

**MINUTES OF THE
SENATE COMMITTEE ON NATURAL RESOURCES**

**Seventy-sixth Session
June 1, 2011**

The Senate Committee on Natural Resources was called to order by Chair Mark A. Manendo at 4:12 p.m. on Wednesday, June 1, 2011, in Room 2144 of the Legislative Building, Carson City, Nevada. [Exhibit A](#) is the Agenda. [Exhibit B](#) is the Attendance Roster. All exhibits are available and on file in the Research Library of the Legislative Counsel Bureau.

COMMITTEE MEMBERS PRESENT:

Senator Mark A. Manendo, Chair
Senator David R. Parks, Vice Chair
Senator John J. Lee
Senator Dean A. Rhoads
Senator Michael Roberson

STAFF MEMBERS PRESENT:

Michelle Van Geel, Policy Analyst
Charity Fowler, Counsel
Linda Fehr, Committee Secretary

OTHERS PRESENT:

Patrick Cates, Deputy Director, Department of Wildlife
Ken Mayer, Acting Director, Department of Wildlife
Daryl Capurro, Board of Wildlife Commissioners, Department of Wildlife
Kyle Davis, Political & Policy Director, Nevada Conservation League
Rob Buonamici, Chief Game Warden, Department of Wildlife
Richard L. Haskins II, Deputy Director, Department of Wildlife

CHAIR MANENDO:

We will open the hearing on Assembly Bill (A.B.) 525.

ASSEMBLY BILL 525 (2nd Reprint): Requires the establishment of the Wildlife Trust Fund. (BDR 45-1213)

PATRICK CATES (Deputy Director, Department of Wildlife):

This is a priority bill for the Department of Wildlife (DOW) and the sportsmen and sportswomen of Nevada. The bill establishes a trust fund to encourage private donations to the department. The DOW relies heavily on the generous financial contributions of supporters for critical programs including big-game management and wildlife education. So far this year, we have collected approximately \$250,000 in private donations. This is typical of donations we receive yearly. Unfortunately, the process we have to go through with the *Executive Budget* is rather cumbersome. The State's financial system can discourage vital philanthropy. The bill is modeled after an existing *Nevada Revised Statute* (NRS) 233C.230 used by the Department of Cultural Affairs. It will streamline the process to allow us to accept and utilize donations more readily. It will ensure adequate oversight by the Legislature.

In order to fulfill its mission, the DOW is dependent upon gifts, grants and donations. Our transplant program is heavily reliant on donations. We use donations for refurbishing major equipment. Our constituents take a very active and essential role in the activities of the DOW. Financial contributions are vital to our success and can often be matched with federal grants.

Donors may be reluctant to donate to state agencies when those donations are deposited into the General Fund. Currently, accepted gifts are deposited into our regular operating budgets. There is a risk that those donations could be seized by the State and used for purposes other than what the donor intended. This is particularly true for large, long-term donations such as estates or endowments. This discourages private philanthropy at a time when we should be doing everything to encourage it.

Accepting donations into a normal *Executive Budget* account involves many hurdles and time delays. A work program has to be processed by the Interim Finance Committee (IFC). The IFC has to give permission for us to accept the gift. This process causes delays of up to three months. Executing contracts and processing them through the State Board of Examiners also causes delays. This discourages people from donating. The DOW manages wildlife. The needs of the DOW are emergent and constantly changing.

Last year, we had a die-off of sheep in the Ruby Mountains. Nevada Bighorns Unlimited (NBU) offered to pay for helicopter flight times to enable us to deal with the problem. When faced with waiting three months for

processing the donation, they became disinclined to donate the funds. Instead, they purchased the services directly. We did not have a part in the contracting, and we did not get any records. Without the records, we could not get matching funds. Donors will walk away when faced with the cumbersome process and the length of time it will take us to utilize their donation.

Many state agencies have special gift funds established to encourage private philanthropy. The Department of Employment, Training and Rehabilitation; the Department of Education; the Division of State Parks, State Department of Conservation and Natural Resources; and the Division of State Library and Archives and the Division of Museums and History, Department of Cultural Affairs, are all examples of agencies that have established dedicated gift funds.

The DOW needs a special wildlife trust fund in NRS. The fund would be used to accept all private gifts. The funds would be declared private and separate from the DOW's *Executive Budget* account. The funds would be exempt from IFC requirements for work programs and gift approvals. To ensure accountability and transparency, the fund would need to have clear guidance and reporting requirements. This includes investments conforming with NRS semiannual reporting donations and expenditures to the IFC. The DOW would also be required to submit budget plans for this fund. At every meeting of the Board of Wildlife Commissioners (BWC), DOW, we report the status of gifts, grants and donations. The bill was well-received in the Assembly. It is needed more than ever in these challenging fiscal times. I urge your support of A.B. 525.

CHAIR MANENDO:

When we are in session, would we be able to sweep any part of the account?

MR. CATES:

If you pass this bill, the only way you would be able to sweep the account would be to change the law.

SENATOR RHOADS:

Page 2, lines 36 and 37, states the provisions of chapter 333 of NRS do not apply to the expenditure of money in the Wildlife Trust Fund. What does that mean?

MR. CATES:

That is the section that deals with state purchasing rules. This is what would exempt us from going to the State Board of Examiners.

SENATOR RHOADS:

Do you still have to go to the IFC?

MR. CATES:

No. The bill would also exempt us from going to the IFC.

SENATOR RHOADS:

Does going through the State Board of Examiners slow you down?

MR. CATES:

Yes, it slows down the process.

SENATOR LEE:

What are some specific things people would donate money for that would benefit the DOW?

KEN MAYER (Acting Director, Department of Wildlife):

I can give examples. The NBU has provided funding. They also have a foundation. They have property. I have been contacted by individuals who want to donate parts of trusts to the DOW. We do not currently have a good mechanism to accept trusts. People want to donate different types of equipment. This bill would clarify and streamline the procedure. We could dedicate the donation to the purpose for which it is intended.

SENATOR LEE:

How would you use a donation? What do you need that the State does not provide?

MR. MAYER:

As an example, we have 7.5 million burned acres in Nevada. A lot of groups want to donate to the rehabilitation of those lands. With this bill, donations would be accountable and transparent.

MR. CATES:

Sometimes donors are very specific about how they want us to use the money. Most of the money we receive is for game management. A large amount is for conservation education programs. Under the current program, we have to expend those monies in one year.

MR. MAYER:

If we have an active fire season, the federal government has funds available. If there are no fires the following year, there is no federal money available. It causes peaks and valleys in our funding stream.

CHAIR MANENDO:

Once this legislation is passed, donations to this trust fund would be appreciated.

DARYL CAPURRO (Board of Wildlife Commissioners, Department of Wildlife):

I am chair of the legislative committee for the BWC. Both the legislative committee and the BWC voted to support A.B. 525. Monies taken into this type of account can be used for matching federal funds. To improve transparency, at the Assembly Committee on Ways and Means the BWC asked that a copy of the report in section 1, subsection 4 be provided to the BWC. On page 2, line 25 we would like to add the language, "a copy of this report shall be provided to the Board of Wildlife Commissioners." This is a good bill and will assist greatly in some of the projects which require emergent funds.

KYLE DAVIS (Political & Policy Director, Nevada Conservation League):

We are in support of A.B. 525. Conservation and nonprofit organizations play a tremendous role in improving wildlife habitat in Nevada. This is a good opportunity for them to continue to play a role and have confidence that donated funds are going to be used for the best purpose.

CHAIR MANENDO:

We will close the hearing on A.B. 525 and bring it back to Committee. We have two Committee members who are still in the meeting of the Senate Committee on Commerce, Labor and Energy. Since this is a straightforward piece of legislation, the Chair will entertain a motion on A.B. 525.

SENATOR RHOADS MOVED TO AMEND AND DO PASS A.B. 525.

SENATOR LEE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS PARKS AND ROBERSON WERE ABSENT FOR THE VOTE.)

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CHAIR MANENDO:

The amendment would be adding Daryl Capurro's language. We will now go to work session on A.B. 167.

[ASSEMBLY BILL 167 \(1st Reprint\)](#): Enacts provisions for the protection of the waters of this State from aquatic invasive species. (BDR 45-847)

MICHELLE VAN GEEL (Policy Analyst):

Assembly Bill 167, as outlined in the work session document ([Exhibit C](#)), was heard in Committee on May 13, 2011. It makes various provisions regarding protecting state waters from aquatic invasive species. The bill provides that a person who knowingly or intentionally introduces an aquatic invasive species or injurious aquatic species in any waters of the State is guilty of a misdemeanor for the first offense and Category E felony for any subsequent violation. Assembly Bill 167 directs the BWC to establish an aquatic invasive species fee of not more than \$10 to be paid yearly by boaters who will receive a decal as proof of payment.

There are three amendments for the Committee's consideration. The first on page 5 of the mock-up, [Exhibit C](#), is offered by Chair Manendo. It would create different fees based on an operator's state of residence and the type of vessel being operated. The second amendment was offered during the original hearing by Assemblyman Ira Hansen. It changes the word vessel to motorboat. Those changes are reflected on numerous pages of the bill. The Committee would need to adopt one or the other of these two amendments. The third amendment is on the last page of the work session document, [Exhibit C](#), was offered by Tom Smith. He suggested a ban on felt-soled shoes or waders which his testimony indicated could harbor certain aquatic invasive species. In subsequent discussions with the DOW, I was informed the third amendment is something that could be handled in regulations instead of putting that language into the statutes.

ROB BUONAMICI (Chief Game Warden, Department of Wildlife):

We support Chair Manendo's amendments. We respectfully request consideration on page 5, line 25 of the proposed amendment, [Exhibit C](#), inserting the words "for any vessel owned or operated by a resident not to exceed \$20." We would consider charging canoes and kayaks a lesser fee. It would be a graduated fee similar to resident boats.

CHAIR MANENDO:

Would you be charging more for a nonmotorized boat?

MR. BUONAMICI:

No, it would be less for a nonmotorized boat. We could insert, "not to exceed \$10 for a vessel other than a motorboat owned or operated by a person who is a nonresident of the State, not to exceed \$20 for a motorized boat." Lines 19-24 stay the same. Line 25 could be reworded to read for any vessel owned or operated by a nonresident must not exceed \$20.

CHAIR MANENDO:

Would we be giving a price break to our residents?

MR. BUONAMICI:

Yes. If you bring a motorized boat into Nevada from another state, it is \$20. If you bring in a nonmotorized boat from another state, the fee is \$10.

RICHARD L. HASKINS II (Deputy Director, Department of Wildlife):

The nonmotorized vessels do not require much in terms of inspection.

SENATOR LEE:

If I live in Nevada and go fishing, it is going to cost me the Nevada rate. If I go to Utah, would I be paying a nonresident rate? I would much rather encourage people to come here than to charge them extra. There is no difference in inspecting a vehicle from Nevada or another state.

MR. BUONAMICI:

There are two issues. One is the nonresident fees. Most other states charge a higher nonresident rate. The other is for the interstate waters such as Lake Mead, Lake Mojave, the Colorado River, Lake Tahoe and Topaz Lake. If the adjacent state has a similar program in place, there would be reciprocity. We would honor their decal and they would not need a Nevada decal.

SENATOR LEE:

That means a person does not need to drive all the way around to Arizona to save \$10 because it is cheaper in Arizona than in Nevada.

MR. BUONAMICI:

That is correct.

MR. HASKINS:

Idaho charges \$10 for motorized vessels registered in Idaho. For motorized vessels registered outside of Idaho, the fee is \$20. Wyoming charges \$10 for Wyoming registered vessels and \$30 for boats registered in other states.

SENATOR LEE:

Okay. I did not want to set any precedents for charging more to nonresidents.

CHAIR MANENDO:

I wanted to give Nevada residents a little price break if we could.

SENATOR RHOADS:

I should have asked this earlier. How do you remove the invasive species from boats?

MR. HASKINS:

At the decontamination sites they have wash systems that recover the water. They are washing off the mussels, capturing them and disposing of them. This is the program being done at Lake Tahoe. We could have cleaning stations at many places in Nevada that are remote from the water so the water would not be affected.

SENATOR RHOADS:

Will a pressure washer remove mussels from a boat?

MR. HASKINS:

Yes, and if the water is at a high temperature, it will also kill them.

MR. CAPURRO:

I wanted to address the felt-soles issue. Several sporting goods stores have started eliminating felt-sole shoes. Our understanding is that this issue could be

handled with the regulatory structure of the BWC. It would be better to leave it to the regulatory position.

SENATOR LEE:

After serving with our other Committee members for four months, I believe they would agree that this is a great piece of legislation. The felt-sole issue would be better handled by the regulatory body.

SENATOR LEE MOVED TO AMEND AND DO PASS A.B. 167 WITH BOTH AMENDMENTS.

Ms. VAN GEEL:

Senator Lee, do you want to include the amendment concerning the motorized and nonmotorized vessels? That is not in the mock-up. The amendment to replace the word vessel with the word motorboat is from Assemblyman Hansen.

SENATOR LEE:

I like Chair Manendo's amendment, and it is at the Chair's discretion if he wants to let the regulatory board handle the felt-soled shoes. I will amend my motion.

SENATOR LEE MOVED TO AMEND AND DO PASS AS AMENDED A.B. 167.

SENATOR RHOADS SECONDED THE MOTION.

Ms. VAN GEEL:

I would like to clarify. Senator Lee, is it just Senator Manendo's mock-up that you want to include, or do you also want to include the language suggested by the DOW which separates the nonmotorized from the motorized vessels?

SENATOR LEE:

Yes, I want to include their complementary amendment as well.

Ms. VAN GEEL:

It will be not to exceed a fee of \$20 and the DOW can set up the process for felt-soled shoes.

Senate Committee on Natural Resources
June 1, 2011
Page 10

CHAIR MANENDO:

Instead of a flat fee of \$20, do you want to make it discretionary? Nonresidents could actually be paying less than residents.

SENATOR LEE:

No, my amendment would be just the opposite.

MS. VAN GEEL:

For a nonresident, you could set the fees at \$10 for nonmotorized vessels and \$20 for motorized vessels. There would never be an option of charging a nonresident less than a resident.

THE MOTION CARRIED. (SENATORS PARKS AND ROBERSON WERE ABSENT FOR THE VOTE.)

CHAIR MANENDO:

Although we do not have it on our agenda, I would like to bring up Senate Concurrent Resolution (S.C.R.) 9 which we previously discussed.

[SENATE CONCURRENT RESOLUTION 9](#): Expresses opposition to the location of a proposed wind power project on Mount Wilson and Table Mountain. (BDR R-1286)

MS. VAN GEEL:

Senate Concurrent Resolution 9 was heard in Committee on May 11, 2011. It expresses the Legislature's recommendation that a more suitable location for the wind power project other than Mount Wilson and Table Mountain be found in Lincoln County. The bill recognizes the cultural and historical significance of Mount Wilson and Table Mountain. It notes the construction and operation of wind turbines on Mount Wilson and Table Mountain would negatively affect the habitats of numerous animals species that rely on this land as a migratory corridor to breed and forage for food. Senate Concurrent Resolution 9 recommends an alternative site be used for this project and the Lincoln County Board of Commissioners and State Grazing Board of District No. 4 be involved in the planning, construction, operation and decommission phases of any wind power project.

SENATOR RHOADS:

For some reason, the bill drafter originally put this bill in Senate Bill format. I took it back and I would like to process it as S.C.R. 9.

SENATOR LEE:

This bill has generated a lot of internal discussion amongst the Legislature. Local governments do not seem to have a chance to have an audience. A lot of times, the local government will have a meeting, the developer will attend, get a little bombarded and refuse to come back.

Working with Senator Rhoads, we will be able to add an amendment to a future bill which will require a person who files a certain application for an energy development project to concurrently file a notice with the DOW. This would require the DOW to adopt regulations with provisions relating to wildlife based on the location of the energy development. It would authorize the developer of the energy development project to request the director of the Office of Energy, Office of the Governor, to coordinate certain discussions relating to an energy development project in certain circumstances. We are trying to give local government another place they can meet with the developer who does not want to return to the county commission. This will be an amendment to Assemblyman Bobzien's amendment to Assembly Bill 307. This will allow more dialogue. The developer will have access to other arbiters. This will add more protection for the local counties.

ASSEMBLY BILL 307 (2nd Reprint): Enacts provisions governing energy development projects. (BDR 45-872)

SENATOR RHOADS MOVED TO ADOPT S.C.R. 9.

SENATOR LEE SECONDED THE MOTION.

THE MOTION CARRIED. (SENATORS LEE AND PARKS WERE ABSENT FOR THE VOTE.)

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Senate Committee on Natural Resources
June 1, 2011
Page 12

CHAIR MANENDO:
The meeting is adjourned at 5 p.m.

RESPECTFULLY SUBMITTED:

Linda Fehr,
Committee Secretary

APPROVED BY:

Senator Mark A. Manendo, Chair

DATE: _____

<u>EXHIBITS</u>			
Bill	Exhibit	Witness / Agency	Description
	A		Agenda
	B		Attendance Roster
A.B. 167	C	Michelle Van Geel	Work Session Document