

## **Nevada Board of Wildlife Commissioners - Legislative Committee Meeting**

NDOW Conference Room, 1100 Valley Road, Reno, NV.

### **Legislative Committee Members:**

Commissioner Daryl Capurro (committee chair), Gerald Lent, and Charlie Howell.

Staff to the Committee: Kim Jolly

*An asterisk denotes action items.*

### Agenda

Friday, January 22, 2010 / Time: 8:30am

1. Call to Order – Chair Daryl Capurro\*
2. Public Comment Period\*  
The public is encouraged to comment on issues on or off the agenda. No action may be taken by the Committee on items not agendized in response to public comment. Any item requiring Committee action will be scheduled on a future Committee agenda.
3. Review and Take Action to Support Conceptual ideas for Department's Bill Draft Requests (BDR)\*  
(See Support Material)
4. Review and Take Action to Support Conceptual ideas for Non-Department Bill Draft Requests (BDR)\* (See Support Material)
5. Adjourn\*

*Note: In accordance with NRS 241.020, this agenda closes three days prior to the meeting date and has been posted at the following Department of Wildlife offices: 1100 Valley Road, Reno, NV 89512; 4600 Kietzke Lane, Reno, NV; 60 Youth Center Road, Elko, NV 89801; 4747 Vegas Drive, Las Vegas, NV 89108.*

*Notice to the Public: Members of the public wishing to participate should appear in person at the physical meeting location, or may submit written comments to be contained in the exhibit. Nevada Department of Wildlife receives Federal Aid in Fish and/or Wildlife Restoration. The U.S. Department of the Interior prohibits discrimination on the basis of race, color, creed, religion, natural origin, age, sex, or disability. Individuals with hearing impairment may contact the Department via telecommunication device (TDD) (775) 688-1550. Individuals with a disability who are in need of special services should contact the Department at least 24 hours prior to the meeting at (775) 688-1599.*

CONCEPTUAL IDEAS FOR DEPARTMENT BILL DRAFT REQUESTS (BDRS)

**TOPIC - LAW ENFORCEMENT (#1 THROUGH #9)**

**1. Revise NRS 62C.060 – Custody and detention of a child alleged to have committed offense involving a firearm**

- Current language requires arrest of a child that is committing or has committed an unlawful act that involves the possession, use or threatened use of a firearm. Requiring the arrest of a child for non-violent firearms violations (example: Unplugged shotgun, shooting from a roadway, etc.) takes away any officer discretion for such incidents. NDOW would like officers to have discretion when dealing with a child for incidents involving non-violent misdemeanor firearms violations. (See draft legislation)

**2. Add a new section to Chapter 62E or NRS – Certain offenses concerning unlawful killing or possession of wildlife: Penalties and revocation of licenses**

- Add a new section providing guidance for Juvenile Court Judges for revocation of licenses and penalties for a child who is adjudicated delinquent for the unlawful killing or possession of a big game animal in violation of NRS 501.376. (See draft legislation)

**3. Revise NRS 503.597 – Introduction or removal of aquatic life or wildlife: Approval required; investigation; regulations**

- Add language to address a substantial deficiency in existing law for the criminal and civil punishment for the crime of introduction of injurious aquatic wildlife. By matching the gravity of conduct currently prohibited by State law with criminal and civil penalties equivalent with the egregious conduct the Department hopes to deter such future behavior. (See draft legislation)

CRIMINAL - A felony and gross misdemeanor provision would provide a greater disincentive to illegally introduce injurious aquatic species that pose a substantial threat of destruction to a game fish sport fishery and protected, threatened, sensitive and endangered aquatic wildlife. A greater disincentive will enhance the protection and preservation of a viable sport fishery, aquatic natural resources and water quality of the State of Nevada.

CIVIL - The tremendous magnitude of potential damages which can arise from such prohibited conduct and the cost to the State/taxpayer/sportsman for removal, clean up, habitat restoration and reintroduction of species is not sufficiently covered in existing law. A substantial civil penalty would reimburse the taxpayers/sportsman of the State for response and remediation of expenses incurred by the prohibited conduct. (See draft legislation)

**4. Revise NRS 501.385 Unlawful acts; criminal penalties** - Per NRS 501.385 misdemeanor violations of Title 45 have a maximum dollar penalty of \$500 whereas other State misdemeanors have a maximum dollar penalty of \$1,000 (NRS 193.150). The Department would like to have Title 45 misdemeanors in line with general misdemeanor violations. (See draft legislation)

**5. Add a new section to Chapter 171 or NRS to include - Interstate Compact for Jurisdiction Enforcing Wildlife Laws**

- Enforcement of wildlife laws has been impaired along the contiguous boundary of Nevada because of remote wilderness locations, limited remote law enforcement forces and multiple remote access points in which a person committing a criminal act can flee to a bordering State.

Intent is that a person committing an act, which is illegal in this State or a bordering State, be apprehended by either State for certain criminal acts committed when encountered within 50 air miles of the contiguous boundary of this State.

The Interstate Compact for Enforcement of Wildlife Laws would be enacted to promote expeditious and effective law enforcement service to the public, and assistance between the members of the Department of Wildlife and those agencies, in areas adjacent to the boundary of this State by providing for enforcement of laws with regard to certain acts committed on either side of the boundary line with an adjoining state. (See draft legislation)

**6. Revise Chapter 501 of NRS by adding a section regarding wildlife violations committed in another jurisdiction found in Nevada territorial jurisdiction** - Providing for the enforcement of wildlife violations committed in another jurisdiction found in Nevada (whether a violation of the United States, Another State or Territory, an Indian Tribe, or foreign country) would augment enforcement and cooperation between the Department and various other government entities to protect wildlife. Language adopted would enhance the State of Nevada's ability to combat the global and domestic trade of illegal wildlife and would be a State adaptation of the Federal Lacey Act (the oldest national wildlife protection statute) passed by congress in 1900. (See draft legislation)

**7. Revise NRS 488.550 Collisions, accidents and other casualties** – Change the boat accident reporting requirement from \$500 to \$2,000 to mirror current federal standards and allow for better use of Department time and manpower when investigating property damage boat accidents. (See draft legislation)

**8. Collection of wildlife fluids** - This issue will be addressed in regulation.

**9. Felony wanton waste** - The Department no longer desires to enhance the penalty for wanton waste from a misdemeanor to a felony.

**TOPIC– BEAR AND NUISANCE WILDLIFE FUNDING (#10)**

**10. Human-Wildlife Conflict funding**

Money and NDOW staffing to address human-wildlife conflicts in the urban interfaces of Nevada, primarily bears in Washoe, Douglas, Carson City and coyotes in Clark Counties. Public safety is at risk due to increased numbers of black bears and nuisance wildlife in other areas of the state. To include a toll-free telephone line (\$12K) for all Nevadans to access to identify issues and concerns so that human-wildlife conflicts are resolved promptly, Increase human safety, and citizen understanding of corrective actions. Also, money to fund Wildlife Services for the removal of raccoons, coyotes, and nuisance wildlife.

**TOPIC - NEW LICENSES/PERMITS/FEES (#11 THROUGH #14)**

**11. Expand Nevada Special Fishing Permit** - Amend NRS 502.077 to include organizations, foundations, programs, and educational institutions for the benefit of children. Currently many scout groups and schools apply but because they are not listed, they do not qualify. We should be trying to get children into fishing before they become at-risk, not restrict it to clubs for at-risk. Other groups that continue to qualify would remain (mental health facilities, correctional or detention of juveniles, rehab centers, elderly care facilities, foster care facilities for those not delinquent.)

**No legislative BDR needed, these can be done now through NAC. Because of authority through NRS 502.240:**

**12. New fishing license for “snowbirds” in bordering waters** –Arizona has a \$25 Nevada-waters fishing license. They are currently undercutting us (our license is \$40 and they are getting these sales.) (\$3 Colorado River Stamp would still be required.) Restricted to non-residents in shared waters (Arizona and California). This license would be cheaper than Arizona’s similar license

**13. Require a hunting license or shed permit to participate in shed hunting in Nevada** –There are many shed hunters that come from other states to Nevada and profit commercially and recreationally off of Nevada’s wildlife without paying their fair share, and without learning the laws and ethics of interacting with wildlife. Those individuals without a Nevada hunting license who wish to only shed hunt would be required to purchase a shed hunting license or permit (maybe \$10) and to take a free online class to educate them on wildlife and the ethics and laws associated with wildlife. The other option would be for shed hunters to purchase a hunting license, which requires hunter education for most people. NRS 502.240 – special permit could be NAC 502.250.

**14. Increase fees for Landowner Damage Compensation Tags** – NAC currently, the fee for the tag is \$50, cannot exceed \$120 for resident and \$1,200 for non-resident per NRS. Currently, landowners participate in the program for free...no application fees to the landowners. These associated fees do not pay for the program itself. Propose to increase to reasonable fee. Per NAC 502.426 (8).

Would need NRS change if desired to create a fee for landowners to participate (have staff come out and analyze the count.). Application fee (somewhere in chapter NRS 502.145). Percentage of what they reap?

**CONCEPTUAL IDEAS FOR NON-DEPARTMENT BILL DRAFT REQUESTS (#1 THROUGH #3)**

1. **Creating a Legal Defense Fund (Lent)** - To head off the anti-hunting lawsuits, or for the wild horse issue. Possibly it could go to/come from the general fund. Not a voluntary donation, but another fee like the predator fee. Application fee - \$10, we aren't using all the \$10. Have a "protection fee" that would build up.
2. **Require the dept. to look at all possible solutions to solve it (Lent)** - When there is a deep drop in the number of a species, this would require the biologists to look at everything as a possible cause. Alaska and Idaho have similar proposals right now.
3. **Expanding the usable percentage of the Heritage Fund and its Interest (from 75% to more)** –  
Change the law to allow up to 90% of yearly activity revenue generated by the Heritage program, PLUS the interest generated from the sequestered reserve. Also, recommend that we be able to "roll-over" those revenues not spent in this fiscal year to the following fiscal years.  
Remove the sequestration feature of the reserve, currently around \$5.7 Million, and allow for MAJOR acquisitions or overhauls (the helicopters are an example), purchase of vehicles used for transplantations or translocations, MAJOR habitat rehabilitation projects, and so forth. I would suggest that we must maintain a \$ 1,000,000 sequestered reserve, or to designate its expenditure for only emergency purposes.