

Legislative Impacts Report for Commission Meeting – April 6, 2009

DEPARTMENT TRACKING

The Department is currently tracking 89 bills or resolutions, 28 Bill Draft Requests (BDRs), and has been asked to prepare 16 fiscal notes to date. To date, 16 are high priority bills. The topics range from technical legislation that concerns all state agencies such as public records, open meeting law, state financial administration; to bills that might affect NDOW operations such as law enforcement related bills, and of course, wildlife-related legislation. The Divisions have identified the impacts and concerns for these pieces of legislation.

HIGH PRIORITY & WILDLIFE RELATED LEGISLATION

AB18 (by Committee on Ways and Means) is a funding bill for the bonds to support the Lake Tahoe Environmental Improvement Program. A portion includes funding for the protection of wildlife and its habitat; which our Diversity staff is a part of.

AB73 (by Assembly Committee on Natural Resources, Agriculture, and Mining, on behalf of the Dept. of Wildlife) is the department's boating bill, a long needed cleanup bill which clarifies driver age of boat w/ skier, and eliminates obsolete language. Although this passed without amendment from Assembly Natural Resources, it is currently on the Assembly Chief Clerks' Desk until further notice.

AB77 (by Assembly Committee on Natural Resources, Agriculture, and Mining on behalf of the Dept. of Wildlife) is one of the department's bills on law enforcement which increases civil penalties for waste of certain trophy game, and to deter others from allowing big game to waste in the field. This bill was discussed in several meetings with the Commission and CABs and amendments were developed with the department. That would be introduced as an amendment to the bill at the formal hearing in Assembly Natural Resources Committee. Law Enforcement prepared a Fiscal Note for this (revenue increase). The bill has not been scheduled for hearing yet.

AB171 (by Assem. Segerblom) is a well-publicized bill that would legalize fish pedicures in Nevada. The bill is silent as to species of fish that would be allowed to be used – but of the fish that are used in fish pedicures in Asia: *Garra Rufas* and *Chin-Chin* fish, these are both potential invasive species that could cause ecosystem disruption. The Board of Cosmetology is the proposed regulator. NDOW is concerned about a non-wildlife entity regulating introduction of species. All other states where this has come up have banned this practice, and US Fish & Wildlife Service has serious concerns. It is awaiting a hearing in Assembly Commerce and Labor.

AB183 (by Assem. Goicoechea), this legislation was brought forth from the Eureka county advisory board to increase hunting opportunity and increase revenue for the Heritage account. This bill has a fiscal note for programming costs; that however would be outweighed by the bills potential to produce millions of dollars for the Heritage account. It is awaiting a hearing in Assembly Natural Resources Committee.

AB194 (by Assem. Goicoechea) is a bill on regulation of professional guides, sponsored by an Assemblyman and the Guides association. Our law enforcement chief was asked to help with this bill and its amendments, since that Division would implement the changes. There is a Fiscal Note (revenue

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increase) associated with the bill as it was introduced, which may change with adoption of the amendment. This recently passed out of the Assembly Natural Resources Committee and will move onto the Assembly floor.

AB241 (by Assembly Committee on Natural Resources, Agriculture, and Mining) mandates that no less than 40% of Heritage money must go to control predators for mule deer. This bill reduces the discretion of the Wildlife Commission, and has the potential to limit NDOW's ability to apply Heritage funds toward the management of all game species. This has the potential to severely limit NDOW's ability to utilize sound scientific principles as the basis for making informed management decisions. The Heritage fund is generated through the purchase of Wildlife Heritage Game Tags, not only muledeer tags. In 2009, 2 mule deer tags were approved. Also approved were 2 antelope, 2 elk, 2 desert bighorn sheep, 1 Rocky Mountain bighorn sheep and 5 turkeys. Criteria for Heritage project selection include financial and in-kind contributions from other organizations; the majority of which are not mule deer conservation organizations, but other groups focused on other species. This bill is scheduled for a hearing in Assembly Natural Resources Committee on April 6th.

AB246 (by Assem. Bobzien) is the Apprentice Hunting License bill, which creates a try before you buy opportunity for new hunters to go hunting with a licensed mentor, exempting the apprentice from hunter education once in their life. This would create a free license but would still pay for stamps and other fees. This idea is based on the Families Afield programs in 27 other states. An amendment was proposed at the Assembly Natural Resources Committee hearing to allow the department to require that the mentor ensures that the apprentice has demonstrated that he or she is capable of safely handling and shooting the firearm, and obeys all wildlife laws while in his or her presence, and the amendment would allow the Department to charge the habitat conservation fee and other fees associated with licenses. This amendment will trigger the revision of the current fiscal note since the new language would provide revenues that are estimated to more than pay for the programming costs after the first or second year. This bill is eligible for exemption from deadlines.

AB362 (Assem. Claborn) Requires that the \$3 fee must only be used for Commission approved projects related to predator control for the enhancement of mule deer. This fee is collected from the sale of all tags, the majority of which are not specific to mule deer. By removing the opportunity to apply funds generated by this fee for research and monitoring, the bill has the potential to eliminate NDOW's ability to utilize sound scientific principles as the basis for making informed management decisions, (as was the legislative intent by AB 291 in 2001). By specifying mule deer only, the language of the bill suggests that all other game species (i.e. those other than mule deer such as elk, antelope and bighorn sheep) which contribute the majority of the predator fee are not at risk from predation and would not benefit from NDOW's predation management program. This bill will be heard in Assembly Natural Resources Committee.

AB437 (by Assem. Debbie Smith) this is the "Dream Tag" drawing based on other state's who have a similar program. This would provide more hunting opportunity and an estimated quarter of a million dollars in revenue for fire rehabilitation through a raffle or lottery managed by a non-profit. In Nevada, lotteries are prevented by the state constitution so as not to compete with casino gambling, so a non-profit would have to administer any lottery. This bill is awaiting a hearing in Assembly Natural Resources Committee, but it is eligible for exemption from deadlines.

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AB516 (by Assembly Committee on Natural Resources, Agriculture, and Mining) Requiring that the Board of Wildlife Commissioners must approve the use of that money and certain fees and any matching money received by the Department before it's deposited into the Wildlife Account. There is concern that this would put into jeopardy millions of dollars of grants, and shifts oversight for the Executive Budget to the Wildlife Commission. This is unprecedented, as there are no other commissions known in the state with fiscal authority. Multiple statutes affected, although those are not noted in the bill. This will be heard in Assembly Natural Resources Committee on April 1st.

SB 42 (by Committee on Government Affairs, on behalf of Public Works Board) is a bill which transfers final authority over the acceptance of certain public buildings and structures from the State Public Works Board to the deputy manager for compliance and code enforcement. Amendments to SB42 proposed by NDOT, State Parks and NDOW to streamline the capital improvement implementation process involving certain types of buildings, and other structures, along with site improvements, highway and maintenance projects completed by specified agencies with licensed staff professionals, by exempting such projects from SPWB oversight regarding code compliance plan reviews and inspections, and fees associated with such oversight:

- (a) Expressly exempt smaller buildings under 1,000 square feet, staff residences, and normally unoccupied buildings and structures constructed by the Nevada Department of Wildlife and Department of Conservation and Natural Resources (Division of State Parks) from SPWB oversight.
- (b) Exempt buildings and structures associated with highway maintenance from SPWB oversight.
- (c) Resolve ambiguities among the NRS, building codes and attorney general's opinion regarding public works projects that should fall under SPWB permitting jurisdiction, expressly exempting unenclosed buildings or structures; site improvements such as roads, boat launches and campgrounds; and, maintenance projects completed by the specified agencies.

Amended and passed by Senate Government Affairs.

SB108 (by Senate Committee Natural Resources) is a bill sponsored by the Legislature's Public Lands Committee, this would require removal of mining claim posts in order to prevent animals from getting trapped in them. It has passed out of Senate Natural Resources with an amendment to delay implementation by mining companies.

SB146 (Senate Committee on Finance) a bill to provide funding to the Department of Wildlife for sagegrouse and wildfire rehab from the Dept. of Conservation and Natural Resources' Question 1 funding. It passed out of Senate Finance with a clarifying amendment that provides \$225K (over two years) of Q1 funding to create and fund a coordinator position for the War on Cheat grass.

SB280 (Senator McGinness) is a bill that addresses the transfer of Carson Lake and Pasture property to NDOW in 1-2 years and the hunting fee currently charged there. This would continue the existing fee at Carson Lake and Pasture for hunters (currently charged by a private hunt club) at the same annual and daily rates currently charged. This will be heard by the Senate Natural Resources Committee on April 2nd (confirmed 3-28-09). A friendly amendment will be offered to deposit the fees for credit to the Wildlife Account, and require rather than allow that the money be used to operate and manage the Carson Lake Wildlife Management Area.

SB394 (Senate Energy, Infrastructure, and Transportation) is the latest iteration of the OHV registration bill. In this version, Game wardens are outlined to assist with law enforcement of current registrations.

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With the small amount of game wardens per square mile across the state, additional wardens and intense public education about our enforcement is needed. Twenty percent of a discretionary fund is outlined to be possibly be shared between all sheriff's offices, peace officers and NDOW. But since this is discretionary, nothing is guaranteed. Was heard in Committee, amendments were proposed, and the agencies will work with the bill authors.

UPCOMING DEADLINES

Upcoming deadlines for non-exempt bills include: April 10th – the deadline for a bill to pass through Committee of the First House, April 21st – the deadline for a bill to pass through the floor of the First House, May 1st – deadline for bills to pass through Committee of the Second House, and May 15th – deadline for bills top pass through the floor of the Second House.