

**Legislative Committee Members:** Chair Chris MacKenzie, Commissioners Michael McBeath and Jeremy Drew, Tina Nappe and Kyle Davis.

**Staff to the Committee:** Kim Jolly,  
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**Nevada Board of Wildlife Commissioners - Legislative Committee Meeting**  
Nevada Department of Wildlife Headquarters (NDOW)  
Conference Room B, 1100 Valley Road, Reno, NV

**Approved Minutes**

Tuesday, July 24, 2012 / 10:00am

**Present:** Committee Members: Chair Chris MacKenzie, Commission Chair Michael McBeath (by phone), Commissioner Jeremy Drew (by phone), Tina Nappe and Kyle Davis; NDOW Staff: Kim Jolly, Management Analyst 3/Legislative Liaison (staff to committee), Chief Game Warden Rob Buonamici, Captain Kristy Knight; Public: Trish Swan of TrailSafe, Carolyn Stark, John Reed of Washoe CAB, Mike Smith, Bob Brunner of Coalition for Nevada's Wildlife, Terri Frolli of USDA Forest Service, and Lloyd Peake.

**1. Call To Order–**

Committee Chair Chris MacKenzie called the meeting to order. All members present; Commission Chairman Mike McBeath and Commissioner Jeremy Drew by phone. Chair MacKenzie introduced himself and the two new committee members: Tina Nappe and Kyle Davis who are interested and involved in legislative matters. Chair MacKenzie explained the public comment process for this meeting.

**2. Approval of Minutes – Possible Action**

Chair MacKenzie noted that the Legislative Committee has entirely new membership since that meeting was held. No committee comment. No public comment. There was no action to approve the minutes.

**3. Discuss the upcoming 2013 Legislative Session:**

**3A.** Elections, potential legislation/ issues, and events for the upcoming session (Possible Action) – Kim Jolly

**Elections**

MA 3/Legislative Liaison Jolly introduced herself, explained the changes that had occurred over the Interim so far with redistricting, primary elections, and then described the issues and committees that NDOW will be monitoring during the 2013 Session. For comparative purposes, Jolly passed out last Legislative Session's list of 2011 committee members for Natural Resources and Judiciary for both houses, and discussed the election status of those members. She commented that the Legislative Counsel Bureau (LCB) staff posted the winners of the Primary elections. Wildlife related bills, including NDOW's draft BDRs would most likely go to either of these two committees for each house.

MA3/Legislative Liaison Jolly asked for comments by Committee Member Kyle Davis on election issues as that is his specialty. Mr. Davis commented about certain committee candidates who were on the Assembly and are now running for State Senate.

**PUBLIC COMMENT:** Trish Swain with Trail Safe, asked about election table.

Staff and members responded. Chair MacKenzie asked MA3/Legislative Liaison Jolly to review the BDRs filed.

**BDRs to Date**

MA3/Legislative Liaison Jolly reviewed the list of Bill Draft Requests (BDR) filed thus far that was pulled from the Legislative Website, explained BDRs do not have any language yet that she tracks those that appear to affect wildlife, wildlife management issues, public lands, and those which affect the operations of NDOW as a state agency. Pointed to a few being watched: BDR #83 concerning watercraft, the Special License Plate BDRs #75, 76, and 77; and BDRs #114 and 115 on wild horses and animals.

**NDOW BDRs**

Committee Chair MacKenzie gave an overview of the Bill Draft Request process - the Nevada Department of Wildlife submits BDRs for approval to the Governor. They don't go through the Commission because they are independent. Then if the Governor approves then they would be introduced during the Session. Committee Chair MacKenzie asked Chairman McBeath if the Commission took any action on the NDOW BDRs since they were presented to the Commission in June; McBeath said no action, the information was very general and would like more detail. Then he asked Chief Game Warden Rob Buonamici to present the BDRs. Chief Game Warden Rob Buonamici presented the two law enforcement BDRs that the Department submitted.

#### State Lacey Act provision

Similar to the Federal Lacey Act which says anyone who takes wildlife against a state law and then transports that wildlife into another state that wildlife is deemed illegal automatically. Under those parameters we have to work in conjunction with the Federal FWS agents to pursue. While most of our agents are deputized for federal, NDOW still works with Federal agents. That works well on the bigger cases, but many states have gone to a State Lacey Act. NDOW's proposing similar short and simple language – such as, it is unlawful for any person to have in his possession any wildlife which was acquired in violation of the laws thereof, borrowed the Colorado language.

Example: If NDOW is contacted by Colorado F & G that there was a poaching in Colorado and suspect is on his way to Nevada.

Mr. Davis –in the simple summary is missing a word illegally after another state; noted by staff.

Ms. Nappe asked how frequent these are, examples.

Chief Game Warden - One example is when another state calls us for assistance. Another example is on our state borders. Example: Oregon big horn sheep season, illegal kill and then the poacher moves in and out of state lines and have to come into Nevada. This makes it so that we can act solely as a state officer with this type of provision, otherwise we'd have to work in conjunction with federal officers. For major investigations that works out, but when you have a moment's notice checking a hunter close to the border, and we determine that was poached in Utah we could take action with this provision. As opposed to now, we are delayed trying to get a hold of the federal agents, asking to take action with their blessing.

Chair MacKenzie asked for any other questions from committee, then asked for public comments. There was no public comment on this item. Then asked if they should take any action on recommendation to Commission, MA3/Legislative Liaisons Jolly suggested waiting until NDOW receives Governor approval and language so that we can bring the full language and background to the Committee/full Commission and CABs, so that it's easier to understand and more official. Committee agreed that was good idea. No action.

Boating BDR – two cleanups combined into one. First, is to change the Boat Accident reporting level from minimum of \$500 to \$2000 so that it matches the federal limit. Currently \$500 ties up our officers on investigations, when insurance companies are more central. Mr. Davis inquired whether this would be just the threshold for which you have to report, but not preclude. Buonamici summarized this would just require that people report boating accidents if damage was above \$2000 rather than \$500. That it doesn't preclude people reporting lower threshold accident. NDOW would still take a report if someone wants to give it, and for insurance purposes. NDOW Boating receives our funding through the US Coast Guard, and their threshold is \$2000. And this isn't injury or death; those are all investigated and reported. NDOW responds to all of them.

Committee Member Ms. Nappe asked how people know its \$2000 worth of damage, and if they report after the fact. Chief Game Warden Buonamici summarized that officers arrive on scene or they call the following week and want an accident report for their insurance company.

Second part of the boating bill, further explains the stolen boat process for all peace officers. Current law that it's illegal to alter the HIN (hull identification numbers) similar to a VIN number on a car and there are other identification numbers on a boat. NDOW isn't the only agency that investigates stolen boats, in fact most are reported to other law enforcement agencies – so we created this proposed BDR to mirror the stolen automobile statute, so that its unlawful to tamper with any of those numbers, then that is probably cause to seize the boat,

etc. Makes it easier for other law enforcement because they're already familiar with how to deal with stolen autos; it mirrors that process.

Chair MacKenzie asked for public comment. No public comment on that BDR. Committee will hold off any action to recommend to the Commission support pending BDR approval from Governor, getting language, etc. MacKenzie commented that it is early in the process so he appreciates NDOW bringing to our attention now.

### **Potential Issues**

Chair MacKenzie said we have a very broad agenda of issues we're talking about, we've talked about potential BDRs, and the 2 proposed from NDOW. Any other issues committee members want to discuss?

Committee Member Nappe said she'd like to know the scope of the Committee's responsibilities and in relation to activities along with the Department, such as the budget, BDRs, seeking sponsors for new ones, responding to others, etc. Chair MacKenzie decided to address agenda item 3B first.

### **Events**

(There was no discussion of Events – though there was a handout in support material which included Legislative Luncheon and Sportsperson Conservation Day at the Legislature being February 13, 2013.)

### **3B. Role of the Legislative Committee (Possible Action) – Chair MacKenzie**

Chair MacKenzie - In his experience, this is a subcommittee of the Commission. Every now and then there would be a BDR from the Department. The Commission and the Department sometimes have different positions on bills and that is ok. As mentioned the Department submits BDRs through the Governor's Office independent of the Commission. If the Commission had desire to have a BDR they would find a sponsor, but should also seek approval to do that through Governor since they are appointed by Governor. He sees the committee's role more as finding out potential bills out there, and discussing impacts and bringing to the attention of the Commission and CABs for their action. MacKenzie asked McBeath for his input. More keeping them apprised of what's going on and issues to be aware of.

MA3/Legislative Liaison Jolly – This committee does the nitty gritty work and brings to the commission. In the previous 2 Sessions the Legislative Committee reviews bills, will make recommendations and bring that to the full Commission and CABs and gather everyone's feedback. Then Commission votes on the official position to support/oppose/watch, or suggest amendment. This then would go through Governor for approval if testifying, and then the commission would send a letter or send someone in person to testify.

Commission Chair McBeath said only thing to add is that the Trapping Committee will be looking at two legislative issues – the 96 hour trap visitation statute and the registration statute. The Commission has received a lot of pressure to act in this area – these two items have been delegated to the Trapping Committee to take public comment on those two important issues. With the caveat that the Commission has little they can do (regulation-wise) because they require legislature – so the only thing the Commission could do if they felt the need to do something would be in the nature of a BDR, getting a legislator to be a friendly proponent of that. That's all they could do. If the Trapping Committee recommends legislative change, before that moves to Commission to be vetted he would like the Legislative Committee to delve into that and determine if it's something to pursue. Some of these will come up anyway. The Legislative Committee will discuss if the Commission should take an affirmative action as opposed to waiting to deal with it from another standpoint.

Chair MacKenzie commented in understanding.

MA3/Legislative Liaison Jolly asked a procedural question: the Heritage Changes mentioned in the Heritage Committee and Finance Committee should go straight from there to the Commission, or come to Legislative Committee first. Deputy Director Patrick Cates was going to discuss our budget, and the Heritage Account change to Legislative Committee, today but something must have come up. Commission Chair McBeath said the budget review can go straight from Finance to full Commission, and if there are any legislative changes coming out of that we could do it either place. It would depend on the nature of the issue.

MA3/Legislative Liaison Jolly - I can't explain it full the way he would but, it was a matter of reallocating money to other projects across fiscal years. NDOW submitted a regulation to do so, but the LCB said that there is no authority to do that in regulation, which Deputy Director Cates advised the committees of this and need for a BDR. Would not be a NDOW BDR because we've already submitted but also because the Heritage Account is under the Commission's discretion, and need to consider political vulnerability during a session.

McBeath said they'll have the Finance Committee examine it and then decide whether to bring to Legislative Committee or not.

MacKenzie summarized that direction, and then asked for any questions. Legis. Comm. is never acting on our own, just advisory to commission. No public comment regarding this item. No action. He went back to committee asking for potential issues.

### **Back to Agenda Item #3A - Potential legislation/issues, and events**

Committee Member Tina Nappe said she wasn't sure what legislation would come out of the Governor's Sage-grouse Task Force, but see it as something we need to be watching. There was some discussion about expanding the responsibilities of State Lands to include some sage-grouse coordination. There is a lot of interest in obtaining funding and not sure how that will affect the Department, good or bad. But I see something happening with that.

Committee Chair MacKenzie mentioned a potential issue he's heard about a legislator proposing the Department of Wildlife go back into the Department of Conservation and Natural Resources. We need to determine how to address that one.

Then Committee Member Nappe was asked to report on the Sage-grouse Task Force, which she is on. She summarized their actions and said she hopes the state takes ownership of its responsibilities of future of public lands and protecting habitat, need for mapping, funding. The group is working well with lots of support from the federal agencies. Need concerted effort.

MacKenzie asked committee members to bring up other issues. McBeath brought up there might be other issues as listed on the support material (reconfiguration of Commission, CABs, issue with the bear hunt, methods of hunting). We just need to be aware and ready to respond. Commissioner Drew didn't have anything new.

### **PUBLIC COMMENT on Potential Issues:**

**Public Comment:** Trish Swain representing TrailSafe shared view that trapping visitation should be reduced to 24 hours and registration should be mandatory, and wants to work together with Commission and Department on BDR to have success at Legislature.

Committee member Tina Nappe said in response that her concern is that there is no way Wildlife (the agency) can underwrite all of these programs with sportsmen's fees alone. Just like Sage-grouse hunting cannot pay for the Sage-grouse it is far beyond sportsmen capacity. NDOW wants to be responsible for Nevada wildlife but they do not have the resources or funding to do it all. Some other groups need to pickup increased cost of administration. These other groups can be very beneficial. Local government may be able to take over things like urban trapping.

There was dialogue between Ms. Swain and Nappe on costs to implement registration. MA3/Legislative Liaison Jolly commented to the Chair that hopes the Department will have opportunity to analyze impacts and costs themselves and respond. Before the Commission or anyone proposes anything in that realm, Jolly hopes that we'd have the opportunity to run the numbers.

**Public Comment:** Bob Brunner representing the Coalition for Nevada's Wildlife gave support for keeping wildlife issues set up through Commission and CABs as opposed to Legislature. Make sure we don't pre-dispose anything to go to the Legislature that doesn't need to (gave an example with bear hunt studies). Keep as much in

Commission as we can. And keep the scale in reality and not have any preconceived notions about how strongly the public feels one way or the other.

There was discussion between Brunner and Nappe on Sage-grouse money.

No other public comment.

Chair MacKenzie closed comments, no action.

**3C. Discuss future Legislative Committee meetings (Possible Action): The committee will discuss possible future agenda topics / meeting dates or frequency - Chair MacKenzie**

Next meeting items would include results of general elections from November, updated list of filed BDRs, and hopefully status of NDOW BDRs in Governor's Office. Committee Chair MacKenzie said December was next soonest meeting date, since the session starts in February. We just need to get established, see our role, we'll see who gets into office, what committees they're on, more BDRs to go through. Asked if anyone wanted to meet before December. Committee agreed.

Looked at the week of the December Wildlife Commission meeting held here in Reno, December 7-8<sup>th</sup>.

McBeath mentioned there is an August and a September Commission meeting. After the September meeting we'll have a better idea if the Trapping Committee identifies the need for Commission to seek legislative action to address those concerns. We can evaluate the need for Legislative Committee to meeting before December, but if nothing has developed fine.

The committee tentatively set Thursday December 6<sup>th</sup> at 10am as next meeting at Reno office, with the notation that they could meet sooner dependent on Trapping Committee or other providing feedback.

No public comment on 3C.

4. **Public Comment Period** – This period is for general comment on anything not on the agenda. No committee action will be taken but may be scheduled on a future committee agenda.

**Public Comment:** Carolyn Stark representing herself as a non-hunter, spoke regarding the non-hunting public being larger and paying more than hunters through lands, and that she is not being represented. Said that you are doing a disservice going around saying sportsman fees are majority of funding when from Pittman Robertson is just 30%, and is from guns and ammunition sales, not hunters.

There was no other comment.

**5. Adjourn - Possible Action**

The chair asked for motion to adjourn. It was moved and seconded to adjourn. The committee adjourned at 11:05am.