

**Approved Meeting Minutes
Legislative Committee of the
Nevada Board of Wildlife Commissioners**

Wednesday, March 4, 2015 – 9:00 a.m.
Nevada Department of Wildlife Headquarters
1100 Valley Road, Conference Room B, Reno, NV

*=support material

Legislative Committee Members present or on the phone: Chairman Jeremy Drew, Commissioner Bill Young, Commissioner David McNinch, Commissioner Brad Johnston, and public member Kyle Davis.

For more information, contact Committee Staff: Kim Jolly, Mgmt Analyst 3/Legislative Liaison, (775) 688-1510, kjolly@ndow.org

Committee Members Present or on the phone: Chairman Jeremy Drew, Commissioner Bill Young, Commissioner David McNinch, Commissioner Brad Johnston, and public member Kyle Davis.

Staff Present: Committee Staff/ Mgmt Analyst 3 Kim Jolly, Admin Asst 4 Katie Simper, Chief Game Warden Tyler Turnipseed, Operations Division Administrator Bob Haughian, Director Tony Wasley, and Deputy Director Jack Robb.

Public present: Willie Molini, Judi Caron, Karen Boeger, Joel Blakeslee, and Larry Johnson.

1. Call To Order, Introduction of Committee Members, and Roll – Chairman Drew

Meeting called to order at 9:00 am

Chairman Drew, Commissioner David McNinch, Commissioner Brad Johnston and Kyle Davis present. Commissioner Bill Young joined at 9:10 by phone.

2. Approval of Agenda – Chairman Drew – For Possible Action

The Committee will review the agenda and may take action to approve the agenda. The Committee may remove items from the agenda, continue items for consideration or take items out of order.

No comments.

Commissioner David McNinch moved to approve agenda, Commissioner Brad Johnston second, agenda approved unanimously.

3. *Legislative Report - Management Analyst 3 / Legislative Liaison Kim Jolly – Informational

The Department will provide a report on the 2015 Legislative Session and activities, share department concerns regarding bills, and answer questions.

Kim Jolly, Management Analyst 3 (NDOW) presented a brief overview of the bills of interest and the status of each. The support material table is a condensed version of what she is tracking, focusing on wildlife and what the Commission would be interested in. Ms. Jolly went over the 4 Department Bills: AB35, AB78, AB82, SB41, and NDOW Testimony provided, the current bill status, then went over the bills on the Support Material in order: AB136, AB142, AJR2, SB4, SB130, SB163, SJR1, and SJR5.

- There was a split vote (4 Democrats and one Republican) but still the bill passed NATRAM Committee. Commissioner Brad Johnston asked if there was any reason provided why there was a split vote in the Natural Resources Committee? Director Tony Wasley, there was not any justification or testimony provided by those who voted against it. It was a surprise to us as well as members of the committee who voted for it.
- Kyle Davis confirmed that AB78 was on the floor but then was placed on Assembly Chief Clerk's desk.
- There was discussion that this bill requires a 2/3 Majority Vote on the Floor which means it would need 28 Assembly members. There are 25 Republicans in the Assembly, so that would need a few Democrats at least.
- Chairman Jeremy Drew asked if AB78 was the only bill that requires the 2/3rd Majority? Ms. Jolly clarified that of NDOW's bills that was the only one that requires it. But other bills may, it would be listed on the header of the actual bill.
- Ms. Jolly gave an overview of AB 136, which provides a wholesale hunter education exemption and special hunting license for person with a mental or physical disability. Director Wasley testified neutral, there was discussion about possibly amendments as there was a disconnect between the bill language and what the sponsor and constituent testified as to what their intent was. We believe it will be amended.
- AB142 – removes the demerit program and authority to revoke licenses by the Department or the Commission.
- AB144- Related to the public lands discussion.
- AJR2 – urging Congress to control predators on sage grouse such as ravens, heard in NATRAM, was amended to add for protection of desert tortoises.
- SB4 prohibiting trapping registration on private property was amended in work session to include some additional exemptions and reference.
- SB130 is the consolidation bill to move NDOW to a Division under DCNR. Slated to be heard tomorrow, NDOW will submit Oppose testimony today. There will be a joint hearing.
- SB163, Creates the Advisory Council and new fees, will be coming up soon for a hearing in Natural Resources Committee, not Senate Finance.
- SJR1, resolution urging Congress to transfer public lands to the state.
- SJR5, supporting sage-grouse conservation plan by the SEC, no action.

Ms. Jolly – I also have the list of BDRs which I am tracking related to wildlife. A few governing trapping, some related to animals, law enforcement powers on certain lands, OHVs, data protection, right to hunt, fish and trap, and others that may come out.

- Commissioner Drew asked for questions.

- Mr. Davis noted that AB217 is now a bill was a BDR, which eliminates OHV registration.

Close Agenda Item #3, Open Agenda Item #4.

4. *Committee Recommendations on Commission Positions and/or Platforms on Bills – Chairman Drew – For Possible Action

The Committee will identify and review bills of interest, and may recommend that the Commission take official positions on those bills. The Committee may choose to recommend that the Commission adopt formal positions and/or platforms on bills by supporting or opposing general concepts contained within bills rather than specific language.

- Chairman Drew also suggested they go over the list as presented today, and then make a recommendation to the Commission. They could also flag the BDRs to the Commission that we have an interest in, but he was reluctant to do anything with BDRs without language.
- Chairman Drew discussed the idea of taking up the NDOW bills first since they have already reviewed those as a body: AB35- the Vessel compliance bill, AB78-the elk application fee, AB82-the fiscal cleanup bill, and SB41-the Electronic Duck Stamp bill. Let's start with those - Confirmed.
- Operations Division Administrator Bob Haughian clarified that SB41 allows for the purchase of the electronic privilege, but physical stamp gets delivered by the Feds to the purchaser within 45 days. Showed a sample.

Member Kyle Davis motioned to recommend supporting all four bills AB 35, 78, 82, SB41. Approved by Commissioner Bill Young, passed unanimously

Discussion on AB136

Chairman Jeremy Drew then took up AB136, Staff read over the summary. There was a long hearing on this, suggests intent was different than what was written. The first part is concern for hunter education exemption for those with a disability; second part would supersede the commission regulation just passed about carrying a firearm under archery tag and open that up to any firearm. Chairman Drew testified neutral. The Commission does have a temporary regulation in place dealing with self-protection limited to 8 inches or less and without a scope. No outcome of hearing, more confusion.

Director Tony Wasley added there is a lot of confusion and even the sponsor was not aware of language contained in it. Our testimony encouraged sponsors to define disability, and perhaps instead of creating a new license and new exemption from hunter education to attempt to test with reasonable accommodations.

Member Kyle Davis asked if there was any indication they are willing to accept amendments to make it work? Chairman Jeremy Drew replied, meeting with sponsor got canceled, but he expressed willingness for amendments. He followed up with him after the hearing with ideas but hadn't heard from him. Asked for questions.

Commissioner David McNinch liked going with reasonable accommodations rather than wholesale exemption. Similar to how schools are setup, an accommodation could be more time to take a test, or a simpler explanation of what the question is asking. Definitely think that is a better way to go. Unfortunately there might be some people out there that shouldn't be handling firearms. There is a line there.

Continued Discussion on AB136

Commissioner Brad Johnston, agreed with McNinch, and wondered if the sponsors would be willing to empower Commission to adopt regulation to accommodate those with disabilities through the Hunter Education Program.

- A wholesale exemption is not right. Certainly accommodating people is the right thing to do, is the legal requirement to what needs to be done, and what the person needs to do to get their license.
- He also thinks language is not the best, maybe we should talk to sponsor about what our temporary regulation has done. Carry a firearm for self-defense is broader than intent- but the language doesn't doesn't limit what you can carry.

Chief Tyler Turnipseed shared that Law Enforcement spent a lot of time in hearing public comment on the firearm during archery season regulation, and testified to that in the committee hearing.

Chairman Jeremy Drew did supply that language to them yesterday. The other thing that we discussed was promoting ideas to have an able bodied hunter accompanying the disabled hunter but not in bill.

Commissioner Bill Young agreed with all as far as not creating a hunter education exemption. Need to be very careful allowing any weapon. Carrying an AR15 during an archery hunt is not the intent of self-defense. Should take a strong position against.

Chairman Jeremy discussed the other component that came up in testimony, assistant with the hunter and accompany the disabled hunter.

Chief Tyler Turnipseed, Sponsor intended to have some sideboards to that, but that is not in the bill.

Director Tony Wasley gathered that the intent was for the wholesale exemption to go away and focus on accommodations for persons with disabilities to have a regular hunting license without need for a new license class.

- Accompanies and directly supervises is what is in the bill now. If the animal is wounded and goes a great distance off the road, that would be another issue. But our hope is that the wholesale exemption is stricken.
- If they maintain the language to create a special license, there would need to be a need some way to more specifically define disabled, programming for exemption from hunter education, and way to register or track that supervisor hunter the way mentor hunters are.

Continued Discussion on AB136

Mgmt Analyst 3 Kim Jolly shared that in the committee hearing mention of a hunter being required to take the test verbally was the testimony and intent, but and this was not in the bill. That type of amendment is something we would support, but as I said it's not in there now.

- NDOW prepared research on other states from the International Hunter Education Associations asking if any had an exemption for persons with disabilities and most of them just permitted special testing, not exemption.
- There was further discussion of the testimony. Accommodation is already accounted for in our current process with hunter education, and perhaps the people testifying yesterday in Elko have a different desire than the bill sponsor. There is a disconnect.

Chief Tyler Turnipseed said that the constituents were looking for accommodation for test to be given verbally. We do that all the time, our volunteer instructors do that all the time across the state. But yes, there is a disconnect from what the constituent were asking for and what they want and what is in the bill, and what story was shared with the legislators.

Public Comment on AB136

- Larry Johnson, Coalition for Nevada's Wildlife, explained past experiences with hunting with hunters with disabilities and was amazed at the accuracy they had with special needs equipment. However, retrieving an injured animal became a challenge to the disabled hunter. Mentor hunter would be beneficial. Have a little heartburn regarding bow hunters carrying weapon.
- There was discussion about take and retrieval as a separate issue. Director Tony Wasley, references to the definition to the term "take". Hope is to add section using some language New Mexico has. Input from LCB legal.
- Chief Tyler Turnipseed shared that a few statutes and regulations that would need to be tweaked as this affects several other big game poaching statutes.
- Judi Caron, I do not understand what the intent is of this bill. She has spent 6 years as an instructor and was taught that we do anything in our ability to accommodate the disabled. Read tests when needed. She shared that many persons with developmental or learning disabilities go through the course. They lose patience when having to wait to hear the four multiple choices, but they can answer the correct answer rather than having to listen to the four multiple choices. Discussed support for perhaps tag-a-long license or tag for families with children with disabilities for those with mental impairments. Very sympathetic to the family, but the ramifications without being defined or having expiration, concern me.
- Chairman Drew asked for other public comment. None.

- Chairman Drew brought it back to the committee, and shared he would recommend that we oppose as written, but support the following concepts in any future amendments: Providing for hunter safety accommodations for disabled students, working on the concept of providing a supervisor to accompany and assist disabled hunters, and to change the firearm carry language similar to what the Commission already adopted and parallels what we heard in testimony.
- Comm. Bill Young agrees.

Commissioner Brad Johnston motioned to recommend to the Commission that we oppose AB136 as written, provided that we support statutory language that would empower the commission to adopt regulation to accommodate those with disabilities with respect to hunter education, licensing, and the manner of take for fish and game, And that we support statutory language on carry of firearm during archery season but there be some limitation of what type of firearm consistent with the temporary regulation that the Commission already adopted, following public input.

Seconded by Commissioner McNinch, passed unanimously.

Discussion on AB142

- Chief Warden Turnipseed reported the current Demerit system has been in place 1987. Concerns this changes it all. Just 180 have lost license since 1987 per misdemeanors 73, 75 gross misdemeanors.
- 12 demerits in a 60 month period license would be revoked by administration, appeal process in front of Commissioners and still further appeal avenues. We revoke for set period of time, the Judge can go beyond our judgment.

No public comment.

Back to committee

- Commissioner Dave McNinch - this stinks to me, it is a beat the system bill. Agree, maybe it is working to well for some people. Ramifications to extreme over the board. Need to take position to oppose.
- Committee Member Davis asked if anyone with the Department knows where the sponsor is coming from?
- Commissioner Johnston and Young- sounds like personal agenda of sponsor, and think we should oppose, since misdemeanor charges in courts can be resolved informally.

Motion made by Commissioner David McNinch, we oppose AB142, seconded by Commissioner Brad Johnston, motion carries unanimously.

Discussion on AB144

- Member Davis – this advises the office of State Lands, not a ton or power to do anything. Advisory council and bill change only how the vote will be held. There was discussion that we should take this off of bills of interest for the Commission.

- Public comment, Willie Molini representing NVWFA, Wildlife Coalition, asked if bill would involve the possibility of the listing of the Sage Grouse.
- Mgmt Analyst Kim Jolly will take off interested list but keep an eye on it.

Discussion on AJR2

- Resolution does contain language that Dept. is working with US Fish and Wildlife service, and working on raven removing. Additional whereas specific to tortoise predation by ravens.
- Chairman Drew did not see anything to cause concern, no issue supporting
- Director Tony Wasley - we do not either
- Joel Blakeslee – limit on how many ravens can take, Dept. no need to spend time on this.
- Comm. McNinch – wished Department language was in there. Important to reduce the impact of ravens.

Member Davis moved to recommend the commission support AJR2, approved by Commissioner Johnston, motion passed unanimously

Discussion on SB4

- Chairman Jeremy Drew opened discussion on the bill.
- Kim Jolly gave a summary of what had occurred in Senate Natural Resources, as it was amended and passed in work session with a surprise amendment. Chief Game Warden Turnipseed answered questions as testimony.
- Chief Tyler Turnipseed – this amendment came as a little surprise. Killing wild mammals that get into your live stock or property removing the need for a depredation permit beforehand. As stands now you are in your rights to kill the animal if they are threatening your livestock. I would like to make it understood that if someone did take a fur bearing animal they could not take possession of the mammal, or the fur for profit.
- Member Kyle Davis – you are saying the bill as written is not clear whether they can keep possession of the mammal. The exemption came from where?
- Chief Tyler Turnipseed – It started with trying to accommodate Washoe County Animal Services, but the striking the need for the depredation permit was the Committee's.
- There was discussion about what qualifies as a wild mammal.
- Chairman Drew – this sounds too close to whether or not someone needs a trapping license to use a mouse trap.

- Commissioner Johnston – bill needs to be cleaned up
- Chief Turnipseed – biggest road block to this in past was gopher trapping. Gopher could be interpreted as a wild animal. Will get back to you on the definition on “wild mammal”

Committee:

- Commissioner David McNinch – hard time taking away the need for registration. Anyway to be specific on what type of traps?
- Chief Tyler Turnipseed – I think you could start splitting up the types of traps, could be categorized differently.
- Commissioner Johnston – Intent was to exempt the private land owner from trapping registration requirements. This does not achieve what they are trying to achieve. Way more complicated than needs to be.
- Member Davis – everyone wants exemptions, bothers me that government asking for exemptions.
- Commissioner Johnston – fact there is a specific exemption (2b) means the rest of the bill applies to the general public.
- Commissioner McNinch – agrees with Comm. Johnston.

Public comment on SB4:

- Larry Johnson, CNW – every county game board opposed the proposed regulation had input from every county in the state. Feel we are once again catering to a very vocal group. Recommend we use the word “May”.
- Commissioner Johnston not opposed to use this Leg. Session to address this.
- Chairman Drew asked Joel where the sponsor (Senator Settlemyer) was at
- Joel Blakeslee, NTA –Simplest way to fix is to change the words from “must” to “may”. Then you don’t have to worry about mouse traps. If not broken don’t fix. Do away with amendment for signage requirement not accomplishing what we want to do.
- Commissioner Johnston - It is more the role of the Legislature to determine if trap registration is necessary.

Commissioner Johnston made the motion that we recommend to commission that we support SB4 the concept of removing private property from registration requirements that the legislature has or may adopt, but that it do so in a simplified manner and not reference to NRS 207.200 and apply to all private property (thereby eliminating the need for subsection b in #2.)

Chairman Drew second the motion. Mr. Davis asked if this drops the rodent issue, cleaning up would eliminate subsection b.

Commissioner McNinch - other aspects of bill that concern me will not support motion.

Motion passed 4-1, McNinch opposed.

Discussion on SB130

- Chairman Drew – I don't believe there is a need for a change.
- Commissioner Young – who is behind this bill? The main sponsor is Senator Goicoechea.
- Staff Kim Jolly –Converts Dept wildlife into Division of Wildlife putting NDOW under NDCR.

- Commissioner Young – what happens to the Commission?
- Ms. Jolly – nothing, only changes Dept to Div. The Governor would still appoint the Commission.

Public Comment

- Willie Molini – rep. for Coalition for Nevada's Wildlife which opposes this bill. I was there when this was done in the past. Wouldn't say it was a disaster but had some effect on our Air Operations availability.

- Karen Boeger, NV Chapter NV back country hunters, urge you to be vigorously against.

- Larry Johnson – purpose of this bill is to insert industry control over what should be science based management.

Member Davis motioned that they oppose SB130. Commissioner Johnston second motion. Passed unanimously.

Committee took a 10:55 BREAK.

11:15 break ended recording started back up

Discussion on SB163 Council for Conservation and Education

- Kim Jolly – went of the bill digest and went over sections. Section 3. Defines members to be appointed. BDR looks different than the bill language. Sect. 5 Council duties.

- Chairman Drew – two other states had implemented same system. Colorado org. tried to do this on voluntary found out didn't generate revenue from that, converting from non-consumptive to consumptive and that didn't work. They took time to build up to talk about hunting fishing and trapping. We have gone away from the lesson that Colorado learned. Then Chairman Drew asked a number of questions of the supporters of the bill.

- Chairman McNinch, shared Commissioner Drew's questions. Colorado eased into the conservation, what sportsmen do, and the importance of funding wildlife. Model after something like Colorado did, I would support.

- Commissioner Johnston – not clear about composition of this council, shouldn't it be as broad as possible? We want to hear from public and cabs about the 3 dollar Increased fee.
- Member Davis – thinks this is something that is necessary.

Public comment on SB163:

(With the Wildlife Coalition which helped get the sponsor for the bill)

- Larry Johnson, Coalition for Nevada's Wildlife – Nimrod society suggested that we divorce this from the Department of Wildlife. We structure this like a subcommittee to the Commission. We agree that the 1st message that comes from this is to build an awareness and appreciation of Nevada wildlife in the Nevada Public. 2nd all this is due to the Scientific expertise and result of the hard work of the NDOW, 3rd phase all done at no cost to NV public, pd. by Nevada sportsmen license fees.
- We have distributed this to all sportsmen groups. We have also looked at how to implement the fee. Have interviewed public relation specialist. Private sportsmen organizations that will donate to this. Don't see as a hunter recruitment tool. Buying tolerance, no different than the landowner tags.
- Commissioner Brad Johnston did I hear you right, that you look at this as a committee to the commission?
- Seven members would be gov. appointed one member from commission, one member for the public community, and marketing individual not associated with Dept., NDOW Director, 3 spots for sportsmen (7 yr. require, 5 yrs. of licenses and recommended). Are you willing to open up language? This was diff. from Colorado.
- There was discussion and questions about how to select the advertising agency, and who would do that. Kim Jolly point of clarification if this is a state account and subject to State purchasing bid requirements.
- Commissioner Johnston – may hit nonresidents harder, would be an amendment.

There was more discussion from public about support for the bill in concept.

- Director Wasley, I recognize the need for a broader effort to improve the social and I need to share my concerns:
 - 1- Proximity to the department, fee increase and how it will be received by the public.
 - 2- Message should be broader.
 - 3 – All the fees adding. We want to look at a fee simplification process. This would limit us in doing this, but could be built into this fee simplification process.
- Chairman Drew - Mechanistically, how would you envision the interface between you and the new council and hiring a professional marketing firm?

- Director Wasley, as Kim previously indicated, if any money comes into a State account it is subject to State purchasing requirements RFP process. Not the most efficient, onerous and cumbersome.
- Chairman Drew asked if there was any way the department could contract with someone to implement it and make it more streamlined. Wasley asked, like the Dream Tag Program?
- Director Wasley - I don't know that we could do that; it would depend on the language in the bill. We would support greater independence and efficiency.
- Comm. Brad Johnston – in favor at looking at fee simplification. Remembers in past debates about money coming out of this bucket or that bucket, instead of the merits of the deal. Recognize the need for independence. But I hear consensus of education to the general public, and different details in the message, but we should support this bill in concept. Need to make better outreach to the public. People in this State don't even think I am in Nevada when I show them my elk hunt on horseback in the Jarbidge. The devil is always in the details.

Any other public comments?

Commissioner Young in agreement with what has been said.

Commissioner McNinch, needs a broader funding base and look at this as a start. Sportsmen cannot support an agency alone, not with the cost of doing business and the challenges in retention. This process is the beginning of reinforce positively Nevada's wildlife awareness.

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Chairman Drew moved that they support the concept in SB163, so long as the Council is required to educate the general public on the following: The history of wildlife in Nevada, the benefits of wildlife to its citizens, wildlife management and wildlife recreational opportunities within the state. In terms of the fee recommend the remaining neutral on fees until we get feedback from the balance of the CABs.

Seconded by Commissioner Young.
Motion carried 4-0 with Committee member Kyle Davis absent

Discussion on SJR1

- Kim Jolly gave an overview of the bill and the background. Provided background on NDOW process for commenting on impacts to wildlife Federal Land transfers for Congressional bills – first thing wildlife biologists do is ask for a map and GIS coordinates to plot out various layers of wildlife.
- Commissioner Drew - this would take congressional action. The Commission already has a formal Commission Policy 64-input on Land Sales, transfers and exchanges on the use on public lands providing high wildlife value, and this is in conflict with that.

Public Comment

- Larry Johnston, Coalition for Nevada’s Wildlife stated that there is a report that the Commission should read before making minds up on this bill. Bill has two phases.....more land after first phase. The economic forecast flawed. Sale of lands is what the State is going to be forced with, which could be devastating to Sportsmen access. This is a bad proposition to the sportsmen of Nevada.
- Willie Molini, Coalition for Nevada’s Wildlife said, I don’t need to stress the public lands and the means to access them for the things we joy and love in Nevada. Our ability to manage wildlife Habitat management is also threatened. Bad piece of legislation, would recommend that we do not remain neutral it is important that we oppose this bill.
- Joel Blakeslee, agree with the Coalition (Molini and Johnson). We do not want to lose access.

Legislative Committee discussion:

- Commissioner Brad Johnston, want to make clear when I say I don’t support SJR1, I am not giving my blessing to the current management process.

Commissioner Brad Johnston moved that we recommend to the commission to oppose SJR1 as currently drafted due to conflict to Policy 64 - [Input on Land, Sales, Transfers, and Exchanges](#).

**Commissioner Young second motion
Motion carried 4-0 with Committee member Kyle Davis absent**

Discussion on SJR5

Public Comment – none

Committee comment:

- Commissioner McNinch agreed the bill was fairly benign, he supports SEC and their efforts.

Commissioner McNinch motioned to support SJR5 as written, second by Johnston. Motion carried 4-0 with Committee member Kyle Davis absent

Bill Draft Request Discussion

There was discussion about BDRs being tracked and when they become bills to review if related.

5. Future Committee Meetings – Chairman Drew – For Possible Action

The Committee will discuss next steps for bill positions / platforms, and future committee meetings. The Committee may schedule its next meeting and may choose to recommend an April meeting date or timeframe for the Wildlife Commission related to legislative matters.

Chairman Drew, recommends for Committee meeting the week of April 1st or 6-10th?

There was discussion by committee members and staff that no one could meet before 1pm and Commissioner McNinch not available 7 & 8th.

Chairman Drew, confirmed Committee to meet on Wednesday, April 1st at 1:00pm, and recommendation for Commission meeting to be the week of April 13th through the 17th in the afternoon.

6. Public Comment Period

Public comment will be limited to three minutes. No action can be taken by the Committee at this time. Any item requiring Committee action may be scheduled on a future agenda. None.

Adjourned at 12:42 pm