told by the LCB that constitutional amendment would be required; two differing responses to the same questions asked and answered by different people. This week both Assemblywoman Smith and Assemblyman Goicoechea are going to work out the differences and they will be talking to Randy Stevens about whether a raffle can be done or not.

Ms. Jolly said she researched previous AG opinions that Department had received over past 20 years pertaining to raffles and all reflected constitutional change.

Mr. Bliss said that the main difference in the two tag ideas was the multiple chances at the same tag – the more and more chances then it becomes a raffle/lottery and that does require constitutional change.

Dir. Mayer said it will not be a Department BDR it will be a legislator sponsored bill and credited Mr. Chad and Eureka CABMW with following all the processes and kudos to them for doing that. Director Mayer said this week he is to send a list to the governor's office and lot of time between now and the session to work on these.

Ms. Jolly said that we also didn't want to put the Committee or the Commission in the position of having to choose to support one of the other because both of these ideas would not be sponsored by NDOW. There still were a lot of things that were unknown and the two legislators were going to talk.

Chad Bliss asked if the raffle is allowed, would these two tag ideas be combined? After the language was revised would it be sent out to the boards again, to see if CABMWs and Commission have an appetite to do this? He ran the multiple change tag idea by his board (Eureka CABMW) they were against multiple chances on the basis that the average sportsmen has a better chance with the Silver State Tag. They did want money to go to the Heritage Account as opposed to another account because they thought that was the best place for it.

Chairman Bentley said if we continue this regarding petition process and nothing has ever come through on the Mega Tag to the CABMWs, and if a major change was done to the Silver State Tag it would have to go out to the boards again.

Ms. Caron said they are two separate items – one is a petition, and theirs is an idea (the Mega Tag) to give the Department a different revenue stream, and did not look at the petition process, and get an idea from

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the legislature and not even trying to compete with Eureka's petition. Similar to previous petition and possibility change to allow raffles.

Dir. Mayer said Ms. Caron needs to continue with Assemblywoman Smith and the petition rulemaking to go ahead as well.

Mr. Bentley said under that scenario need to be made plain that these are not competing ideas because SST is a tweak of current authority, and the Caron idea is a completely different tool.

Ms. Caron said it would be a way for the Department to get revenue and would allow marketing to provide money.

Ms. Jolly said staff can make sure the legislators know that these are not competing ideas.

### **Next NDOW BDR was the Wildlife Overpass in Elko County**

Ms. Jolly said that the wildlife overpass in Elko County does not need legislation. Director Mayer said that we heard from NDOT that the project was approved and NDOT may have \$3 million available. Director Mayer said that also, the Nevada Record Book Committee is going to commit some dollars as well, and that will be done without legislation.

Mr. Gerald Lent asked why you would not want to pursue a BDR. This is one spot and would advise that it be put into law that wildlife be taken into consideration when any highway project is undertaken, and if in law it would always be considered especially as roads go through critical wildlife habitat.

Ms. Jolly said that that is one that is a great idea in looking at the whole state on the broader concept, and that it would be better to have that idea come be asked for by the public, as opposed to state agencies.

Mr. Hunt said Game Chief Russ Mason and Habitat Chief Dave Pulliam are looking into getting someone from the public to help with that type of BDR. Director Mayer said we could add that to the idea list to be sponsored by someone from the legislature.

### **Review and Recommend Support for NDOW sponsored BDR ideas –**

Ms. Jolly provided an overview of the NDOW-sponsored BDR ideas. She opened that what we submit to the Governor's office will be conceptual summaries and not have so much detail and many will be combined. Also, that any general fund requests are not recommended, but that we have to try for some of them.

Nuisance Bear Program Funding affects the Dept. most drastically and we are just asking that the state step up and support our work in nuisance wildlife, as its very understaffed and last year was a watermark year for the number of bear calls, and the bears will come regardless of our budget cuts. Bentley said in Southern Nevada they had the same situation but with bobcats in the south and asked if we would be asking for support for all nuisance wildlife. Jolly said we originally had kept it to bears because we had been advised by the local governments, but she has made it broad enough to address all nuisance wildlife issues statewide.

Ideas #2, 3, and 4, all related to habitats, the sage-grouse and war on cheat grass, and staff support will be combined into one BDR. Director Mayer said while at the North American Conference he figured out dollars from IMWJV and assisting funding shared positions with NRCS, and talked to USFWS staff Bob Williams and the USFWS might be willing to pay the state's part and may be options to get those positions funded. He said we are the only state in the west with no NRCS funded positions and that needs to be changed. Director Mayer asked Steve and Chris about combining bills or keep them separate BDRS. Mr. Robinson said #4 may look anti-development and could be rephrased to gain support, keeping that one as one single bill would be better. Commissioner McNinch said with sage grouse someone is going to have to make statement that sage grouse is of concern and if we don't demonstrate that the sage grouse can be protected. Director Mayer said the United States Fish and Wildlife Service will decide Dec. 4 whether to list sage grouse and if it's not listed more legal wrangling will start, and will soon know status of either – threatened or endangered. Ms. Kim Jolly stated she heard to keep #4 separate from the other legislation.

### **BDR ideas #5 through 9**

Ms. Jolly reported that we would be grouping the LE bills together strengthening wildlife laws all together, the clean-up language all together, and the clean-up language on boats together. She directed the group's attention to support material and side-by-side comparison of ski flag law. The intent is to raise the age of the driver of the boat so that it's more in line with other states' watercraft safety, and make it less confusing to watercraft operators. The language has exceptions in it now and we want to take those two exceptions out Its so complicated that the age ends up being 10, and the law was never intended to be age 10 to drive a boat towing someone. If the Governor doesn't support this as our BDR, Law Enforcement said that Assemblywoman Francis Allen may be willing to help.

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On number 5 (enhancing civil penalties for waste of wildlife), Chairman Bentley said definition of wanton waste needs to be clarified. Ms. Jolly said that at the last committee meeting after two of you left, we discussed that and that Commissioner Robb had also recommended that. Chief Buonamici agreed, and said that we could start drafting a definition in NAC of wanton waste now and not wait. Chairman Bentley said we should start that whether or not we proceed with this BDR.

Ms. Jolly said the last NDOW BDR idea on the list was to ask for funding for game warden time spent doing non-wildlife related law enforcement. However, unless we get a legislator or group to sponsor this one, it may not be realistic for us to ask for general fund; ideally a legislator who is an avid hunter, or former law enforcement officer, possibly a democrat in the fiscal area. For example, a game warden stops someone for a wildlife violation and then is delayed a few hours because while running a check on them they find out they're suspected of murder or drug deals. Director Mayer said Wardens provide public service funded by sportsmen, and need to keep asking for money to assist sportsmen in footing the bill for public safety duties regardless of whether or not it is viable. Mr. Davis of the Nevada Conservation League said this is better if it were sponsored by a legislator.

This exact list will not be submitted to the Governor, this will all be boiled down to two or three sentences per idea, said Ms. Jolly. It is for review in detail by the Committee as an advisory entity and we will already have the detailed language ready to go.

### **Asked for any Public Comment**

Gerald Lent asked if fee increases will be included in legislation for wildlife revenue.

Dir. Mayer said the Governor told all directors of executive agencies (his cabinet) no new fees, no new taxes for anybody.

### **Deadlines**

Dir. Mayer - We probably won't hear back immediately on these ideas. But it will be at least one month before we actually submit the BDRs; the official deadline is Aug. 29. We will have the spring and summer to find sponsors. Ms. Jolly said legislation with fiscal impacts must be incorporated into our budget office submissions, and deadline for non-budgetary BDRs, like our clean-up language (most of those law enforcement ones) will be May 1.

Ms. Jolly asked if anyone on the Committee wished to make a motion.

Commissioner McNinch moved to approve in theory the concepts put together by NDOW for the NDOW sponsored BDRS (1 – 11) and make recommendation to the full Commission that we support those concepts.

Commissioner Robb seconded the motion. Motion carried unanimously.

### **New Business**

Add legislative report-informational only, to the Wildlife Commission's May agenda and at that time we will have the option to plan the next meeting.

Director Mayer said the Governors three priorities – Energy, health care, and public safety.

Ms. Caron asked if Committee would take a stand on #3 (non-NDOW sponsored BDRs).

Commissioner McNinch said he would recommend waiting until the ideas are fleshed out and to see what pans out before voting on them, and Ms. Jolly said she agreed with that suggestion.

Dir. Mayer said we need to keep working toward the same goals, and iron the differences out.

Commissioner McNinch said he appreciates all of the hard work that has been done, by the individuals Mr. Bliss, Ms. Caron, and Ms. Belding.

### **Asked for any additional Public Comment – None.**

Bentley said no meeting prior to the May meeting and adjourned the meeting at 1:55 p.m.